

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PUBLIC EMPLOYEES FOR)
ENVIRONMENTAL RESPONSIBILITY;)
WESTERN WATERSHEDS PROJECT,)
962 Wayne Ave., Suite 610)
Silver Spring, MD 20910)
Plaintiffs,)

Civil Action No. 20-1224-TSC

v.)

DAVID BERNHARDT, Secretary of the Interior,)
in his official capacity; WILLIAM PENDLEY,)
Deputy Director, Bureau of Land Management,)
in his official capacity; and MARGARET)
EVERSON, National Park)
Service, in her official capacity,)
1849 C Street, N.W.)
Washington, D.C. 20240)
Defendants.)

**PLAINTIFFS’ EXPEDITED MOTION FOR
PARTIAL SUMMARY JUDGMENT**

The Plaintiffs Public Employees for Environmental Responsibility and Western Watersheds Project hereby move for partial summary judgment on all claims against Defendants David Bernhardt and Margaret Everson related to Ms. Everson's alleged illegal position with the National Park Service. This Motion excludes all claims specific to Defendant William Pendley of the Bureau of Land Management, which have been mooted at least for now by an order of the District Court of Montana on September 25, 2020, finding his position to be illegal and enjoining him from continuing in it. This Motion is supported by the arguments in the accompanying Plaintiffs’ Memorandum of Points and Authorities, as well as the Plaintiffs’ Statement of Undisputed Facts

for Summary Judgment, Exhibit A thereto, and five declarations submitted in support of standing.

For the reasons stated in their Memorandum, the Plaintiffs ask this Court to issue an order and judgment declaring Margaret Everson's continued role as *de facto* Acting Director of National Park Service to be unconstitutional and in violation of the statutes cited in the Second Supplemental Complaint. Plaintiffs additionally seek an order enjoining Defendant Everson from taking any further action in her unlawful role, enjoining Defendant Bernhardt from further unlawfully delegating the authority of the NPS Director, awarding the Plaintiffs their costs and attorneys fees for this action, and granting such other relief as the Court deems appropriate.

In addition, as explained in the declarations filed in support of this Motion, the actions of Defendants Bernhardt and Everson have caused and continue to cause the Plaintiffs ongoing harm. They therefore request that this Court expedite briefing and review of this Motion.

A proposed order granting this Motion is included herewith.

Dated: September 30, 2020

Respectfully submitted,



Peter T. Jenkins
D.C. Bar No. 477229
Paula Dinerstein
D.C. Bar No. 333971
Public Employees for Environmental Responsibility
962 Wayne Ave., Suite 610
Silver spring, MD 20910
202.265.4189 (tel.)
pienkins@peer.org
pdinerstein@peer.org