

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

WILD VIRGINIA, VIRGINIA)	
WILDERNESS COMMITTEE, UPSTATE)	Case No. 3:20CV00045
FOREVER, SOUTH CAROLINA)	
WILDLIFE FEDERATION, NORTH)	
CAROLINA WILDLIFE FEDERATION,)	
NATIONAL TRUST FOR HISTORIC)	ORDER DENYING
PRESERVATION, MOUNTAINTRUE,)	DEFENDANTS' MOTION
HAW RIVER ASSEMBLY,)	FOR STAY OF CASE
HIGHLANDERS FOR RESPONSIBLE)	
DEVELOPMENT, DEFENDERS OF)	
WILDLIFE, COWPASTURE RIVER)	
PRESERVATION ASSOCIATION,)	
CONGAREE RIVERKEEPER, THE)	
CLINCH COALITION, CLEAN AIR)	
CAROLINA, CAPE FEAR RIVER)	
WATCH, ALLIANCE FOR THE)	
SHENANDOAH VALLEY, and)	
ALABAMA RIVERS ALLIANCE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
COUNCIL ON ENVIRONMENTAL)	
QUALITY and MARY NEUMAYR IN HER)	
OFFICIAL CAPACITY AS CHAIR OF THE)	
COUNCIL ON ENVIRONMENTAL)	
QUALITY,)	
)	
Defendants,)	
)	
and)	
)	
AMERICAN FARM BUREAU)	
FEDERATION, AMERICAN FOREST)	
RESOURCE COUNCIL, AMERICAN)	

FUEL & PETROCHEMICAL)
 MANUFACTURERS, AMERICAN)
 PETROLEUM INSTITUTE, AMERICAN)
 ROAD & TRANSPORTATION BUILDERS)
 ASSOCIATION, CHAMBER OF)
 COMMERCE OF THE UNITED STATES)
 OF AMERICA, FEDERAL FOREST)
 RESOURCE COUNCIL, INTERSTATE)
 NATURAL GAS ASSOCIATION OF)
 AMERICA, and NATIONAL)
 CATTLEMEN’S BEEF ASSOCIATION,)
)
 Defendant-Intervenors.)
)
)

The government defendants have moved for a 60-day stay of this case “to allow the new administration time to review the challenged agency action.” Mot. 2, ECF No. 137. While the defendant-intervenors take no position on the request, the plaintiff conservation groups oppose the motion, contending that there is ongoing harm to their interests from the prior administration’s Rule under attack in the case by virtue of numerous ongoing projects affected by it. Briefing is nearly completed in the case, and in essence they argue that time is wasting for the relief they hope to receive.

Upon due consideration of the motion and the response, I will deny the requested stay. Of course, as the parties surely anticipate, it will take me some time to rule on the pending motions for summary judgment once briefing is completed. But adding lengthy additional delay to my decision would not be appropriate, in my

judgment. As requested, and without objection, I will grant a further extension for the filing of replies in support of the cross-motions for summary judgment.

Accordingly, the Federal Defendants' Motion for 60-Day Stay of Case, ECF No. 137, is DENIED. The defendants and defendant-intervenors are GRANTED an extension of time to file reply briefs in support of their cross-motions for summary judgment, if they desire to do so, to March 17, 2021.

It is so **ORDERED**.

ENTER: February 19, 2021

/s/ JAMES P. JONES

United States District Judge