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

NEIGHBORS AGAINST BISON
SLAUGHTER, *et al.*,

Plaintiffs,

v.

The NATIONAL PARK SERVICE, *et
al.*,

Defendants.

No. 1:19-cv-128-SPW

Judge Susan P. Watters

PLAINTIFFS' BRIEF IN SUPPORT
OF THEIR MOTION TO REASSIGN

INTRODUCTION

Neighbors Against Bison Slaughter and Bonnie Lynn (Neighbors) respectfully move to reassign this case to Chief Judge Brian Morris on the grounds that he is presiding over two other cases in this Court that relate to Yellowstone wild bison management. Reassigning this case will promote judicial efficiency and reduce the risk of inconsistent rulings. *See Order, All. for the Wild Rockies v. Hammond*, No. 1:25-cv-12-BMM (D. Mont.), ECF No. 14, Ex. 1. This Court last entered a substantive ruling four years ago—in 2021.

Since then, two new lawsuits claim the National Park Service violated National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4347, when it issued a Record of Decision (ROD) and Final Environmental Impact Statement (EIS). Those cases changed the legal landscape. This Division and the Missoula Division each assigned a Yellowstone wild bison management case to Chief Judge Morris. The U.S. Department of Justice counsel assigned to those cases has informed counsel for Neighbors that, going forward, they also will serve as counsel for the Agencies in this case. Judicial economy weighs in favor of reassigning this case, as well, so going forward, only one federal district judge will spend scarce judicial resources on Yellowstone wild bison management.

BACKGROUND

Neighbors filed this case in 2019 against the National Park Service, the USDA Forest Service, Secretary of the Interior Douglas J. Burgum, Secretary of Agriculture Brook L. Rollins, and the Superintendent of Yellowstone National Park Cameron Sholly (collectively, the Agencies).¹ Neighbors claim the Agencies violated NEPA, other federal land management laws, the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706, and the United States Constitution, Article II, in approving the 2019 Winter Operation Plan, in failing to issue supplemental EISes, and in delegating federal authority to a non-federal entity. Am. Compl. ¶¶ 64-81, ECF No. 81. When Neighbors filed their Complaint, 19 years had passed since the Agencies issued the 2000 EIS and ROD and created the Interagency Bison Management Plan (IBMP). Since this Court's 2021 order granting remand, six more years have passed. *See* Order re: Defs.' Mot. for Voluntary Remand (Remand Order), ECF No. 107

In July 2024, the Park Service completed an EIS and issued a ROD on Yellowstone wild bison management. [Agencies'] Status Report, ECF No. 141. This Court administratively closed this case. Am. Order, ECF No. 143.

¹ Federal Rule of Civil Procedure 25(d) automatically substitutes the new officers for their predecessors. Neighbors initially filed in the United States District Court for the District of Columbia. That court transferred it here. Order, ECF No. 46. *Neighbors Against Bison Slaughter v. Nat'l Park Serv.*, No. 1:19-cv-128-SPW Pls.' Br. in Supp. of Their Mot. to Reassign

I. New Parties have filed two new, related lawsuits.

Instead of resolving the contentious issue of Yellowstone wild bison management, the Park Service's ROD has only started a new phase of litigation. On December 31, 2024, the State of Montana, Montana Department of Livestock, and the Montana Department of Fish, Wildlife and Parks sued Secretary of the Interior Doug Bergum, the U.S. Department of the Interior, Director of the National Park Service Charles F. Sams III, the National Park Service, and Yellowstone National Park Superintendent Cam Sholly. Compl. for Declaratory and Injunctive Relief, *Montana v. Bergum*, No. CV-24-180 (D. Mont), ECF No. 1.

Weeks later, Alliance for the Wild Rockies and Council on Fish and Wildlife sued Katharine Hammond, National Park Service Director for Interior Regions 6, 7, and 8; Yellowstone National Park Superintendent Cameron Sholly; and the National Park Service. Compl. for Injunctive and Declaratory Relief, *All. for the Wild Rockies v. Hammond*, No. 25-cv-12 (D. Mont. Jan. 17, 2025), ECF No. 1.

II. Chief Judge Morris is now presiding over two other cases on Yellowstone wild bison management.

Two divisions of this Court have reassigned the other two Yellowstone wild bison management cases to Chief Judge Morris. The State of Montana had filed its case in this division, the Billings Division. Compl. for Declaratory and Injunctive Relief, No. CV-24-180 (D. Mont), ECF No. 1. The Court had assigned U.S. Magistrate Judge Timothy J. Cavan. *See* Order, No. CV-24-180 (Jan. 23, 2025), *Neighbors Against Bison Slaughter v. Nat'l Park Serv.*, No. 1:19-cv-128-SPW Pls.' Br. in Supp. of Their Mot. to Reassign

ECF No. 9. When a party objected to the jurisdiction of a U.S. Magistrate Judge, the Court reassigned it to Chief Judge Morris. Clerk's Notice of Reassignment, No. CV-24-180, ECF No. 12.

