

1 DANIEL G. BOGDEN  
 United States Attorney  
 District of Nevada  
 2 BLAINE T. WELSH  
 Assistant United States Attorney  
 Nevada Bar No. 4790  
 3 333 Las Vegas Blvd. South, Suite 5000  
 Las Vegas, Nevada 89101  
 4 Ph: (702)388-6336  
 Fax: (702)388-6787  
 5 [Blaine.Welsh@usdoj.gov](mailto:Blaine.Welsh@usdoj.gov)  
 6 HOLLY VANCE  
 Assistant United States Attorney  
 7 100 W. Liberty Street, Suite 600  
 Reno, Nevada 89501  
 8 Ph: (775) 784-5438  
 Fax: (775) 784-5181  
 9 [Holly.A.Vance@usdoj.gov](mailto:Holly.A.Vance@usdoj.gov)

10 IGNACIA S. MORENO  
 United States Department of Justice  
 Assistant Attorney General  
 11 DAVID W. GEHLERT  
 Trial Attorney  
 12 Environmental & Natural Resources Division  
 999 18th Street, South Terrace, Suite 370  
 13 Denver, CO 80202  
 Ph: (303) 844-1386, Fax (303) 844-1350  
 14 [David.Gehlert@usdoj.gov](mailto:David.Gehlert@usdoj.gov)  
 15

16 Attorneys for the United States of America

17 UNITED STATES DISTRICT COURT  
 18 DISTRICT OF NEVADA

19 UNITED STATES OF AMERICA, )  
 )  
 20 Plaintiff/Counter-Defendant/ )  
 Cross-Defendant, )  
 21 )  
 v. )  
 22 )  
 JOHN C. CARPENTER, *et al.*, )  
 23 )  
 Defendants, )  
 24 )  
 and )  
 25 )  
 COUNTY OF ELKO, )  
 26 )  
 Defendant/Counter-Claimant, )

Case No. 3:99-cv-00547-RLH-RAM  
**UNOPPOSED MOTION TO STAY**

1 THE WILDERNESS SOCIETY, *et al.*, )  
2 )  
3 Defendants/Intervenors/Cross-Claimants. )  
\_\_\_\_\_ )

4 Plaintiff, the United States, hereby requests a 30-day stay of briefing. Under the current  
5 schedule Plaintiff's and Defendant-Intervenor Wilderness Society's response to Defendants'  
6 Motion to Dismiss for Mootness (Doc. 351) is due February 14, 2011. This stay would provide  
7 until March 16, 2011, for Plaintiff and the Wilderness Society to file their responses.

8 This stay is requested because Elko County's motion to dismiss has triggered discussions  
9 among the parties regarding the possibility of settlement and/or means for resolving this matter.  
10 This is the first stay of briefing Plaintiff has requested and Defendant Elko County and  
11 Defendant-Intervenors Wilderness Society do not oppose such a stay.

12 Therefore, Plaintiff requests that the Court stay briefing for 30 days, up to and including  
13 March 16, 2011. Plaintiff will further advise the Court at that point as to whether an agreement  
14 has been reached, or will file a response to Defendants' motion to dismiss for mootness. This  
15 motion is supported by the attached declaration of David W. Gehlert.

16 Respectfully submitted this 14th day of February 2011.

17 DANIEL G. BOGDEN  
18 United States Attorney  
19  
20 IGNACIA S. MORENO  
21 Assistant Attorney General  
22  
23 /s/David W. Gehlert  
24 DAVID W. GEHLERT  
25 Trial Attorney  
26 BLAINE T. WELSH  
Assistant United States Attorney  
HOLLY A. VANCE  
Assistant United States Attorney

IT IS SO ORDERED:

  
\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE  
DATED: February 15, 2011

1 **PROOF OF SERVICE**

2 I, David W. Gehlert, certify that the following individuals were served with the  
3 **UNOPPOSED MOTION TO STAY** on this date by the below identified method of service:

