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**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

INDEPENDENT PETROLEUM )  
ASSOCIATION OF AMERICA, and )  
WESTERN ENERGY ALLIANCE, )

Petitioners, )

v. )

SALLY JEWELL, in her official )  
capacity as Secretary of the United )  
States Department of the Interior, and )  
BUREAU OF LAND MANAGEMENT, )

Respondents. )

Case No. 15-CV-00041-SWS

**(UNOPPOSED) JOINT  
MOTION TO  
CONSOLIDATE**

Federal Respondents the United States Department of the Interior, Secretary of the Interior Sally Jewell, and the United States Bureau of Land Management, along with Industry Petitioners the Independent Petroleum Association of America and Western Energy Alliance (collectively “movants”), hereby move for an order of the Court consolidating *State of Wyoming, et al. v. United States Department of the Interior Secretary et al.*, 2:15-cv-00043-SWS (D. Wyo.) with this case, *Independent Petroleum Association of America et al. v. Jewell et al.*, 2:15-cv-00041-SWS (D. Wyo.). A proposed order accompanies this filing. The relevant parties are filing a comparable motion and proposed order in the other case.

Pursuant to Fed. R. Civ. P. 42(a) and in accordance with Local Rule 42.1, the movants hereby move this Court for an order consolidating 2:15-cv-00043-SWS with this action. Movants request that case number 2:15-cv-00043-SWS be designated the lead case, to which all future filings would be made, should the Court grant the requested consolidation.

The Court should consolidate the cases given their common questions of law and fact. Both cases challenge the decision made by the Department of the Interior and the Bureau of Land Management to promulgate administrative rules governing hydraulic fracturing on public and Indian lands. *See* 2:15-cv-00041-SWS (Dkt. 1); 2:15-cv-00043-SWS (Dkt. 1). Judicial review in both cases will be on the Bureau of Land Management’s Administrative Record, which is the same Administrative Record for both cases.

Additionally, both cases will involve preliminary motions for equitable relief. On May 15, 2015, the Industry Petitioners filed a motion for preliminary injunction in case 2:15-cv-00041-SWS. On May 29, two of the State Petitioners in case number 2:15-cv-00043-SWS, Wyoming and Colorado, filed a motion for preliminary injunction. On June 1, 2015, the Court issued a scheduling order advising the party that oral argument will be conducted on both motions at the same time on

June 23, 2015. Another of the State Petitioners, North Dakota, intends to file a motion for preliminary injunction within the next seven days.<sup>1</sup>

Accordingly, movants respectfully request that the Court consolidate these two cases, given the common questions of law and fact, and because doing so will encourage the “just, speedy, and inexpensive” resolution of these actions. Fed. R. Civ. P. 1.

Counsel for Federal Respondents also have consulted with counsel for Intervenor-Respondents Sierra Club, Earthworks, The Wilderness Society, Western Resource Advocates, Conservation Colorado Education Fund and Southern Utah Wilderness Alliance – who have intervened in both cases – and they have indicated that they do not object to consolidation on the terms described in this motion.

WHEREFORE, the Federal Respondents and Industry Petitioners pray that this Court will enter an order consolidating case number 2:15-cv-00041-SWS with case number 2:15-cv-00043-SWS and further order that the parties file all future pleadings and documents in the lead case 2:15-cv-00043-SWS.

Submitted this 3rd day of June, 2015.

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<sup>1</sup> The parties wish to notify the Court of North Dakota’s intention, in order to facilitate the Court’s management of these related cases. The Federal Respondents reserve their right to oppose North Dakota’s motion on any grounds they deem appropriate.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of June, 2015, a copy of the foregoing (Unopposed) Joint Motion to Consolidate was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ William E. Gerard  
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