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9
10 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

11 Center for Biological Diversity, *et al.*,)
12 Plaintiff,) No. 4:17-cv-00475-TUC-JAS [Lead]
13 v.) No. 4:17-cv-00576-TUC-JAS (C)
14) No. 4:18-cv-00189-TUC-JAS (C)
15 U.S. Fish and Wildlife Service, *et al.*,) Judge: James A. Soto
16 Federal Defendants,)
17 and) **TRIBES’ MOTION FOR**
18 Rosemont Copper Company,) **PRELIMINARY INJUNCTION**
19 Defendant-Intervenor.)
_____)

1 Pursuant to F.R.C.P. 65, the Tohono O’odham Nation, Pascua Yaqui Tribe, and
2 Hopi Tribe (collectively the “Tribes”) respectfully request a preliminary injunction to
3 prevent the Rosemont Copper Company (“Rosemont”) from undertaking any ground-
4 disturbing activities approved by the Forest Service in its June, 2017 Record of Decision
5 or pursuant to Rosemont’s March 20, 2019 revised Mine Plan of Operations.
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7 The Tribes have established that they meet all four prongs of the preliminary
8 injunction test, as demonstrated in the attached Memorandum in Support of Motion for
9 Preliminary Injunction and supporting declarations. Specifically, they have demonstrated
10 (1) a likelihood of success on the merits; (2) that they are likely to suffer irreparable harm
11 in the absence of injunctive relief; (3) that the balance of equities favors an injunction;
12 and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*,
13 555 U.S. 7, 20 (2008). Alternatively, they have raised “serious questions going to the
14 merits” and that the equitable factors weigh in their favor. *All. for the Wild Rockies v.*
15 *Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). Accordingly, the Court should issue a
16 preliminary injunction to maintain the status quo and prevent harm to irreplaceable
17 cultural and natural resources pending a final decision on the merits.
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21 Respectfully submitted this 15th day of May, 2019,
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23 /s/ Heidi McIntosh

24 Heidi J. McIntosh (CO Bar No. 48230)

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2019, I electronically transmitted the foregoing and all attachments to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Heidi McIntosh