The Alliance for the Wild Rockies filed in the Missoula Division. Compl. for Injunctive and Declaratory Relief, No. 25-cv-12 (D. Mont. Jan. 17, 2025), ECF No. 1. The Park Service moved to reassign that case to Chief Judge Morris in part because he was presiding over the *Montana v. Bergum* case. Fed. Defs.' Mot. for Reassignment of Case 5-6, 5 n.1, No. 25-cv-12, ECF No. 10. It claimed that reassigning the case would "promote judicial efficiency and the risk of inconsistent rulings [sic]." Fed. Defs.' Br. in Supp. of Mot. for Reassignment of Case 1, ECF No. 11. Over the Plaintiffs' objections and in a brief order, Judge Molloy reassigned that case to Chief Judge Morris. Order, No. CV 25-12-BLG-DWM, ECF No. 14.

III. Several parties have moved to intervene in the *Montana v. Bergum* case.

While the parties in *Alliance for the Wild Rockies* and *Montana v. Bergum* were sorting out the judge to preside over their cases, several parties moved to intervene. Chief Judge Morris held a hearing with the parties on seven motions. Text Order, No. 24-cv-180-BMM, ECF No. 28. He ultimately issued a complex order deciding whom to allow to intervene. Order, No. 24-cv-180-BMM, ECF No. 74. First, Cottonwood Environmental Law Center and the Sierra Club had moved to

Neighbors Against Bison Slaughter v. Nat'l Park Serv., No. 1:19-cv-128-SPW Pls.' Br. in Supp. of Their Mot. to Reassign

intervene as defendants. Order 1. Second, the Fort Peck Assiniboiné and Sioux Tribes, Defenders of Wildlife, Greater Yellowstone Coalition, National Parks Conservation Association, and Park County Environmental Council had moved to intervene. *Id.* Third, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes and Bands of the Yakama Nation (three of the four Tribes in this case who have participated as amicus curiae) had moved to intervene. *Id.* at 2. Before Chief Judge Morris ruled on those motions, the Sierra Club moved to withdraw. *Id.* at 2.

After a hearing, Chief Judge Morris allowed every party to intervene, but limited Cottonwood's intervention. *Id.* at 8-9. He also ruled on other motions. *Id.* at 12.

ARGUMENT

Chief Judge Morris is presiding over the two other Yellowstone wild bison management cases in this Court, and it makes sense for him to preside over this case, as well. The Agencies recognized that Reassigning Yellowstone wild bison cases, so they are "all assigned to the same judge makes obvious sense." Fed. Defs.' Reply Brief in Supp. of Mot. for Reassignment of Case, No. CV 25-12, ECF No. 13, Ex. 2. Judge Molloy quickly agreed: "Federal Defendants correctly assert that such reassignment will promote judicial efficiency and reduce the risk of

inconsistent rulings.” Order, No. CV 25-12, ECF No. 14. It makes the same obvious sense here.

District courts have “inherent powers” to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (quotations omitted). *See In re Marshall*, 721 F.3d 1032, 1040 (9th Cir. 2013) (“judges are vested with inherent authority to transfer cases among themselves for the expeditious administration of justice.” (quotations omitted)); *cf. Van Dusen v. Barrack*, 376 U.S. 612, 616, 636 (1964) (recognizing Congress designed the statute for transfers among judicial districts, 28 U.S.C. § 1404(a), as a “federal judicial housekeeping measure,” to “prevent the waste of time, energy, and money and to protect litigants, witnesses and the public against unnecessary inconvenience and expense.”).

Transferring this case to Chief Judge Morris would accomplish a routine, housekeeping objective. Already, Chief Judge Morris is more familiar with the developments after the Park Service’s EIS because he has sorted through seven motions to intervene and for ancillary relief. *See* Order, No. 24-cv-180-BMM, ECF No. 74. It would result in duplicative effort for this Court also to review the EIS and related materials sufficiently to rule on Neighbors’ motions.

Neighbors are concurrently moving to reopen this case and for partial summary judgment. This Court has never ruled on this case’s merits, but has ruled only on

extra-record weighing of the equities and other ancillary matters. *See* Order, ECF No. 57; Remand Order. Those orders have not opined on whether the Forest Service complied with NEPA and other Forest Service statutes or whether the Agencies' delegation to the IBMP violates the Constitution. In contrast, Chief Judge Morris has been developing expertise in the current facts involving Yellowstone wild bison management. Allowing him to rule would ultimately save judicial time and resources while reducing the risk of inconsistent rulings.

CONCLUSION

For the foregoing reasons, Neighbors respectfully request this Court to reassign this case to Chief Judge Morris.

Dated November 14, 2025, /s/ Jared S. Pettinato
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CERTIFICATE OF COMPLIANCE

I certify that this brief contains 1,464 words, excluding the caption, certificate of compliance, tables of contents authorities, and exhibit index. I relied on the word count in MS Word.

Dated November 14, 2025,

/s/ Jared S. Pettinato

JARED S. PETTINATO