

**United States District Court  
District of Nevada (Reno)  
CIVIL DOCKET FOR CASE #: 3:10-cv-00597-LRH-VPC**

Leigh v. Salazar et al  
Assigned to: Judge Larry R. Hicks  
Referred to: Magistrate Judge Valerie P. Cooke  
Cases: 3:10-cv-00417-LRH-VPC  
2:10-cv-01634-JCM-LRL

Date Filed: 09/22/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Defendant

Cause: 05:551 Administrative Procedure Act

**Plaintiff**

**Laura Leigh**

represented by **Gordon M. Cowan**  
Gordon M. Cowan, Law Office Of  
1495 Ridgeview Drive #90  
Reno, NV 89519  
775-786-6111 ext 106  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Ken Salazar**  
*Secretary, US Department of the Interior*

represented by **Erik Petersen**  
U.S. Department of Justice  
601 D Street, NW  
Washington, DC 20004  
202-305-0339  
Email: [erik.petersen@usdoj.gov](mailto:erik.petersen@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Bob Abbey**  
*Director, Bureau of Land Management*

represented by **Erik Petersen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Ronald Wenker**  
*Nevada State Director of Bureau of Land  
Management*

represented by **Erik Petersen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/22/2010	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against Bob Abbey, Ken Salazar, Ronald Wenker (Filing fee \$ 350 receipt number 0978-1745153), filed by Laura Leigh. Certificate of Interested Parties due by 10/2/2010. Proof of service due by 1/20/2011. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Cowan, Gordon) (Entered: 09/22/2010)
09/22/2010		Case assigned to Judge James C. Mahan and Magistrate Judge Lawrence R. Leavitt. (EDS) (Entered: 09/23/2010)
09/22/2010	3	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website –

