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Attorneys for Plaintiffs

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

WOLF RECOVERY FOUNDATION, and)
WESTERN WATERSHEDS PROJECT)
)
Original Plaintiffs,)
)
and)
)
THE WILDERNESS SOCIETY, GREAT OLD)
BROADS FOR WILDERNESS, IDAHO)
CONSERVATION LEAGUE, WINTER)
WILDLANDS ALLIANCE, WILDERNESS)
WATCH, and SIERRA CLUB,)
)
Co-Plaintiffs On Third Claim For Relief)
)
v.)
)
U.S FOREST SERVICE and USDA APHIS)
WILDLIFE SERVICES,)
)
Defendants.)

No. 09-cv-686-BLW

**EMERGENCY MOTION
FOR TRO AND/OR
PRELIMINARY
INJUNCTION UNDER
THIRD CLAIM FOR
RELIEF**

Plaintiffs hereby move the Court, pursuant to F.R.Civ.P. 65, for issuance of a Temporary Restraining Order and/or Preliminary Injunction under the Third Claim for Relief in the First Amended Complaint herein (*Docket No. 6*).

Specifically, Plaintiffs move the Court to issue a TRO and/or preliminary injunction to prohibit the use and landing of helicopters in the Frank Church-River of No Return Wilderness to aerielly dart and collar wolves during winter/spring 2010. Such actions have been approved by the Forest Service in the December 2009 Decision Memo and January 2010 special use permit issued to the Idaho Department of Fish and Game, which decisions are challenged in the Third Claim For Relief as violating the Wilderness Act, Central Idaho Wilderness Act, and National Environmental Policy Act. *See* First Amended Complaint, ¶¶ 1-2, 46-65, 84-88.

Because the IDFG intends to undertake the wolf collaring helicopter operations in the Frank Church Wilderness beginning on or after February 22, 2010, Plaintiffs respectfully request that the Court issue injunctive relief before February 22, 2010, to prevent irreparable harm and violations of the Wilderness Act and NEPA, as alleged in the Third Claim for Relief. A hearing has been set on this injunction motion for Thursday, February 18, 2010, at 4 pm in Boise. *See Docket No. 3* (Court order setting hearing and briefing deadlines for injunction motion).

This motion is supported by the accompanying Opening Brief in Support of Emergency Motion for TRO And/Or Preliminary Injunction; the accompanying Declarations of Thomas Kovalicky, James Peek, Roy Heberger, Kenneth Cole, Kelley Weston, Edwina Allen, Ralph Maughan, Craig Gehrke, Mark Menlove, Ken Davis, Jeff Halligan, David Hayes, Lon Stewart, Chris Hansen, Blake Everson, Ken Helms, Dana Menlove, Dale Grooms, Veronica Egan, Ginger Harmon, Marcy Olajos, John Robison, Brenda Hanley, John Hillman, Forrest McCarthy, Gary MacFarlane, John McCarthy, and Lauren Rule, and all attached exhibits thereto; the Administrative Record for the Third

Claim For Relief, submitted by Defendant U.S. Forest Service; the First Amended Complaint; and such other and further materials as may be presented to the Court prior to decision.

In light of the public interest nature of this litigation and of the Plaintiff organizations, which are all non-profit conservation organizations, Plaintiffs request that the Court waive any injunction bond under F.R.Civ.P. 65(c); or impose a nominal bond of \$100.

WHEREFORE, Plaintiffs request that this Court enter a TRO and/or Preliminary Injunction before February 22, 2010 to enjoin the use and landing of helicopters in the Frank Church River of No Return Wilderness to aurally dart and collar wolves.

Dated: February 3, 2010

Respectfully submitted,

s/Lauren M. Rule
Lauren M. Rule
Laurence (“Laird”) J. Lucas
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February 2010, I caused to be electronically filed with the Clerk of the Court using the CM/ECF system the foregoing Motion for TRO and/or Preliminary Injunction, as well as the accompanying Opening Brief in Support of Plaintiffs’ Motion for TRO And/Or Preliminary Injunction, and the accompanying the Declarations of Thomas Kovalicky, James Peek, Roy Heberger, Kenneth Cole, Kelley Weston, Edwina Allen, Ralph Maughan, Craig Gehrke, John McCarthy, Mark Menlove, Dana Menlove, Ken Davis, Jeff Halligan, David Hayes, Lon Stewart, Chris Hansen, Blake Everson, Ken Helms, Dale Grooms, Veronica Egan, Ginger Harmon, Marcy Olajos, John Robison, Brenda Hanley, John Hillman, Forrest McCarthy, Gary MacFarlane, and Lauren Rule, and all attached exhibits, and that the Clerk of Court sent notices of such filings via electronic mail on the following counsel of record:

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/s/ _____
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