

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN WILD HORSE CAMPAIGN, and)
ROBERT HAMMER,)

Plaintiffs,)

v.)

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.)

Case No. 1:20-cv-03598-CJN

**JOINT MOTION TO
STAY PROCEEDINGS**

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

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

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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

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