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**Cc:** Daniel Jorjani[daniel.jorjani@sol.doi.gov]; Kevin Haugrud[jack.haugrud@sol.doi.gov]; Casey Hammond[casey\_hammond@ios.doi.gov]  
**From:** Moody, Aaron  
**Sent:** 2018-02-12T23:09:07-05:00  
**Importance:** Normal  
**Subject:** Re: Activity in Case 1:17-cv-02605-TSC UTAH DINE BIKEYAH et al v. TRUMP et al Order  
**Received:** 2018-02-12T23:09:12-05:00  
DENVER-#602324-v3-TWS Reply in Support of Motion to Transfer.docx

All- attached is a draft reply brief in support of our motion to transfer the GSENM cases to Utah (we will be filing a separate but very similar reply in support of our motion to transfer the Bears Ears cases, which I will circulate when we get it from DOJ). On a quick read, it looks generally good to me, although I think we'll have a few minor edits. It is due **Thursday, 2/15**; DOJ is looking for comments as soon as possible.

Two additional notes:

- (1) the State of Utah will be filing an amicus brief supporting our motions to transfer today or tomorrow.
- (2) the Brief cites a Salt Lake Tribune article on page 5. While that article contains criticism of the decision, it does tend to show controversy *in Utah*, which is what the brief cites it to show. (b)(5) ACP

Thanks!

Aaron G. Moody  
Assistant Solicitor, Branch of Public Lands  
Division of Land Resources  
Office of the Solicitor  
U.S. Department of the Interior  
202-208-3495

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On Wed, Jan 31, 2018 at 5:46 PM, Moody, Aaron <aaron.moody@sol.doi.gov> wrote:

All-

The status conference went well. In a nutshell:

1. The Judge is going to grant our motions to consolidate, so that all challenges to BENM are consolidated, and both challenges to GSENM are also consolidated.
2. Pacific Legal Foundation's motion to intervene, as well as GSEP's motion for partial summary judgment, will effectively be stayed pending the Judge's decision on our motion to

transfer to the District of Utah, which she indicated she would decide as quickly as she could.

3. Plaintiffs declined the Judge's offer of an extension to respond to the motion to transfer, so their responses are due tomorrow. Our reply in further support will be due a week from tomorrow, although the Judge indicated she would entertain a motion for more time after we see the P's briefs.
4. Plaintiffs asked the Judge to set a briefing schedule for motions for summary judgment in the event she denies the motion to transfer, but she ultimately declined. The parties are to confer to work on an appropriate schedule for our motion to dismiss (currently due March 16) and possible additional motions for partial summary judgment (on the latter point, P's are also to confer as to whether they all join in GSEP's motion).
5. Finally, GSEP indicated that they filed their motion for partial summary judgment so quickly because they were concerned about impacts of activities on the ground, and asked that we be required to notify them of future actions. The Judge declined to impose that order, in part because we noted that additional actions on the ground would require more process.

(b)(5) ACP

Sorry to drag this on. Call if you have questions.

-Aaron

Aaron G. Moody  
Assistant Solicitor, Branch of Public Lands  
Division of Land Resources  
Office of the Solicitor  
U.S. Department of the Interior  
202-208-3495

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On Fri, Jan 26, 2018 at 8:56 PM, Moody, Aaron <[aaron.moody@sol.doi.gov](mailto:aaron.moody@sol.doi.gov)> wrote:

All- the court has set a status conference in the monument cases for next Wednesday. We've been discussing strategy for scheduling with DOJ and will be in touch early next week.

-Aaron

Aaron G. Moody  
Assistant Solicitor, Branch of Public Lands  
Division of Land Resources  
Office of the Solicitor  
U.S. Department of the Interior  
202-208-3495

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----- Forwarded message -----

From: **Coleman, Judith (ENRD)** <[Judith.Coleman@usdoj.gov](mailto:Judith.Coleman@usdoj.gov)>  
Date: Fri, Jan 26, 2018 at 8:45 PM  
Subject: Fwd: Activity in Case 1:17-cv-02605-TSC UTAH DINE BIKEYAH et al v. TRUMP et al Order  
To: "[ryan.sklar@sol.doi.gov](mailto:ryan.sklar@sol.doi.gov)" <[ryan.sklar@sol.doi.gov](mailto:ryan.sklar@sol.doi.gov)>, "[laura.brown@sol.doi.gov](mailto:laura.brown@sol.doi.gov)" <[laura.brown@sol.doi.gov](mailto:laura.brown@sol.doi.gov)>, "[joshua.hanson@sol.doi.gov](mailto:joshua.hanson@sol.doi.gov)" <[joshua.hanson@sol.doi.gov](mailto:joshua.hanson@sol.doi.gov)>, "[aaron.moody@sol.doi.gov](mailto:aaron.moody@sol.doi.gov)" <[aaron.moody@sol.doi.gov](mailto:aaron.moody@sol.doi.gov)>  
Cc: "Philpott, Romney (ENRD)" <[Romney.Philpott@usdoj.gov](mailto:Romney.Philpott@usdoj.gov)>

Status conference in Monuments cases on Wednesday, January 31. See below.

Begin forwarded message:

**From:** <[DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)>  
**Date:** January 26, 2018 at 7:43:46 PM EST  
**To:** <[DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)>  
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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 1/26/2018 at 7:43 PM EDT and filed on 1/26/2018

**Case Name:** UTAH DINE BIKEYAH et al v. TRUMP et al

**Case Number:** 1:17-cv-02605-TSC

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**MINUTE ORDER: A Status Conference is hereby set for 1/31/18 at 11:00 a.m. in Courtroom 9 in the following Utah National Monument Cases: 17-cv-2587-TSC (WILDERNESS SOCIETY et al v. DONALD J. TRUMP et al); 17-cv-2590-TSC (HOPI TRIBE et al v. TRUMP et al); 17-cv-2591-TSC (GRAND STAIRCASE ESCALANTE PARTNERS et al v. TRUMP et al); 17-cv-2605-TSC (UTAH DINE BIKEYAH et al v. TRUMP et al); and 17-cv-2606-TSC (NATURAL RESOURCES DEFENSE COUNCIL, INC. et al v. DONALD J. TRUMP et al). Signed by Judge Tanya S. Chutkan on 1/26/18. (DJS)**

**1:17-cv-02605-TSC Notice has been electronically mailed to:**

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**1:17-cv-02605-TSC Notice will be delivered by other means to::**

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

THE WILDERNESS SOCIETY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:17-cv-02587 (TSC)
	)	
DONALD J. TRUMP, in his official	)	
capacity as President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

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**FEDERAL DEFENDANTS' REPLY IN SUPPORT OF MOTION TO TRANSFER CASE  
TO THE DISTRICT OF UTAH**

(b)(5) DPP (b)(5) ACP (b)(5) AWP



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Attorneys for Federal Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 2018, I electronically filed the foregoing document and its attachments with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all parties.

/s/ Romney S. Philpott