IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ROBERT HAMMER,)
Plaintiffs,) Case No. 1:20-cv-03598-CJN
v.) JOINT MOTION TO) STAY PROCEEDINGS
DEBRA HAALAND, in her official capacity)
as Secretary of the Interior, and NADA WOLFF)
CULVER, in her official capacity as Deputy)
Director for Policy and Programs, U.S. Bureau of)
Land Management,)
Defendants.)))

Defendants Debra Haaland, in her official capacity as Secretary of the Interior, and Nada Wolff Culver, in her official capacity as Deputy Director for Policy and Programs, U.S. Bureau of Land Management ("BLM") (collectively, "Defendants") hereby respectfully move this Court to stay all proceedings in this matter until June 21, 2021. Plaintiffs American Wild Horse Campaign and Robert Hammer (collectively, "Plaintiffs") join this motion.

Plaintiffs filed their complaint on December 10, 2020, challenging a decision by BLM that authorized, among other things, the surgical sterilization of federally protected wild mares in the Confusion Herd Management Area ("HMA") using a procedure known as "ovariectomy via colpotomy." Compl., ECF No. 6-1, ¶ 1. On February 17, 2021, Plaintiffs filed a Consent Motion to Establish a Schedule. ECF No. 7. On February 19, 2021, the Court granted the consent motion and adopted the schedule proposed by the parties. Minute Order (Feb. 19, 2021). On March 2, 2021, the Court granted Defendants' unopposed motion to amend the answer deadline to allow new administration officials at the Department of the Interior time to review this case. Minute



Case 1:20-cv-03598-CJN Document 11 Filed 04/20/21 Page 2 of 4

Order (Mar. 2, 2021). The new Secretary of the Interior, Debra Haaland, was confirmed on

March 15, 2021 and sworn in on March 18, 2021. On April 6, 2021, Defendants filed a Consent

Motion to Amend the Schedule, asking for a two-week extension of all deadlines to allow new

administration officials at the Department of the Interior more time to evaluate the agency's

approach to surgical sterilization under the decision at-issue in this case, BLM's October 2020

Confusion HMA Decision. ECF No. 10. On April 12, 2021, the Court granted the Consent

Motion and extended all deadlines by two weeks. Minute Order (Apr. 12, 2021).

After undertaking the evaluation that the prior extensions were designed to facilitate,

BLM presently has no intention to surgically sterilize wild mares using "ovariectomy via

colpotomy" under BLM's October 2020 Confusion HMA Decision. Accordingly, the parties

seek a stay in this litigation to allow BLM time to formalize that position. The parties have

conferred and agreed to a stay of all proceedings until June 21, 2021. The parties further agree

that, if BLM ultimately decides to implement "ovariectomy via colpotomy" sterilization of mares

in the Confusion HMA under the challenged October 2020 Confusion HMA Decision, the parties

should retain the same opportunities for reviewing the administrative record and briefing the

relevant issues that they have already agreed on. In such event, the parties will confer and

propose a new schedule for the Court's approval.

For the foregoing reasons and for good cause shown, the parties respectfully request that

the Court grant the motion to stay all proceedings until June 21, 2021. A proposed order is

attached.

Dated: April 20, 2021

Respectfully submitted,

/s/ William N. Lawton William N. Lawton

DC Bar No. 1046604

Eubanks & Associates, PLLC 1331 H Street NW, Suite 902 Washington, D.C. 20005 nick@eubankslegal.com (202) 556-1243

Attorney for Plaintiffs

JEAN E. WILLIAMS, Acting Assistant Attorney General SETH M. BARSKY, Section Chief S. JAY GOVINDAN, Assistant Section Chief

/s/ Taylor A. Mayhall

TAYLOR A. MAYHALL
Trial Attorney, MN Bar No. 0400172
United States Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Tel: (202) 598-3796

Email: taylor.mayhall@usdoj.gov

/s/ Hannah E. O'Keefe

HANNAH E. O'KEEFE
Trial Attorney, IL Bar No. 6336475
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Tel: (202) 616-3353

Email: hannah.okeefe@usdoj.gov

Attorneys for Defendants



CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Taylor A. Mayhall

TAYLOR A. MAYHALL
Trial Attorney, MN Bar No. 0400172
United States Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Tel: (202) 598-3796

Email: taylor.mayhall@usdoj.gov

Attorney for Defendants

