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15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE DISTRICT OF ARIZONA**

17 WILDEARTH GUARDIANS,

18 Plaintiff,

19 v.

20 UNITED STATES FISH AND  
21 WILDLIFE SERVICE and UNITED  
22 STATES FOREST SERVICE,

23 Defendants.

CASE NO. 4:13-cv-151-RCC

**DEFENDANTS' RESPONSE TO  
PLAINTIFFS' MOTION TO MODIFY  
INJUNCTION**

**[EXPEDITED REVIEW REQUESTED]**

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1 Defendants do not oppose Plaintiff's motion to modify the Court's injunction, *see*  
2 ECF No. 99, and appreciate Plaintiff's cooperation on this important issue. In support of  
3 Plaintiff's motion, Defendants state the following:

- 4 1. Defendants agree with Plaintiff and respectfully submit that the order enjoining  
5 timber management activities in Region 3 should not apply to the cutting and  
6 collection of fuelwood.
- 7 2. Based on the number of permits issued, many individuals in Arizona and New Mexico  
8 possess fuelwood collection permits and depend on this resource to cook and to heat  
9 their homes.
- 10 3. Defendants reserve the right to seek further relief under Fed. R. Civ. P. 59(e) and  
11 60(a) and as the Forest Service continues reviewing the potential implications of the  
12 Court's order on specific management actions.

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14 Dated: September 26, 2019

Respectfully Submitted,

15 JEAN E. WILLIAMS,  
16 Deputy Assistant Attorney General  
17 SETH M. BARSKY, Section Chief  
18 S. JAY GOVINDAN,  
Assistant Section Chief

19 /s/ Rickey D. Turner, Jr.  
20 RICKEY D. TURNER, JR.  
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**UNITED STATES DISTRICT COURT  
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UNITED STATES FISH AND  
WILDLIFE SERVICE and UNITED  
STATES FOREST SERVICE,

Defendants.

CASE NO. 4:13-cv-151-RCC

**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Rickey D. Turner, Jr.  
RICKEY D. TURNER, JR.