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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

ROCKY MOUNTAIN ELK
FOUNDATION and PROPERTY AND
ENVIRONMENT RESEARCH
CENTER,

Plaintiffs,

vs.

U.S. DEPARTMENT OF THE
INTERIOR and U.S. FISH AND
WILDLIFE SERVICE,

Defendants,

CV-25-29-BU-DWM

**CENTER FOR BIOLOGICAL
DIVERSITY'S MOTION TO
LIFT THE STAY AND FILE A
SUPPLEMENTAL PLEADING
AGAINST FEDERAL
DEFENDANTS**

and

DEFENDERS OF WILDLIFE and
CENTER FOR BIOLOGICAL
DIVERSITY,

Defendant-Intervenors

CENTER FOR BIOLOGICAL
DIVERSITY,

Proposed Cross-Claimant

v.

U.S. DEPARTMENT OF THE
INTERIOR and U.S. FISH AND
WILDLIFE SERVICE,

Proposed Crossclaim-
Defendants.

Pursuant to Federal Rules of Civil Procedure 15(d), Defendant-Intervenor Center for Biological Diversity (“Center”) hereby moves to lift the stay in this case and file a Supplemental Answer asserting crossclaims against Federal Defendants U.S. Department of the Interior and U.S. Fish and Wildlife Service or alternatively allow the Center to file a supplemental pleading in the form of a complaint against Federal Defendants after a realignment of the parties. As explained in the accompanying brief in support of this Motion, this Court should grant the Center’s motion because the circumstances for imposing the stay no longer exist, the

Center's proposed crossclaims arise out of the transaction or occurrence that is the subject matter of the original action and are filed against co-parties, and the Court has wide discretion regarding whether to allow supplemental pleadings. The Center's Proposed Supplemental Answer asserting its crossclaims is attached to this Motion.

Pursuant to Local Civil Rule 7.1(c)(1), counsel for the Center contacted counsel for Plaintiffs, Federal Defendants, and Defendant-Intervenor Defenders of Wildlife and asked for their positions on the Motion. Plaintiffs indicated they will withhold judgment until they review the filing. Federal Defendants oppose the Motion. Defenders of Wildlife does not oppose this Motion.

For the reasons articulated in the accompanying brief, the Center requests that the Court grant this Motion.

DATED this 21st day of July 2026.

Respectfully submitted,

/s/ Lia Comerford

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