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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORTH COAST RIVERS ALLIANCE,  
ET. AL.,  
  
Plaintiff,  
  
v.  
  
UNITED STATES DEPARTMENT OF  
THE INTERIOR, ET. AL. ,  
  
Defendant.

1:16-cv-00307-LJO-MJS  
**SCHEDULING ORDER (Fed. R. Civ. P. 16)**

**I. Date of Scheduling Conference**

A telephonic Scheduling Conference was held before the undersigned on August 24, 2017.

**II. Appearances of Counsel**

Stephan Volker, Esq. and Alexis Krieg, Esq. appeared on behalf of Plaintiffs, North Coast Rivers Alliance, et. al. Judith Coleman, Esq. appeared on behalf of Defendants, United States Department of the Interior and United States Bureau of Reclamation. Cynthia Larsen, Esq. appeared on behalf of Intervener water districts.

**III. Consent to Magistrate Judge Jurisdiction**

There is no collective consent to Magistrate Judge Jurisdiction for all purposes pursuant to 28 U.S.C. 636 (c).

**IV. Unique APA Proceeding**

This is an appeal challenging actions taken by Defendant administrative

1 agencies. Pursuant to the Federal Administrative Procedures Act, the Court will address  
2 the issues based upon its review of the administrative record and decide those issues as  
3 a matter of law. It is anticipated that this action will be resolved on the basis of cross  
4 motions for summary judgment which will be filed according to a schedule to be  
5 determined in the manner discussed below. Accordingly, traditional procedures relating  
6 to discovery, evidence, pretrial and trial are not applicable and will not be addressed  
7 here.

8 **V. Pleading Amendment Deadline**

9 Plaintiffs will have until September 29, 2017, to file a First Amended  
10 Complaint if they elect to do so.

11 **VI. Response to Complaint/First Amended Complaint**

12 All responsive pleadings, including any motion filed pursuant to FRCP 12,  
13 shall be filed on or before November 29, 2017.

14 **VII. Filing of the Administrative Record**

15 Absent the filing of a FRCP Rule 12 motion, Defendants shall lodge the  
16 administrative record with the Court on or before November 29, 2017. The record may  
17 be lodged on CD or other electronic form provided that all exhibits are indexed and  
18 easily retrievable electronically via Bates stamp numbers or otherwise.

19 Plaintiffs shall have 21 days after the administrative record is lodged to file  
20 objections to it and/or requests to supplement it.

21 In the event a FRCP Rule 12 motion is filed as above provided, the  
22 deadline for lodging the administrative record shall be determined at the supplemental  
23 scheduling conference provided for below.

24 **VIII. Supplemental Scheduling Conference**

25 The parties shall file a Supplemental Joint Scheduling Conference report  
26 on or before November 15, 2017. That Report shall supplement, but not repeat, the  
27 contents of their August 17, 2017 Joint Scheduling Report [ECF No. 60] by advising of  
28 significant developments since the August 17, 2017, Report and proposing dates for all

1 further proceedings in this matter.

2 A Supplemental Scheduling Conference will be held before the  
3 undersigned on Friday, December 1, 2017 at 10:00 a.m. in the Yosemite Division of this  
4 Court. Any party may participate telephonically by advising Courtroom Deputy  
5 [mlafata@caed.uscourts.gov](mailto:mlafata@caed.uscourts.gov) at least two days before the Conference of its intent to so  
6 appear and by calling (888) 204-5984 and entering code 4446176 five minutes before  
7 the Conference is to begin. At that Conference the Court will set will set schedules for  
8 further proceedings in this matter.

9 **IX. No Magistrate Judge Courtesy Copies**

10 With regard to any motion to be addressed by Magistrate Judge Michael  
11 Seng, paper courtesy copies of motion papers need not be provided to court chambers  
12 unless specifically requested.

13 **X. Settlement**

14 At present, the parties do not believe that a settlement conference or other  
15 alternative dispute resolution procedure would be productive. In the event the parties  
16 later elect to have the Court supervise or participate in some form of alternate dispute  
17 resolution, they shall so notify Courtroom Deputy Megan Lafata at  
18 [mlafata@caed.uscourts.gov](mailto:mlafata@caed.uscourts.gov).

19 **XI. Related Matter**

20 There are no pending related matters.

21  
22 IT IS SO ORDERED.

23 Dated: August 25, 2017

24 *Isl Michael J. Seng*  
25 UNITED STATES MAGISTRATE JUDGE  
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