

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE POLAR BEAR ENDANGERED  
SPECIES ACT LISTING AND § 4(d)  
RULE LITIGATION

Misc. Action No. 08-764 (EGS)  
MDL Docket No. 1993

This Document Relates To:  
ALL CASES

ORDER

In accordance with the Memorandum Opinion issued on this same day, it is hereby

**ORDERED** that the Listing Rule for the polar bear shall be remanded to the U.S. Fish and Wildlife Service ("FWS") for the limited purpose of providing additional explanation for the legal basis of its listing determination, and for such further action as it may wish to take in light of the Court's finding that the definition of an "endangered species" under the ESA is ambiguous. The Court defers ruling on the merits of the parties' cross-motions for summary judgment, and the Listing Rule shall remain in force during the remand period; and it is

**FURTHER ORDERED** that FWS is directed to submit its supplemental explanation and supporting materials, if any, to the Court by no later than December 23, 2010; and it is

**FURTHER ORDERED** that all other parties to the Listing Rule cases are directed to file briefs in response to the federal

defendants' submission(s) by no later than January 18, 2011. Although the Court does not specify page limits at this time, the parties are strongly encouraged to submit joint filings to avoid duplicative briefing. The parties are also directed to adhere to the additional briefing procedures set out in this Court's Initial Practice and Procedure Order (Docket No. 2) and the Scheduling Order of August 21, 2009; and it is

**FURTHER ORDERED** that the federal defendants shall be permitted to file a reply by no later than February 1, 2011; and it is

**FURTHER ORDERED** that the Court shall hear arguments on all pending motions in the Listing Rule cases on February 23, 2011, at 10:00 a.m. in Courtroom 24A; and it is

**FURTHER ORDERED** that the motions hearing currently scheduled for January 25, 2011, in the 4(d) Rule cases (*Ctr. for Biological Diversity, et al. v. Salazar, et al.*, Case No. 08-2113; *Defenders of Wildlife v. U.S. Dep't of the Interior*, Case No. 09-153) is hereby rescheduled to April 13, 2011, at 10:00 a.m. in Courtroom 24A; and it is

**FURTHER ORDERED** that Court shall hear arguments on motions filed in the Import Ban cases (*Safari Club Int'l, et al. v. Salazar, et al.*, Case No. 08-881; *Hershey v. Salazar, et al.*, Case No. 09-324; *Kreider v. Salazar, et al.*, Case No. 09-325; *Atcheson, et al. v. Salazar, et al.*, Case No. 09-941) on April

13, 2011, at 2:00 p.m. in Courtroom 24A.

**SO ORDERED.**

**SIGNED:       Emmet G. Sullivan**  
**United States District Court Judge**  
**November 4, 2010**