

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

NATIVE ECOSYSTEM COUNCIL,
MONTANA ECOSYSTEMS DEFENSE
COUNCIL,

Plaintiffs,

vs.

FAYE KRUEGER, Regional Forester of
Region One of the U.S. Forest Service,
UNITED STATES FOREST SERVICE,
an agency of the U.S. Department of
Agriculture, and UNITED STATES FISH
& WILDLIFE SERVICE, an agency of
the U.S. Department of the Interior,

Defendant.

CV 14-196-M-DLC

ORDER

FILED

AUG 06 2014

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

The Montana Attorney General and the Montana Department of Natural Resources and Conservation (“the State”) have filed an amended motion for leave to file an *amicus curae* brief in response to Plaintiffs’ motion for preliminary injunction. In a strange twist, one of Plaintiffs’ attorneys (Guy Knudsen) opposes the motion while the other (Robert Gentry) does not. The Federal Defendants take no position on the motion.

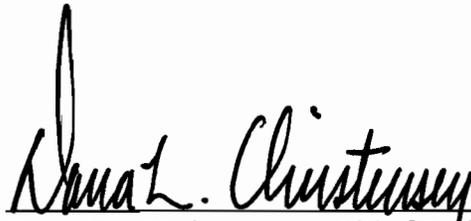
The State presents compelling reasons why an *amicus* brief is both appropriate and desirable in this situation. The project in question will likely impact state lands beyond the Helena National Forest, and will certainly affect the people of the State of Montana, whose interest the Attorney General is charged with promoting. The Court welcomes the State's voice in this important matter, and anticipates that an *amicus* brief based on the State's experience, perspective, and expertise will prove useful its determination of whether or not a preliminary injunction should issue.

As is the case here, where ground-breaking activities are scheduled to commence on August 21, 2014, motions for preliminary injunction are often time sensitive. Plaintiffs have requested an expedited ruling, and the Federal Defendants have agreed to file their response brief on August 13, 2014, two days earlier than required, in hopes that the Court will issue a ruling before the scheduled ground-breaking. The Court is committed to resolving motions for preliminary injunction as expeditiously as possible, often prioritizing such motions over other matters pending on its civil docket. In the interest of expedience and in order to provide the State sufficient time to file a brief according to the stipulated expedited schedule, the Court will grant the State's motion over Attorney Kundsens' objection without providing him the opportunity to file a brief detailing

the basis for his objection. The State's request is entirely reasonable, the Court values the State's opinion on this matter, and Plaintiffs will suffer no prejudice from the *amicus* brief. Accordingly,

IT IS ORDERED that the motion (Doc. 10) is GRANTED. The State is hereby granted leave to file an *amicus curae* brief in response to Plaintiffs' motion for preliminary injunction on or before August 13, 2014.

Dated this 6th day of August, 2014.



Dana L. Christensen, Chief Judge
United States District Court