

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01272-AP

COLORADO WILD, a Colorado non-profit corporation, and  
WILDEARTH GUARDIANS, a New Mexico non-profit corporation

Petitioners,

v.

TOM VILSACK, in his official capacity as the Secretary of Agriculture,  
ABIGAIL KIMBELL, in her official capacity as the Chief Forrester of the U.S. Forest Service,  
THOMAS MALECEK, in his official capacity as District Ranger for the Rio Grande National  
Forest, and  
UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture

Respondents.

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JOINT CASE MANAGEMENT PLAN

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1. APPEARANCES OF COUNSEL AND PRO SE PARTIES

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For Respondents

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## 2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1346 because the United States Government is a defendant and it arises under the federal laws of the United States.

## 3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: June 1, 2009
- B. Date Complaint Was Served on the U.S. Attorney's Office: June 8, 2009
- C. Date Answer Was Filed: August 7, 2009
- D. Date Administrative Record Will be Filed: October 7, 2009

## 4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The record has not yet been filed. Once Petitioners have reviewed the record, we will file a motion to supplement the administrative record (if any) according to the briefing schedule below.

## 5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The record has not yet been filed. Once Petitioners have reviewed the record, we will file a motion to supplement the administrative record (if any) according to the briefing schedule below.

## 6. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

This case presents no circumstances that are unusually complicated or out of the ordinary.

## 7. OTHER MATTERS

This case presents no other matters that the parties believe should be brought to the attention of the Court at this time.

#### 8. BRIEFING SCHEDULE

- A. Administrative Record Due: October 7, 2009
- B. Petitioners' Motion to Supplement the Administrative Record (If Any): November 6, 2009
- C. Petitioners' Opening Brief Due: December 11, 2009
- D. Defendant's Response Brief Due: January 25, 2010
- E. Petitioners' Reply Brief (If Any) Due: February 9, 2010

#### 9. STATEMENT REGARDING ORAL ARGUMENT

- A. Petitioners' Statement: The case raises novel issues regarding NEPA and NFMA. We believe the Court would be benefitted by our argument. Given the Environmental Law Clinic's involvement, we request that the court consider scheduling oral argument before April 30, 2010.
- B. Defendant's Statement: Defendant takes no position on the need for oral argument, and leaves such a decision with the sound discretion of the court.

#### 10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

[The parties should state whether they intend to consent to the exercise of jurisdiction by a magistrate judge in accordance with D.C.COLO.LCivR 72.2. Pursuant to this Rule, all full-time magistrate judges in the District of Colorado are specially designated under 28 U.S.C. § 636(c)(1) to conduct any or all proceedings in any jury or nonjury civil matter and order the entry of judgment. If all parties consent to the exercise of jurisdiction by a magistrate judge under D.C.COLO.LCivR 72.2, they must file a completed "notice of Availability . . . and Consent to Exercise Jurisdiction" form, which Petitioners should have received from the clerk upon filing, NO LATER THAN 40 days after the date of Defendant's Answer, or within 20 days of the filing of the proposed Plan. Upon consent of the parties and an order of reference from the district judge, jurisdiction over the ultimate disposition of this case will be assigned to the magistrate judge drawn at random under D.C.COLO.LCivR 72.2.]

Indicate below the parties' consent choice.

- A. ( ) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.
- B. ( X ) All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

## 11. OTHER MATTERS

THE PARTIES FILING MOTIONS FOR EXTENSION OF TIME OR CONTINUANCES MUST COMPLY WITH D.C.COLO.LCivR 7.1(C) BY SUBMITTING PROOF THAT A COPY OF THE MOTION HAS BEEN SERVED UPON THE MOVING ATTORNEY'S CLIENT, ALL ATTORNEYS OF RECORD, ALL ATTORNEYS OF RECORD, AND ALL PRO SE PARTIES.

## 12. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.

DATED: September 11, 2009

BY THE COURT:

*s/John L. Kane*  
U.S. DISTRICT COURT JUDGE

APPROVED:

/s/ Michael Ray Harris  
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