

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

Civil Action No.: 13-cv-03288-AP

MARALEX DISPOSAL, LLC

Petitioner,

v.

THE ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

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

1. APPEARANCES OF COUNSEL

For Plaintiff:

William E. Zimsky
Abadie & Schill, PC

For Defendant:

Alan D. Greenberg
Environmental Defense Section
Environment and Natural Resources
Division
U.S. Department of Justice

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.

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition for Review Was Filed:

December 5, 2013

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

December 16, 2013

C. Date Answer or Other Response Was Filed:

February 14, 2014

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

This case does not involve any unusually complicated or out-of-the-ordinary claims, such as a constitutional challenge to a statute or regulation, an alleged due process violation, a request for emergency relief, etc.

5. OTHER MATTERS

None.

6. BRIEFING SCHEDULE

A. Deadline for Filing Administrative Record:

The Administrative Record was filed with the Court on March 21, 2014

B. Deadline for Parties to Confer on Record Disputes:

The Petitioner has no dispute regarding the Administrative Record.

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

The Petitioner has no dispute regarding the Administrative Record.

D. Petitioner's Opening Brief Due:

May 19, 2014

E. Respondent's Response Brief Due:

June 18, 2014

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

July 3, 2014

7. STATEMENTS REGARDING ORAL ARGUMENT

A. Petitioner's Statement:

Petitioner does not request oral argument, but is willing to present oral argument if the Court would find it useful.

B. Respondent's Statement:

The Environmental Protection Agency does not request oral argument, but is willing to present oral argument if the Court would find it useful.

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.

Parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 5.1G. by submitting proof that a copy of the motion has been served upon all

attorneys of record and all pro se parties. Parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 6.1E. by serving such motion on the Moving Attorney's Client.

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 18th day of April, 2014.

BY THE COURT



U.S. District Court Judge

APPROVED:

ABADIE & SCHILL, PC

s/ William E. Zimsky

William E. Zimsky
555 Rivergate Lane, Suite B4-180
Durango, CO 81301
bill@abadieschill.com
970.385.4401

Attorney for Petitioner

Environmental Defense Section
U.S. Department of Justice

s/ Alan D. Greenberg

Alan D. Greenberg
999 18th Street, Suite 370
Denver, CO 80202
alan.greenberg@usdoj.gov
303.844.1366

Attorney for Respondent