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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN DEFENSE OF ANIMALS,
et al.,

No. 2:10-cv-01852-MCE-DAD

Plaintiffs,

PRETRIAL SCHEDULING ORDER

v.

KEN SALAZAR, in his official
capacity as Secretary of the
United States Department of
the Interior, et al.,

Defendants,

SAFARI CLUB INTERNATIONAL,
et al.

Defendant-Intervenors.
_____ /

After reviewing the parties' Joint Status Report, the Court
makes the following Pretrial Scheduling Order.

I. SERVICE OF PROCESS

All named Defendants have been served and no further service
is permitted without leave of court, good cause having been
shown.

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1 II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

2 No joinder of parties or amendments to pleadings is
3 permitted without leave of court, good cause having been shown.

4 III. JURISDICTION/VENUE

5 Jurisdiction is predicated upon 28 U.S.C. section 1131(a).
6 Jurisdiction and venue are not contested.

7 IV. DISCOVERY

8 In agreeing that no need for additional discovery is
9 indicated at this time, the parties appear to concede that
10 judicial review of agency decisions is limited to the
11 administrative record, unless a need to expand that record is
12 demonstrated by the parties. See Southwest Center for Biological
13 Diversity v. U.S., 100 F.3d 1443, 1450 (9th Cir. 1996); see also
14 5 U.S.C. § 706. Consequently, the Court's review will be limited
15 to the administrative record unless good cause is found for
16 augmentation of that record. Defendants shall provide Plaintiffs
17 a copy of the entire administrative record within **60** days of the
18 date of this Pretrial Scheduling Order. The filing of the
19 written administrative record shall be filed concurrently with
20 the opening brief.

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1 V. MOTION HEARING SCHEDULE

2 The Court grants the parties' modification of the page
3 limitations. The filing deadlines are as follows:

4 Plaintiffs' Opening Brief November 10, 2011
5 (not to exceed 45 pages)

6 Federal Defendants' and December 8, 2011
7 Intervenors' Cross-
8 Motions/Response Briefs
9 (not to exceed 45 pages)

10 Plaintiffs' Response/
11 Reply Brief January 5, 2012
12 (not to exceed 60 pages)

13 Federal Defendants' and January 19, 2012
14 Intervenors' Reply Briefs
15 (not to exceed 25 pages)

16 Plaintiffs' Sur-Reply January 26, 2012
17 Brief
18 (not to exceed 20 pages)

19 Hearing February 23, 2012, 2:00 p.m.

20 All purely legal issues are to be resolved by timely
21 pretrial motions. Failure to comply with Local Rules 230 and
22 260, as modified by this Order, may be deemed consent to the
23 motion and the Court may dispose of the motion summarily.
24 Further, failure to timely oppose a summary judgment motion¹ may
25 result in the granting of that motion if the movant shifts the
26 burden to the nonmovant to demonstrate that a genuine issue of
27 material fact remains for trial.

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¹ The Court urges any party that contemplates bringing a motion for summary judgment or who must oppose a motion for summary judgment to review Local Rule 260.

1 For the Court's convenience, citations to Supreme Court
2 cases should include parallel citations to the Supreme Court
3 Reporter.

4 VI. TRIAL

5 The parties have informed the Court that they intend to
6 adjudicate this matter by way of dispositive motions; therefore,
7 a trial date has not been scheduled.

8 VII. MODIFICATION OF PRETRIAL SCHEDULING ORDER


9 The parties are reminded that pursuant to Rule 16(b) of the
10 Federal Rules of Civil Procedure, the Pretrial Scheduling Order
11 shall not be modified except by leave of court upon a showing of
12 **good cause**. Agreement by the parties pursuant to stipulation
13 alone to modify the Pretrial Scheduling Order does not constitute
14 good cause. Except in extraordinary circumstances,
15 unavailability of witnesses or counsel will not constitute good
16 cause.

17 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

18 This Pretrial Scheduling Order will become final without
19 further order of the Court unless objections are filed within
20 seven (7) court days of service of this Order.

21 IT IS SO ORDERED.

22 Dated: September 28, 2011

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE
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