

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

**WILDEARTH GUARDIANS, et al.,**

Plaintiffs,

v.

**BERNHARDT, et al.,**

Federal Defendants,

and

**WESTERN ENERGY ALLIANCE,  
PETROLEUM ASSOCIATION OF  
WYOMING, et al.**

Defendant-Intervenors.

Case No. 1:16-cv-01724-RC

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**WESTERN ENERGY ALLIANCE AND PETROLEUM ASSOCIATION  
OF WYOMING'S RESPONSE TO MOTION TO ENFORCE  
MARCH 19, 2019 MEMORANDUM OPINION AND ORDER**

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Western Energy Alliance and Petroleum Association of Wyoming (collectively, the "Alliance"), by and through undersigned counsel, respectfully opposes the Motion and adopts and incorporates the arguments made by Federal Defendants, Intervenor-Defendant States of Wyoming and Utah, and Intervenor Defendant American Petroleum Institute in their Oppositions to Plaintiffs Motion to Enforce. Docs 114, 115, and 116.

In particular, the Court's injunction expired on its own terms upon BLM's issuance of the supplemental NEPA analysis. *See* Doc. 114 at 2-3. Thus there is no Order to enforce. To seek to preserve the new "status quo" Plaintiffs are required to follow the procedures to file under F.R.C.P. 65 and meet their burden to show they are entitled to such relief.

Plaintiffs admitted that any challenge to BLM's supplemental NEPA analysis would constitute a new final agency action requiring the filing of an amended complaint. Doc. 103 at 2.

If they seek new relief in connection with that new challenge, they are required to follow the procedures laid out in the Federal Rules.

**CONCLUSION**

For the reasons stated in Federal Defendants', Intervenor-Defendants' States of Wyoming and Utah, and Intervenor Defendant American Petroleum Institutes' Oppositions to Plaintiffs Motion to Enforce [Docs 114, 115, and 116], Alliance respectfully requests this Court deny Plaintiffs' Motion.

Respectfully submitted this 20th day of June, 2019.

*/s/ Bret Sumner*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of June, 2019, I caused a true and correct copy of the foregoing to be filed with the Court electronically through the CM/ECF system, which will serve the foregoing by electronic means on all counsel of record in this case.

*/s/ Bret Sumner*

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