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*Attorneys for Plaintiffs Tohono O’odham
Nation; Pascua Yaqui Tribe; and Hopi
Tribe*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

)	
Save the Scenic Santa Ritas, <i>et. al</i> ,)	No. 4:19-cv-00177-TUC-JAS [Lead]) [Related to 4:19-cv-00205-TUC-JAS]
Plaintiffs,)	
v.)	TRIBES’ MOTION FOR PRELIMINARY INJUNCTION
U.S. Army Corps of Engineers, <i>et al.</i> ,)	
Federal Defendants,)	
and)	
Rosemont Copper Company,)	
Defendant-Intervenor.)	

Pursuant to F.R.C.P. 65, the Tohono O’odham Nation, Pascua Yaqui Tribe, and Hopi Tribe (collectively the “Tribes”) respectfully request a preliminary injunction to prevent Rosemont Copper Company from undertaking any ground-disturbing activities authorized by the U.S. Army Corps of Engineers’ Clean Water Act Section 404 Permit (“404 Permit”) or the U.S. Forest Service’s revised Mining Plan of Operations, which relied upon the 404 Permit.

The Tribes have established that they meet all four prongs of the preliminary injunction test, as demonstrated in the attached Memorandum in Support of Motion for Preliminary Injunction and supporting declarations. Specifically, they have demonstrated (1) a likelihood of success on the merits; (2) that they are likely to suffer irreparable harm in the absence of injunctive relief; (3) that the balance of equities favors an injunction; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Alternatively, they have raised “serious questions going to the merits” and that the equitable factors weigh in their favor. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). Accordingly, the Court should issue a preliminary injunction to maintain the status quo and prevent harm to irreplaceable cultural and natural resources pending a final decision on the merits.

Respectfully submitted this 15th day of May, 2019,

/s/ Stuart Gillespie

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2019, I electronically transmitted the foregoing and all attachments to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Stuart Gillespie