		<a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. <b>(no image attached)</b> (EDS) (Entered: 09/23/2010)
09/23/2010	<u>2</u>	NOTICE by Plaintiff Laura Leigh re <u>1</u> Complaint,. <i>TO CLERK OF THE COURT</i> (Cowan, Gordon) (Entered: 09/23/2010)
09/23/2010	4	NOTICE: Attorney Action Required to <u>1</u> Complaint: <b>ERROR:</b> Summons not issued due to filing being incomplete, page (1) missing. CORRECTION: <b>Attorney Gordon M. Cowan</b> advised to download and complete updated "AO 440 (Rev. 12/09) Summons in a Civil Action" form from Court's Website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> and refile as a separate event using "Proposed Summons to be Issued" event. <b>(no image attached)</b> (RFJ) (Entered: 09/23/2010)
09/23/2010	<u>5</u>	PROPOSED SUMMONS to be issued, filed by Plaintiff Laura Leigh. (Cowan, Gordon) Modified on 9/24/2010 <b>Summons Issued on 9/24/2010</b> (PM). (Entered: 09/23/2010)
09/24/2010	<u>6</u>	MOTION for Temporary Restraining Order by Plaintiff Laura Leigh. Motion ripe 9/24/2010. (Attachments: # <u>1</u> Exhibit Exh 1 BLM Notice, # <u>2</u> Declaration Eh 2 Decl L Leigh, # <u>3</u> Declaration Eh 3 Decl RT Fitch, # <u>4</u> Declaration Eh 4 Decl T Fitch, # <u>5</u> Declaration Eh 5 Decl D Coffey, # <u>6</u> Exhibit Eh 6 Corresp S Long)(Cowan, Gordon) (Entered: 09/24/2010)
09/24/2010	<u>7</u>	NOTICE of Appearance by attorney Erik Petersen on behalf of Defendants Bob Abbey, Ken Salazar, Ronald Wenker. (Petersen, Erik) (Entered: 09/24/2010)
09/24/2010	<u>8</u>	ORDER Transferring Case to the Northern Division of the District of Nevada. Signed by Judge James C. Mahan on 9/24/10. (Copies have been distributed pursuant to the NEF – ASB) (Entered: 09/24/2010)
09/24/2010		Case assigned to Judge Larry R. Hicks and Magistrate Judge Valerie P. Cooke. <b>***Emergency motion previously filed in case.***</b> (BLG) (Entered: 09/24/2010)
09/24/2010	<u>9</u>	MOTION for Preliminary Injunction by Plaintiff Laura Leigh. Responses due by 10/11/2010. (Attachments: # <u>1</u> Exhibit Exh 1 BLM Notice, # <u>2</u> Declaration Exh 2 Decl L Leigh, # <u>3</u> Declaration Exh 3 Decl RT Fitch, # <u>4</u> Declaration Exh 4 Decl T Fitch, # <u>5</u> Declaration Exh 5 Decl D Coffey, # <u>6</u> Exhibit Exh 6 Letr S Long)(Cowan, Gordon) (Entered: 09/24/2010)
09/24/2010	<u>10</u>	SUMMONS Issued as to Bob Abbey, Ken Salazar, Ronald Wenker, <del>U.S. Attorney and U.S. Attorney General</del> . (Attachments: # <u>1</u> Salazar Summons, # <del>(2) US Atty Summons</del> , # <u>3</u> US Atty General Summons, # <u>4</u> Wenker Summons)(PM) <i>Modified on 11/5/2010 text unnecessary text lined through.</i> (BLG). (Entered: 09/24/2010)
09/25/2010	<u>11</u>	Supplemental BRIEF re <u>6</u> MOTION for Temporary Restraining Order ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 7 – Decl L Peeples, # <u>2</u> Declaration Exh 8 – Decl K Fite, # <u>3</u> Exhibit Exh 9 Photos, # <u>4</u> Declaration Exh 10 – Decl L Leigh)(Cowan, Gordon) (Entered: 09/25/2010)
09/25/2010	<u>12</u>	Supplemental BRIEF re <u>9</u> MOTION for Preliminary Injunction ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 7 – Decl L Peeples, # <u>2</u> Declaration Exh 8 – Decl K Fite, # <u>3</u> Exhibit Exh 9 – Photos, # <u>4</u> Declaration Exh 10 – Decl L Leigh)(Cowan, Gordon) (Entered: 09/25/2010)
09/27/2010	<u>13</u>	ORDER denying, without prejudice, <u>6</u> Motion for TRO. See order for specifics. Signed by Judge Larry R. Hicks on 9/27/10. (Copies have been distributed pursuant to the NEF – EM) (Entered: 09/27/2010)
09/28/2010	<u>14</u>	DECLARATION of Service re <u>6</u> MOTION for Temporary Restraining Order ; filed by Plaintiff Laura Leigh. (Cowan, Gordon) (Entered: 09/28/2010)
10/01/2010	<u>15</u>	Amended MOTION for Temporary Restraining Order by Plaintiff Laura Leigh. Motion ripe 10/1/2010. (Attachments: # <u>1</u> Declaration Exh 11 Decl L Leigh)(Cowan, Gordon) (Entered: 10/01/2010)
10/01/2010	<u>16</u>	Amended MOTION for Preliminary Injunction by Plaintiff Laura Leigh. Responses due by 10/18/2010. (Attachments: # <u>1</u> Declaration Exh 11 – Decl L Leigh)(Cowan, Gordon) (Entered: 10/01/2010)

