

1 Dennis L. Porter (Cal. Bar #67176)  
2 Attorney at Law  
3 8120 36th Avenue  
4 Sacramento, California 95824-2304  
5 Telephone: (916) 381-8300  
6 Fax: (916) 381-8726  
7 dlporter2@yahoo.com

8 Lawson E. Fite (Ore. Bar #055573) *Pro Hac Vice*  
9 Sara Ghafouri (Ore. Bar #111021), *Pro Hac Vice*  
10 American Forest Resource Council  
11 700 N.E. Multnomah, Suite 320  
12 Portland, Oregon 97232  
13 Telephone: (503) 222-9505  
14 Fax: (503) 222-3255  
15 lfite@amforest.org  
16 sghafouri@amforest.org

17 Attorneys for Defendant-Intervenor

18 UNITED STATES DISTRICT COURT  
19 FOR THE EASTERN DISTRICT OF CALIFORNIA  
20 SACRAMENTO DIVISION

21 KLAMATH-SISKIYOU WILDLANDS  
22 CENTER, ENVIRONMENTAL PROTECTION  
23 INFORMATION CENTER, and KLAMATH  
24 FOREST ALLIANCE,

25 Plaintiffs,

26 v.

27 PATRICIA A. GRANTHAM, Klamath National  
28 Forest Supervisor, and UNITED STATES  
FOREST SERVICE,

Defendants,

and

AMERICAN FOREST RESOURCE COUNCIL,  
an Oregon non-profit corporation,

Defendant-Intervenor.

No. 2:18-cv-02785-TLN-DMC

**DEFENDANT-INTERVENOR'S NOTICE  
OF MOTION AND MOTION TO STAY  
INJUNCTION PENDING APPEAL**

Date: May 16, 2019

Time: 2:00 p.m.

Courtroom: 2, 15th Floor

Hon. Troy L. Nunley

**NOTICE OF MOTION**

Pursuant to Local Rule 230, notice is hereby given that on May 16, 2019, before the Honorable Troy L. Nunley, at the Robert T. Matsui United States Courthouse, 501 “P” Street, Sacramento, California 95814 in Courtroom 2, 15th Floor at 2:00 p.m., American Forest Resource Council (AFRC) will move the Court for a stay pending appeal of the Court’s Preliminary Injunction Order of January 25, 2019 (ECF No. 52).

**MOTION**

Intervenor-defendant American Forest Resource Council (AFRC) respectfully moves the Court to stay the January 25 Preliminary Injunction Order pending appeal. AFRC filed a Notice of Appeal on March 1. ECF No. 55. A stay pending appeal is warranted under the applicable standard. AFRC makes a strong showing that it is likely to succeed on appeal due to legal and factual errors in the Court’s order. AFRC and its members are likely to suffer irreparable harm if the injunction is not lifted due to ongoing deterioration of wood and increased fire risk, harm which outweighs the speculative harm claimed by plaintiffs. The public interest favors a stay because of the strong public safety implications—the project is needed to protect the community of Seiad Valley from fire risk—and because without project work the area risks becoming deforested for decades if not forever.

This motion is supported by the accompanying Memorandum, Declaration of Cade Crawford, the pleadings and papers on file in this action, and such oral argument as the Court may entertain.

WHEREFORE, AFRC requests the Court grant the instant motion, and stay its Preliminary Injunction Order pending appeal.

Respectfully submitted this 16th day of April, 2019.

/s/ Dennis L. Porter

Dennis L. Porter (Cal. Bar #67176), Attorney at Law  
8120 36th Avenue  
Sacramento, California 95824-2304  
Telephone: (916) 381-8300  
Fax: (916) 381-8726  
dlporter2@yahoo.com

/s/ Lawson E. Fite

Lawson E. Fite (Ore. Bar #05573), *Pro Hac Vice*  
Sara Ghafouri (Ore. Bar #111021), *Pro Hac Vice*  
American Forest Resource Council  
700 N.E. Multnomah, Suite 320  
Portland, Oregon 97232  
Telephone: (503) 222-9505  
Fax: (503) 222-3255  
lfite@amforest.org  
sghafouri@amforest.org

Attorneys for Defendant-Intervenor

CERTIFICATE OF SERVICE

I, Lawson E. Fite, hereby certify that I, on April 16, 2019, caused the foregoing to be served upon counsel of record through the Court's electronic service system.

Dated: April 16, 2019

/s/ Lawson E. Fite  
Lawson E. Fite