

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Southern Utah Wilderness Alliance, *et al.*,)
Plaintiffs,)
v.) Civ. No. 1:08-CV-02187-RMU
Stephen Allred, *et al.*,)
Defendants.)

THE PARTIES' STIPULATION AND MOTION TO SET BRIEFING SCHEDULE

WHEREAS Plaintiffs Southern Utah Wilderness Alliance, Natural Resources Defense Council, The Wilderness Society, National Parks Conservation Association, Grand Canyon Trust, Sierra Club, and National Trust for Historic Preservation (collectively "Plaintiffs") filed their Complaint in the above-captioned case on December 17, 2008;

WHEREAS Plaintiffs seek judicial review of the Bureau of Land Management's ("BLM") Resource Management Plans for the Moab, Price, and Vernal Planning Areas in Utah;

WHEREAS, on December 12, 2008, BLM issued a Decision to Lease, which notices BLM's intent to offer 132 parcels for bidding at a lease sale to be held on December 19, 2008, consistent with the challenged Resource Management Plans;

WHEREAS, Plaintiffs and/or other entities not a party to this lawsuit have submitted timely administrative protests with the BLM's Utah State Director challenging the Decision to Lease with respect to each of the 80 parcels at issue in this case;

WHEREAS, to the extent BLM receives bids on December 19, 2008 for any of those 80 parcels, the lease or leases will not be executed by BLM until each corresponding administrative protest is resolved and a written decision addressing that protest is issued;

WHEREAS, BLM has determined that it will not be able to complete its review and/or issue a decision with respect to any of the administrative protests until at least 30 days after the date of the lease sale;

WHEREAS, Plaintiffs requested on December 18, 2008 that BLM provide certain copies of documents that support compliance with the National Historic Preservation Act. BLM has agreed to provide copies of those documents to the Plaintiffs by December 19, 2008;

WHEREAS, the Parties believe it is in the interests of judicial economy and efficiency to avoid litigating this matter on an accelerated schedule over the year-end holidays, and that the Parties and the Court would benefit from more time in which to brief the issues underlying Plaintiffs' application for temporary restraining order.

THEREFORE, the Parties hereby stipulate and agree to the following briefing schedule:

1. On December 22, 2008, Plaintiffs will file an application for Temporary Restraining Order and Preliminary Injunction to prevent BLM's issuance of oil and gas leases with respect to 80 of the 132 parcels described in the December 12, 2008, Decision to Lease;
2. On or before, January 8, 2009, Federal Defendants will file a brief in opposition to Plaintiffs' application for temporary restraining order;
3. On or before January 14, 2009, Plaintiffs will file a reply brief in support of their application for temporary restraining order;
4. The Parties request that a hearing be held on January 16, 2008, if the Court's schedule permits.

BASED ON THE FOREGOING, the Parties to this litigation respectfully request that the Court enter an order adopting the schedule set forth above and setting a hearing for oral argument. A proposed form of order accompanies this Stipulation and Motion.

Respectfully submitted this 18th Day of December, 2008:

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

/s/ Guillermo A. Montero
GUILLERMO A. MONTERO
Trial Attorney
Natural Resources Section
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0443/(fax)(202) 305-0506

OF COUNSEL
JOHN W. STEIGER
Field Solicitor, Department of the Interior
125 S. State Street, Suite 6201
Salt Lake City, Utah 84138
(801)524-5677, (801)524-4506 (fax)

Counsel for Defendants

/s/ Sharon Buccino
Sharon Buccino (D.C. Bar # 432073)
Natural Resources Defense Council
1200 New York Avenue, N.W. #400
Washington, D. C. 20005
202-289-6868

Stephen H.M. Bloch (UT Bar #7813)
David Garbett (NY Bar # 4580114)
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, Utah 84111
(801) 486-3161

Robin Cooley (CO Bar # 31168)
Earthjustice
1400 Glenarm Place #300
Denver, Colorado 80202
(303) 623-9466

Counsel for Plaintiffs