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*Counsel for Plaintiffs Swan View
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

WILDEARTH GUARDIANS, *et al.*,
Plaintiffs,

and

SWAN VIEW COALITION, *et al.*,
Consolidated Plaintiffs,

Lead Case No.
CV 19-56-M-DWM

Member Case No.
CV 19-60-M-DWM

vs.

KURTIS STEELE, Forest Supervisor,
FLATHEAD NATIONAL FOREST, *et al.*,
Defendants,

and

DAVID BERNHARDT, Secretary, U.S.
DEPARTMENT OF THE INTERIOR, *et al.*,
Consolidated Defendants,

and

MONTANA LOGGING ASSOCIATION,
et al.,
Defendant-Intervenors.

**PLAINTIFFS' JOINT
MOTION TO ALTER OR
AMEND JUDGMENT**

Plaintiffs in Case No. CV 19-56-M-DWM, WildEarth Guardians and Western Watersheds Project, and Plaintiffs in consolidated Case No. CV 19-60-M-DWM, Swan View Coalition and Friends of the Wild Swan, hereby move to alter or amend this Court's June 24, 2021 judgment in this case pursuant to Federal Rule of Civil Procedure 59(e).

Specifically, Plaintiffs request that this Court amend the judgment by vacating unlawful provisions of the 2018 Revised Forest Plan for the Flathead National Forest because post-judgment information indicates that a key underpinning of this Court's remedy ruling—the Court's understanding that “remand without vacatur would disrupt the very projects Plaintiffs are concerned

about,” WildEarth Guardians v. Steele, No. CV 19-56-M-DWM, 2021 WL 2590143, at *23 (D. Mont. June 24, 2021)—was incorrect. The Court’s order of remand without vacatur will therefore yield manifest injustice unless amended. The unlawful provisions of the Revised Forest Plan that Plaintiffs ask the Court to vacate are as follows:

Standard FW-STD-IFS-01 to -04
Guideline FW-GDL-IFS-01 and 02
Guideline FW-GDL-CWN-01
and associated glossary definitions of:

- baseline
- decommissioned road
- impassable road
- intermittent stored service/intermittent service road, closed to traffic
- temporary road
- secure core/grizzly bear
- total motorized route density

Upon vacatur of these unlawful plan provisions, the Court should reinstate the longstanding protections of former Forest Plan Amendment 19 that were repealed by the unlawful provisions of the Revised Forest Plan in violation of the Endangered Species Act.

Plaintiffs also request that this Court amend the judgment by remanding the Revised Forest Plan to ensure that Federal Defendants undertake a meaningful reconsideration of the Revised Forest Plan’s unlawful provisions.

Pursuant to Local Civil Rule 7.1(c)(1), counsel for Plaintiffs contacted counsel for Federal Defendants and Defendant-Intervenors concerning the relief

requested in this motion. Federal Defendants and Defendant-Intervenors oppose this motion.

This motion is supported by the accompanying memorandum, declarations, and exhibits. As these materials demonstrate, the requested amendments are justified under Rule 59(e) and this motion should be granted.

Respectfully submitted this 22nd day of July, 2021.

/s/ Timothy J. Preso

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will cause a copy to be served on all counsel of record.

/s/ Timothy J. Preso