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

STATE OF WYOMING; et al.)	
)	
Petitioners,)	
)	
v.)	Case No. 15-CV-00043-SWS
)	
UNITED STATES DEPARTMENT OF)	(UNOPPOSED) JOINT
THE INTERIOR; et al.)	MOTION TO
)	CONSOLIDATE
Respondents.)	

Federal Respondents the United States Department of the Interior, Secretary of the Interior
Sally Jewell, the United States Bureau of Land Management, and Director of the Bureau of Land

Management Neil Kornze, along with Petitioners the States of Wyoming, Colorado, and North Dakota (collectively “movants”), hereby move for an order of the Court consolidating *Independent Petroleum Association of America et al. v. Jewell et al.*, 2:15-cv-00041-SWS (D. Wyo.) with this case, *State of Wyoming v. United States Department of the Interior Secretary et al.*, 2:15-cv-00043-SWS. A proposed order accompanies this filing. The relevant parties are filing a comparable motion and proposed order in the other case.

Pursuant to Fed. R. Civ. P. 42(a) and in accordance with Local Rule 42.1, the movants hereby move this Court for an order consolidating 2:15-cv-00041-SWS with this action. Movants request that this case be designated the lead case, to which all future filings would be made, should the Court grant the requested consolidation.

The Court should consolidate the cases given their common questions of law and fact. Both cases challenge the decision made by the Department of the Interior and the Bureau of Land Management to promulgate administrative rules governing hydraulic fracturing on public and Indian lands. *See* 2:15-cv-00041-SWS (Dkt. 1); 2:15-cv-00043-SWS (Dkt. 1). Judicial review in both cases will be on the Bureau of Land Management’s Administrative Record, which is the same Administrative Record for both cases.

Additionally, both cases will involve preliminary motions for equitable relief. On May 15, 2015, the Industry Petitioners filed a motion for preliminary injunction in case 2:15-cv-00041-SWS. On May 29, two of the State Petitioners in case number 2:15-cv-00043-SWS, Wyoming and Colorado, filed a motion for preliminary injunction. On June 1, 2015, the Court issued a scheduling order advising the party that oral argument will be conducted on both motions at the same time on

June 23, 2015. Another of the State Petitioners, North Dakota, intends to file a motion for preliminary injunction within the next seven days.¹

Accordingly, movants respectfully request that the Court consolidate these two cases, given the common questions of law and fact, and because doing so will encourage the “just, speedy, and inexpensive” resolution of these actions. Fed. R. Civ. P. 1.

Counsel for Federal Respondents also have consulted with counsel for Intervenor-Respondents Sierra Club, Earthworks, The Wilderness Society, Western Resource Advocates, Conservation Colorado Education Fund, and Southern Utah Wilderness Alliance – who have intervened in both cases – and they have indicated that they do not object to consolidation on the terms described in this motion.

WHEREFORE, the Federal Respondents and State Petitioners pray that this Court will enter an order consolidating case number 2:15-cv-00041-SWS with case number 2:15-cv-00043-SWS and further order that the parties file all future pleadings and documents in the lead case 2:15-cv-00043-SWS.

Submitted this 3rd day of June, 2015.

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¹ The parties wish to notify the Court of North Dakota’s intention, in order to facilitate the Court’s management of these related cases. The Federal Respondents reserve their right to oppose North Dakota’s motion on any grounds they deem appropriate.

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*COUNSEL FOR INTERVENOR PETITIONER STATE OF
NORTH DAKOTA*

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2015, a copy of the foregoing (Unopposed) Joint Motion to Consolidate was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ William E. Gerard
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