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*Local Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

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RALPH MAUGHAN, DEFENDERS OF )  
WILDLIFE, WESTERN WATERSHEDS )  
PROJECT, and WILDERNESS WATCH, )  
Plaintiffs, )  
v. )  
TOM VILSACK, U.S. Secretary of Agriculture; )  
TOM TIDWELL, Chief, U.S. Forest Service; )  
NORA RASURE, Regional Forester of Region )  
Four of the U.S. Forest Service; KEITH )  
LANNOM, Payette National Forest Supervisor; )  
and VIRGIL MOORE, Director, Idaho )  
Department of Fish and Game, )  
Defendants. )

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Case No. 4:14-cv-00007-EJL  
**PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
PURSUANT TO FED. R. CIV. P. 65**

Pursuant to Federal Rules of Civil Procedure 65(a) and (b), plaintiffs Ralph Maughan, Defenders of Wildlife, Western Watersheds Project, and Wilderness Watch hereby request that this Court issue a temporary restraining order and preliminary injunction.

Plaintiffs challenge the U.S. Forest Service's disregard of its legal duties to manage and protect the Frank Church-River of No Return Wilderness ("Frank Church Wilderness") in approving and facilitating an ongoing program by the Idaho Department of Fish and Game ("IDFG") to exterminate two wolf packs living entirely within the wilderness. The Forest Service has violated the National Forest Management Act ("NFMA"), 16 U.S.C. § 1604(i); the Wilderness Act, 16 U.S.C. § 1133(b); the Service's permitting regulations, 36 C.F.R. Pt. 251; and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332(2)(C).

Because IDFG's wolf extermination program in the Frank Church Wilderness is ongoing and the targeted wolf packs could be exterminated at any time, plaintiffs request immediate relief from this Court to preserve the status quo and the targeted wolf packs pending a full adjudication of plaintiffs' claims. Accordingly, this Court should issue a temporary restraining order and preliminary injunction to prohibit the Forest Service and IDFG from authorizing, facilitating or conducting any wolf extermination activities in the Frank Church Wilderness pending a final judgment in this case.

The reasons this motion should be granted are set forth in the accompanying memorandum. This motion is also supported by the accompanying declarations and exhibits. These materials demonstrate that plaintiffs are likely to prevail on the merits of their claims in this case, immediate injunctive relief is necessary to prevent likely irreparable harm, and the balance of equities and public interest support the requested injunction. In addition, as explained and supported in the attached memorandum, this Court should issue injunctive relief against both

the federal defendants and defendant Virgil Moore, director of IDFG, because such prospective relief is necessary to halt an ongoing violation of federal law.

As set forth in the supporting Declaration of Timothy Preso, counsel for plaintiffs contacted counsel for the federal defendants and defendant Moore upon filing the complaint in this case yesterday, January 6, 2014. Plaintiffs' counsel transmitted a copy of the complaint to defendants' counsel by email on January 6, 2014. Plaintiffs' counsel advised counsel for defendants about the relief requested in this motion and attempted to ascertain whether the parties might reach an agreement to avoid the need for plaintiffs to seek immediate relief from this Court. Plaintiffs' counsel contacted counsel for the federal defendants again on January 7, 2014, but was advised that federal defendants had not yet formulated a response to plaintiffs' inquiry. Plaintiffs' counsel was unsuccessful in attempting to contact counsel for defendant Moore on January 7, 2014. Accordingly, plaintiffs are asking this Court for immediate relief given the imminent, actual, and ongoing threat of irreparable injury to plaintiffs' interest. Plaintiffs will send this motion and supporting papers to counsel for defendants today by email.

For the foregoing reasons, as well as those set forth in the supporting memorandum, declarations, and exhibits, plaintiffs Ralph Maughan, Defenders of Wildlife, Western Watersheds Project, and Wilderness Watch respectfully request that this Court grant their motion for a temporary restraining order and preliminary injunction and issue an order granting the requested relief.

Respectfully submitted this 7th day of January, 2014.

/s/ Timothy J. Preso  
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*Local Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7th day of January, 2014, I caused the foregoing document to be served by email on the following:

Ken Paur  
Assistant Regional Attorney  
U.S. Department of Agriculture  
Office of the General Counsel  
Kenneth.Paur@ogc.usda.gov

Kathleen Trever  
Lead Deputy Attorney General  
Idaho Department of Fish & Game  
kathleen.trever@idfg.idaho.gov

In addition, I caused the foregoing document to be served on the following by first-class mail, postage prepaid, addressed as follows:

Tom Vilsack  
Secretary of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Tom Tidwell, Chief  
U.S. Forest Service  
1400 Independence Ave., SW  
Washington, D.C.  
20250-0003

Nora Rasure  
Regional Forester  
Intermountain Region  
Federal Building  
324 25th Street  
Ogden, UT 84401

Keith Lannom  
United States Forest Service  
Supervisor  
Payette National Forest  
800 West Lakeside Ave  
McCall, ID 83638-3602

Virgil Moore, Director  
Idaho Fish and Game  
P.O. Box 25  
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