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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COUNTY OF AMADOR, CALIFORNIA,  
Plaintiff,  
v.  
THE UNITED STATES DEPARTMENT OF  
THE INTERIOR; S.M.R. JEWELL,  
Secretary of the United States  
Department of the Interior;  
KEVIN WASHBURN, Assistant  
Secretary of Indian Affairs,  
United States Department of  
Interior,  
Defendants.  
THE IONE BAND OF MIWOK INDIANS,  
Intervenor Defendant.

No. 2:12-cv-01710-TLN-CKD  
AMENDED PRETRIAL SCHEDULING  
ORDER

After reviewing the parties' Joint Status Report filed on  
**January 13, 2014**, 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.

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. § 1331**.  
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. Plaintiffs shall file any motions  
17 objecting to the adequacy of the Administrative Record by  
18 **February 15, 2014**.

19           V.     MOTION HEARING SCHEDULE

20           The parties have agreed that cross-motions for summary  
21 judgment are appropriate for purposes of resolving this  
22 litigation. These motions will be governed by the following  
23 parameters:

24           1.     Plaintiffs shall file their Motion for Summary  
25 Judgment no later than **May 1, 2014**.

26           2.     Federal and Intervenor Defendants shall file their  
27 combined Opposition and Cross-Motion for Summary Judgment no  
28 later than **June 26, 2014**.

1           3.       Plaintiffs shall file their combined Opposition and  
2 Reply no later than **August 21, 2014**.

3           4.       Federal and Intervenor Defendants shall file their  
4 Reply no later than **October 2, 2014**.

5           5.       A brief statement of facts will be included in the  
6 parties' briefs. No separate statement of facts is required.

7           6.       Each party's combined briefs shall not exceed a total  
8 of 70 pages.

9           7.       The moving party shall notice the motion and set a  
10 hearing date pursuant to Local Rule 230(b).

11           All purely legal issues are to be resolved by timely  
12 pretrial motions. Failure to comply with Local Rules 230 and  
13 260, as modified by this Order, may be deemed consent to the  
14 motion and the Court may dispose of the motion summarily.  
15 Further, failure to timely oppose a summary judgment motion<sup>1</sup> may  
16 result in the granting of that motion if the movant shifts the  
17 burden to the nonmovant to demonstrate that a genuine issue of  
18 material fact remains for trial.

19           For the Court's convenience, citations to Supreme Court  
20 cases should include parallel citations to the Supreme Court  
21 Reporter.

22           VI.     TRIAL

23           Since the parties have informed the Court that they intend  
24 to adjudicate this matter by way of dispositive motions,  
25 therefore, no trial date has been scheduled.

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28 <sup>1</sup> 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.

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VII. MODIFICATION OF PRETRIAL SCHEDULING ORDER

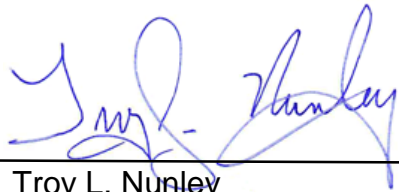
The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Pretrial Scheduling Order shall not be modified except by leave of court upon a showing of **good cause**. Agreement by the parties pursuant to stipulation alone to modify the Pretrial Scheduling Order does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

VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

This Pretrial Scheduling Order will become final without further order of the Court unless objections are filed within fourteen (14) days of service of this Order.

IT IS SO ORDERED.

Dated: January 23, 2014

  
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Troy L. Nunley  
United States District Judge