

In its preliminary injunction order, this Court indicated that it plans to issue a “separate order” establishing “a dispositive briefing schedule” and setting a hearing on the merits. September 8, 2009 Order [Docket # 93] at 14. In light of this Court’s comments at the injunction hearing regarding “getting to the merits” of this case and the ensuing injunction order, plaintiffs Defenders of Wildlife et al. and Greater Yellowstone Coalition wish to inform the Court of their revised position regarding case management issues.

Rather than seek appellate review of this Court’s injunction ruling, plaintiffs seek expedited summary judgment resolution of their case. Because plaintiffs remain concerned about the effect on wolves of hunts that do not conclude in Idaho until March 31, 2010, plaintiffs desire to reach the merits of their claims and pray for a merits ruling as soon as possible.

In furtherance of the objective of prompt resolution of their summary judgment claims, plaintiffs propose that this Court adopt a more aggressive summary judgment briefing schedule than the schedule set forth in the joint case management proposal (which was crafted to accommodate the potential for appellate proceedings concerning preliminary injunction issues). Plaintiffs have consulted with attorneys for federal defendants and they have agreed to the following proposed summary judgment briefing schedule:

- Joint Plaintiffs' Motion for Summary Judgment and Opening Brief – October 7, 2009;
- Federal Defendants' Opposition Brief – November 9, 2009;
- Defendant-Intervenors' Opposition Briefs – November 12, 2009;
- Plaintiffs' Reply Brief – December 7, 2009;

Plaintiffs and federal defendants propose that opening briefs be limited to 7,500 words and that reply briefs be limited to 4,250 words.

Plaintiffs stipulate that the merits of their claims should be resolved solely on the basis of the FWS's Administrative Record filed with the court and that, if this Court determines that plaintiffs' merits claims are meritless that this Court should enter summary judgment for federal defendants.

Federal defendants reserve the right to file a surreply if plaintiffs raise new legal issues or submit new evidence in their reply.

Plaintiffs have contacted counsel for the other parties concerning this proposal, but have not yet heard back concerning their response.

Plaintiffs further request that this Court schedule a hearing for oral argument on their summary judgment motion at the Court's earliest convenience after the conclusion of the summary judgment briefing.

Respectfully submitted this 14th day of September, 2009.

/s/ Douglas Honnold

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