

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

FILED

OCT 09 2015

Clerk, U.S. District Court
District Of Montana
Missoula

FRIENDS OF THE WILD SWAN;
MONTANA ENVIRONMENTAL
INFORMATION CENTER; and
NATURAL RESOURCE DEFENSE
COUNCIL,

Plaintiffs,

vs.

S.M.R. JEWELL, Secretary, U.S.
Department of Interior, in her official
capacity; and UNITED STATES FISH
AND WILDLIFE SERVICE,

Defendants,

and

MONTANA BOARD OF LAND
COMMISSIONERS and MONTANA
DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION,

Intervenor-Defendants.

CV 13-61-M-DWM

ORDER

The parties have filed a joint motion to modify the injunction in this matter. (Doc. 76.) Pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure, a court may relieve a party from a final judgment, order, or proceeding if “the

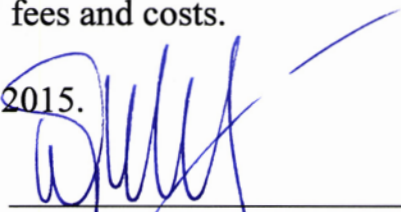
judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable.” Here, the parties have reached an agreement settling the outstanding issues regarding the grizzly bear in the project area. (*See Settlement Agreement, Doc. 76-1.*) The Settlement Agreement and its terms are sufficient changed circumstances as to warrant the lifting of the injunction this Court ordered on August 21, 2014. (Doc. 63 at 31.)

Accordingly, IT IS ORDERED that the parties’ joint motion (Doc. 76) is GRANTED. The injunction ordered by this Court on August 21, 2014 is VACATED.

IT IS FURTHER ORDERED that the parties shall comply with the terms of the Settlement Agreement (Doc. 76-1).

IT IS FURTHER ORDERED that Plaintiffs’ unopposed motion to extend the deadline by which Plaintiffs may file a motion for attorneys’ fees and costs (Doc. 78) is GRANTED. Plaintiffs have until thirty (30) days from the date of this order to file any motion for attorneys’ fees and costs.

Dated this 9th day of October, 2015.



Donald W. Molloy, District Judge
United States District Court