

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

WILDEARTH GUARDIANS,)
PHYSICIANS FOR SOCIAL RESPONSIBILITY)

Plaintiffs,)

v.)

DAVID BERNHARDT, *et al.*,)

Federal Defendants.)

Case No. 1:20-cv-56-RC
The Honorable Rudolph Contreras

JOINT STATUS REPORT

Pursuant to the Court’s Order on March 15, 2022, Plaintiffs, Federal Defendants, and Intervenor jointly submit the following status report regarding their positions on the mootness of Federal Defendants’ pending Motion to Remand (Remand Motion), ECF No. 54.

Joint Statement of Plaintiffs and Federal Defendants

Federal Defendants’ pending Remand Motion is not presently moot, but will become moot should the Court grant Plaintiffs’ pending Motion to Dismiss Voluntarily, ECF No. 79.

Joint Statement of Intervenor American Petroleum Institute, State of Wyoming, and Western Energy Alliance

Intervenor-Defendants agree that Federal Defendants’ pending Remand Motion will become moot if the Court grant’s Plaintiffs’ pending Motion to Dismiss Voluntarily. That said, Intervenor-Defendant American Petroleum Institute (“API”) has filed oppositions to Federal Defendants’ Remand Motion and Plaintiffs’ Motion to Dismiss Voluntarily. Instead, as explained in those oppositions, the Court should first resolve API’s motions to dismiss Plaintiffs’ claims, in whole or in part.

Respectfully submitted on this 22nd day of March 2022.

/s/ Daniel L. Timmons

Daniel Timmons
WildEarth Guardians
301 N. Guadalupe Street, Suite 201
Santa Fe, NM 87501
Tel.: 505-570-7014
E-mail: dtimmons@wildearthguardians.org

Kyle Tisdell
Western Environmental Law Center
208 Paseo Del Pueblo Sur, No. 602
Taos, NM 87571
Tel.: (575) 613-4197
E-mail: tisdell@westernlaw.org

Samantha Ruscavage-Barz
301 N. Guadalupe St. Suite 201
Santa Fe, NM 87501
Tel.: (505) 401-4180
Fax: (505) 213-1895
E-mail: sruscavagebarz@wildearthguardians.org

Attorneys for Plaintiffs

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

By /s/ Michael S. Sawyer
MICHAEL S. SAWYER
Senior Attorney, Natural Resources Section
United States Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611
Tel.: 202-514-5273 (Sawyer)
E-mail: michael.sawyer@usdoj.gov

Attorneys for Federal Defendants
/s/ Steven J. Rosenbaum
Steven J. Rosenbaum
Bradley K. Ervin
COVINGTON & BURLING, LLP
One CityCenter
850 Tenth St., N.W.
Washington, D.C. 20001
Phone: (202) 662-6000
Fax: (202) 662-6291
srosenbaum@cov.com

Attorneys for American Petroleum Institute

/s/ James C. Kaste
James C. Kaste, WSB No. 6-3244
Deputy Attorney General
Water & Natural Resources Division
109 State Capitol
Cheyenne, WY 82002
(307) 777-6946 telephone
(307) 777-3542 facsimile
james.kaste@wyo.gov

Counsel for the State of Wyoming

/s/ Ivan L. London

Ivan L. London (*Admitted Pro Hac Vice*)

SQUIRE PATTON BOGGS (US) LLP

1801 California St., Suite 4900

Denver, CO 80202

Phone: (303) 830-1776

ivan.london@squirepb.com

Counsel for Western Energy Alliance