10/04/2010	<u>17</u>	Supplemental BRIEF re <u>15</u> Amended MOTION for Temporary Restraining Order ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 12 Decl Leigh, # <u>2</u> Exhibit Exh 13 Photos)(Cowan, Gordon) (Entered: 10/04/2010)
10/04/2010	<u>18</u>	CERTIFICATE of Interested Parties filed by Laura Leigh that identifies all parties that have an interest in the outcome of this case.. (Cowan, Gordon) (Entered: 10/04/2010)
10/04/2010	<u>19</u>	Supplemental BRIEF re <u>16</u> Amended MOTION for Preliminary Injunction ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 12 Decl L Leigh, # <u>2</u> Exhibit Exh 13 Photos)(Cowan, Gordon) (Entered: 10/04/2010)
10/08/2010	<u>20</u>	RESPONSE to <u>15</u> Amended MOTION for Temporary Restraining Order, filed by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. Replies due by 10/18/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Declaration of Alan Shepherd, # <u>4</u> Declaration of Mary D'Aversa, # <u>5</u> Declaration of Heather Emmons)(Petersen, Erik) (Entered: 10/08/2010)
10/12/2010	<u>21</u>	REPLY to Response to <u>15</u> Amended MOTION for Temporary Restraining Order ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 14 L Leigh, # <u>2</u> Exhibit Exh 15 Photos Leigh)(Cowan, Gordon) (Entered: 10/12/2010)
10/15/2010	<u>22</u>	RESPONSE to <u>16</u> Amended MOTION for Preliminary Injunction, filed by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. Replies due by 10/25/2010. (Attachments: # <u>1</u> Attachment A – Declaration of Mary d'Aversa)(Petersen, Erik) (Entered: 10/15/2010)
10/15/2010	<u>23</u>	NOTICE by Defendants Bob Abbey, Ken Salazar, Ronald Wenker re <u>15</u> Amended MOTION for Temporary Restraining Order. <i>Plaintiff's Second TRO Motion is Moot</i> (Attachments: # <u>1</u> Attachment A – Declaration of Mary d'Aversa)(Petersen, Erik) (Entered: 10/15/2010)
10/17/2010	<u>24</u>	MOTION to Strike <u>23</u> Notice (Other), Notice (Other) by Plaintiff Laura Leigh. Responses due by 11/3/2010. (Cowan, Gordon) (Entered: 10/17/2010)
10/21/2010	<u>25</u>	REPLY to Response to <u>16</u> Amended MOTION for Preliminary Injunction ; filed by Plaintiff Laura Leigh. (Attachments: # <u>1</u> Declaration Exh 14 Leigh Decl, # <u>2</u> Exhibit Exh 15 Leigh Photos)(Cowan, Gordon) (Entered: 10/21/2010)
10/28/2010	<u>26</u>	MOTION to Strike <u>21</u> Reply to Response to Motion, <u>25</u> Reply to Response to Motion by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. Responses due by 11/14/2010. (Petersen, Erik) (Entered: 10/28/2010)
11/01/2010	<u>27</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Larry R. Hicks, on 11/1/2010. By Deputy Clerk: Dionna Negrete. A hearing for presentation of oral argument on the Motion for Preliminary Injunction [Doc # <u>9</u> ], Amended Motion for a Temporary Restraining Order [Doc # <u>15</u> ], Amended Motion for a Preliminary Injunction [Doc # <u>16</u> ], and Motion to Strike [Doc # <u>24</u> ] is scheduled on November 16, 2010 at 1:30 p.m. in Courtroom No. 5 before Judge Larry R. Hicks. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF – DBN) <i>Modified on 11/3/2010 motion link added.</i> (BLG). (Entered: 11/01/2010)
11/05/2010	<u>28</u>	SUMMONS Returned Executed by Laura Leigh re <u>10</u> Summons Issued as to USA, <u>1</u> Complaint., Bob Abbey served on 11/4/2010, answer due 1/3/2011; Ken Salazar served on 11/4/2010, answer due 1/3/2011; Ronald Wenker served on 11/4/2010, answer due 1/3/2011. (Cowan, Gordon) (Entered: 11/05/2010)
11/12/2010	<u>29</u>	MOTION to Quash <i>Subpoena</i> by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. Motion ripe 11/12/2010. (Attachments: # <u>1</u> Exhibit A)(Petersen, Erik) (Entered: 11/12/2010)
11/12/2010	<u>30</u>	RESPONSE to <u>26</u> MOTION to Strike <u>21</u> Reply to Response to Motion, <u>25</u> Reply to Response to Motion, filed by Plaintiff Laura Leigh. Replies due by 11/22/2010. (Cowan, Gordon) (Entered: 11/12/2010)
11/14/2010	<u>31</u>	REPLY to Response to <u>26</u> MOTION to Strike <u>21</u> Reply to Response to Motion, <u>25</u> Reply to Response to Motion ; filed by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. (Petersen, Erik) (Entered: 11/14/2010)

