

[Submitted by:]

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(additional counsel listed on signature page)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CROW INDIAN TRIBE, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
et al.,

Federal Defendants,

and

STATE OF WYOMING, et al.

Defendant-Intervenors.

)
) Case No. CV 17-89-M-DLC
)
) (consolidated with Case Nos.
) CV 17-117-M-DLC,
) CV 17-118-M-DLC,
) CV 17-119-M-DLC, and
) CV 17-123-M-DLC)
)
) **ORGANIZATIONAL**
) **PLAINTIFFS' JOINT MOTION**
) **FOR TEMPORARY**
) **RESTRAINING ORDER AND**
) **PRELIMINARY INJUNCTION**
) **[EXPEDITED RULING**
) **REQUESTED]**
)

Plaintiffs in Case Nos. 17-89 (Crow Indian Tribe, et al.), 17-117 (Humane Society of the United States, et al.), 17-118 (WildEarth Guardians), 17-119 (Northern Cheyenne Tribe, et al.), and 17-123 (Alliance for the Wild Rockies, et al.) (collectively, “Organizational Plaintiffs”) hereby request a temporary restraining order (“TRO”) and preliminary injunction to restrain all Defendants and Defendant-Intervenors from authorizing or implementing grizzly bear hunting on September 1, 2018. Plaintiffs also request expedited treatment of this motion because grizzly bear hunting is set to begin in two days, threatening imminent irreparable harm to Plaintiffs and their members. Specifically, Organizational Plaintiffs request a ruling by noon on Friday, August 31, 2018 to allow time for emergency appellate proceedings if necessary.

As set forth in the accompanying memorandum, Plaintiffs have shown that they are likely to suffer irreparable harm if the Court does not enjoin the imminent hunting season. Plaintiffs further respectfully submit that they have demonstrated that, at the very least, there are serious questions going to the merits of this case. Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011). Because in Endangered Species Act cases the Court “presume[s] that remedies at law are inadequate, that the balance of interests weighs in favor of protecting endangered species, and that the public interest would not be disserved by an

injunction,” Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv., 886 F.3d 803, 817 (9th Cir. 2018), the Court should issue the requested TRO and injunction.

Pursuant to Local Civil Rule 7.1(c)(1), counsel for Plaintiffs contacted counsel for Federal Defendants and Defendant-Intervenors concerning the relief requested in this motion. Defendant-Intervenors State of Idaho, Sportsmen’s Alliance et al., State of Wyoming, Wyoming Farm Bureau Federation et al., and Safari Club International et al. oppose this motion. Federal Defendants and State of Montana did not respond before this motion was filed.

Respectfully submitted this 30th day of August, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was today served via the Court's CM/ECF system on all counsel of record.

/s/ Timothy J. Preso
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