

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

Civil Action No. 12-cv-02388-AP

**CURE LAND, LLC and
CURE LAND II, LLC,**

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF AGRICULTURE;
TOM VILSACK, in his official capacity as Secretary of the United States
Department of Agriculture;
FARM SERVICE AGENCY, an Agency of the United States Department of
Agriculture; and
JUAN M. GARCIA, in his official capacity as Administrator of the Farm Service
Agency,**

Defendants.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL

For Plaintiffs/Petitioners:

John O'Brien
Jessica E. Yates
SNELL & WILMER, LLP
1200 17th Street, Suite 1900
Denver, Colorado 80202
Telephone: (303) 634-2000
Facsimile: (303) 634-2020
E-Mail: jobrien@swlaw.com; yates@swlaw.com

For Defendants/Respondents: May Kim, Assistant United States Attorney
District of Colorado
1225 Seventeenth Street, Suite 700
Denver, Colorado 80202
(303) 454-0313
May.Kim@usdoj.gov

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

Plaintiffs assert that the Court has jurisdiction based on the presentation of federal question, 28 U.S.C. § 1331, and the Administrative Procedure Act, 5 U.S.C. § 702. Defendants reserve the right to challenge the subject matter jurisdiction of the Court in this action.

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition for Review Was Filed: September 7, 2012.

B. Date Petition for Review Was Served on U.S. Attorney's Office:
October 1, 2012.

C. Date Answer or Other Response Was Filed: November 30, 2012.

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

The parties agree that this case does not appear at this time to raise unusual claims or defenses.

5. OTHER MATTERS

The parties are unaware at this time of any other matters that should be brought to the attention of the Court, but will bring any such matters to the Court's attention if the parties later learn of them.

6. BRIEFING SCHEDULE

A. Deadline for Filing Administrative Record:

February 19, 2013.

B. Deadline for Parties to Confer on Record Disputes:

March 4, 2013.

C. Deadline for Filing Motions to Complete and/or Supplement the Administrative Record:

March 18, 2013.

D. Plaintiff's/Petitioner's Opening Brief Due:

April 17, 2013.

E. Defendant's/Respondent's Response Brief Due:

May 17, 2013 (or 30 days after the filing of Petitioner's Opening Brief).

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

June 3, 2013 (or 15 days after the filing of Respondent's Response).

7. STATEMENTS REGARDING ORAL ARGUMENT

A. Plaintiff's/Petitioner's Statement: Petitioners believe oral argument would assist the Court in deciding the issues raised in this case, as the context for the complaint is somewhat unique.

B. Defendant's/Respondent's Statement: Respondent agrees that oral argument would be helpful in this case.

8. 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.

9. OTHER MATTERS

The parties acknowledge the Court's rules regarding motions for extension of time or continuances and have no other matters to present to the Court at this time.

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 January 10, 2013.

BY THE COURT

s/John L. Kane

U.S. District Court Judge

APPROVED:

For Plaintiffs/Petitioners:

s/ Jessica E. Yates

John O'Brien

Jessica E. Yates

SNELL & WILMER L.L.P.

1200 17th Street, Suite 1900

Denver, Colorado 80202

Telephone: (303) 634-2000

Facsimile: (303) 634-2020

E-Mail: jobrien@swlaw.com;

yates@swlaw.com

For Defendants/Respondents:

s/ May Kim

May Kim, Assistant United States Attorney

District of Colorado

1225 Seventeenth Street, Suite 700

Denver, Colorado 80202

Telephone: (303) 454-0313

E-Mail: May.Kim@usdoj.gov