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Plaintiffs, the Federal Defendants, and Defendant-Intervenor Lithium Nevada Corp. (Lithium Nevada), jointly move to extend existing deadlines and propose the following schedule to govern briefing and this Court’s consideration of Plaintiffs’ Motion for a Preliminary Injunction (ECF #22).

WHEREAS, Plaintiffs filed their Complaint in this matter on February 26, 2021, challenging “the Record of Decision (ROD) approving [Lithium Nevada’s] two Plans of Operation (PoOs): (1) for the [Thacker Pass Lithium Mine]... and (2) for the “North/South Exploration Project”” as well as “the Final Environmental Impact Statement (FEIS) BLM prepared for the mine and exploration projects.” Compl. ¶ 4 (ECF #1).

WHEREAS, Plaintiffs requested relief including that the Court “set aside and Vacate the ROD, FEIS, and Project approvals” and “[e]njoin Defendants, their agents, servants, employees, and all others acting in concert with them, or subject to their authority or control, from proceeding with any aspect of the Thacker Pass Project.” Compl. Request for Relief at pp. 69.

WHEREAS, on April 16, 2021, Lithium Nevada submitted its unopposed Motion to Intervene (ECF #15), which this Court granted on May 12, 2021 (ECF #18).

WHEREAS, on May 7, 2021, the Federal Defendants filed their Answer to Plaintiffs’ Complaint (ECF #17).

WHEREAS, shortly after the filing of Plaintiffs’ Complaint, Plaintiffs informed counsel for Federal Defendants and Lithium Nevada that Plaintiffs intended on filing a Motion for Temporary Restraining Order (TRO) or Preliminary Injunction to enjoin any ground disturbance and operations associated with any aspect of the Thacker Pass Project (including both the mining and exploration projects) including those reviewed by the FEIS and authorized by the challenged Bureau of Land Management’s (BLM) Record of Decision (ROD) which approved the Thacker Pass Lithium Project’s plans of operations on federal lands (for both mining and exploration operations).

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2 WHEREAS, on March 25, 2021 attorneys for all parties held a video conference call to  
3 discuss Plaintiffs' intention to move for preliminary relief and ways to avoid the need for such  
4 motion practice.

5 WHEREAS, Lithium Nevada, during that call, informed Plaintiffs and Federal  
6 Defendants that Lithium Nevada did not anticipate conducting any major ground disturbance  
7 associated with the Thacker Pass Project (both mining and exploration) for approximately six to  
8 seven months and the parties discussed potentially identifying a list of other pre-construction  
9 activities that might not be objectionable to the Plaintiffs.

10 WHEREAS, on April 12, 2021, Lithium Nevada advised Plaintiffs and Federal  
11 Defendants that it anticipated conducting biological surveys and cultural resource mitigation  
12 work, and the parties discussed via email Plaintiffs' position that they would object to any  
13 ground disturbance.

14 WHEREAS, on May 13, 2021, Lithium Nevada represented to Plaintiffs that Lithium  
15 Nevada intended to begin ground disturbance on June 23, 2021, consisting of initial excavations  
16 and digging associated with the unreleased "Historical Properties Treatment Plan."

17 WHEREAS, on May 26, 2021 Lithium Nevada informed Plaintiffs of the parameters of  
18 this intended ground disturbance.

19 WHEREAS, Federal Defendants have informed the parties that the ROD and FEIS  
20 challenged in this action do not authorize activities by BLM.

21 WHEREAS, on May 27, 2021, Plaintiffs filed a Motion for Preliminary Injunction, ECF  
22 #23, to prevent any ground disturbance associated with the Project from occurring until this  
23 Court has ruled on the merits.

24 WHEREAS, on May 27, 2021, Plaintiffs also filed a Motion to File Excess Pages, ECF  
25 #22, to extend the 24-page limit for motions by 15 pages for their Motion for Preliminary  
26 Injunction and represented therein that they would not oppose a reasonable and commensurate  
27 page limit expansion for opposing parties.  
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WHEREAS, Federal Defendants’ and Lithium Nevada’s oppositions to both motions are due on June 10, 2021.

WHEREAS, Federal Defendants and Lithium Nevada have requested a fourteen-day extension until June 24, 2021 to file their respective response briefs to Plaintiffs’ Motion for Preliminary Injunction.

WHEREAS, Plaintiffs do not oppose Federal Defendants’ and Lithium Nevada’s request for a two-week extension to file their respective response briefs to Plaintiffs’ Motion for Preliminary Injunction so long as Federal Defendants and Lithium Nevada will formally stipulate that no Project area ground disturbance activities challenged in Plaintiffs’ Complaint will occur before July 29, 2021.

THEREFORE, the Parties agree and stipulate:

1. Neither Lithium Nevada nor Federal Defendants will conduct any ground disturbance activities in the Project area in connection with the Thacker Pass Project as challenged in Plaintiffs’ Complaint before July 29, 2021.
2. This agreement does not limit BLM’s authority to manage public lands in accordance with any authorizing statute or implementing regulation.

FURTHER, the Parties respectfully jointly request that:

1. The Court set a briefing deadline for June 24, 2021 for BLM and Lithium Nevada to file response briefs to Plaintiffs’ Motion for Preliminary Injunction.
2. The Court grant BLM and Lithium Nevada leave to file 15 excess pages for their response briefs to Plaintiffs’ Motion for Preliminary Injunction.
3. The Court grant Plaintiffs leave to file a combined reply brief on July 1, 2021 to BLM’s and Lithium Nevada’s response briefs, not to exceed 24 pages.
4. The Court schedule this matter with enough time for the Court to rule on the Motion before July 29, 2021. The parties are available for appearances any time before the 29th of July except for July 2, 5 and 12-16.

1 STIPULATED AND AGREED this 8<sup>th</sup> day of June, 2021:  
2

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5 United States Department of Justice  
6 Environment and Natural Resources Div.

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IT IS SO ORDERED



United States District Judge

June 8, 2021

Date