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7 COUNTY OF SANTA BARBARA

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 COUNTY OF SANTA BARBARA,

Case No: 2:17-cv-703

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12
13 Plaintiff,

14 v.

**NOTICE OF WITHDRAWAL OF
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE AS TO WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE [ECF NO.
4] AND REQUEST FOR
JUDICIAL NOTICE [ECF NO. 5.]**

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17 KEVIN HAUGRUD, in his official
18 capacity as Acting Secretary of the
Interior; LAWRENCE ROBERTS, in
19 his official capacity as Principal Deputy
Assistant Secretary – Indian Affairs;
20 AMY DUTSCHKE, in her official
capacity as Director, Pacific Region,
21 Bureau of Indian Affairs; THE
DEPARTMENT OF THE INTERIOR,
22 an agency of the United States of
America; THE BUREAU OF INDIAN
23 AFFAIRS, a division of the United
States Department of Interior; and
24 DOES 1 through 100,

DATE: February 1, 2017
TIME: 10:00 a.m.
JUDGE: Hon. Stephen V. Wilson
COURTROOM: 10A

25 Defendants.

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TO THE COURT, DEFENDANTS, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff County of Santa Barbara (the “County”) hereby withdraws its Ex Parte Application for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue (“Application”) (ECF No. 4), and its related Request for Judicial Notice (ECF No. 5).

The County filed its Application on January 28, 2017 due to its need to maintain the status quo and protect the property at issue in this litigation from ground disturbing pre-construction or construction activities until the Court decides the litigation on its merits. The Declaration of Kenneth Kahn, Tribal Chairman of the Santa Ynez Band of Mission Indians (“Chumash Tribe”) filed with Defendants’ opposition to the Application on January 31, 2017 declares that the Chumash Tribe will not commence any physical construction on the property at issue for at least nine (9) months. (ECF No. 12-1.) Tribal Chairman Kahn’s declaration meets the County’s immediate needs to maintain the status quo and protect the property at issue. Therefore, the County withdraws its pending Application and related Request for Judicial Notice (ECF Nos. 4-5).

Dated: January 31, 2017

Respectfully submitted
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: /s/
Amber Holderness
Deputy County Counsel
Attorneys for Plaintiff
COUNTY OF SANTA BARBARA

COUNTY COUNSEL
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 105 East Anapamu Street, Santa Barbara, California.

On January 31, 2017, I served a true copy of the within **NOTICE OF WITHDRAWAL OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE AS TO WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE [ECF NO. 4] AND REQUEST FOR JUDICIAL NOTICE [ECF NO. 5.]** on Defendants in this action by:

electronic transmission via CM/ECF to the persons indicated below:

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice
JUDITH RABINOWITZ, Trial Attorney
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(Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 31, 2017, at Santa Barbara, California.

/s/-Amber Holderness