

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:24-cv-73-BO-BM

DEFENDERS OF WILDLIFE and)
SIERRA CLUB,)

Plaintiffs,)

v.)

THE UNITED STATES FISH AND)
WILDLIFE SERVICE; MARTHA)
WILLIAMS, in her official capacity as)
Director of the United States Fish and Wildlife)
Service; MICHAEL OETKER, in his official)
capacity as Southeast Regional Director of the)
United States Fish and Wildlife Service;)
COUNCIL ON ENVIRONMENTAL)
QUALITY; BRENDA MALLORY, in her)
official capacity as Chair of the Council on)
Environmental Quality,)

Defendants.)

**ORDER ON JOINT MOTION TO
WITHDRAW PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION AND SET ENTRY OF
SCHEDULING ORDER**

Upon consideration of the Parties' Joint Motion to Withdraw Plaintiffs' Motion for a Preliminary Injunction and Set Entry of Scheduling Order, filed on June 18, 2024, the Court orders the following:

Plaintiffs' Motion for a Preliminary Injunction [DE 9] is hereby WITHDRAWN, on the condition agreed to by Defendants that Defendants will halt the planned algaecide experiment at issue in this case until April 1, 2025, so this Court can issue a final judgment on the merits of each of Plaintiffs' claims before the April – October 2025 project period.

The Court hereby ORDERS the following briefing schedule:

On or before July 22, 2024, the US Defendants will file their answer to Plaintiffs' complaint.

The Administrative Records will be resolved as follows:

- a. On or before September 5, 2024, Defendants will lodge with the Court and produce to Conservation Groups the administrative records from the U.S. Fish and Wildlife Service and Council on Environmental Quality.
- b. On or before September 19, 2024, Conservation Groups will notify Defendants of their position on whether they believe the administrative records are complete and will provide Defendants with any materials they seek to include in the administrative records.
- c. On or before September 26, 2024, Defendants will respond to such a notification.
- d. Any motion by Conservation Groups challenging the completeness of the administrative records, the applicability of any exceptions to record review, or the need for judicial review of extra-record materials shall be filed by October 3, 2024.

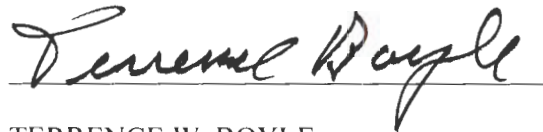
The schedule for Summary Judgment will be as follows:

- a. Conservation Groups shall file their motion for summary judgment on or before October 18, 2024. Conservation Groups' supporting memorandum shall not exceed 40 pages.
- b. Defendants shall file their opposition to Conservation Groups' motion for summary judgment and cross-motion for summary judgment on or before November 8, 2024. Defendants' supporting memorandum shall not exceed 50 pages.

- c. Conservation Groups will file their combined reply and response in opposition to Defendants' cross-motion on or before December 4, 2024. Conservation Groups' supporting memorandum shall not exceed 30 pages.
- d. Defendants will file their reply on or before December 18, 2024. Defendants' supporting memorandum shall not exceed 20 pages.

The Court further ORDERS that the requirements of Local Rule 56.1(a) regarding statements of material fact are hereby WAIVED.

SO ORDERED, this 18 day of June 2024.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE