

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAFARI CLUB INTERNATIONAL,)	
)	
Plaintiff,)	
)	
v.)	1:11-cv-01564-BAH
)	
SALAZAR, <i>et al.</i> ,)	
)	
Defendants.)	
)	
TERRY OWEN, <i>et al.</i> ,)	
)	
Plaintiffs,)	1:12-cv-00194-BAH
)	
v.)	
)	
U.S. DEPARTMENT OF THE INTERIOR, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	
)	

RESPONSE TO COURT’S FEBRUARY 13, 2012 MINUTE ORDER

The parties file the following response to the Court’s February 13, 2012 Minute Order ordering the parties to either: (1) show cause “why *Owen, et al. v. United States Department of the Interior, et al.*, No. 12-cv-194, and *Safari Club International v. Salazar et al.*, No. 11-cv-1564, should not be consolidated under Federal Rule of Civil Procedure 42”; or (2) if the parties

agree to consolidation, “to confer and submit a joint proposal to modify, if necessary, the existing scheduling order in No. 11-cv-1564.”

The parties have conferred and agree that the cases should be consolidated in accordance with Federal Rule of Civil Procedure 42 because the cases have common issues of fact and law. *See American Postal Workers Union v. U.S. Postal Service*, 422 F. Supp. 2d 240, 245 (D.D.C. 2006); *Gonzalez-Quiles v. Cooperativa De Ahorro Y Credito De Isabela*, 250 F.R.D. 91, 93 (D. Puerto Rico 2007) (“The important question [in deciding a motion to consolidate] is whether the cases involve a common question of law or fact.”). Specifically, each of the complaints contains a claim that the Service has failed to provide a timely response to a petition to delist the U.S. captive populations of scimitar-horned oryx, addax, and dama gazelle, allegedly in violation of the Endangered Species Act and the Administrative Procedure Act. *See Safari Club International Complaint ¶¶ 100-106; Owen, et al., Complaint ¶¶ 47-53.*

The parties also agree that the Court does not need to modify the existing briefing scheduling order in No. 11-cv-1564, other than to make it applicable to both sets of plaintiffs, and to include the following new deadlines:

- Federal defendants shall lodge the administrative record for Plaintiffs’ petition finding claims by February 29, 2012.
- Any motion to supplement the administrative record for Plaintiffs’ petition finding claims shall be filed by March 7, 2012.
- Federal defendants and Plaintiff Safari Club International also agree to extend the deadline for any motion by Safari Club International to supplement the

administrative record for Safari Club International's listing claim until February 22, 2012.

Dated: February 16, 2012

Respectfully submitted,

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/s/ Meredith L. Flax

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