

07-463 SUMMERS, ET AL V. EARTH ISLAND INSTITUTE, ET AL

DECISION BELOW: 490 F3d 687

LOWER COURT CASE NUMBER: 05-16975, 05-17078

QUESTION PRESENTED:

1. Whether the Forest Service's promulgation of 36 C.F.R. 215.4(a) and 215.12(f), as distinct from the particular site-specific project to which those regulations were applied in this case, was a proper subject of judicial review.
2. Whether respondents established standing to bring this suit.
3. Whether respondents' challenge to 36 C.F.R. 215.4(a) and 215.12(f) remained ripe and was otherwise judicially cognizable after the timber sale to which the regulations had been applied was withdrawn, and respondents' challenges to that sale had been voluntarily dismissed with prejudice, pursuant to a settlement between the parties.
4. Whether the court of appeals erred in affirming the nationwide injunction issued by the district court.

EXPEDITED BRIEFING SCHEDULE

CERT. GRANTED 1/18/2008