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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF ARIZONA**

17 WILDEARTH GUARDIANS,

18 Plaintiff,

19 v.

20 UNITED STATES FISH AND
21 WILDLIFE SERVICE and UNITED
22 STATES FOREST SERVICE,

23 Defendants.

24 CASE NO. 4:13-cv-151-RCC

25 **JOINT MOTION TO STAY CASE**

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1 Plaintiff, WildEarth Guardians, and Defendants, the United States Fish & Wildlife
2 Service's and the United States Forest Service (collectively, "the Parties"), jointly move
3 the Court to stay this litigation pending settlement negotiations. In support of this joint
4 motion, the Parties state the following:

5 1. In 2012, the Fish & Wildlife Service analyzed the Forest Service's
6 programmatic management direction contained in the Land and Resource Management
7 Plans for the 11 National Forests located throughout the Forest Service's Region 3. In
8 these programmatic biological opinions, the Fish & Wildlife Service determined that the
9 Forest Service's programmatic management direction in each of the 11 Forest Plans was
10 not likely to jeopardize the continued existence of the Mexican spotted owl, a species
11 listed as "threatened" under the Endangered Species Act, nor was it likely to destroy or
12 adversely modify the owl's designated critical habitat.

13 2. On March 12, 2013, Plaintiff filed its lawsuit challenging the 11
14 programmatic biological opinions.

15 3. On June 24, 2016, the Parties concluded summary judgment briefing and
16 are now awaiting the Court's decision.

17 4. Since the conclusion of briefing, the Parties have conferred and would like
18 an opportunity to explore settlement options.

19 5. To that end, the Parties plan to hold an in-person meeting in Albuquerque,
20 New Mexico on January 18, 2017 to discuss, among other things, new science pertaining
21 to the owl, current and planned owl-management efforts, and the possibility of reaching
22 an appropriate settlement in this case.

23 6. The Parties ask this Court to stay this lawsuit to provide adequate time to
24 hold this discussion.

25 7. On February 1, 2017, the Parties will file a status report with the Court on
26 the settlement discussions or, in the alternative, file a motion to lift the stay should
27 settlement prove unworkable.

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Dated: December 7, 2016

Respectfully Submitted,

/s/ Steven Sugarman
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UNITED STATES FISH AND
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STATES FOREST SERVICE,

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CASE NO. 4:13-cv-151-RCC

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Rickey D. Turner, Jr.
RICKEY D. TURNER, JR.