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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

OREGON NATURAL DESERT ASS’N,

Case No. 06-242-AA

Plaintiff,

v.

MOTION TO CONSOLIDATE

DANA R. SHUFORD, Burns District Manager,
BLM, *et al.*,

Defendants.

Oral Argument Requested

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 42, Plaintiff Oregon Natural Desert Association (“ONDA”) respectfully requests that this court consolidate the above-captioned case with Ore. Natural Desert Ass’n v. Gammon, No. 06-523-HO (D. Or. filed Apr. 21, 2006). Pursuant to Local Rule 7.1(a)(1), counsel for Plaintiff conferred with counsel for Defendants, but the parties were unable to resolve the dispute. Defendants oppose this motion.

The question before this court is whether to consolidate this action with ONDA v. Gammon, No. 06-523-HO. Specifically, ONDA asks the court to maintain separate schedules for lodging of the administrative records and briefing on the merits, but to order that oral argument on cross-dispositive motions in both cases will be consolidated in a single hearing. As explained more fully in the memorandum supporting this motion, ONDA requests that this court grant this motion to consolidate based on ONDA's position that consolidating these cases before a single judge will reduce duplicative work by the court and the parties and will increase efficiency by consolidating appropriate segments of the litigation. Therefore, ONDA respectfully asks the court to issue:

1. An order consolidating before this court Ore. Natural Desert Ass'n v. Shuford, No. 06-242-AA, and Ore. Natural Desert Ass'n v. Gammon, No. 06-523-HO, specifying that each action will retain a separate schedule for lodging of administrative records and briefing on the merits (and other motions, where appropriate, such as motions to intervene), and that oral argument on cross-dispositive motions will be consolidated in a single hearing.

In support of this motion, ONDA respectfully refers the court to the Memorandum in Support of Motion to Consolidate.¹

DATED this 25th day of May, 2006

Respectfully Submitted,

s/ Peter M. Lacy

Peter M. Lacy ("Mac") (OSB # 01322)
Oregon Natural Desert Association

Of Attorneys for Plaintiff

¹ Note that ONDA has concurrently filed a Notice of Motion to Consolidate, in the ONDA v. Gammon, 06-523-HO case.