

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

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GOVERNOR KRISTI NOEM, in her  
Official capacity as the Governor of  
South Dakota, et al.,

Plaintiffs,

vs.

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

Defendants

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3:21-CV-03009

Defendants Objection to  
Plaintiff's Motion to  
Expedite Briefing Schedule

Comes now the Acting U.S. Attorney for the District of South Dakota, Dennis R. Holmes and Assistant U.S. Attorney Diana Ryan and files this objection to Plaintiffs' motion to expedite the briefing schedule in this case. The court should deny the motion because Plaintiffs fail to show good cause, as required under 28 U.S.C. § 1657, why this case, that includes a constitutional challenge to the ability of the National Park Service (NPS) to operate and manage federal lands through the use of special use permits, should be rushed to judgment.

The State was informed on March 11, 2021 of the Department of the Interior's (DOI) Final Agency Decision. See Complaint, docket entry (DE) 1 at ¶7; DE 3-2, Ex. F. The Plaintiffs took a full seven weeks (49 days) to write the complaint and brief the issues now before the court. Now they ask the court to order the DOI to respond in ten days. That is unreasonable given that the tight

time frame the State complains about was greatly affected by the State's seven-week delay in challenging the final agency decision. The State's delay does not constitute good cause for the court to expedite the DOI's briefing schedule or give priority for this case above others.

Count Two of the Complaint goes to the constitutionality of NPS's core statutory mandate, and its ability to manage and operate the entire National Park System. The Department of Interior needs the allotted time of twenty-one days, until May 21, 2021, to fully respond to the motion for a preliminary injunction in a manner that will be helpful to the court. The Plaintiffs could waive or expedite their own reply brief to present the case for decision prior to June 2, 2021 if they feel it is important to expedite this case. However, in the interest of justice, the DOI's single opportunity to respond to the preliminary injunction should not be shortened. For these reasons, the Defendants respectfully request that this court deny the Plaintiffs' Motion to Expedite the Briefing Schedule.

Dated this 6th day of May 2021.

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Acting U.S. Attorney  
By:

/s/ Diana Ryan  
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