

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-2749-AP

AUDUBON SOCIETY OF GREATER DENVER,
a Colorado nonprofit corporation,

Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS,

Respondent,

CASTLE PINES METROPOLITAN DISTRICT, et al.,

Intervenor Defendants; and

COLORADO DEPARTMENT OF NATURAL RESOURCES,

Intervenor Defendant.

ORDER

KANE, J.

This administrative appeal is before me on the Court's appellate (AP) procedures docket for pre-merits case management and briefing. In accordance with the parties' Amended Joint Case Management Plan (Doc. 28), the government filed the administrative record (Doc. 30) on April 1, 2015. The government then filed a Supplemental Administrative Record (Doc. 32), on April 22, 2015.

On June 1, 2015, Petitioners filed their own Motion to Supplement and Complete

the Administrative Record (Doc. 33) seeking all documents that were before the Corps of Engineers and were relied on, either directly or indirectly, by the Corps in making its decision.

I have reviewed the Motion carefully. Given the potential impact of a ruling on the briefing and the issues argued on appeal, I will defer to the merits judge ultimately charged with a ruling on the appeal and direct the Clerk to remove the case from the AP docket.

This case is REMITTED to the Clerk for immediate random assignment to a merits judge under D.C.COLO.LCiv.R 40.1. The parties are reminded that the case remains an administrative appeal under the Court's Local Appellate (LAP) Rules and that briefing and other pre-merits procedures remain governed by the LAP Rules and the operative Joint Case Management Plan.

Dated June 23, 2015.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE