

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GINGER KATHRENS, et al.,

Plaintiffs,

No. 3:18-cv-01691-MO

v.

ORDER OF PRELIMINARY
INJUNCTION

RYAN ZINKE, et al.,

Defendants.

MOSMAN, J.,

Upon consideration of Plaintiffs' Motion for a Preliminary Injunction, the response and reply thereto, and the oral argument conducted on November 2, 2018, the Court hereby finds as follows:

1. Plaintiffs have demonstrated a likelihood of success on the merits regarding their claim that the restrictions imposed by the Bureau of Land Management (BLM) on Plaintiffs' ability to observe the wild mare sterilization procedure at issue in this case violate Plaintiffs' constitutional rights under the First Amendment;
2. Plaintiffs have demonstrated a likelihood of success on the merits regarding their claim under the Administrative Procedure Act (APA), 5 U.S.C. § 706(2), that BLM's

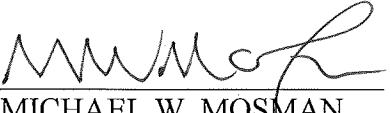
failure to explain why it was not assessing the social acceptability of its procedures was arbitrary and capricious;

3. With regard to the claims at issue in the current motion, Plaintiffs have demonstrated that in the absence of preliminary injunctive relief, they will suffer irreparable harm;
4. As to Plaintiffs' constitutional claim, the Court finds that the balance of the equities and the public interest tips in favor of granting a preliminary injunction to preserve Plaintiffs' First Amendment rights;
5. As to Plaintiffs' claim under the APA, the Court finds that the balance of the equities and the public interest also tips in favor of granting a preliminary injunction.

Accordingly, the Court GRANTS Plaintiffs' Motion for a Preliminary Injunction with regard to their claim under the First Amendment and their claim under the APA that BLM's failure to explain why it was not assessing the social acceptability of its procedures was arbitrary and capricious. As stated on the record, the Court DENIES Plaintiffs' Motion for a Preliminary Injunction with regard to Plaintiffs' additional claims under the APA.

For these reasons, and those explained in greater detail on the record, it is hereby ORDERED that Defendants are preliminarily enjoined from undertaking the sterilization procedure at issue in this case until further order of this Court.

DATED this 13 day of November, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge