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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA (Oakland)

13 CENTER FOR BIOLOGICAL
14 DIVERSITY, ET AL.,

15 Plaintiffs,

16 vs.

17 HAALAND, ET AL.,

18 Federal Defendants.

Case. No. 4:19-cv-05206-JST

**FEDERAL DEFENDANTS'
MOTION FOR VOLUNTARY
REMAND; RESPONSE TO
PLAINTIFFS' MOTIONS FOR
SUMMARY JUDGMENT; AND
MEMORANDUM OF POINTS
AND AUTHORITIES**

Date: TBD

Time: TBD

Place: Courtroom 6, 2nd Floor

Judge: The Honorable Jon S. Tigar

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that, as soon as possible, Federal Defendants will
3 move this Court for voluntary remand in the above-captioned case. This motion will
4 be made before the Honorable Jon S. Tigar, United States District Judge, Oakland
5 Courthouse, 1301 Clay Street, Oakland, California 94612.

6 Federal Defendants move the Court for an order remanding, without vacatur,
7 the following final rules: 84 Fed. Reg. 44753 (Aug. 27, 2019), 84 Fed. Reg. 45020
8 (Aug. 27, 2019), and 84 Fed. Reg. 44976 (Aug. 27, 2019). Federal Defendants
9 respectfully submit this motion in response to Plaintiffs' motions for summary
10 judgment.

11 This motion is based on the accompanying Memorandum of Points and
12 Authorities and the Third Declaration of Gary D. Frazer ("Third Frazer Decl.") and
13 Fourth Declaration of Samuel D. Rauch III ("Fourth Rauch Decl.").

14 Counsel for the parties have conferred on this motion. All Plaintiffs have
15 indicated that they will oppose this motion. All Intervenor-Defendants have
16 indicated that they will reserve their position until they have an opportunity to
17 review the motion.
18

19 Federal Defendants are filing this motion in all three related cases, but the
20 motion and brief are substantively identical in each case.
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