



U.S. Department of Justice

Environment and Natural Resources Division

EAG
90-1-4-14528

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July 13, 2018

Ms. Molly C. Dwyer
Clerk, U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, California 94103

Re: No. 18-71928
United States v. United States District Court for the District of Oregon

Dear Ms. Dwyer:

Pursuant to FRAP 28(j), Petitioners United States of America, et al. (the government) respectfully advise the Court of the attached order issued this evening by the district court in the underlying action. The order provides that “Oral Argument on the [government’s] Motion for Summary Judgment shall be heard simultaneously with argument on the [government’s] Motion for Judgment on the Pleadings,” namely, on July 18, 2018.

The government’s petition for mandamus advised this Court that the government had “filed a motion requesting that the district court also set argument on the motion for summary judgment for the July 18 hearing—a request that Plaintiffs have opposed,” and that the district court had “not yet ruled on that request.” Petition 13. By the attached order, the district court has now granted the government’s request.

For the reasons explained in the petition, the government respectfully submits that this Court should direct the district court to dismiss this ill-conceived suit. If this Court were not immediately inclined to order such relief, however, the fact that both dispositive motions are now fully briefed and set for hearing on July 18 confirms that the Court should, at the very least, direct the district court (1) to stay discovery and trial—including production of the reports of the government’s expert witnesses—while it resolves those dispositive motions and (2) to consider certifying for interlocutory appeal any rulings on those motions.

Sincerely,

s/ Eric Grant
Eric Grant

Counsel for Petitioners

cc: All counsel via CM/ECF

Attachment

Piropato, Marissa (ENRD)

From: info@ord.uscourts.gov
Sent: Friday, July 13, 2018 7:51 PM
To: nobody@ord.uscourts.gov
Subject: Activity in Case 6:15-cv-01517-TC Juliana, et al v United States of America, et al Order on Motion - Miscellaneous

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U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 7/13/2018 at 4:50 PM PDT and filed on 7/13/2018

Case Name: Juliana, et al v United States of America, et al

Case Number: [6:15-cv-01517-TC](#)

Filer:

Document Number: 316(No document attached)

Docket Text:

ORDER: Denying Motion [226]; Granting Motion to Amend/Correct [305]. The Motion to Defer Consideration of Defendants' Motion for Summary Judgment [226] is DENIED at this time. Defendant's Motion to Amend Schedule [305] is GRANTED. Oral Argument on the Motion for Summary Judgment shall be heard simultaneously with argument on the Motion for Judgment on the Pleadings. [195]. Oral Argument is set for 7/18/2018 at 02:00PM in Eugene Courtroom 1 before Judge Ann L. Aiken. Ordered on 7/13/2018 by Judge Ann L. Aiken. (rdr)

6:15-cv-01517-TC Notice has been electronically mailed to:

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