

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

Civil Action No. 1:15-cv-02026-WJM

WILDEARTH GUARDIANS

Plaintiff,

v.

S.M.R. JEWELL, in her official capacity as Secretary of the U. S. Department of the Interior,
U.S. DEPARTMENT OF THE INTERIOR; and U.S. OFFICE OF SURFACE MINING AND
RECLAMATION,

Federal Defendants.

JOINT MOTION FOR STAY OF ALL PROCEEDINGS

Plaintiff and Federal Defendants (collectively the “Parties”) jointly move this Court to enter an order staying the proceedings in this matter.¹ The stay would remain in effect until April 1, 2016 to allow the Parties, as well as prospective intervenors, to pursue settlement negotiations. In support thereof, the Parties state the following:

1. This matter is before the Court on Plaintiff’s Petition for Review of Agency Action in which Plaintiff seeks declaratory and injunctive relief regarding Federal Defendants’ 2013 approval of the Antelope mine plan, 2014 approval of the El Segundo mine plan, 2015 approval of the Bowie No. 2 mine plan, and 2015 approval of the Black Thunder mine plan.

¹ Federal Defendants have conferred with counsel for prospective intervenors. Wyoming is unopposed to this request based upon the Parties’ agreement that prospective intervenors will be incorporated into the settlement negotiations contemplated herein. Remaining prospective intervenors have indicated that they will file a response to the joint motion on Monday, February 1, 2016.

2. Granting a stay is well within this Court's authority. "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936).

3. The Parties have agreed to commence settlement discussions, in good faith, and the negotiations could resolve some or all contested issues.

4. The Parties need until April 1 to conduct these settlement discussions and to negotiate the terms of a settlement agreement. If these efforts are successful, Federal Defendants would need additional time to obtain the necessary approval of the authorized Department of Justice official.

5. To ensure that settlement discussions proceed in an expeditious manner, the Parties have agreed to the following timeline:

- a. February 10, 2016: Federal Defendants will provide to Plaintiff a preliminary written settlement term sheet describing generally the terms on which Federal Defendants would recommend settlement in this matter to the approving DOJ official with final settlement authority.
- b. February 17, 2016: Plaintiff will provide to Federal Defendants a written response to the Federal Defendants' settlement term sheet.
- c. March 4, 2016: on or before this date, the Parties will meet in person for settlement discussions.
- d. Within two weeks following the settlement meeting, the Parties will confer to determine whether they are likely to reach agreement on a framework for settlement before the stay expires.

6. The stay will automatically expire on April 1, 2016, unless the Parties provide a joint motion to the Court requesting extension of the stay. In the event that settlement negotiations do not result in resolution of this case, Federal Defendants' reply brief in support of their Motion to Sever and Transfer will be due 10 days after the expiration of any applicable stay.

For the foregoing reasons, the Parties respectfully request that the Court enter an order staying all proceedings in this matter until April 1, 2016

Respectfully submitted this 29th day of January 2016,

/s/ Samantha Ruscavage-Barz
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION was served on all counsel of record through the Court's ECF system on this 29th day of January 2016.

/s/ Samantha Ruscavage-Barz