

**IN 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

CENTER FOR BIOLOGICAL
DIVERSITY, *et al.*,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT, *et al.*,

Defendants,

and

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

Intervenor-Defendants.

Case No. 3:23-cv-00061-SLG

ORDER RE MOTIONS TO FILE *AMICUS CURIAE* BRIEFS

Before the Court are the following:

- United Nations Rapporteurs' Motion for Leave to File *Amicus Curiae* Brief on Binding International Law and Related Issues in Support of the Plaintiffs' Arguments on the Merits, at Docket 100 in Case No. 3:23-cv-23-00058-SLG;
- Sabin Center for Climate Change Law's Motion for Leave to File *Amicus Curiae* Brief in Support of Plaintiffs, at Docket 101 in Case No. 3:23-cv-23-00058-SLG and at Docket 125 in Case No. 3:23-cv-00061-SLG;
- Patagonia, Inc.'s Motion for Leave to File an *Amicus Curiae* Brief in Support of Plaintiffs' Motion for Summary Judgment at Docket 104 in Case No. 3:23-cv-23-00058-SLG and at Docket 137 in Case No. 3:23-cv-00061-SLG;
- Motion of the Institute for Policy Integrity at New York University School of Law for Leave to File a Brief *Amicus Curiae* in Support of Plaintiffs' Motions for Summary Judgment at Docket 110 in 3:23-cv-23-00058-SLG and at Docket 123 in Case No. 3:23-cv-00061-SLG; and
- Motion for Leave to File Amici Curiae Brief of Members of Congress in Support of Plaintiffs' Principal Brief at Docket 117 in Case No. 3:23-cv-00061-SLG.¹

¹ In addition, a motion filed by Our Children's Trust is not yet ripe. See Docket 133 in Case No. 3:23-Case No. 3:23-cv-00058-SLG & 3:23-cv-00061-SLG; *Sovereign Inupiat for a Living Arctic, et al. v. BLM, et al.* & Center for Biological Diversity, *et al. v. BLM, et al.*
Order re Motions to File *Amicus Curiae* Briefs
Page 2 of 5

Plaintiffs consent to the motions. Federal Defendants and Intervenor-Defendants Kuukpik Corporation and Arctic Slope Regional Corporation take no position on the motions. Intervenor-Defendants State of Alaska and North Slope Borough did not respond to the motions.

In Case No. 3:23-cv-00058-SLG, Intervenor-Defendant ConocoPhillips Alaska, Inc. (“ConocoPhillips”) responded in opposition at Docket 108 to the United Nations Special Rapporteurs’ motion to which the United Nations Special Rapporteurs replied at Docket 127. ConocoPhillips also filed a response to the motions to intervene by Institute for Policy Integrity at New York University School of Law, Patagonia, Inc., the Sabin Center for Climate Change Law, and the group of seven Congressional representatives at Docket 122 in Case No. 3:23-cv-00058-SLG and at Docket 126 in Case No. 3:23-cv-00061-SLG.

With respect to all the proposed *amicus curiae* briefs apart from the United Nations Special Rapporteurs, ConocoPhillips states in its response that it “defers to the Court’s discretion” whether to accept or decline them.² There being no opposition, IT IS ORDERED that each of the motions to file an *amicus curiae* brief at Dockets 100, 101, 104, and 110 in Case No. 3:23-cv-00058-SLG and at Dockets 117, 123, 125, and 137 in Case No. 3:23-cv-00061-SLG are GRANTED. The Court will consider the proposed *amicus curiae* briefs at Dockets 101-1, 104-1, and 110-1 in

cv-00058-SLG and Docket 146 in Case No. 3:23-cv-00061.

² Case No. 3:23-cv-00061-SLG, Docket 126 at 6.

Case No. 3:23-cv-00058-SLG and at Dockets 117-1, 123-1, 125-1, and 137-1 in Case No. 3:23-cv-00061-SLG.

With respect to the United Nations Special Rapporteurs' motion filed only in the SILA case, Case No. 3:23-cv-00058, the Court finds that the concerns raised by ConocoPhillips in its opposition regarding the Rapporteurs counsel's connection to the Center for Biological Diversity have been in large part ameliorated by the Rapporteurs' reply filed at Docket 127. Therefore, the United Nations Special Rapporteurs' motion at Docket 100 in Case No. 3:23-cv-00058 is GRANTED and the Court will consider the proposed *amicus curiae* brief at Docket 100-1. However, absent a clear advance notice to the parties from the Court, the Court does not intend to address legal issues raised for the first time in an amicus brief that were not raised in either set of Plaintiffs' opening briefs, such as arguments regarding asserted violations of international law contained in the United Nations Special Rapporteurs' amicus brief. See *Preservation Coalition, Inc. v. Pierce*, 667 F. 2d 851, 862 (9th Cir. 1982).

DATED this 17th day of August, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

