

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

Judge John L. Kane

Civil Case No. **12-cv-00048-AP**

NATIONAL SKI AREAS ASSOCIATION, INC.,

Plaintiff

v.

UNITED STATES FOREST SERVICE, an agency of the United States Department of Agriculture,
UNITED STATES DEPARTMENT OF AGRICULTURE, and
HARRIS SHERMAN, Under Secretary for Natural Resources and Environment of United States Department of Agriculture

Defendants.

ORDER

Kane, J.

This case has been properly assigned to this court's AP docket, pursuant to D.C.Colo.LCivR 40.1D. Because Defendants' Motion to Strike (doc. 29) could require weighing the credibility and relevance of evidence, determinations bearing directly on the merits of the arguments presented in Plaintiff's opening brief on the merits, it should be assigned to a district judge pursuant to D.C.Colo.LCivR 40.1A before completion of pre-merits briefing on the AP Docket.

Nevertheless, this case shall be governed by this court's AP Rules. Specifically, "[a] scheduling conference pursuant to D.C.Colo.LCivR 16.1 will not be conducted."

D.C.Colo.LAPR 16.1A. Instead, “the parties will be directed to file a Joint Case Management Plan.” *Id.*; *see also* Appendix F.4. Finally, “[m]otions for summary judgment shall not be filed.” D.C.Colo.LAPR 16.1B.

Dated: July 10, 2012

BY THE COURT:

/s/ John L. Kane
Senior U.S. District Court Judge