

Jessica L. Blome (CSB # 314898)
GREENFIRE LAW, PC
P.O. Box 8055
Berkeley, CA 94707
(510) 900-9502 ext. 5
jblome@greenfirelaw.com

Lauren M. Rule (OSB # 015174) *admitted pro hac vice*
Hannah A. Clements (OSB # 205324) *admitted pro hac vice*
ADVOCATES FOR THE WEST
3701 SE Milwaukie Ave, Suite B
Portland, OR 97202
(503) 914-6388
lrule@advocateswest.org
hclements@advocateswest.org

Attorneys for Intervenor-Defendants

Marla S. Fox (WSBA # 45611) *admitted pro hac vice*
PO Box 13086
Portland, OR 97213
(651) 434-7737
mfox@wildearthguardians.org

Attorney for Intervenor-Defendant WildEarth Guardians

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

SIERRA SNOWMOBILE FOUNDATION,
et al.,

Plaintiffs,

vs.

UNITED STATES FOREST SERVICE, et al.,

Defendants,

and

WILDEARTH GUARDIANS, et al.,

Intervenor-Defendants.

) Case No.: 2:21-CV-01913-JAM-DB

) **INTERVENOR-DEFENDANTS' CROSS**
) **MOTION FOR SUMMARY JUDGMENT**
) **AGAINST PLAINTIFFS AND MOTION**
) **FOR SUMMARY JUDGMENT ON CROSS**
) **CLAIMS AGAINST DEFENDANTS**

) Hearing Date: January 10, 2023

) Hearing Time: 1:30 p.m. PT

) Judge: Honorable John A. Mendez

NOTICE OF MOTION

Intervenor-Defendants WildEarth Guardians and California Wilderness Coalition hereby give notice they move the Court for summary judgment, as described below, and will be heard on this matter on January 10, 2023, at 1:30 p.m. in the courtroom of Honorable John A Mendez.

MOTION

Pursuant to Rule of Civil Procedure 56, Intervenor-Defendants bring this motion to: (1) cross move for summary judgment against Plaintiffs Sierra Snowmobile Foundation *et al.* over claims raised by Plaintiffs in their motion for summary judgment and accompanying brief (ECF Nos. 40 & 40-1); and (2) move for summary judgment against Defendants U.S. Forest Service *et al.* over cross claims raised in Intervenor-Defendants’ attached brief. Intervenor-Defendants’ cross claims challenge the Stanislaus National Forest Over-Snow Vehicle Use Designation Record of Decision (“Stanislaus ROD”) and the underlying analysis under the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*), Forest Service Travel Management Rule (36 C.F.R. Part 212), National Forest Management Act (16 U.S.C. § 1601 *et seq.*), and Administrative Procedure Act (5 U.S.C. § 701 *et seq.*). Intervenor-Defendants seek an order from the Court declaring the Forest Service’s ROD and underlying analysis was unlawful and remanding it *without vacatur* to allow the agency to supplement its analysis and amend the decision while implementing the ROD in the interim.

This motion is supported by the accompanying brief and declarations, as well as the administrative record, Intervenor-Defendants’ Answer and Cross Claims, and other papers on file in this action.

WHEREFORE, Intervenor-Defendants cross move for summary judgment against all Plaintiff claims, move for summary judgment on all of their cross claims, and pray for an Order from this Court holding the Stanislaus ROD unlawful and remanding without vacatur to allow the agency to fix the unlawful errors while implementing the decision.

1 Dated: July 29, 2022

Respectfully submitted,

3 /s/ Jessica L. Blome

4 Jessica L. Blome (CSB # 314898)
5 GREENFIRE LAW, PC
6 P.O. Box 8055
7 Berkeley, CA 94707
8 (510) 900-9502 ext. 5
9 jblome@greenfirelaw.com

10 /s/ Lauren M. Rule

11 Lauren M. Rule (OSB # 015174)
12 ADVOCATES FOR THE WEST
13 3701 SE Milwaukie Ave, Suite B
14 Portland, OR 97202
15 (503) 914-6388
16 lrule@advocateswest.org

17 *Attorneys for Intervenor-Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which in turn automatically generated a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF system, causing the following counsel to be served by electronic means:

Shaun Pettigrew
shaun.pettigrew@usdoj.gov

Reade Wilson
reade.wilson@usdoj.gov

Joshua Halen
jmhalen@hollandhart.com

Murray Feldman
mfeldman@hollandhart.com

Alison Hunter
achunter@hollandhart.com

Dated: July 29, 2022

/s/Lauren M. Rule
Lauren M. Rule