

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

Civil Action No. 14-cv-00284-AP

CITIZENS FOR A HEALTHY COMMUNITY,
HIGH COUNTRY CONSERVATION ADVOCATES, formerly known as High
Country Citizens' Alliance,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE;
SCOTT G. FITZWILLIAMS;
RHONDA O'BYRNE; LEVI BROYLES,

Federal Defendants,

and

SG INTERESTS I, LTD.;
SG INTERSTS VII, LTD.,

Defendant-Intervenors.

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

1. APPEARANCES OF COUNSEL

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JOINT CASE MANAGEMENT PLAN

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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.

Anticipated jurisdictional defenses: Respondents and Intervenors may assert that Petitioners lack standing to assert some or all of the claims in the Complaint, may assert that Petitioners have waived and/or failed to exhaust some or all of their administrative remedies, and may assert that final agency action is lacking for some or all of Petitioners' claims.

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition for Review Was Filed: February 4, 2014

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

February 10, 2014

C. Date Answers or Other Responses Were Filed:

Respondents' Answer was filed on April 11, 2014.

Intervenors' Proposed Answer was filed on April 29, 2014 and accepted by the Court on June 12, 2014.

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

None.

5. OTHER MATTERS

In the event that the Bureau of Land Management approves the pending Application for Permit to Drill for the challenged Federal 11-90-9 #3 Well Surface Use Plan of Operations, Intervenors intend to begin ground-disturbing activities promptly. In this event, Petitioners may find it necessary to file a motion for a temporary restraining order or preliminary injunction.

Petitioners have requested that Intervenors agree to a stay of ground-disturbing activities or agree to provide two weeks' notice before any such activities occur. Given the short field season, Intervenors are unwilling to agree to these requests. Respondents take no position on whether a stay or notice should be required by Intervenors. However, by regulation Respondents receive 48 hours notice in advance of ground-disturbing activities, and agree to provide Petitioners such notice on the following business day.

. Petitioners request guidance from the Court regarding this dispute concerning the requirement of a stay and/or notice of ground-disturbing activities.

In the event that an emergency motion is filed during the pendency of this case, the moving party may also file a motion to extend the merits briefing schedule.

6. BRIEFING SCHEDULE

A. Deadline for Serving Draft Administrative Record:

A draft Administrative Record was served on the parties on May 16, 2014. The draft Administrative Record was Bates numbered and provided in a searchable electronic format on a flash drive.

B. Deadline for Parties to Confer on Record Disputes:

Petitioners notified Respondents before June 13, 2014 about documents they believe should be included in the Administrative Record.

C. Deadline for Filing Administrative Record:

Respondents shall file the Administrative Record with the Court by June 27, 2014.

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

The Parties do not anticipate filing motions to complete and/or supplement the Administrative Record. Nonetheless, the deadline for filing any motions to complete and/or supplement the Administrative Record will be July 11, 2014. The Response and Reply deadlines for any such motions will be governed by D.C.COLO.L.Civ.R. 7.1(C).

E. Petitioner's Opening Brief Due: July 25, 2014.

F. Respondent's Response Brief Due: August 25, 2014.

G. Intervenors' Response Brief Due: September 4, 2014.

H. Petitioner's Reply Brief (If Any) Due: September 18, 2014.

7. STATEMENTS REGARDING ORAL ARGUMENT

Joint Statement

The Parties agree that oral argument could be helpful to the Court. Parties request oral argument to the extent it would assist the Court in reaching a determination on the merits.

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

The Parties acknowledge the requirements of D.C.COLO.LCivR 5.1 and D.C.COLO.LCivR 6.1.

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 26th day of June, 2012.

BY THE COURT

s/John L. Kane

U.S. District Court Judge

APPROVED this 26th day of June, 2014:

/s/ Kyle J. Tisdell

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