

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No: 15-cv-00130-CMA-KMT Date: March 16, 2016
(Consolidated with 15-cv-00131-KMT and 15-cv-00286-KMT)
Courtroom Deputy: Sabrina Grimm FTR: Courtroom C-201

Parties:

CENTER FOR BIOLOGICAL DIVERSITY, and
WESTERN WATERSHEDS PROJECT,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE,
DAN ASHE, in his official capacity as Director of the
U.S. Fish and Wildlife Service,
U.S. DEPARTMENT OF THE INTERIOR,
SALLY M.R. JEWELL, in her official capacity as
Secretary of the U.S. Department of the Interior,
NOAA FISHERIES,
EILEEN SOBECK, in her official capacity as Assistant
Administrator for NOAA Fisheries,
U.S. DEPARTMENT OF COMMERCE, and
PENNY PRITZKER, in her official capacity as Secretary
of Commerce,

Defendants.

Counsel:

Amy Atwood (by telephone)
William Eubanks (by telephone)

Kristin Tita
Rickey Turner

COURTROOM MINUTES

MOTION HEARING

1:36 p.m. Court in session.

Court calls case. Appearances of counsel.

Also present, Todd Tucci on behalf of WildEarth Guardians, David Halverson by phone on behalf of the State of Utah and San Juan County, David Baumgarten and Gretchen Stuhr by phone on behalf of Gunnison, Deborah Freeman on behalf of Gunnison County Stockgrower's Association, and Lisa Reynolds on behalf of the State of Colorado.

Discussion regarding access to documents contained on the privilege log, waiver, and attorney client privilege.

Mr. Turner tenders a copy of the privilege log and key to the Court for review.

ORDERED: Defendants shall redraft the privilege log and key, as discussed. The privilege log shall be filed electronically on or before April 15, 2016.

ORDERED: WildEarth Guardian's oral motion for attorney's costs and fees in preparation and presentation of the motion is DENIED.

ORDERED: Plaintiff Wildearth Guardians and Clait E. Braun's Motion and Memorandum in Support of Motion to Compel Completion of the Administrative Record [70] is TAKEN UNDER ADVISEMENT pending the filing of the updated privilege log, key, affidavits, if needed, and any supplemental briefing.

ORDERED: Any supplemental briefing addressing new issues with respect to the updated documents filed regarding Plaintiff Wildearth Guardians and Clait E. Braun's Motion and Memorandum in Support of Motion to Compel Completion of the Administrative Record [70] shall be limited to 10 pages and filed on or before May 13, 2016, as discussed. A response to the supplemental briefing shall be filed on or before June 10, 2015. A reply is not permitted.

3:02 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:26

*To obtain a transcript of this proceeding, please contact Stevens-Koenig Reporting at 303-988-8470.