

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

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Adrienne Whitlow

Date: December 16, 2009
Time: 2 hours and 29 minutes

CASE NO. 09-cv-02675-PAB

Parties

Counsel

**MELISSA DECKER, and
MICHAEL HEAPHY,**

Michael Heaphy
Pro Se and on behalf of Melissa Decker

Plaintiff (s),

vs.

**UNITED STATES FOREST SERVICE,
RICK CABLES,
SCOTT FITZWILLIAMS, and
DON DRESSLER,**

Jamie Mendelson
Kenneth Capps

Defendant (s).

ORAL ARGUMENT and ORAL RULING

9:41 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL. Plaintiff Melissa Decker is present.

Plaintiffs' Motion for Preliminary Injunction (Doc #2), filed 11/16/09.

9:41 a.m. Argument by Mr. Heaphy. Questions by the Court.

10:17 a.m. Argument by Ms. Mendelson. Questions by the Court.

10:50 a.m. COURT IN RECESS

11:00 a.m. COURT IN SESSION

Court states its findings and conclusions.

ORDERED: Plaintiffs' Motion for Preliminary Injunction (Doc #2), filed 11/16/09 is **GRANTED in PART and DENIED in PART.**

ORDERED: The defendant United States Forest Service is enjoined from carrying out logging activities in Unit 101 north of the West Grouse Creek hiking trail or west of the junction between the West Grouse Creek hiking trail and the Grouse Lake hiking trail, unless or until it properly analyses this change of unit boundaries through supplementation of the Environmental Assessment.

ORDERED: The defendant United States Forest Service is enjoined from engaging in helicopter yarding in Unit 101 unless and until it properly analyses this change through supplementation of the Environmental Assessment. In addition, any further analysis of the logging activities within Unit 101 must take into account the economics of the project.

ORDERED: Preliminary injunction will enter for **60 days** from December 16, 2009.

ORDERED: Parties shall file status reports either jointly or separately every 30 days from today's date to apprise the Court of any developments relevant to the injunction and to indicate whether the injunction should be renewed, and if so, explaining why.

Discussion regarding the requirement whether plaintiffs should be required to post a bond.

Defendants requests the plaintiffs be required to post a bond and requests time to brief the issue.

Page Three
09-cv-02675-PAB
December 16, 2009

ORDERED: Defendants' request to brief the issue of bond is **DENIED** and plaintiffs will not be required to post a bond.

12:20 p.m. COURT IN RECESS

Total in court time: 149 minutes

Hearing concluded