

Exhibit 12
in support of
Appellants' Motion to Expedite and Consolidate Proceedings in
Ctr. for Biological Diversity et al. v. Salazar et al.,
Civ. No. 11-35670
(District Court Order Dated May 24, 2011)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD ROCKIES,)	
et al.)	CV 11-70-M-DWM
)	CV 11-71-M-DWM
Plaintiff,)	
)	
vs.)	
)	ORDER
KEN SALAZAR, et al.,)	
)	
Defendants.)	
_____)	
)	
CENTER FOR BIOLOGICAL)	
DIVERSITY,)	
)	
Plaintiff,)	
)	
vs.)	
)	
KEN SALAZAR, et al.,)	
)	
Defendants.)	
_____)	

Federal Defendants move to consolidate Center for Biological Diversity v.

Salazar, CV 11-71-M-DWM, with Center for Biological Diversity v. Salazar, CV 11-71-M-DWM. Plaintiffs in both suits do not oppose consolidation, but they do not favor joint briefing or consolidated oral argument.

A court may consolidate actions that involve a common question of law or fact. Fed. R. Civ. P. 42(a). Each lawsuit challenges the constitutionality of Section 1713 of H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act of 2011. Because the cases present common questions of law and fact, the Court finds consolidation is appropriate. As Defendants concede, however, the details of plaintiffs' arguments may vary. Therefore, Plaintiffs in each case will each be allowed to file separate briefs in support of one motion for summary judgment.

IT IS HEREBY ORDERED that Defendants' motion (dkt # 10) is GRANTED. Center for Biological Diversity v. Salazar, CV 11-71-M-DWM, and Alliance for the Wild Rockies et al., CV 11-70-M-DWM, shall be consolidated as captioned above.

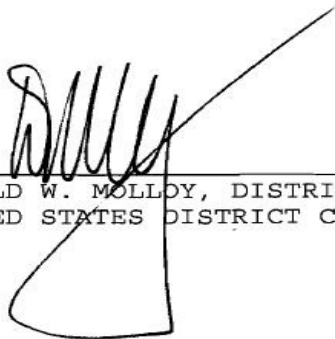
IT IS FURTHER ORDERED that the parties in the consolidated case shall adhere to the case management order entered by this Court on May 13, 2011, in Alliance for the Wild Rockies et al., CV 11-70-M-DWM.

Each Plaintiff may file a separate brief in support of the motion for summary

judgment and a separate response brief to Federal Defendants' brief.

The parties and Clerk of Court are directed to file all documents in the lead case, CV 11-70-M-DWM.

Dated this 24th day of May, 2011.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT