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**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

SOVEREIGN IÑUPIAT FOR A  
LIVING ARCTIC, *et al.*,

Plaintiffs,

v.

BUREAU OF LAND  
MANAGEMENT, *et al.*,

Defendants,

and

CONOCOPHILLIPS ALASKA,  
INC., *et al.*,

Intervenor-Defendants.

Case No. 3:23-cv-00058-SLG

Mot. for Injunction Pending Appeal  
*Sovereign Iñupiat for a Living Arctic v. Bureau of Land Mgmt.*  
Case No. 3:23-cv-00058-SLG

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**PLAINTIFFS' MOTION FOR INJUNCTION PENDING APPEAL, EXPEDITED  
CONSIDERATION REQUESTED**

**Ruling Requested by April 5, 2023 at 12:00 p.m.**

Pursuant to Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1)(C), Plaintiffs Sovereign Iñupiat for a Living Arctic, Alaska Wilderness League, Environment America, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society (collectively Plaintiffs), ask this Court to issue an injunction pending appeal of the Court's Order Re: Motions for Temporary Restraining Order and Preliminary Injunction entered on April 3, 2023 (ECF No. 74) (hereinafter Order), granting the same relief requested in Plaintiffs' motion for preliminary injunction (ECF No. 23). Because of imminent construction activities associated with the Willow Master Development Plan (Willow), including gravel mining and road construction scheduled to start immediately, Plaintiffs respectfully request that a ruling on this motion be expedited.

ConocoPhillips Alaska, Inc. (ConocoPhillips) stated that construction work would commence as early as tomorrow (ECF No. 26). ConocoPhillips stated it began ice road construction on March 13, and would break ground at the Willow Mine Site Area and begin gravel hauling and road construction on April 4, 2023 (ECF No. 26). As a result, irreparable harm is imminent.

An interlocutory appeal of the denial of the preliminary injunction motion was docketed on April 3, 2023 (ECF No. 75).

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The standard for an injunction pending appeal is essentially the same as that for a preliminary injunction. *Lopez v. Heckler*, 713 F.2d 1432, 1435 (9th Cir. 1983) (citation omitted). For all the reasons stated in Plaintiffs’ Motion for a Preliminary Injunction, the Memorandum submitted in support thereof (ECF No. 23-1), Plaintiffs’ Reply in Support of their Motion for a Preliminary Injunction Motion (ECF No. 63), and the attached declarations and exhibits (ECF Nos. 23-3 to 23-24, 63-3 to 63-10), Plaintiffs move the Court to issue an Injunction Pending Appeal on shortened time, by 12:00 p.m. on April 5, 2023.

Plaintiffs request the Court enjoin all construction activities related to Willow for 14 days so that emergency relief can be sought and ruled on by the Ninth Circuit Court of Appeals while the *status quo* is maintained. *See* Order re Motions for Injunction Pending Appeal at 8–10, *Sovereign Iñupiat for a Living Arctic v. Bureau of Land Management*, Case No. 3:20-cv-00290-SLG, ECF No. 54 (Feb. 6, 2021) (recognizing discretion to enter a limited injunction to seek emergency relief and enjoining activity for 14 days). Plaintiffs request that this Court issue the requested Injunction Pending Appeal by April 5, 2023, at 12:00 p.m. If the Court does not rule by that time, Plaintiffs will construe this motion as denied and file an emergency motion in the Ninth Circuit pursuant to Federal Rule of Appellate Practice 8(a)(2) and Circuit Rule 27-3.

Federal Defendants and Intervenor-Defendants ConocoPhillips, North Slope Borough, Kuukpik Corporation, Arctic Slope Regional Corporation, and the State of Alaska oppose this motion.

Respectfully submitted this 4th day of April, 2023,

s/ Suzanne Bostrom

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### Certificate of Service

I certify that on April 4, 2023, I caused a copy of the PLAINTIFFS' MOTION FOR INJUNCTION PENDING APPEAL and [PROPOSED] ORDER to be electronically filed with the Clerk of the Court for the U.S. District Court of Alaska using the CM/ECF system, which will send electronic notification of such filings to the attorneys of record in this case.

s/ Suzanne Bostrom  
Suzanne Bostrom