

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

FILED

12/26/2018

Clerk, U.S. District Court
District of Montana
Helena Division

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 October 12, 2018, the Federal Defendants¹ and Steve Bullock, in his

¹ The Federal Defendants are Ryan Zinke, in his official capacity as Secretary of the Interior; 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; the National Park Service; the U.S. Forest Service; and the U.S. Department of Agriculture-Animal & Plant

official capacity as Governor of the State of Montana (“Governor Bullock”), filed Federal Defendants’ Motion to Dismiss² and Governor Bullock’s Motion to Dismiss³ with supporting briefs.⁴ A response brief was filed on November 1, 2018.⁵

On November 1, 2018, Plaintiff Cottonwood Environmental Law Center (“Cottonwood”) filed Plaintiff’s Motion to Stay Briefing and Consideration of Federal Defendants’ Motion to Dismiss to Allow Discovery on Jurisdictional Defenses⁶ and supporting brief.⁷ Defendants filed response briefs on November 15, 2018.⁸

A conference call with counsel addressing motion to stay issues was held on November 20, 2018.

ORDERED:

1. Plaintiff’s motion to stay is GRANTED in part and DENIED in part

Health Inspection Service. *See* Doc. 46 at 1.

² Doc. 47.

³ Doc. 49.

⁴ Docs. 48 and 50.

⁵ Doc. 54.

⁶ Doc. 52.

⁷ Doc. 53.

⁸ Docs. 57 and 58.

as follows:


a. Plaintiff's request to pose four Requests for Admission to Governor Bullock is GRANTED. Responses to the requests shall be served, together with copies to the Court, on or before January 25, 2019.

b. Plaintiff's requests to depose Ryan Zinke, Dan Wenk, Jack Shere, and Dr. Brian McCluskey, are DENIED.

2. The pending motions, Federal Defendants' Motion to Dismiss⁹ and Governor Bullock's Motion to Dismiss,¹⁰ are DENIED without prejudice to renewal in whole or in part, if appropriate upon submission of the responses to the Requests for Admission referenced in paragraph 1 above.

If pending motions are renewed, re-briefing of issues previously presented will not be necessary or required, except that each party may file, within 7 days of the date upon which a motion is renewed, a supplemental brief directed solely to new matters or issues not addressed in briefs previously filed.

DATED this th 26 day of December, 2018.


SAM E. HADDON
United States District Court

⁹ Doc. 47.

¹⁰ Doc. 49.