

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE WILDERNESS SOCIETY, *et al.*,)

Plaintiffs,)

v.)

DONALD J. TRUMP, in his official)
capacity as President of the United)
States, *et al.*,)

Defendants.)

Case No. 1:17-cv-02587(TSC)

GRAND STAIRCASE ESCALANTE)
PARTNERS, *et al.*,)

Plaintiffs,)

v.)

DONALD J. TRUMP, in his official)
capacity as President of the United States,)
et al.,)

Defendants.)

Case No. 1:17-cv-02591 (TSC)

CONSOLIDATED CASES

ORDER

This action involves two separate challenges to President Donald J. Trump’s December 4, 2017 proclamation, which reduced the size of the Grand Staircase-Escalante National Monument and divided it into three separate parcels.

The first challenge was brought on December 4, 2017 by the Wilderness Society, Great Old Broads for Wilderness, Natural Resources Defense Council, Inc., Western Watersheds Project, Sierra Club, Defenders of Wildlife, Wildearth Guardians, Southern Utah Wilderness

Alliance, Center for Biological Diversity, and Grand Canyon Trust (collectively, “TWS Plaintiffs”). Later that same day, Grand Staircase Escalante Partners, Conservation Lands Foundation, and Society of Vertebrate Paleontology (collectively, “Partners Plaintiffs”) filed the second challenge.

By Order dated February 15, 2018, pursuant to Federal Rule of Civil Procedure 42(a), the court granted Defendants’ motion to consolidate the cases because they involve common questions of law and fact and adjudicating them together serves the interests of judicial economy. (ECF. No. 25.)

Before the court is Federal Defendants’ motion to dismiss (ECF No. 43), and extensive briefing supporting and opposing the motion.

WHEREAS, the basis for Federal Defendants’ motion is that Plaintiffs lack standing to bring their claims, that Plaintiffs’ claims are not ripe for adjudication, and that the Antiquities Act, and the Act alone, provided President Trump with the authority to decrease the size of the monument;

WHEREAS, if the court determines that Plaintiffs have standing, its decision regarding the Antiquities Act will necessarily be one on the merits;

WHEREAS, if the court determines that Plaintiffs do not have standing based on the facts as they existed on the date of the Complaints, they will likely seek leave to file an amended complaint to include allegations concerning facts that post-date their Complaints;

WHEREAS, the court would benefit from additional argument and information regarding the basis of Plaintiffs’ standing;

WHEREAS, Plaintiffs have notified the court of the impending release of a series of new management plans regarding the Grand Staircase-Escalante National Monument (*see* ECF No. 105);

WHEREAS, the court is mindful its obligations to conserve judicial resources and render an informed decision;

It is hereby **ORDERED** that Federal Defendants' motion to dismiss is DENIED, with leave to renew following Plaintiffs' filing of an amended complaint. The parties shall come to the October 7, 2019 status conference prepared to discuss an expedited, coordinated schedule for the filing of an amended complaint and the subsequent briefing.

Date: September 30, 2019

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge