

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

Civil Action No. 1:13-cv-00518-AP

WILDEARTH GUARDIANS,

Petitioner,

v.

U.S. OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT,
AL KLEIN, in his official capacity as Western Regional Director of the Office of Surface
Mining Reclamation and Enforcement, Denver, Colorado, and
S.M.R. JEWELL, in her official capacity as U.S. Secretary of the Interior,

Federal Respondents,

and

TRAPPER MINING, INC., AND COLOWYO COAL COMPANY, L.P.,

Respondent-Intervenors.

**JOINT CASE MANAGEMENT PLAN FOR PETITIONS
FOR REVIEW OF AGENCY ACTION**

1. APPEARANCES OF COUNSEL

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on the presentation of federal question, 28 U.S.C. § 1331, and original jurisdiction pursuant to 28 U.S.C. 1346.

3. DATES OF FILING OF RELEVANT PLEADINGS AND ORDERS

A. Date Petition for Review Was Filed: February 27, 2013

B. Date Petition for Review Was Served on U.S. Attorney's Office: March 6, 2013

C. Date Answer or Other Response Was Filed:

Federal Respondents' Motion to Sever and Transfer Claims	June 7, 2013
San Juan Coal Co.'s Motion to Sever and Transfer Claims	June 28, 2013

D. Date Order Was Entered:

Order Granting Motions to Sever and Transfer Claims	February 7, 2014
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E. Date Amended Complaint Was Filed: March 7, 2014

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

Given the length of time between the issuance of the challenged decisions and the filing of the Complaint, and the considerable mining progress which has occurred during this interval, Federal Respondents and Intervenor Respondents may each assert equitable or affirmative defenses, such as laches or mootness, as appropriate, in response to Petitioner's claims.

5. OTHER MATTERS

Not applicable.

6. BRIEFING SCHEDULE

May 2, 2014	Federal Respondents' and Intervenor-Respondents' Answers due
June 13, 2014	Federal Respondents to serve the Administrative Record on parties
June 27, 2014	WildEarth Guardians to identify objections to the completeness of the Administrative Record
July 18, 2014	Federal Respondents to lodge and serve the final Administrative Record
August 22, 2014	WildEarth Guardians' Opening Brief due
September 26, 2014	Federal Respondents' Response Brief due
October 10, 2014	Intervenor-Respondents' Response Briefs due

November 14, 2014 WildEarth Guardians' Reply Brief due

7. STATEMENTS REGARDING ORAL ARGUMENT

A. Petitioner's Statement: Guardians believes that oral argument is not necessary in this case. The claims can all be resolved through review of the Administrative Record and the parties' briefs.

B. Respondents' Statement: Federal Respondents and Respondent-Intervenors request oral argument in this case. The case currently involves four claims for relief based on NEPA, covering two mine plans approved by the United States Office of Surface Mining Reclamation and Enforcement (OSM). The legal issues in the case are not unduly complex. However, the two mine plans were approved by separate administrative decisions. Therefore each mine plan has a different administrative record. Further, the facts examined by OSM are different for each mine plan. Federal Respondents and Respondent Intervenors believe oral argument will help to clarify these differences and allow the parties to articulate how the law applies to the facts of each decision.

Respondent Intervenors also ask the Court to allocate sufficient time for the Federal Respondents and each Respondent Intervenor to argue separately on behalf of their clients. While all Respondents share a general desire to uphold the agency's decisions, each Intervenor will likely have arguments specific to their respective mines. This will allow the entities with the greatest financial and operational stake in the litigation to ensure that their individual client's interests are communicated to the Court in an efficient manner.

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. (X) All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

9. OTHER MATTERS

None 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 this 11th day of March, 2014.

BY THE COURT


U.S. District Court Judge

APPROVED:

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