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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Save the Scenic Santa Ritas, *et al.*, Plaintiffs, v. United States Army Corps of Engineers, *et al.*, Defendants, and Rosemont Copper Company, Defendant-Intervenors.	No. 4:19-cv-00177-TUC-JAS [Lead]) No. 4:19-cv-00205-TUC-JAS (C) Chief Judge: James A. Soto **TRIBES' MOTION FOR TEMPORARY RESTRAINING ORDER**
Tohono O'odham Nation, *et al.*, Plaintiffs, v. United States Army Corps of Engineers, and Peter Helmlinger Defendants.	No. 4:19-cv-00205-TUC-JAS (C)

Pursuant to Federal Rules of Civil Procedure 65(b), the Tohono O'odham Nation, Pascua Yaqui Tribe, and Hopi Tribe (collectively, the Tribes) respectfully request a temporary restraining order to prevent the Rosemont Copper Company (Rosemont) from grading the west side of the Santa Rita Mountains and discharging fill material into jurisdictional waters of the United States to construct the Copper World Expansion. Without notifying the Tribes, Rosemont commenced bulldozing the site on or before April 14, 2022, and intends to continue bulldozing the site to construct a massive new copper mine. Rosemont's ground-clearing activities are causing severe, immediate, and irreversible harm to tribal cultural resources, waters of the United States, and critical wildlife habitat. The Tribes seek emergency relief to preserve the status quo and prevent any further irreparable harm before the Court can rule on a motion for a preliminary injunction.

The Tribes have demonstrated that they meet all four prongs of the test for a temporary restraining order, as demonstrated in the attached Memorandum in Support of Motion for Temporary Restraining Order and supporting exhibits. Specifically, they have demonstrated that (1) they are likely to suffer irreparable harm in the absence of injunctive relief; (2) they are likely to prevail on the merits of their claims alleging violations of the National Environmental Policy Act and National Historic Preservation Act, (3) that the balance of equities favors an injunction; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Alternatively, they have raised "'serious questions going to the merits'" and that the equitable factors weigh in their favor. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). Accordingly, the Court should issue a temporary restraining order to maintain the status quo and prevent harm to irreplaceable cultural and natural resources pending a ruling on a motion for a preliminary injunction.

The Tribes reached out to opposing counsel on April 18, 2022, to request their position on this emergency motion. Plaintiffs Save the Scenic Santa Ritas, *et al.*, stated

that they intend to file a statement in support of the Tribes' request for a temporary restraining order. Federal Defendants and Rosemont responded, stating that they are unable to take a position on the motion until they have had an opportunity to review it.

DATED this 19th day of April, 2022,

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2022, I electronically transmitted the foregoing **TRIBES' MOTION FOR TEMPORARY RESTRAINING ORDER** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Stuart C. Gillespie
Stuart C. Gillespie