

STATE OF MINNESOTA

IN COURT OF APPEALS

Court File No. A12-1680

Center for Biological Diversity, Howling
for Wolves,

Petitioners,

vs.

**RESPONDENTS'
STATEMENT OF THE CASE**

Minnesota Department of Natural
Resources, and Tom Landwehr, in his
official capacity as the Commissioner of
the Minnesota Department of Natural
Resources,

Respondents.

Pursuant to Minn. R. Civ. App. P. 133.03, Respondents Minnesota Department of Natural Resources and Tom Landwehr (“Respondents”) file and serve the following Statement of the Case for purposes of clarifying and supplementing the Statement of the Case of September 18, 2012, of Petitioners Center for Biological Diversity and Howling for Wolves (“Petitioners”).

Respondents agree with all particulars set forth in Appellants’ September 18 Statement, with the following exceptions, additions, and clarifications:

1. Court or agency of case origination and name of judge or hearing officer who presided.

Minnesota Department of Natural Resources.

3. State type of litigation and designate any statutes at issue.

In addition to the statutes cited in paragraph 3 of Petitioners' Statement:

- Minn. Stat. § 97A.0458 (providing that "[n]o emergency rule may remain in effect on a date 361 days after its original effective date" and "[t]he emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28").

5. Specific issues proposed to be raised on appeal.

In addition to the issue described in paragraph 5 of Petitioners' Statement:

Whether Respondent DNR's factual finding "that quota numbers, bag limits, and season structure are developed on an annual basis so that the harvest and populations can be managed sustainably" was an abuse of agency discretion.

8. Is oral argument requested? Yes ☒ No ☐

If so, is argument requested at a location other than that provided in Minn. R. Civ. App. P. 134.09, subd. 2? Yes ☐ No ☒

9. Type of brief to be filed.

Formal brief under Rule 128.02. ☒

10. Names, addresses, zip codes and telephone numbers of attorneys for Respondents.

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Dated: September 28, 2012

Respectfully submitted,

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