4 **Electronic Case Filing**

5 Michael S. Freeman  
6 Earthjustice Legal Defense Fund  
7 1400 Glenarm Place, Suite 300  
8 Denver , Colorado 80202  
9 303-623-9466 Fax: 303-623-8083  
10 mfreeman@earthjustice.org

Henry Egghart  
317 S. Arlington Avenue  
Reno , Nevada 89501  
775-329-2705 Fax: 775-852-5309  
hegghart@nvcbell.net

8 *Attorneys for Wilderness Society & Great Old Broads for Wilderness*

9 Mark Torvinen & Kristin A. McQueary  
10 Elko County District Attorney's Office  
11 1515 7th Street  
12 Elko, Nevada 89801  
13 775-738-3101 Fax: 775-738-0160  
14 mtorvinen@elkocountynv.net  
15 kmcqueary@elkocountynv.net

13 *Attorneys for County of Elko*

14 Grant Gerber  
15 Gerber Law Offices, LLP  
16 491 fourth Street  
17 Elko, Nevada 89801  
18 agg@gerberlegal.com

17 *Attorneys for John Carpenter*

18 William J Frey  
19 Attorney General's Office  
20 100 North Carson Street  
21 Carson City, NV 89701-4717  
22 775-684-1229 Fax: 775-684-1103  
23 bfrey@ag.nv.gov

22 *Attorneys for the State of Nevada*

23 DATED this 14th day of February 2011.

24  
25 /s/ David W. Gehlert  
26 DAVID W. GEHLERT  
Trial Attorney

# EXHIBIT

1 DANIEL G. BOGDEN  
United States Attorney  
2 District of Nevada  
BLAINE T. WELSH  
3 Assistant United States Attorney  
Nevada Bar No. 4790  
4 333 Las Vegas Blvd. South, Suite 5000  
Las Vegas, Nevada 89101  
5 Ph: (702)388-6336  
Fax: (702)388-6787

6 [Blaine.Welsh@usdoj.gov](mailto:Blaine.Welsh@usdoj.gov)

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999 18th Street, South Terrace, Suite 370  
14 Denver, CO 80202  
Ph: (303) 844-1386, Fax (303) 844-1350

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17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

19 UNITED STATES OF AMERICA, )

20 Plaintiff/Counter-Defendant/ )  
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22 v. )

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23 JOHN C. CARPENTER, *et al.*, )

24 Defendants, )

25 and )

26 COUNTY OF ELKO, )

Defendant/Counter-Claimant, )

1 THE WILDERNESS SOCIETY, *et al.*, )  
2 )  
3 Defendants/Intervenors/Cross-Claimants. )  
\_\_\_\_\_ )

4  
5 **DECLARATION OF DAVID W. GEHLERT**  
6 **IN SUPPORT OF UNOPPOSED MOTION TO STAY**

7 I, David W. Gehlert, hereby declare as follows pursuant to 28 U.S.C § 1746:

8 1. I am a trial attorney for the Department of Justice, Environment and Natural  
9 Resources Division, in Denver, Colorado. I am co-counsel representing the United States in the  
10 above-captioned matter. With this declaration I have filed an Unopposed Motion to Stay in  
11 which I requested a 30-day stay of briefing in the case.

12 2. This stay has been requested so that the parties may explore a settlement proposal  
13 presented to the United States and Elko County by attorneys for the defendant-intervenor the  
14 Wilderness Society.

15 3. Counsel for the United States has conferred with the other parties concerning this  
16 request of stay and none oppose.

17 4. The United States certifies that this motion is not submitted for the purpose of  
18 delay or any other improper purpose.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 14th day of February 2011, in Denver, Colorado.

21 IGNACIO S. MORENO  
22 Assistant Attorney General

23 /s/David W. Gehlert  
24 DAVID W. GEHLERT  
25 Trial Attorney  
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