11/15/2010	<u>32</u>	SUBPOENA Returned Executed as to Chris Hanefeld (BLM) (Cowan, Gordon) (Entered: 11/15/2010)
11/15/2010	<u>33</u>	ORDER denying, without prejudice, <u>29</u> Motion to Quash Subpoena. See order for specifics. Signed by Judge Larry R. Hicks on 11/15/10. (Copies have been distributed pursuant to the NEF – EM) (Entered: 11/15/2010)
11/15/2010	<u>34</u>	WITNESS LIST for <i>TRO/Prelim Inj Hearing</i> by Plaintiff Laura Leigh.(Cowan, Gordon) (Entered: 11/15/2010)
11/16/2010	<u>35</u>	MINUTES OF PROCEEDINGS – Motion Hearing held as to Motion for Preliminary Injunction <u>9</u> , Motion for Temporary Restraining Order <u>15</u> , Amended Motion for Preliminary Injunction <u>16</u> and Motion to Strike <u>24</u> in case 3:10–cv–597 and as to the Motion for Reconsideration in case 3:10–cv–417 on 11/16/2010 before Judge Larry R. Hicks. Crtrm Administrator: <i>Dionna Negrete</i> ; Pla Counsel: <i>Gordon Cowan</i> ; Def Counsel: <i>Erik Petersen and Greg Addington</i> ; Court Reporter/FTR #: <i>Donna Davidson</i> ; Time of Hearing: 2:00 – 5:17 p.m.; Courtroom: 5. Court convenes. Evidence and witnesses presented as to motions. Counsel may file Briefs within 15 days and responses may be filed 10 days thereafter. Matter stands submitted. (See attached minutes) (Copies have been distributed pursuant to the NEF – DBN) (Entered: 11/17/2010)
11/17/2010	<u>36</u>	EXHIBIT LIST for Hearing Held November 16, 2010.(DRM) (Entered: 11/18/2010)
11/23/2010	<u>37</u>	TRANSCRIPT of Proceedings, <u>35</u> Motion Hearing, held on 11/16/10, before Judge Larry R. Hicks. Court Reporter/Transcriber: Donna Davidson, 775–329–0132. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 12/14/2010. Redacted Transcript Deadline set for 12/24/2010. Release of Transcript Restriction set for 2/21/2011. (DD) (Entered: 11/23/2010)
12/01/2010	<u>38</u>	BRIEF filed by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. <i>regarding the scope of review</i> (Petersen, Erik) Modified on 12/10/2010 link to hearing <u>35</u> . (BLG). (Entered: 12/01/2010)
12/01/2010	<u>39</u>	BRIEF filed by Plaintiff Laura Leigh. <i>Post Hearing</i> (Attachments: # <u>1</u> Exhibit Bolstad Email)(Cowan, Gordon) Modified on 12/10/2010 link to hearing <u>35</u> . (BLG). (Entered: 12/01/2010)
12/09/2010	<u>40</u>	BRIEF re <u>39</u> Brief ; filed by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. (Petersen, Erik) Modified on 12/10/2010 link to hearing <u>35</u> . (BLG). (Entered: 12/09/2010)
12/11/2010	<u>41</u>	BRIEF re <u>38</u> Brief ; filed by Plaintiff Laura Leigh. <i>Response to Defendants' Brief re Scope of Review</i> (Cowan, Gordon) (Entered: 12/11/2010)
12/23/2010	<u>42</u>	STIPULATION re <i>Extension of Time to File Responsive Pleading</i> by Defendants Bob Abbey, Ken Salazar, Ronald Wenker. (Petersen, Erik) (Entered: 12/23/2010)
12/27/2010	<u>43</u>	ORDER ON <u>42</u> STIPULATION : Federal Ds' answer/response due 1/17/2011. Signed by Judge Larry R. Hicks on 12/27/2010. (Copies have been distributed pursuant to the NEF – DRM) (Entered: 12/27/2010)
01/14/2011	<u>44</u>	ANSWER to <u>1</u> Complaint, filed by Bob Abbey, Ken Salazar, Ronald Wenker. Certificate of Interested Parties due by 1/24/2011. Discovery Plan/Scheduling Order due by 2/28/2011.(Petersen, Erik) (Entered: 01/14/2011)
01/18/2011	45	NOTICE PURSUANT TO LOCAL RULE IB 2–2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website – <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (PM) (Entered: 01/18/2011)

02/07/2011	<u>46</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 2/7/2011. By Deputy Clerk: LGM. A Case Management Conference is set for 3/3/2011 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. Out-of-state counsel shall be allowed to appear telephonically for this conference and shall advise Lisa Mann at (775)686-5653 at least two (2) days prior of the telephone number at which counsel can be reached for the case management conference. The parties shall jointly file a case management report by no later than the close of business on <b>Tuesday, February 22, 2011</b> . See the attached order for specifications. (Copies have been distributed pursuant to the NEF - LGM) (Entered: 02/07/2011)
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