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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**CENTER FOR BIOLOGICAL
DIVERSITY,**

Plaintiff,

V.

**U.S. FISH AND WILDLIFE
SERVICE, et al.**

Defendants.

)
) Case No. CV-21-144-DWM
) Judge Donald W. Molloy
)
) **JOINT MOTION TO EXTEND STAY**
) **OF PROCEEDINGS**
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Plaintiff Center for Biological Diversity (“Center”) and Federal Defendants the United States Fish and Wildlife Service (“Service”); Martha Williams, in her official capacity as Director of the Service; the United States Department of the Interior; and Debra Haaland, in her official capacity as Secretary of the Interior, hereby jointly provide this status report and request an extension of the stay of proceedings until June 7, 2022. In the alternative, the parties provide a proposed case schedule.

On December 9, 2021, the Center filed a lawsuit, challenging the Service’s Final 2020-2021 Station-Specific Hunting and Sport Fishing Rule. Based on the parties’ request to focus on settlement communications, the Court stayed the case until April 8, 2022. Dkt. 11. The Court further ordered that the parties file a notice of settlement or proposed case schedule by April 1, 2022. *Id.* On March 8, 2022, the Safari Club International, the National Rifle Association of America, Sportsmen’s Alliance Foundation, and the Rocky Mountain Elk Foundation filed a motion to intervene and a proposed motion to dismiss. Dkt. 12. Because the case remains stayed, the Center has not responded to the motion to intervene. Federal Defendants take no position on the motion to intervene. Dkt. 14.

Since the Court granted the parties request for a stay, Plaintiff submitted a settlement offer to Federal Defendants and Federal Defendants have submitted a counter-offer. Plaintiff is now considering Federal Defendants’ counter-offer. The parties remain hopeful for settlement of this case and request a 60-day extension of the stay to provide additional time for negotiations. The parties request that the stay

instead expire on June 7, 2022, and if so, that the parties file a joint status report on or before June 1, 2022 to update the Court as to the status of the settlement agreement.

The 60-day extension will also coincide with the Service's 2022-2023 Station-Specific Hunting and Sport Fishing Regulations proposed rule (the proposed rule the Service issues annually that describes the proposed changes for hunting and fishing on the National Wildlife Refuge System). The Service anticipates submitting the proposed rule to the Office of the Federal Register by the end of May 2022, as is the Service's regular practice. Extending the stay may allow Plaintiff time to review the Service's proposed rule and decide whether it wants to continue pursuing its case.

If the Court does not extend the stay as requested, the parties propose the following deadlines to govern the case. The parties propose that the Center's response to the applicant intervenors' motion to intervene be due April 15, 2022. The parties further propose that Federal Defendants will file an answer or other pleading responsive to the Center's Complaint by April 22, 2022.

If Federal Defendants file a motion to dismiss, the deadlines for Center's response and any replies would be governed by the local rules. LR 7.1(d)(1). Similarly, if the Court grants the motion to intervene and intervenors are authorized to file their motion to dismiss, the deadlines for Center's response and any replies would be governed by the local rules. *Id.*

The parties stipulate that this case entails review of an administrative record,

and as such, the parties request an exemption from the preliminary pretrial conference and related filings. *See* LR 16.2(a) (“Unless the court orders otherwise, this rule does not apply to proceedings described in Fed. R. Civ. P. 26(a)(1)(B).”). The parties propose to file a case management plan within two weeks of any order denying a motion to dismiss.

For the foregoing reasons, the parties jointly and respectfully request entry of the proposed order attached.

DATED: April 1, 2022

/s/ Camila Cossío

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