

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION**

KRISTI NOEM, in her official capacity  
as Governor of South Dakota, et al.,

*Plaintiffs,*

v.

Case No. 3:21-cv-3009-RAL

DEB HAALAND, in her official capacity  
as United States Secretary of the Interior,  
et al.,

*Defendants.*

**PLAINTIFFS' MOTION TO EXPEDITE BRIEFING SCHEDULE FOR  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. §1657(a) and Fed. R. Civ. P. 65(a), Plaintiffs respectfully move this Court for an order expediting the briefing schedule for Plaintiffs' Motion for Preliminary Injunction ("Motion").

1. Plaintiffs, the State of South Dakota and Kristi Noem in her official capacity as Governor of South Dakota, filed this lawsuit and the accompanying Motion on Friday, April 30. *See* Docs. 1, 3. The Motion seeks an injunction vacating the Department of the Interior's ("DOI") denial of the State's application for a permit to host an Independence Day fireworks celebration at Mount Rushmore National Memorial (the "Memorial") in July 2021 and directing DOI to issue the permit. If the

permit denial stands, South Dakota will suffer irreparable harm in the form of millions of dollars in lost revenue and advertising for the State's economy and reputational harms that money damages cannot remedy.

2. Executing a fireworks show of this magnitude requires significant planning and coordination between the State, DOI, the National Park Service, and Memorial staff. For this reason, Plaintiffs "needs to know [it has] the legal authority to move forward" with the event by June 2, 2021. Declaration of Jim Hagen, ¶15 (Doc. 3-4).

3. Under the standard briefing schedule set forth in Local Rule 7.1(B), the Motion will not be fully briefed until June 4, 2021, and the Court will not have an opportunity to rule on the merits until sometime thereafter. In short, following the standard briefing schedule would function as a de facto denial of the Motion. Thus, there is good cause for an expedited briefing and hearing schedule in this case.

4. For these reasons, Plaintiffs respectfully move this Court for an order setting Defendants' opposition due on Tuesday, May 11, and Plaintiffs' reply three days later on Friday, May 14.

5. Counsel for Plaintiffs has been in touch with counsel for Defendants since filing this lawsuit on Friday, April 30. Defendants oppose this request.

6. In addition, Plaintiffs will be ready and available for oral argument on the Motion for Preliminary Injunction if it would assist the Court. But given the time

constraints, Plaintiffs recognize that submitting the Motion on the briefs may be more expeditious.

Dated: May 3, 2021

Respectfully submitted,

/s/ Katie Hruska

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2021, I filed the foregoing document through the CM/ECF system. Plaintiffs will send this filing via email to counsel for Defendants, who have not yet entered an appearance.

*/s/ Katie Hruska*

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