## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE, et al.,	) ) )
Plaintiffs,	) )
<b>v.</b>	Civ. No. 1:13-cv-00639-MCA-RHS
TOM VILSACK, Secretary,	) YAKAMA NATION'S
U.S. Department of Agriculture, et al.,	) RESPONSE IN OPPOSITION
	) TO PLAINTIFFS'
	) MOTION FOR TEMPORARY
	) RESTRAINING ORDER OR
	) PRELIMINARY INJUNCTION
Federal Defendants.	)
	)

Intervenor-Defendants, the Yakama Nation, respectfully request that the Court deny Plaintiffs' Motion For A Temporary Restraining Order Or Preliminary Injunction.

As grounds for this opposition, the Yakama Nation states as follows:

- 1. This Court, at Docket #90, granted the Yakama Nation's motion to intervene.

  The Yakama Nation is appropriately aligned as a defendant because it opposes the relief sought by the plaintiffs and its interests are in significant respects aligned with the defendants.
- 2. The Yakama Nation adopts the legal arguments set forth by defendants Vilsack et al. in their Opposition that appears in the record at Docket No. 66.
- 3. The Yakama Nation submits the attached declaration of James Stephenson, the Yakama Tribe's Big Game Biologist, in which Mr. Stephenson establishes a) that the Yakama Nation will suffer irreparable harm in the event that equine slaughter houses are

not permitted and allowed to function; b) that the balance of equities tips strongly in favor of the defendants and against the plaintiffs and; c) that the public interest lies in the permitting and operation of equine slaughterhouses, including the two that are now a subject of this litigation.

Wherefore, defendant The Yakama Nation respectfully requests that the Court deny the Plaintiffs' Motion for a Preliminary Injunction and/or for a Temporary Restraining Order. Further, if the Court grants Plaintiff's Motion, defendant Yakama Nation requests that this Court require Plaintiffs to post a bond sufficient to compensate the Yakama Nation for the losses it will sustain as a consequence of the continued presence of thousands of feral horses on its reservation.

Respectfully submitted,

## /s/ John W. Boyd

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## **CERTIFICATE OF SERVICE**

I CERTIFY that on the 1<sup>ST</sup> day of August, 2013, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ John W. Boyd John W. Boyd