

LAWRENCE G. WASDEN  
Attorney General  
State of Idaho

DARRELL G. EARLY  
Deputy Attorney General  
Chief, Natural Resources Division

STEVEN W. STRACK (ISB #3906)  
JOY M. VEGA (ISB #7887)  
KRISTINA N. FUGATE (ISB #9242)  
Deputy Attorneys General  
Natural Resources Division  
Office of the Attorney General  
P.O. Box 83720  
Boise, Idaho 83720-0010  
Telephone: 208-334-2400  
Fax: 208-854-8072  
E-mail: steve.strack@ag.idaho.gov  
joy.vega@ag.idaho.gov  
kristina.fugate@ag.idaho.gov

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

CITIZENS ALLIED FOR INTEGRITY AND )  
ACCOUNTABILITY, INC.; CHARLENE )  
QUADE; RACHEL HOLTRY; BRITTANY )  
AND CRISTIAN SANDOVAL, )

Plaintiffs, )

vs. )

THOMAS M. SCHULTZ, in his official capacity )  
as Director of the Idaho Department of Lands; )  
CHRIS BECK, MARGARET CHIPMAN, SID )  
CELLAN, JIM CLASSEN, and KEN SMITH, )  
all in their official capacities as members of the )  
Idaho Oil and Gas Conservation Commission )

Defendants. )

Case No. 1:17-cv-264-BLW

**MOTION TO ALTER OR AMEND THE  
JUDGMENT OR ALTERNATIVELY,  
FOR PARTIAL RELIEF FROM THE  
JUDGMENT**

COME NOW Defendants Thomas M. Schultz, in his official capacity as Director of the Idaho Department of Lands; Chris Beck, Margaret Chipman, Sid Cellan, Jim Classen, and Ken Smith, each in their official capacity as a member of the Idaho Oil and Gas Conservation Commission (collectively “Defendants”), by and through the Office of the Attorney General, their counsel of record, and pursuant to Federal Rules of Civil Procedure 59, hereby move this Court to alter and amend its Judgment (ECF 37) and the accompanying Memorandum Decision and Judgment (ECF 36) as follows:

1. Grant summary judgment to Defendants on all claims made under 42 U.S.C. § 1983 on the basis that the Court cannot make the required finding that Plaintiffs have been deprived of a constitutionally protected property interest; and

2. Eliminate the instructions to the Defendants to vacate the Final Order, rescind the lease contracts of Plaintiffs Quade and Holtry, and hold a new hearing.

3. In the event the Court denies the above-requested relief, the Defendants, pursuant to F.R.C.P. 60(b)(6), move the Court in the alternative to provide partial relief from the Judgment and Memorandum Decision by directing the Defendants to vacate only those provisions of the Final Order applicable to the integration of Plaintiffs Quade’s and Holtry’s mineral interests, leaving intact (1) those portions of the Final Order that establish a spacing unit, and (2) those provisions in the Final Order that integrate the mineral interests of all parties other than Plaintiffs Quade and Holtry.

This Motion is accompanied by a Memorandum setting forth the legal and factual basis for the Motion.

DATED this 10th day of September, 2018.

/s/

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STEVEN W. STRACK  
JOY M. VEGA  
KRISTINA N. FUGATE  
Deputy Attorneys General

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2018, I caused the foregoing to be electronically filed with the Court using the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

James M. Piotrowski  
[james@idunionlaw.com](mailto:james@idunionlaw.com)

Marty Durand  
[marty@idunionlaw.com](mailto:marty@idunionlaw.com)

/s/

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STEVEN W. STRACK  
JOY M. VEGA  
KRISTINA N. FUGATE  
Deputy Attorneys General