

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Senior Judge Wiley Y. Daniel**

Civil Action No. 15-cv-00130-WYD  
(Consolidated with Civil Action No. 1:15-cv-131 and Civil Action No. 1:15-cv-286)

IN RE: GUNNISON SAGE-GROUSE ENDANGERED SPECIES ACT  
LITIGATION

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**ORDER**

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**Daniel, J.**

THIS MATTER comes before the Court on a consolidated action under the Administrative Procedures Act, filed January 20, 2015, involving a decision by the Fish and Wildlife Service to list the Gunnison sage-grouse as a threatened species, rather than an endangered species, under the Endangered Species Act.

Under the Court's local rules of practice, D.C.COLO.LAPR 1.1. *et seq.*, the AP judge manages an administrative appeal through briefing, after which it is returned to the Clerk's Office to be drawn to a judge like any other civil case under D.C.COLO.LCiv.R 40.1.

On July 31, 2015, the case was transferred to me from District Judge Kane as the AP judge. In an attempt to expeditiously move this case along, I ruled on various motions to intervene and ordered the parties to submit a proposed Joint Case Management Plan ("JCMP"), which was filed on September 14, 2015. (ECF No. 56). However, based on my review of the proposed JCMP, this consolidated matter is replete with disputed procedural issues related to a global request for an extensive and

protracted briefing schedule.<sup>1</sup> I find that resolution of the issues raised in the proposed JCMP, coupled with the fact that this case was filed approximately 9 months ago, would significantly impact the calendar of the assigned merits judge. Accordingly, I believe that I should refrain from resolving such issues to avoid binding the merits judge to a schedule or ruling which he or she may decide differently.

For the foregoing reasons, this case is REMITTED to the Clerk for immediate random assignment to a merits judge under D.C.COLO.LCiv.R 40.1.

Dated: September 15, 2015

BY THE COURT:

*Wiley Y. Daniel*  
WILEY Y. DANIEL,  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Such issues include: disputes over page limitations for briefs; an opposed request by the Federal Defendants to file a reply brief responding to arguments raised by Defendant-Intervenors; and a request for oral argument.