

Cody J. Wisniewski
MOUNTAIN STATES LEGAL FOUNDATION
2596 South Lewis Way
Lakewood, Colorado 80227
Phone: (303) 292-2021
Fax: (303) 292-1980
cody@mslegal.org

Attorney for Intervenor-Defendants

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

CENTER FOR BIOLOGICAL)	
DIVERSITY,	)	Case No. 9:19-cv-00109-DLC
<i>Plaintiff,</i>)	
)	
v.	)	WYOMING STOCK GROWERS
DAVID BERNHARDT, Secretary of	)	ASSOCIATION, WYOMING
the Interior; and MARGARET	)	FARM BUREAU FEDERATION,
EVERSON, Principal Deputy Director	)	AND UTAH FARM BUREAU
of U.S. Fish and Wildlife Service,	)	FEDERATION’S CROSS-
<i>Defendants,</i>	)	MOTION FOR SUMMARY
	)	JUDGMENT AND RESPONSE TO
and	)	CENTER FOR BIOLOGICAL
STATE OF WYOMING and STATE	)	DIVERSITY’S MOTION FOR
OF IDAHO,	)	SUMMARY JUDGMENT
<i>Intervenor-Defendants</i>)	
)	
WYOMING STOCK GROWERS)	
ASSOCIATION, WYOMING FARM)	
BUREAU FEDERATION, and UTAH)	
FARM BUREAU FEDERATION,)	
<i>Intervenor-Defendants.</i>)	
)	
)	
)	
)	

Wyoming Stock Growers Association, Wyoming Farm Bureau Federation, and Utah Farm Bureau Federation (collectively, “Agricultural Associations”), by and through their undersigned counsel, Mountain States Legal Foundation, by Cody J. Wisniewski, respectfully move this Court for entry of an Order granting this Cross-Motion for Summary Judgment (“Motion”) against Plaintiff Center for Biological Diversity (“CBD”) and denying Plaintiff CBD’s *Motion for Summary Judgment*, ECF No. 54.

This Motion is supported by Agricultural Associations’ *Brief in Support of Wyoming Stock Growers Association, Wyoming Farm Bureau Federation, and Utah Farm Bureau Federation’s Cross-Motion for Summary Judgment and Response to Center for Biological Diversity’s Motion for Summary Judgment* and *Wyoming Stock Growers Association, Wyoming Farm Bureau Federation, and Utah Farm Bureau Federation’s Response to Plaintiff’s Statement of Undisputed Facts*, filed concurrently herewith, as well as the previously filed and supplemented Administrative Record, ECF Nos. 39, 53.

Agricultural Associations oppose each and every claim for relief set forth by Plaintiff CBD in its Motion for Summary Judgment. In order to promote judicial efficiency and to comply with this Court’s Orders dated January 6, 2020, and March 20, 2020, ECF Nos. 40, 48, Agricultural Associations will only specifically address arguments that are particularly relevant to them given their vast amount of

experience with and exposure to the lower-48 grizzly bear population and its recovered distinct population segments, but also with the broader issues surrounding the now-unwieldy Endangered Species Act and purported Administrative Procedure Act requirements.

Pursuant to D. Mont. L.R. 7.1(c)(1), counsel for Agricultural Associations has contacted counsel for the other parties regarding their position on this Motion. Counsel for Plaintiff CBD indicated they oppose the relief requested in this Motion. Counsel for Federal Defendants and other Intervenor-Defendants indicated they do not oppose this Motion.

WHEREFORE, Intervenor-Defendants Wyoming Stock Growers Association, Wyoming Farm Bureau Federation, and Utah Farm Bureau Federation respectfully pray for the following relief:

1. That this Court enter an Order GRANTING this Cross-Motion for Summary Judgment and DENYING Plaintiff Center for Biological Diversity's motion for summary judgment; and
2. For such other and further relief as this Court deems equitable and proper.

DATED this 6th day of July 2020.

Respectfully Submitted,

/s/ Cody J. Wisniewski

Cody J. Wisniewski
MOUNTAIN STATES LEGAL FOUNDATION
2596 South Lewis Way
Lakewood, Colorado 80227
Phone: (303) 292-2021
Fax: (303) 292-1980
cody@mslegal.org

Attorney for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on July 6, 2020, I filed the forgoing document with the Clerk of the Court using this Court's CM/ECF system, which will send notification to all counsel of record pursuant to Fed. R. Civ. P. 5 and D. Mont. L.R. 1.4(c)(2).

/s/ Cody J. Wisniewski

Cody J. Wisniewski

MOUNTAIN STATES LEGAL FOUNDATION