

NOT YET SCHEDULED FOR ORAL ARGUMENT

Nos. 22-5291 & 22-5296

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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SOLENEX LLC, a Louisiana Limited Liability Company,  
*Plaintiff-Appellee,*

v.

DEBRA A. HAALAND, Secretary,  
U.S. Department of the Interior, et al.,  
*Defendants-Appellants,*

and

BLACKFEET HEADWATERS ALLIANCE, et al.,  
*Intervenors-Appellants.*

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Appeal from the United States District Court for the District of Columbia  
No. 1:17-cv-00058 (Hon. Trevor N. McFadden)

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**JOINT MOTION TO HOLD THE APPEALS IN ABEYANCE**

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The parties to these consolidated appeals have reached a settlement agreement that, when fully implemented, will result in the dismissal of these appeals in their entirety, foregoing the need for the Court to consider and resolve the cases. Because the opening briefing deadlines are imminent, and to avoid further expenditure of resources for filing additional extension motions, the

parties jointly request that the Court place the appeals in abeyance, with joint status reports to be submitted periodically until the parties seek dismissal.

In support of this motion, the parties state as follows:

1. On August 2, 2023, the Court issued an order further extending the deadline for Appellants to file their opening briefs in these consolidated appeals until September 7, 2023. In that order, the Court also established deadlines for the response brief (October 10), the reply briefs (October 31), the deferred appendix (November 7), and final briefs (November 21).

2. Subsequently, Appellants and Appellee have reached agreements to settle this matter.

3. The parties anticipate that the agreements will take several months to implement. At the conclusion of implementing the agreements, the parties will dismiss the appeals. To allow sufficient time for the agreements to be implemented and to avoid the need for preparing and filing additional extension motions, the parties seek to hold these appeals in abeyance, submitting status reports at appropriate intervals.

For the foregoing reasons, the parties respectfully request that the Court grant this motion and hold these appeals in abeyance.

Dated: September 1, 2023

/s/ David C. McDonald

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Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 245 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Calisto MT font.

*/s/ Brian C. Toth* \_\_\_\_\_

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