

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:14-cv-01452-JLK

WILDEARTH GUARDIANS,

Plaintiff,

v.

UNITED STATES BUREAU OF LAND MANAGEMENT, an agency within the U.S.
Department of the Interior;

UNITED STATES OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT, an agency within the U.S. Department of the Interior;

S.M.R. JEWELL, in her official capacity as U.S. Secretary of the Interior;

Federal Defendants,

BLUE MOUNTAIN ENERGY, INC.,

Intervenor-Defendant.

JOINT MOTION TO STAY BRIEFING SCHEDULE

Plaintiff WildEarth Guardians (“Guardians”), Defendant the United States Bureau of Land Management, the United States Office of Surface Mining, Reclamation and Enforcement, and Sally Jewel in her official capacity as Secretary of the Interior, and Intervenor-Defendant Blue Mountain Energy, Inc., respectfully move this Court to stay the briefing schedule in this case and, in support thereof, state as follows:

1. This case involves a challenge by Guardians to certain approvals issued by Federal Defendants involving a coal mine owned and operated by Intervenor-Defendant. Guardians challenges the sufficiency of the environmental analyses underlying those approvals under the National Environmental Policy Act, 42 U.S.C. § 4331 *et. seq.*

2. On November 20, 2014, this Court entered a Joint Case Management Plan Order establishing, among other things, a briefing schedule. Under that order, as subsequently amended, Guardians’ opening brief was filed on February 27, 2015, Federal Defendants’ opening brief is due April 15, 2015, Intervenor-Defendant’s brief is due April 22, 2015, and Guardians’ reply brief is due May 13, 2015.

3. The parties are now engaged in settlement negotiations. Although settlement is not assured, the parties believe that the chances of settlement would improve if they could dedicate their full time and attention to settlement rather than continued briefing of the case.

4. The parties therefore respectfully request that the Court stay the briefing schedule during the pendency of the settlement discussions. The parties propose to file status reports with the Court every 60 days, commencing 60 days from the Court’s entry of an order staying the briefing schedule, of the status of settlement discussions. If the

settlement discussions fail, the parties will immediately so notify the Court and propose a new briefing schedule that, as extended by the stay period, is roughly the same as the existing schedule.

WHEREFORE, the parties respectfully move that this Court stay the current briefing schedule and order the parties to submit periodic status reports on the progress of settlement discussions.

Dated: April 6, 2015

Respectfully submitted,

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Counsel for Intervenor-Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing JOINT MOTION was served on all counsel of record through the Court's ECF system on this 6th day of April 2015.

/s/ Samantha Ruscavage-Barz