

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANGLERS OF THE AU SABLE; and
SIERRA CLUB (MACKINAC CHAPTER),

Plaintiffs,

v.

Case Number 05-10152-BC
Honorable David M. Lawson

UNITED STATES FOREST SERVICE; and
U.S. BUREAU OF LAND MANAGEMENT,

Defendants.

PRELIMINARY INJUNCTION

This matter is before the Court on the plaintiffs' motion for a temporary restraining order and preliminary injunction seeking to prevent site preparation for exploratory oil and gas drilling in the Huron-Manistee National Forests scheduled to begin today by Savoy, LP, the holder of a permit issued by the defendants, the United States Forest Service and the United States Bureau of Land Management. The Court has invited and received a response to the motion from the defendants. When determining whether to issue a preliminary injunction, the Court considers four factors: (1) the likelihood of the party's success on the merits of the claim; (2) whether the injunction will save the party from irreparable injury; (3) the probability that granting the injunction will substantially harm others; and (4) whether the public interest will be served by the injunction. *Summit County Democratic Central and Executive Committee v. Blackwell*, 388 F.3d 547, 552 (6th Cir. 2004).

The Court has considered and weighed these factors and concludes that a preliminary injunction should issue to prevent irreparable harm and permit meaningful judicial review of agency action. A full opinion will follow.

Accordingly, in accordance with Federal Rule of Civil Procedure 65, it is **ORDERED** that the plaintiff's motion for a preliminary injunction [dkt # 14] is **GRANTED**.

It is further **ORDERED** that the defendants, their agents, servants, and employees, and all persons in active concert with them, are **RESTRAINED AND ENJOINED** from proceeding with the authorization, approval, or issuance of a permit in connection with the application of Savoy Energy, LP to drill the USA & State South Branch 1-8 exploratory well in the Huron-Manistee National Forests; conducting activity on the land in preparation for such project, including but not limited to site preparation, road construction and reconstruction, cutting timber, constructing a well pad and reserve pit, and directional drilling, during the pendency of this action or until further order of the Court.

The Court determines that the defendants will not be harmed by maintaining the status quo until judicial review of the agency's action can be achieved, and therefore the plaintiffs are not required to post security.

It is further **ORDERED** that the plaintiffs shall cause this injunction to be served on the defendants and all persons affected by the order of this Court forthwith.

Issued this date at 7:55 a.m. this 7th day of December, 2005.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 7, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 7, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS