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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 SIERRA CLUB; CENTER FOR)
BIOLOGICAL DIVERSITY;)
11 EARTHWORKS; ENVIRONMENTAL)
DEFENSE FUND; NATURAL)
12 RESOURCES DEFENSE COUNCIL; THE)
WILDERNESS SOCIETY; NATIONAL)
13 WILDLIFE FEDERATION; CITIZENS)
FOR A HEALTHY COMMUNITY; DINÉ)
14 CITIZENS AGAINST RUINING OUR)
ENVIRONMENT; ENVIRONMENTAL)
15 LAW AND POLICY CENTER; FORT)
BERTHOLD PROTECTORS OF WATER)
16 AND EARTH RIGHTS; MONTANA)
ENVIRONMENTAL INFORMATION)
17 CENTER; SAN JUAN CITIZENS)
ALLIANCE; WESTERN ORGANIZATION)
18 OF RESOURCE COUNCILS;)
WILDERNESS WORKSHOP;)
19 WILDEARTH GUARDIANS; and)
20 WYOMING OUTDOOR COUNCIL,)
21)

22 Plaintiffs,)

23 v.)

24 DAVID BERNHARDT, in his official)
25 capacity as Acting Secretary of the Interior;)
26 BUREAU OF LAND MANAGEMENT; and)
27 UNITED STATES DEPARTMENT OF)
THE INTERIOR,)

28 Defendants.)

Case No. 3:17-cv-07187-WHO

Related to Case No. 3:17-cv-07186-WHO

**JOINT STIPULATION OF
VOLUNTARY DISMISSAL**

1 Pursuant to Civil L.R. 7-12 and Fed. R. Civ. P. 41(a), Plaintiffs Sierra Club, et al. and the
2 States of California and New Mexico (collectively, “Plaintiffs”), together with Defendants Bureau of
3 Land Management (“BLM”), et al. (“Federal Defendants”), and Intervenor States of North Dakota
4 and Texas, Western Energy Alliance, Independent Petroleum Association of America, and American
5 Petroleum Institute (collectively, “Intervenors”), hereby stipulate to and respectfully request that the
6 Court enter an order dismissing this case without prejudice. In support of this stipulation, the parties
7 state as follows:

- 8 1. On December 8, 2017, BLM published a final rule suspending or postponing until
9 January 17, 2019 certain provisions of its rule entitled, “Waste Prevention, Production
10 Subject to Royalties, and Resource Conservation” (“2016 Rule”). 82 Fed. Reg. 58,050
11 (Dec. 8, 2017) (“Suspension Rule”).
- 12 2. Plaintiffs challenged the Suspension Rule in this Court on December 19, 2017 and moved
13 for preliminary relief. On February 22, 2018, the Court issued a preliminary injunction
14 enjoining enforcement of the Suspension Rule. Order Denying Motion to Transfer Venue
15 and Granting Preliminary Injunction, ECF 89.
- 16 3. On October 22, 2018, this Court granted Plaintiffs’ and Federal Defendants’ joint
17 administrative motion to hold these cases in abeyance. This Court ordered that “[t]hese
18 cases are held in abeyance pending expiration of the Suspension Rule on January 17,
19 2019,” and vacated the summary judgment briefing schedule. Order Granting Admin.
20 Mot. to Hold Cases in Abeyance, ECF 126 (Oct. 22, 2018).
- 21 4. On November 27, 2018, the regulatory provisions affected by the Suspension Rule were
22 rescinded or revised. 83 Fed. Reg. 49184 (Sept. 28, 2018). January 17, 2019 also marked
23 one year from the effective date of the Suspension Rule’s one-year suspension of the
24 2016 Rule’s requirements. In light of one or both of these events, Plaintiffs and Federal
25 Defendants agree that the Suspension Rule no longer has any force and effect.
- 26 5. Consequently, Plaintiffs, Federal Defendants, and Intervenor request that this Court
27 dismiss these cases without prejudice.

1 6. The Parties request that this Court retain jurisdiction of *Sierra Club v. Bernhardt*, No.
2 3:17-cv-07187-WHO, solely for the purpose of resolving any application for attorneys'
3 fees and costs filed by Plaintiffs in that case. All other parties, including Plaintiffs in
4 *California v. BLM*, No. 3:17-cv-7186-WHO, and Intervenors, agree to bear their own
5 costs incurred in this litigation. Federal Defendants reserve all defenses regarding any
6 application for attorneys' fees and costs.

7 Respectfully submitted this 28th day of March, 2019,

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