

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

Civil Action No. **11-cv-3294-JLK-AP**(consolidated with Civil Action Nos. 12-cv-00034-JLK-AP and 12-cv-00388-JLK-AP)

**TOWN OF SUPERIOR, a Colorado municipality, et al.,**

Plaintiffs,

v.

**UNITED STATES FISH AND WILDLIFE SERVICE, et al.,**

Defendants, and

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF JEFFERSON,  
COLORADO,  
CITY OF ARVADA,  
JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY,  
NATURAL RESOURCE TRUSTEES OF THE STATE OF COLORADO, and  
THE BOARD OF LAND COMMISSIONERS OF THE STATE OF COLORADO,**

Defendant-Intervenors.

**This document relates to ALL of the Consolidated Cases**

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ORDER RE MOTION TO SUPPLEMENT AND COMPLETE RECORD (Doc. 54)

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Kane, J.

Having completed my *in camera* review of the three binders of documents withheld or redacted by the Federal Respondents, I conclude the documents were properly withheld or redacted and are generally exempt from disclosure under the attorney-client privilege. Should grounds arise as would warrant a discreet challenge to a particular document or redaction under the waiver or other standards articulated in *WildEarth Guardians v. Forest Service*, 713 F. Supp.2d 1243, 1265 (D. Colo. 2010), counsel may file a motion and I will consider it. Having

spent several hours reviewing and comparing each of the withheld and redacted documents with the privilege log, my overall impression is that the record-withholding decisions were carefully and conscientiously made.

In accordance with the briefing schedule proposed in the July 24 Amendment to the JCMP (Doc. 71), Plaintiffs' opening briefs are due ON OR BEFORE August 31, 2012. Briefing shall proceed thereafter as set forth in the Amendment.

Dated August 15, 2012.

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