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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SAWTOOTH MOUNTAIN RANCH LLC,
LYNN ARNONE, and DAVID BOREN,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT OF
AGRICULTURE; SONNY PERDUE,
Secretary of Agriculture; UNITED
STATES FOREST SERVICE;
SAWTOOTH NATIONAL FOREST; JIM
DEMAAGD, Forest Supervisor;
SAWTOOTH NATIONAL
RECREATION AREA; KIRK
FLANNIGAN, Area Ranger;
DEPARTMENT OF
TRANSPORTATION, FEDERAL
HIGHWAY ADMINISTRATION,

Defendants.

Case No. 1:19-CV-0118-CWD

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

The Plaintiffs, David Boren, Lynn Arnone, and Sawtooth Mountain Ranch LLC, hereby
move the Court for a preliminary injunction under Federal Rule of Civil Procedure 65

prohibiting Defendants from constructing the Redfish to Stanley Trail as is authorized by the June 6, 2017, Decision Memo.¹

The Plaintiffs are likely to succeed on the merits of their claims because the Defendants failed to complete their mandatory duties under the Endangered Species Act to consult with the U.S. Fish & Wildlife Service and National Marine Fisheries Service with regard to listed aquatic species in the project area when they authorized construction of the Trail. Additionally, the Defendants intend to discharge dredged and fill material into jurisdictional wetlands without a valid Section 404 permit in violation of the Clean Water Act. The failure to comply with these statutes will result in environmental harms that are not remedied by money damages. Enjoining construction of the Trail until the Court can determine the merits of Plaintiffs claims is in the public interest because it will preserve the status quo and prevent environmental harm.

This motion is supported by the accompanying Memorandum in Support, Third Declaration of David Boren, and Declaration of John Stewart. Plaintiffs respectfully request a hearing on this motion.

DATED: May 20, 2020.

PERKINS COIE LLP

By: /s/ Erika E. Malmen

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¹ AR 0294-0304.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 20, 2020, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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/s/ Erika E. Malmen
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