UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE POLAR BEAR ENDANGERED SPECIES ACT LISTING AND § 4(d) RULE LITIGATION	**Misc. Action No. 1:08-mc-00764-EGS** **MDL DOCKET NO. 1993**
This Document Relates To: **ALL CASES**	

[PROPOSED] STIPULATION AND ORDER REGARDING INTERVENTION

1. Following discussion of intervention at the Case Management Conference held in court on February 9, 2009, the current parties to this consolidated action have reached an agreement regarding intervention. The parties intend for this Stipulation and Order to consolidate and simplify the intervention process in all but one of the pending cases included in this action. Specifically, this Stipulation and Order applies to the following cases:

- No. 1:08-cv-0881, *Safari Club Int'l, et al. v. Kempthorne, et al.* ("*Safari Club Import*")
- No. 1:08-cv-1352, *State of Alaska v. Kempthorne, et al.* ("*Alaska*")
- No. 1:08-cv-1496, *American Petroleum Instit. et al. v. Kempthorne, et al.* ("*API*")
- No. 1:08-cv-1550, *Safari Club Int'l, et al. v. Kempthorne, et al.* ("*Safari Club Listing*")
- No. 1:08-cv-1689, *California Cattlemen's Ass'n, et al. v. Kempthorne, et al.* ("*CCA et al.*")
- No. 1:08-cv-2113, *Center for Biological Diversity, et al. v. Kempthorne, et al.* ("*CBD*")

- No. 08-cv-4660 (E.D. Pa.), *Hershey v. Kempthorne*, and No. 08-cv-4662 (E.D. Pa.), *Kreider v. Kempthorne*, ("*Hershey and Kreider*")
- No. 1:09-cv-153, *Defenders of Wildlife v. U.S. Dep't of the Interior, et al.* ("*Defenders*")

The above-referenced cases are referred to herein as the "Consolidated Cases."

2. The following party designations shall be used in this Order:

"Federal Defendants" collectively shall refer to the Secretary of the Interior, the United States Department of the Interior, the U.S. Fish and Wildlife Service ("Service"), and the Director of the Service.

"Alaska" shall refer to the State of Alaska.

"API et al." collectively shall refer to the American Petroleum Institute, Chamber of Commerce of the United States of America, National Mining Association, National Association of Manufacturers, and American Iron and Steel Institute.

"AOGA" shall refer to the Alaska Oil and Gas Association.

"ASRC" shall refer to the Arctic Slope Regional Corporation.

"EEI" shall refer to Edison Electric Institute.

"NPRA" shall refer to National Petrochemical and Refiners Association.

"Safari Club" collectively shall refer to Safari Club International and Safari Club International Foundation.

"CBD et al." collectively shall refer to the Center for Biological Diversity, Natural Resources Defense Council, and Greenpeace.

"Defenders" shall refer to Defenders of Wildlife.

"HSUS et al." collectively shall refer to the Humane Society of the United States, International Fund for Animal Welfare, and Defenders of Wildlife.

"CCA et al." collectively shall refers to California Cattlemen's Association and the Congress of Racial Equality.

"Hershey and Kreider" shall refer to the plaintiffs in *Hershey v. Kempthorne*, Case No. 08-4660 (E.D. Pa.) and *Kreider v. Kempthorn*e, Case No. 08-4662 (E.D. Pa.).

"CF" shall refer to Conservation Force.

"CF et al." collectively shall refer to Conservation Force and the other plaintiffs in Case No. 1:09-cv-245.

3. This Stipulation and Order shall apply:

- only to parties to any of the Consolidated Cases as of the date of this Stipulation and Order; and
- to current and amended claims that may be asserted in the Consolidated Cases so that it will not be necessary for any existing party to seek further intervention, or for the court to enter an order regarding further intervention by the existing parties, as to amended claims.

4. This Stipulation and Order does not address or apply to:

- intervention by any entity or person who is not currently a party to these Consolidated Cases but who may desire intervention in any of the Consolidated Cases in the future; or
- intervention by a current or future party in subsequent cases that are consolidated with these Consolidated Cases.

- case No. 1:09-cv-245, *Conservation Force, et al. v. Kempthorne, et al.* ("*Conservation Force*").

5. This Stipulation and Order shall supersede the previous intervention orders issued by the Northern District of California in *CBD* as to intervention by AOGA, ASRC, EEI, NPRA and API et al., and reaffirms the previous intervention orders issued by this Court in those cases originally filed in this District.

6. As set forth in the table below, each party listed under the "Plaintiff-Intervenor(s)" column is hereby granted intervention as a plaintiff-intervenor in all claims in the case or cases for which the party is listed.[1] Similarly, each party listed under the "Defendant-Intervenor(s)" column is hereby granted intervention as a defendant-intervenor in all claims in the case or cases for which the party is listed. For the ease of the Court's and the parties' reference, all parties to each of the Consolidated Cases are identified in the table below. All plaintiffs in each case are listed under the "Plaintiff(s)" column and all defendants are listed under the "Defendants" column.

Case	**Plaintiff(s)**	**Plaintiff – Intervenor(s)**	**Defendants**	**Defendant-Intervenors**
Safari Club Import	Safari Club		Federal Defendants	CBD et al. HSUS et al.
Alaska	Alaska	CCA et al.	Federal Defendants	CBD et al. Defenders
API	API et al.		Federal Defendants	CBD et al. Defenders
Safari Club Listing	Safari Club		Federal Defendants	CBD et al. Defenders

[1] Conservation Force is listed on the table below insofar as it was previously granted limited intervention by the District Court for the Northern District of California in *CBD*. The terms of this order do not alter, limit, or expand the terms of the previous intervention order entered by the District Court for the Northern District of California with respect to Conservation Force.

Case	**Plaintiff(s)**	**Plaintiff – Intervenor(s)**	**Defendants**	**Defendant-Intervenors**
CCA et al.	CCA et al.		Federal Defendants	CBD et al. Defenders
CBD	CBD et al.		Federal Defendants	AOGA ASRC NPRA EEI API et al. CF Alaska Safari Club
Hershey and Kreider	Hershey and Kreider		Federal Defendants	CBD et al. HSUS et al.
Defenders	Defenders		Federal Defendants	AOGA ASRC NPRA EEI API et al. Alaska

7. Answers by Defendant-Intervenors to the Plaintiffs' complaints, or to amended complaints, shall be due on the same date as answers are due by the Federal Defendants. For those cases in which the Federal Defendants have already answered the complaint, answers by Defendant-Intervenors shall be due thirty (30) days from the date of this order.

8. The complaint in intervention by Plaintiff-Intervenor CCA et al. in the *Alaska* case shall be filed no later than fourteen (14) days after the date of this order. Answers by Defendant-Intervenors to the complaint in intervention shall be due as provided in paragraph 7 above.

IT IS SO ORDERED.

DATE: 3/17, 2009

Emmet G. Sullivan
United States District Judge

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