

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

Civil Action No. **09-cv-1463-AP**

**CENTER FOR NATIVE ECOSYSTEMS,
BIODIVERSITY CONSERVATION ALLIANCE,
CENTER FOR BIOLOGICAL DIVERSITY,
DEFENDERS OF WILDLIFE, and
NATURAL RESOURCES DEFENSE COUNCIL,**

Petitioners,

v.

KEN SALAZAR, Secretary of the U.S. Department of the Interior, and
ROWAN GOULD, Acting Director of the U.S. Fish and Wildlife Service,

Federal Respondents,

and

**STATE OF WYOMING, WYOMING FARM BUREAU FEDERATION, and
WYOMING STOCK GROWERS ASSOCIATION,**

Respondent-Intervenors.

ORDER

This matter is currently before me on Respondent-Intervenors' Joint Motion to Stay Merits Briefing (doc. 72). Although, as Respondent-Intervenors note, in my previous order staying proceedings in this case I expressed a reluctance to grant any further extensions of time delaying the briefing schedule in this case, the fundamental nature of these proceedings has radically changed. The Federal Respondents have filed a Motion for Voluntary Remand and Vactur (doc. 69) that would render these proceedings moot, but Respondent-Intervenors intend to oppose this motion.

Were I to grant Federal Respondents' motion, there would be no need for merits briefing. Given the importance of conserving the court's and the parties' resources, it is important to resolve Federal Respondent's motion before requiring the parties to commence merits briefing. Accordingly, the Respondent-Intervenors' Motion for a Stay of Proceedings is GRANTED. Should I deny the Federal Respondents' Motion for Voluntary Remand and Vactur, Respondent-Intervenors will file their merits brief within 14 days after such denial, and Petitioners will have 30 days thereafter to file their reply brief.¹

Dated: May 17, 2011

BY THE COURT:

/s/ John L. Kane
Senior U.S. District Judge

¹ As noted in my orders granting the Respondent-Intervenors' motions to intervene, the intervenors must avoid duplicating arguments and must, if possible, file a combined brief.