

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FOREST GUARDIANS, SANTA FE FOREST)
WATCH)
)
Plaintiffs,)
)
vs.)
)
UNITED STATES FOREST SERVICE and)
UNITED STATES FISH AND WILDLIFE)
SERVICE,)
)
Defendants.)
_____)

No. CV 04-11-MCA/RHS

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure, Plaintiffs Forest Guardians and Santa Fe Forest Watch hereby move this Honorable Court for issuance of a Temporary Restraining Order to temporarily enjoin the Lakes and BMG Wildfire Timber Salvage Sale in the Santa Fe National Forest.

A memorandum brief in support of this motion is filed concurrently herewith. The memorandum demonstrates that Plaintiffs will suffer immediate and irreparable harm unless the challenged timber sale is immediately enjoined pending further review of the merits by this Court.

On January 7, the Plaintiffs' counsel informed the Defendants' counsel of his intent to file this Motion for TRO, and sought to reach an agreement with Defendants' counsel that would obviate the need to file this emergency motion. Unfortunately, no such agreement has yet been made between the parties. Furthermore, Plaintiffs' counsel is informed that the illegal and objectionable activities that are

challenged in this lawsuit are presently on-going.

For these reasons, and the reasons set forth in the accompanying memorandum brief, Plaintiffs respectfully submit that their Motion for TRO should be granted.

Dated:

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Motion for Temporary Restraining Order was served by e-mail on Ms. Lisa Russell of the United States Department of Justice at _____ p.m. on January 9, 2004.

Steven Sugarman