

Jean E. Williams
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

Joseph H. Kim, Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, D.C. 20044
202-305-0207
joseph.kim@usdoj.gov

Counsel for Federal Defendants

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

CITIZENS FOR CLEAN ENERGY *et al.*

and

THE NORTHERN CHEYENNE TRIBE,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF THE
INTERIOR *et al.*

Federal Defendants,

and

STATE OF WYOMING *et al.*,

Intervenor-Defendants.

STATE OF CALIFORNIA *et al.*

V.

Case No. 17-cv-30-BMM
(lead consolidated case)

MOTION FOR STAY

17-cv-42-BMM
(consolidated case)

UNITED STATES DEPARTMENT OF THE)
INTERIOR *et al.*)
)
Federal Defendants.)
_____)

Federal Defendants in these consolidated actions hereby submit this motion for stay, to extend by 90 days all remaining deadlines for these cases.

1. The current scheduling order for these cases is at ECF No. 198 in the lead case's docket. The next deadline under this scheduling order is for Plaintiffs' Motions for Summary Judgment and Opening Briefs in support, which are due by May 18, 2021.

2. At the time of the current scheduling order, Federal Defendants noted that there has been a change in administration, and that the new administration has publicly listed Secretarial Order 3348 among the agency actions it intends to review. *See* ECF No. 197 at ¶ 2. Since that time, Secretarial Order 3398 was issued on April 16, 2021. Among other things, Secretarial Order 3398 revoked Secretarial Order 3348, while providing time for "[t]he Department [to] review and revise as necessary all policies and instructions that implemented the ... revoked SOs...." That review is now ongoing.

3. Counsel for Federal Defendants has conferred with counsel for Plaintiffs and Intervenor-Defendants in these consolidated cases. While Secretarial

Order 3398 may moot this case, Federal Defendants have proposed to temporarily stay this case while further review under Secretarial Order 3398 occurs.

Specifically, Federal Defendants have proposed that, unless further action to extend the stay is taken during the proposed stay, all remaining deadlines for these cases be extended by 90 days. Under these circumstances, counsel for Intervenor-Defendants have indicated that they do not oppose this request. However, counsel for Plaintiffs have indicated that they will oppose this request.

4. BLM does not anticipate holding any coal lease sales or issuing any leases or leasing decisions, including for lease modifications, of the type that were subject to the pause in leasing, within the next 110 days. *See* Declaration of Lindsey Curnutt (attached hereto).

5. A proposed order accompanies this motion.

Respectfully submitted this 17th day of May, 2021.

Jean E. Williams
Deputy Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources
Division

/s/ Joseph H. Kim

JOSEPH H. KIM, Trial
Attorney Natural
Resources Section
P.O. Box 7611, Washington,
D.C. 20044 202-305-0207

Counsel for Defendants

Of Counsel:

Kristen C. Guerriero
John S. Most
Office of the Solicitor
U.S. Department of the Interior

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record.

/s/ Joseph H. Kim
Joseph H. Kim
Counsel for Defendants