

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DEFENDERS OF WILDLIFE, NATURAL)	CV 08-56-M-DWM
RESOURCES DEFENSE COUNCIL, SIERRA)	
CLUB, HUMANE SOCIETY OF THE)	
UNITED STATES, CENTER FOR)	
BIOLOGICAL DIVERSITY, JACKSON HOLE)	
CONSERVATION ALLIANCE, FRIENDS OF)	
THE CLEARWATER, ALLIANCE FOR THE)	
WILD ROCKIES, OREGON WILD,)	
CASCADIA WILDLANDS PROJECT,)	
WESTERN WATERSHEDS PROJECT, and)	
WILDLANDS PROJECT,)	
)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
H. DALE HALL, U.S. Fish and)	
Wildlife Service Director; DIRK)	
KEMPTHORNE, Secretary of the)	
Interior; and UNITED STATES FISH)	
AND WILDLIFE SERVICE,)	
)	
Defendants.)	
)	

Federal Defendants move for a two-week extension of time to file a brief opposing Plaintiffs' motion for preliminary injunction. Federal Defendants assert additional time is necessary for them to prepare their brief, compile expert witness and agency program declarations, and obtain internal departmental

review of their brief. Federal Defendants also assert an extension of time will allow the states of Montana, Idaho, and Wyoming to intervene in the action and participate in briefing on the motion for preliminary injunction.¹ Plaintiffs oppose the motion.

Federal Defendants claim eleven days is insufficient to prepare a response to a motion for preliminary injunction. Federal Defendants, however, have been aware of Plaintiffs' concerns about the delisting of the grey wolf since at least February 27, 2008, when Plaintiffs provided Federal Defendants with sixty-days notice of their claims pursuant to the Endangered Species Act. In this notice, Plaintiffs thoroughly explained the factual and legal bases for each of their challenges to the delisting. As a result of this notice, Federal Defendants have been aware of Plaintiffs' claims for at least two-months—more than enough time to prepare a response to Plaintiffs' assertions.

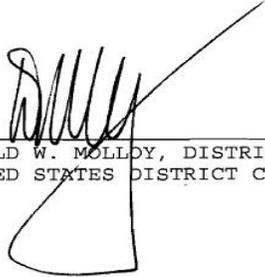
Federal Defendants also observe Plaintiffs will not be prejudiced if the Court grants an extension of time because the majority of wolves that have been killed since delisting would have died even if the grey wolf remained a listed species. This assertion is neither compelling nor comforting. As an initial matter, Plaintiffs dispute Federal Defendants' assertion.

¹The Court will address the states' motions to intervene by separate orders.

Additionally, Federal Defendants appear to agree that ten wolves have been killed in the month since delisting that probably would not have been killed absent delisting. The Court is unwilling to risk more deaths by delaying its decision on Plaintiffs' motion for preliminary injunction beyond what is necessary.

Accordingly, IT IS HEREBY ORDERED that Federal Defendants' Motion for Extension of Time (dkt #6) is DENIED.

Dated this 7th day of May, 2008.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT