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Attorneys for Plaintiffs

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

WESTERN WATERSHEDS PROJECT,  
CENTER FOR BIOLOGICAL DIVERSITY,  
WILDEARTH GUARDIANS, and  
PREDATOR DEFENSE,

Plaintiffs,

v.

USDA WILDLIFE SERVICES,

Defendant.

No. 1:17-cv-206-BLW

**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Local Rule 7.1, and the Case Management Order filed in this action, as revised (ECF Nos. 11, 14), Plaintiffs Western Watersheds Project, Center for Biological Diversity, WildEarth Guardians, and Predator Defense (Plaintiffs) hereby move the Court to enter summary judgment in their favor on the claims for

relief set forth in their Complaint.

Summary judgment is appropriate as the claims involve no genuine dispute of material fact, and Plaintiffs are entitled to judgment as a matter of law, as set forth in the Opening Brief in Support and Separate Statement of Undisputed Facts accompanying this motion.

This motion is supported by the accompanying Plaintiffs' Separate Statement of Undisputed Facts; Opening Brief in Support of Motion for Summary Judgment; the Declarations of Kenneth Cole, Jon Marvel, John Schmidt, Noah Greenwald, Kelly E. Nokes, Gretchen Vanek, and Brooks Fahy;<sup>1</sup> the Administrative Record filed by Defendant, as revised; the Complaint, Answer and other materials on file with the Court in this matter; and such other and further matters as may be presented to the Court before decision hereon.

WHEREFORE, Plaintiffs request that this Court grant this motion and enter summary judgment in their favor. As provided in the Case Management Order, Plaintiffs will move for appropriate remedies after the Court has resolved the merits of the claims on summary judgment, if necessary.

DATED this 26th day of January, 2018.      Respectfully submitted,

s/ Talasi B. Brooks  
Talasi B. Brooks  
Attorney for Plaintiffs

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of January, 2018, I filed the foregoing PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, along with the accompanying PLAINTIFFS' SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, PLAINTIFFS' OPENING SUMMARY JUDGMENT BRIEF, and DECLARATIONS OF KENNETH COLE, JON MARVEL, JOHN SCHMIDT, NOAH GREENWALD, KELLY E. NOKES, GRETCHEN VANEK, and BROOKS

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<sup>1</sup> These declarations establish that Plaintiffs have standing to pursue this case.

FAHY electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Christine G. England  
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/s/ Talasi B. Brooks  
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