## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA BUTTE DIVISION

FILED
SEP 2 6 2018

Clerk, U.S. District Court District Of Montana Helena

COTTONWOOD ENVIRONMENTAL LAW CENTER,

Plaintiff,

VS.

RYAN ZINKE, in his official capacity as Secretary of the Interior; STEVE BULLOCK, in his official capacity as Governor of the State of Montana: MONTANA DEPARTMENT OF LIVESTOCK; MONTANA DEPARTMENT OF FISH. WILDLIFE, AND PARKS; DAN WENK, in his official capacity as Park Superintendent, Yellowstone National Park; LEANNE MARTEN, in her official capacity as Regional Forester, U.S. Forest Service; NATIONAL PARK SERVICE; U.S. FOREST SERVICE; USDA-ANIMAL & PLANT HEALTH INSPECTION SERVICE,

Defendants.

No. CV 18-12-BU-SEH

**ORDER** 

On September 26, 2018, the Court held a hearing on Plaintiff's opposed second Motion to Amend Complaint. Upon the record made in open court,

<sup>&</sup>lt;sup>1</sup> Doc. 32.

## ORDERED:

- 1. Plaintiff's opposed Motion to Amend Complaint<sup>2</sup> is GRANTED.
- 2. The proposed Second Amended Complaint, lodged with the Court as Doc. 33-1, shall be filed and served forthwith. L.R. 15.1.
- 3. The Amended Complaint filed February 20, 2018,<sup>3</sup> and Defendants' Motions to Dismiss<sup>4</sup> are moot and of no further force or effect.
- 4. Defendants shall have to and including October 12, 2018, in which to file any and all motions with supporting briefs directed to issues presented by the Second Amended Complaint. Briefs in support shall be in appropriate form and complete and may not incorporate by reference any statement or argument contained in any document previously filed in this case.
- 5. Motions and briefs filed as provided in paragraph 4 shall address: (a) any and all issues appropriately raised by the Second Amended Complaint; (b) whether and upon what basis federal jurisdiction is claimed to be properly pleaded in the Second Amended Complaint; and (c) whether the claims stated are adequately pleaded in compliance with *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Starr v. Baca*, 652 F.3d

<sup>&</sup>lt;sup>2</sup> Doc. 32.

<sup>&</sup>lt;sup>3</sup> Doc. 7.

<sup>&</sup>lt;sup>4</sup> Docs. 12 and 20.

1202 (9<sup>th</sup> Cir. 2011).

6. Motions filed in compliance with this order will be set for hearing, if appropriate, by further order of Court.

DATED this **26** day of September, 2018.

AM E. HADDON

United States District Court