

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAR 21 2011

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

DEFENDERS OF WILDLIFE,)
NATURAL RESOURCES DEFENSE)
COUNCIL, SIERRA CLUB, HUMANE)
SOCIETY OF THE UNITED STATES,)
CENTER FOR BIOLOGICAL)
DIVERSITY, JACKSON HOLE)
CONSERVATION ALLIANCE,)
FRIENDS OF THE CLEARWATER,)
ALLIANCE FOR THE WILD ROCKIES,)
OREGON WILD, CASCADIA)
WILDLANDS, WESTERN)
WATERSHEDS PROJECT, WILDLANDS)
NETWORK, and HELLS CANYON)
PRESERVATION COUNCIL,)

CV 09-77-M-DWM
CV 09-82-M-DWM
(consolidated)

ORDER

Plaintiffs,)

v.)

KEN SALAZAR, Secretary of the Interior,)
ROWAN GOULD, Acting U.S. Fish and)
Wildlife Service Director, and UNITED)
STATES FISH AND WILDLIFE)
SERVICE,)

Defendants,)

v.)

STATE OF IDAHO, SAFARI CLUB)
INTERNATIONAL, SPORTSMEN FOR)
FISH AND WILDLIFE, MONTANA)
FARM BUREAU FEDERATION, IDAHO)
FARM BUREAU FEDERATION,)
MOUNTAIN STATES LEGAL)
FOUNDATION, STATE OF MONTANA,)
MONTANA DEPARTMENT OF FISH,)
WILDLIFE AND PARKS, GOVERNOR)
C.L. "BUTCH" OTTER, NATIONAL)
RIFLE ASSOCIATION OF AMERICA,)

Intervenor-)
Defendants.)

GREATER YELLOWSTONE)
COALITION,)

Plaintiff,)

v.)

KEN SALAZAR, Secretary of the Interior,)
ROWAN GOULD , Acting U.S. Fish and)
Wildlife Service Director, and UNITED)
STATES FISH AND WILDLIFE)
SERVICE,)

Defendants.)

On March 18, 2011 nearly all the plaintiffs, and the principle defendants, filed a Joint Motion For An Indicative Ruling Pursuant to Federal Rule of Civil Procedure 62.1. (Dkt 189-1). The Motion is limited to seeking only an indicative

ruling addressing whether the Court would grant an order partially staying the remedial aspects of the 2010 Judgment. To date, four plaintiff organizations have not joined in the motion: (1) Humane Society of the United States; (2) Friends of the Clearwater; (3) Alliance for the Wild Rockies; (4) and Western Watersheds Project.

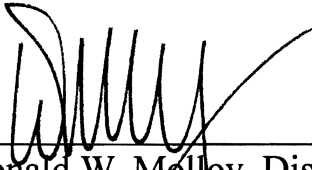
Rule 62.1 provides that, “[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.” Rule 62.1 Fed. R. Civ. P. Even if the court states that the motion raises a substantial issue it is not bound to grant the motion.

In this case the Motion appears to raise a substantial issue but the Court has not heard from all interested parties. Consequently, without making any determination on the merits of the Motion,

IT IS ORDERED that any Party or Intervener which has not yet stated a position on the Motion, but desiring to be heard on the Motion, shall, by 4:00 PM March 22, 2011, electronically file a brief of not more than fifteen (15) pages setting forth its respective position on the Motion.

IT IS FURTHER ORDERED that the Parties, and Interveners who have expressed an interest in this issue, in addition to the other matters previously set, be prepared to address the Motion at the hearing now set for March 24, 2011, at 1:30 PM in the Russell Smith Courthouse in Missoula, Montana.

Dated this 21st day of March, 2011.


Donald W. Molloy, District Judge
United States District Court

15:55 P

