

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

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<p>WESTERN ORGANIZATION OF RESOURCE COUNCILS,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">vs.</p> <p>JENNIFER GRANHOLM, in her official capacity as Secretary of Energy; UNITED STATES DEPARTMENT OF ENERGY,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No. 4:20-cv-98-BMM</p> <p>JOINT MOTION TO STAY PROCEEDINGS</p>
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The parties jointly and respectfully request that the Court stay all deadlines in this case, including the January 11, 2022 hearing regarding the pending cross-motions for summary judgment, so that the parties may

discuss resolving this dispute without the need for further briefing. The parties further propose to file a joint status report on or before January 24, 2022, apprising the Court of the status of those discussions and, if appropriate, propose a schedule for further proceedings in this case.

In support of this motion, the parties state the following:

1. This case arises under the Federal Advisory Committee Act and the Administrative Procedure Act, and concerns a request for access to records and meetings of the National Coal Council, Inc., and of subcommittees of the National Coal Council. Plaintiff challenges Defendants' denial of that request. Each of the parties have filed a motion for summary judgment. Briefing on those motions is not yet complete.

2. After summary-judgment briefing began, the National Coal Council's federal charter lapsed. *See* Nov. 20 Letter from Jennifer Wilcox to Randall Atkins, ECF No. 43-1. Under FACA, this means that the advisory committee "terminate[d]." 5 U.S.C. app. 2, § 14(a)(2)(A). Defendants are now considering changes to the Council's structure and scope of work. *See* ECF No. 43-1.

3. In light of these developments and the briefing submitted so far, the parties believe they may be able to resolve this dispute without further briefing or court action.

4. Accordingly, the parties seek a stay of all deadlines, particularly the remainder of the summary-judgment briefing schedule and the motion hearing scheduled for January 11, 2022, so that they may thoroughly consider whether and how this dispute might be resolved without further action by this Court.

5. The parties further propose to file a joint status report on or before January 24, 2022, informing the Court of the status of those discussions. If appropriate, the parties' report would also offer a proposed schedule for further proceedings.

6. The parties agree that a stay of proceedings will facilitate the efficient resolution of this case.

WHEREFORE, the parties respectfully request that the Court adopt the Proposed Order set forth as Exhibit 1 to this motion, staying further

proceedings in this case and requiring a joint status report on or before
January 24, 2022.

Dated: December 10, 2021

Respectfully submitted,

/s/ Shiloh Hernandez

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