

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

Civil Action No. 15-cv-01342-WYD

ROCKY MOUNTAIN WILD; SAN LUIS VALLEY ECOSYSTEM COUNCIL; SAN JUAN  
CITIZENS ALLIANCE; WILDERNESS WORKSHOP,

Plaintiffs,

v.

DAN DALLAS, in his official capacity as Forest Supervisor; MARIBETH GUSTAFSON, in her  
official capacity as Deputy Regional Forester; UNITED STATES FOREST SERVICE, a Federal  
Agency within the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE  
SERVICE, a federal agency within the Department of the Interior,

Defendants,

v.

LEAVELL-McCOMBS JOINT VENTURE,

Proposed Intervenor.

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**ORDER ALTERING CASE MANAGEMENT PLAN FOR PETITION  
FOR REVIEW OF AGENCY ACTION**

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**1. APPEARANCES OF COUNSEL**

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**2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION**

The Court has jurisdiction based on the presentation of federal questions, 28 U.S.C. § 1331.

**3. DATES OF FILING OF RELEVANT PLEADINGS**

- A. Date Petition for Review Was Filed:** June 24, 2015
- B. Date Petition for Review Was Served on U.S. Attorney's Office:** June 26, 2015
- C. Date Answer or Other Response Was Filed:** August 25, 2015

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

None.

**5. OTHER MATTERS**

None.

**6. PROPOSED BRIEFING SCHEDULE**

The parties have conferred, and propose the schedule set forth below. The parties agree that the opening merits brief and the response briefs each may contain no more than 21,000 words; or if monospaced face is used may contain no more than 2,000 lines of text. Plaintiffs' reply brief is acceptable if it contains no more than 14,000 words or uses monospaced face and contains no more than 1,000 lines of text.

**A. Deadline for Filing Administrative Record:**

November 9, 2015 (as amended by ECF No. 18)

**B. Deadlines for Parties to Confer on Record Disputes:**

- December 18, 2015 – Deadline to Begin Conferral
- January 25, 2016 - Respondents provided Petitioners a letter addressing Petitioners' record concerns to date and the status of resolutions of record disputes identified in ongoing phone and email conferral.
- February 10, 2016 – Petitioners shall provide Respondents a letter indicating their final concerns regarding record disputes and copies of those documents in their possession which Petitioners assert should be included in the administrative record.
- February 24, 2016 – Respondents shall provide Petitioners with a final letter addressing their final position on record concerns. Respondents shall provide Petitioners with a copy of those records that Respondents agree to include in the administrative record.

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

- March 11, 2016

**D. Briefing Schedule**

(i) If no motions to complete or supplement the administrative record are filed, the following schedule will apply:

- Petitioners' Opening Brief shall be filed no later than March 18, 2016;
- Respondents' and Defendant-Intervenors' Response Briefs shall be filed no later than April 18, 2016;
- Petitioners' Reply Brief (if any) shall be filed no later than May 9, 2016.

(ii) If any Party files a motion to complete or supplement the record by the March 11, 2016 deadline, the following schedule will apply:

- Respondents' and Defendant-Intervenors' Responses to the Motion to Complete or Supplement the Administrative Record shall be filed no later than April 11, 2016;
- Petitioners' Reply Brief (if any) shall be filed no later than April 26, 2016;
- Petitioners' Opening Brief shall be filed no later than thirty (30) days after resolution of such motions;

- Respondents' and Defendant-Intervenors' Response Briefs shall be filed no later than thirty (30) days following the Petitioners' Opening Brief;
- Petitioners' Reply Brief (if any) shall be filed no later than twenty-one (21) days following the filing of Respondents' and Defendant-Intervenors' Response Briefs.

## **7. STATEMENTS REGARDING ORAL ARGUMENT**

The parties believe that oral argument would assist the Court in resolving the numerous issues raised in the pleadings and the upcoming merits briefing.

## **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.        **All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.**

## **9. OTHER MATTERS**

None at this time.

## **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: January 29, 2016

BY THE COURT:

*/s/ Wiley Y. Daniel*

WILEY Y. DANIEL,  
SENIOR UNITED STATES DISTRICT JUDGE

APPROVED:

s/Travis E. Stills

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