

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-01913-AP

RONALD STRICH,

Plaintiff,

v.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF AGRICULTURE,

Defendants.

**JOINT CASE MANAGEMENT PLAN FOR PETITION FOR
REVIEW OF AGENCY ACTION**

Plaintiff Ronald Strich and Defendants United States of America and United States Department of Agriculture, through their undersigned counsel, submit this Joint Case Management Plan For Petition For Review of Agency Action, pursuant to the Court's Minute Order [Docket No. 215]:

1. APPEARANCES OF COUNSEL

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The parties do not contest that the Court possesses jurisdiction over Plaintiff's First Claim for Relief under 28 U.S.C. § 1331. The Court reviews final agency action pursuant to 5 U.S.C. § 701-06. Defendants assert that 28 U.S.C. § 2201 does not grant the Court subject matter jurisdiction.

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition For Review Was Filed:

On May 14, 2010, Plaintiff filed his Second Amended Complaint, which alleged three causes of action – a declaratory judgment action, a breach of contract action, and a quiet title action. The breach of contract action and the quiet title action were settled and dismissed. [Docket Nos. 160 and 162.]

On August 17, 2010, the Court ordered that Plaintiff's declaratory judgment action be reviewed pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-06. [Docket No. 164.]

Plaintiff's declaratory judgment action consisted of four claims.

On April 4, 2011, the Court granted Defendants' summary judgment, in part, and dismissed two of the four declaratory judgment claims.

On July 6, 2011, Defendants moved to dismiss one of the two remaining declaratory judgment claims. [Docket No. 193.] On August 1, 2011, Plaintiff filed a response to Defendants' motion to dismiss and agreed that the claim should be dismissed. [Docket No. 197.]

Currently, one claim for declaratory judgment remains.

B. Date Petition For Review Was Served On U.S. Attorney's Office:

August 26, 2009.

C. Date Answer to Petition Was Filed:

November 20, 2009.

4. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSE

This case does not raise unusual claims or defenses.

5. OTHER MATTERS

None.

6. BRIEFING SCHEDULE

A. Administrative Record:

The Administrative Record has been filed.

B. Deadline for Parties to Confer on Record Disputes;

The parties have conferred on record disputes.

C. Deadline for Filing Motions To Complete And/Or Supplement The Administrative Record:

The parties have briefed and the Court has ruled on Plaintiff's motions concerning the Administrative Record.

D. Petitioner's Opening Brief Due:

December 16, 2011.

E. Respondent's Response Brief Due:

January 27, 2012.

F. Petitioner's Reply Brief (If Any) Due:

February 17, 2012.

7. STATEMENT REGARDING ORAL AGRUMENT

A. Petitioner's Statement:

Petitioner requests oral argument.

B. Respondent's Statement:

Respondent requests oral argument.

8. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

The parties have not consented to the exercise of jurisdiction by United States Magistrate Judge.

9. OTHER MATTERS

None.

10. 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 this 14th day of November, 2011.

BY THE COURT:

s/John L. Kane

JOHN L. KANE

SENIOR UNITED STATES DISTRICT
COURT JUDGE

APPROVED:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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