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12 *Attorneys for Federal Defendants*

13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 WILD HORSE EDUCATION, a nonprofit )  
 corporation, and LAURA LEIGH, individually, )

16 *Plaintiffs,* )

17 v. )

18 UNITED STATES DEPARTMENT OF THE )  
 INTERIOR, BUREAU OF LAND )  
 19 MANAGEMENT, and JON RABY, Nevada )  
 State Director of the Bureau of Land )  
 20 Management, )

21 *Federal Defendants.* )  
 22 )  
 23 )

Case No. 3:23-cv-00372-LRH-CB

**FEDERAL DEFENDANTS’  
 MOTION TO SET SCHEDULE FOR  
 PLAINTIFFS’ REQUEST FOR  
 TEMPORARY RESTRAINING  
 ORDER AND PRELIMINARY  
 INJUNCTION**

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24 On August 1, 2023, Plaintiffs Wild Horse Education and Laura Leigh (collectively,  
 25 “Plaintiffs”) filed a motion for temporary restraining order and preliminary injunction. ECF  
 26 No. 10 (“TRO Motion”). In their motion, Plaintiffs request that the Court enjoin the Bureau of  
 27 Land Management (“BLM”) and Jon Raby, in his official capacity as the State Director for  
 28

1 BLM in Nevada (collectively, “Federal Defendants”), from completing a crucial gather of wild  
2 horses and burros being conducted under the Wild Free-Roaming Horses and Burros Act, 16  
3 U.S.C. §§ 1331-1340, until Federal Defendants cease certain alleged violations of the Wild  
4 Free-Roaming Horses and Burros Act, Administrative Procedure Act, and First Amendment.  
5 TRO Motion at 7. Plaintiffs filed their TRO Motion about three weeks after the gather began  
6 on July 9, 2023, and before Federal Defendants had been served with the Complaint (as of the  
7 time of this filing, service on Federal Defendants has still not been perfected).

8 In order to allow Federal Defendants a sufficient opportunity to respond to Plaintiffs’  
9 request for the extraordinary remedy of emergency injunctive relief, including obtaining  
10 declarations from on-the-ground agency personnel, and in the interest of enabling the Court to  
11 make as informed of a decision as possible, Federal Defendants respectfully request that the  
12 Court enter the following briefing and hearing schedule:

- 13 • Federal Defendants shall file their response to Plaintiffs’ TRO Motion on  
14 **Monday, August 7, 2023.**
- 15 • If the Court deems that a TRO hearing is necessary after review of the parties’  
16 papers, a hearing will be held as soon as practicable for the Court, but no earlier  
17 than **Thursday, August 10, 2023.**

18 To the extent that it is possible and not a burden for the Court, given the short notice  
19 and the location of Federal Defendants’ counsel in Washington D.C., Federal Defendants  
20 respectfully request their preference for a virtual hearing using videoconferencing software.

21 Dated: August 2, 2023

Respectfully Submitted,

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23 TODD KIM, Assistant Attorney General  
24 U.S. Department of Justice  
Environment & Natural Resources Division

25 */s/ Taylor A. Mayhall*  
26 TAYLOR A. MAYHALL, Trial Attorney  
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27 JOSEPH W. CRUSHAM, Trial Attorney  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 2, 2023, I filed the foregoing MOTION TO SET SCHEDULE electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Taylor A. Mayhall  
Taylor A. Mayhall  
U.S. Department of Justice

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