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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LUMMI NATION,

Plaintiff,

v.

WHIDBEY TELEPHONE COMPNAY, et al.,

Defendants.

No. 2:26-cv-01435-KKE

**FEDERAL DEFENDANTS'
RESPONSE TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

1 The Court should not grant any injunctive relief against the Federal Defendants—United
 2 States Department of Agriculture (“USDA”) and the United States Department of Commerce. Of
 3 the six counts in Lummi Nation’s Complaint, three are against the United States. *See* Compl. (Dkt
 4 1) ¶¶ 189–231. These counts allege the USDA and Commerce funded construction projects
 5 without properly complying with the National Environmental Policy Act and the National Historic
 6 Preservation Act. Lummi Nation’s motion for a preliminary injunction, however, is limited to the
 7 claims against non-Federal defendants and does not substantively address the claims directed
 8 towards the Federal Defendants. Nor has Lummi Nation sought any relief against the Federal
 9 Defendants in its motion for a preliminary injunction. Instead, Lummi Nation explicitly asks the
 10 Court to “enjoin Whidbey Telecom and Whatcom County”—not the Federal Defendants. Pl. Mot.
 11 Prelim. Inj. (“Mot.”) (Dkt. 12) at 3; *see also* Mot. at 27 (detailing the relief sought by Lummi
 12 Nation). The Lummi Nation’s claims against the Federal Defendants should be resolved on
 13 summary judgment after the administrative record has been provided by USDA and Commerce.
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 16 Respectfully submitted this 28th day of May, 2026.

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