

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **11-cv-246-AP**

THE WILDERNESS SOCIETY, et al.

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, et al.,

Defendants.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL

For Plaintiffs The Wilderness Society, et al.:

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

Plaintiffs allege that this Court has jurisdiction over this action pursuant to 28 U.S.C.

§ 1331 (federal question), 5 U.S.C. §§ 701-706 (judicial review provisions of the Administrative Procedure Act), and 16 U.S.C. § 1540(g) (citizen-suit provision of the Endangered Species Act).

As Federal Defendants have not yet filed a responsive pleading, they reserve all applicable defenses.

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Petition for Review Was Filed:** January 31, 2011
- B. Date Complaint Was Served on U.S. Attorney's Office:** March 15, 2011
- C. Date Answer Was Filed:** Answer scheduled for filing on May 6, 2011. Parties propose to extend the deadline to file the Answer until July 6, 2011.

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

Parties do not at this point anticipate unusual claims or defenses.

5. OTHER MATTERS – POTENTIAL FOR SETTLEMENT

The parties believe that there is a potential for settlement of this case.

6. BRIEFING SCHEDULE

This schedule may be modified by agreement of the Parties upon a showing of good cause. At this early stage, the Parties do not know whether it will be necessary to exceed existing page limits. The Parties may request a change in briefing deadlines if briefing on a motion to complete or supplement the record is filed. The Parties agree that if it becomes necessary, they will not unreasonably withhold consent for page limit extensions.

- A. Deadline for Filing Administrative Record:** August 5, 2011
- B. Deadline for Parties to Confer on Record Disputes:** September 6, 2011
- C. Deadline for Filing Motions to Complete and/or Supplement the Administrative Record:** October 6, 2011.
- D. Petitioner's Opening Brief Due:** November 7, 2011
- E. Respondent's Response Brief Due:** December 7, 2011

F. Petitioner's Reply Brief Due: January 13, 2012

7. STATEMENTS REGARDING ORAL ARGUMENT

The Parties request oral argument in order to highlight the key elements of their respective briefs and to respond to facts or arguments raised in opposition briefs.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

The Parties do not at this time consent to exercise of jurisdiction by a magistrate judge in this matter.

11. 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 3rd day of May, 2011.

BY THE COURT:

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

APPROVED:

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