

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

Civil Action No. 1:11-cv-00675-AP

HANSON COLORADO FARMS PARTNERSHIP,

Plaintiff,

v.

THOMAS JAMES VILSACK, SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE;
ROGER KLURFELD, DIRECTOR OF THE NATIONAL APPEALS DIVISION, A DIVISION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE;
FEDERAL CROP INSURANCE CORPORATION, A CORPORATION WITHIN THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND
WILLIAM J. MURPHY, ADMINISTRATOR, RISK MANAGEMENT AGENCY,

Defendants.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff

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For Defendants:

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

This is a matter for judicial review of a final order of the National Appeals Division (“NAD”) of the United States Department of Agriculture. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, 5 U.S.C. § 701-06; 7 U.S.C. § 6999; and 7 U.S.C. § 1501 *et seq.* Hanson Colorado Farms has exhausted its administrative appeal procedures pursuant to 7 USC § 6912(e) and 7 C.F.R. § 400.96.

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Complaint Was Filed: March 17, 2011

B. Date Complaint Was Served on U.S. Attorney's Office: April 4, 2011

C. Date Answer and Administrative Record Were Filed: Answer-May 13, 2011; Administrative Record has not yet been filed but will be filed on or before August 12, 2011 (see statement regarding adequacy of the record).

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The record compiled at the administrative level should be complete. On May 12-13 and 25, 2010, an in-person hearing was held before the NAD to determine whether RMA complied with applicable rules and regulations when it denied payment of Hanson Colorado Farms’ insurance claim. The hearing was recorded pursuant to NAD rules. On June 24, 2010, the NAD Hearing Officer issued an appeal determination (the “Appeal Determination”), holding that

Hanson Colorado Farms did not have a bona fide insurance interest in the 2008 corn crop, and that RMA did not err in denying its claim under the 2008 GRIP policy. On July 26, 2010, Hanson Colorado Farms filed a Request for Director Review of the Appeal Determination. After Hanson Colorado Farms and RMA briefed the issues, the NAD Director upheld the NAD Hearing Officer's Appeal Determination on February 2, 2011 (the "Final Determination"). In the Final Determination, the NAD Director held that Hanson Colorado Farms did not have a bona fide interest in its 2008 corn crop.

The Administrative Record will be filed on or before August 12, 2011. The delay in filing the Administrative Record is due to the need to have a transcription prepared of the oral recordings of the testimony and proceedings of the three-day administrative hearing.

The parties request that Plaintiff have to and including September 9, 2011, to review and, if necessary, file a motion to supplement the Administrative Record.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Introduction of additional evidence is not anticipated by the parties.

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

The parties do not believe that this case raises unusual claims or defenses.

7. OTHER MATTERS

None at this time.

8. PROPOSED BRIEFING SCHEDULE

The parties propose that the briefing schedule hinge on the filing of the administrative record and a motion to supplement the Administrative Record, if any, as follows:

A. Plaintiff's Opening Brief Due: 40 days after Plaintiff's motion to supplement the Administrative Record is decided by the Court. If Plaintiff does not file a motion to supplement

the Administrative Record, Plaintiff's Opening Brief shall be due 40 days after the filing of the administrative record.

B. Defendant's Response Brief Due: 30 days after the filing of Plaintiff's Opening Brief.

C. Plaintiff's Reply Brief (If Any) Due: 15 days after the filing of Defendant's Response Brief.

9. STATEMENTS REGARDING ORAL ARGUMENT

A. Plaintiff's Statement: Plaintiff believes that the issues can be adequately addressed by the briefs and does not request oral argument.

B. Defendant's Statement: Defendants believe that the issues can be adequately addressed by the briefs and does not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

Indicate below the parties' consent choice.

A. All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.

B. 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, 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 this 17th day of June, 2011.

BY THE COURT:

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

APPROVED:

JOHN F. WALSH
United States Attorney

/s/ Jeff L. Todd
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