

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CONSERVE SOUTHWEST UTAH, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,
U.S. BUREAU OF LAND MANAGEMENT,
U.S. FISH AND WILDLIFE SERVICE,

Defendants.

Case No. 1:26-CV-00317-ABJ

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 65.1, Plaintiffs Conserve Southwest Utah et al. hereby move this Court for a preliminary injunction to prevent further ground disturbance associated with construction of the Northern Corridor Highway right-of-way. Defendant BLM has authorized immediate and imminent ground-disturbing activities through interim notices to proceed under the January 21, 2026, right-of-way grant it approved for the highway. These activities will result in harm to and relocation of threatened Mojave desert tortoise as well as damage to Plaintiffs' interests in the statutorily protected resources and conservation values of the Red Cliffs National Conservation Area. Irreversible damage from the imminent and/or ongoing activities may be substantially complete before this case can be decided on the merits.

Specifically, to preserve this Court's ability to award effective relief, Plaintiffs ask for a preliminary injunction that bars any ground-disturbing activities along and within the approved Northern Corridor Highway right-of-way until this case is resolved on the merits.

This Motion for Preliminary Injunction is supported by the Complaint on file in this matter (ECF No. 1); the accompanying Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary Injunction; the accompanying Declaration of Hannah Goldblatt; the Declarations of Experts Edward LaRue and Judy Hohman; the Declarations of Plaintiffs' members Stacey Wittek, Thomas J. Butine, Richard Spotts, Sarah M. Thomas, Betty Adamson, Mary Jo Vilicich, Charlotte Overby, Randi Spivak, Dr. Kathleen Corr, Scott Miller, and Thomas R. Nead; Exhibits 1–23; and by such other and further matters as may be presented to the Court prior to a decision on this Motion. As these materials demonstrate, Plaintiffs satisfy the requirements for obtaining the requested injunctive relief: (1) they are likely to succeed on the merits; (2) Plaintiffs and many others will be irreparably harmed if an injunction is not granted; (3) the balance of harms tips in their favor; and (4) injunctive relief is in the public interest.

Plaintiffs' counsel conferred with counsel for Federal Defendants and Proposed Intervenor-Defendants beginning on February 2, 2026, by email and phone correspondence, to inquire about BLM's plans for approval of Notices to Proceed for ground disturbing activities while this case is pending and to see if they could reach an agreement that would obviate the need for Plaintiffs to seek interim relief. The parties were unable to resolve the issue. Plaintiffs' counsel separately conferred with counsel for Federal Defendants and Proposed Intervenor-Defendants about this Motion for Preliminary Injunction on February 9, 2026. *See* LCvR 7(m). Federal Defendants and Proposed Intervenor-Defendants oppose the Motion.

Given the public-interest nature of this litigation and Plaintiffs’ nonprofit status, they respectfully request that the Court impose no bond or a nominal injunction bond no greater than \$100 pursuant to Federal Rule of Civil Procedure 65(c). *See, e.g., Citizen’s Alert Regarding Env’t v. U.S. DOJ*, No. 95-cv-1702 (GK), 1995 WL 748246, at *12 n.10 (D.D.C. Dec. 8, 1995) (\$100 bond); *Sierra Club v. Block*, 614 F. Supp. 488, 494 (D.D.C. 1985) (\$20 bond); *NRDC v. Morton*, 337 F. Supp. 167, 168–69 (D.D.C. 1971) (\$100 bond); *Cal. ex rel. Van De Kamp v. Tahoe Reg’l Planning Agency*, 766 F.2d 1319, 1325 (9th Cir. 1985) (no bond); *Davis v. Mineta*, 302 F.3d 1104, 1126 (10th Cir. 2002) (“Ordinarily . . . a minimal bond amount should be considered” in NEPA suits).

Respectfully submitted this 10th day of February 2026.

/s/ Hannah Goldblatt
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