

1 GORDON M. COWAN, Esq.
SBN# 1781
2 Law Office of Gordon M. Cowan
P.O. Box 17952
3 Reno, Nevada 89511
Telephone (775) 682-4373
4

5 Attorney for Plaintiff LAURA LEIGH

6 **IN THE UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LAURA LEIGH,

9 Plaintiff,

10 **Case No. 3:11-cv-0608-LRH-RAM**

11 vs.

12 KEN SALAZAR, in his official capacity as
Secretary of the U.S. DEPARTMENT OF
THE INTERIOR, *et al.*,

13 Defendants.
14 _____/

15 **SUPPLEMENTAL**
16 **MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF**
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

17 Appreciating very much that the court has accelerated this matter ahead of the
18 normal timing to hear matters, the Plaintiff urgently implores the court to intervene
19 immediately with a temporary restraining order that ONLY PROHIBITS THE USE OF
20 THE HELICOPTER TO ROUND UP HORSES until the court is able to hear the matter
21 this Wednesday at 4:00 p.m. Plaintiff urges the court's review of **Exhibit 7**, attached.

22 Ms. Leigh's Declaration at **Exhibit 7** attached, provides the following relevant
23 statements in support of the issuance of an immediate TRO:

24 I am informed and believe, based on the BLM's probable
25 stepped-up or accelerated method of rounding up horses in
26 reaction to this motion being filed, that by Wednesday at
27 4:00 p.m. when this matter is to be heard, that the roundup
28 would be completed or nearly completed. Should this occur,

1 then the matter would likely be considered "mooted" by 4:00
2 p.m., Wednesday, that justice would not have been served
3 and that unnecessary damage would have been
4 accomplished;

5 Declaration Laura Leigh, p.1, §3, **Exhibit 7** attached

6 Attached as Exhibits 3 and 4 are statements of independent witnesses to
7 Jackson Mountain HMA roundup activities. Because the circumstance in assembling
8 this motion required quick action, formal declarations or affidavits were not available
9 from these witnesses at this time. Plaintiff asks for leave to supplement this motion
10 when declarations of these witnesses are obtained.

11 An immediate stay of helicopter use for this roundup would cause no harm to the
12 defendants where the roundup is not emergent where the defendants are rounding up
13 horses currently, that the roundup is not being conducted for AML reduction purposes,
14 that the roundup method by helicopter is *prohibited* during "foaling season," that foals
15 are being harmed or not accounted for during the roundup, and where the BLM has
16 published statistics of this roundup indicating that horse deaths are occurring but which
17 the defendants provide no explanation for such casualties.

18 Respectfully submitted this 18 day of June 2012.

19 LAW OFFICE OF GORDON M. COWAN

20 s/

21

Gordon M. Cowan Esq. (SBN 1781)
22 Attorney for Plaintiff LAURA LEIGH

23 **LIST OF EXHIBITS**

- 24 Exhibit 3 Stephanie Martin Statement
- 25 Exhibit 4 Tara Tucker Statement
- 26 Exhibit 5 Correspondence from Representative Raul Grijalva to Mr. Mike Pool,
acting director of the Bureau of Land Management
- 27 Exhibit 6 BLM Gather Report as of June 17, 2012
- 28 Exhibit 7 Second Declaration Laura Leigh

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CERTIFICATE OF SERVICE
[Pursuant to Fed. R. Civ. P. 5(b); LR 5-1]

I certify that on the date indicated below, I filed the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which would provide notification and a copy of same to counsel of record, including the following counsel:

Erik Petersen, Esq.	erik.petersen@usdoj.gov
Ayako Sato	ayako.sato@usdoj.gov

Dated this 18 day of June 2012

s/

G.M. Cowan