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*Attorneys for Petitioners Western Energy Alliance and
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

STATE OF WYOMING, et al.,)	
)	
Petitioners,)	Civil Case No. 2:16-cv-00285-SWS [Lead]
)	
v.)	Consolidated with:
)	
UNITED STATES DEPARTMENT OF THE)	Case No. 2:16-cv-00280-SWS
INTERIOR, et al.)	
)	Assigned: Hon. Scott W. Skavdahl
Respondents.)	

MOTION FOR PRELIMINARY INJUNCTION

Petitioners Western Energy Alliance (Alliance)¹ and the Independent Petroleum Association of America (IPAA)² (collectively, “Industry Petitioners”) respectfully submit this

¹ The declaration attached as Exhibit 1 to this motion describes the Alliance, its membership, and the Alliance’s involvement in the rulemaking that is the subject of this litigation.

motion requesting that the Court issue a preliminary injunction under 5 U.S.C. § 705 and Federal Rule of Civil Procedure 65(a) enjoining Respondent Bureau of Land Management (BLM) from applying BLM's rule related to the reduction of venting and flaring from oil and gas production on federal and Indian lands, 81 Fed. Reg. 83,008 (Nov. 18, 2016), VF_0000360, ("the Rule") until the resolution of this litigation. Petitioners request that the Court enjoin the enforcement of the Rule which took effect on January 17, 2017 or grant other injunctive relief as the Court deems necessary or appropriate.

As further described in the memorandum submitted in support of this motion, since the Court's January 16, 2017, Order Denying Preliminary Injunction, Dkt. No. 92, the Industry Petitioners and their members are suffering increasingly immediate and irreparable harm because of the Rule's impending January 2018 compliance deadlines warranting injunctive relief. Injunctive relief is also appropriate because the Rule represents unlawful and unconstitutional agency action. Finally, the balance of equities and public interest favor a preliminary injunction.

CERTIFICATE OF CONFERRAL

The undersigned counsel for Industry Petitioners certify that they conferred with the counsel for the parties via email on October 26, 2017. The parties' respective positions are as follows:

- Petitioner-Intervenors States of North Dakota and Texas do not oppose the proposed preliminary injunction;

² The declaration attached as Exhibit 2 to this motion describes IPAA, its membership, and the IPAA's involvement in the rulemaking that is the subject of this litigation.

- Petitioners States of Wyoming and Montana support the request for injunctive relief as means to prevent the rule going into effect and, therefore, they do not oppose the motion;
- Defendant-Intervenor States of New Mexico and California oppose the proposed preliminary injunction;
- Federal Respondents take no position on the motion at this time but intend to expeditiously file a response once they have had an opportunity to review the motion; and
- Defendant-Intervenor Citizen Groups strongly oppose WEA and IPAA's attempt (after twice seeking to delay briefing on the merits) to relitigate the preliminary injunction.

Moreover, it would be deeply unfair and illogical to require the Respondent-Intervenors to brief both a merits response and a preliminary injunction response concurrently. Respondent-Intervenors intend to move this Court to stay both briefing schedules until it determines how to proceed.

Respectfully submitted this 27th day of October, 2017.

HOLLAND & HART LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2017, the foregoing **MOTION FOR A PRELIMINARY INJUNCTION** was filed electronically with the Court, using the CM/ECF system, which caused automatic electronic notice of such filing to be served upon all counsel of record.

/s/ Samuel R. Yemington_____