

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

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,

Intervenor.

ORDER

Daniel, J.

THIS MATTER comes before the Court on an action under the Administrative Procedure Act involving federal land management laws whereby the Plaintiffs seek to invalidate the “Defendants’ decisions that facilitate and enhance a 1,700 unit private development by providing expanded private access across National Forest System land to a private parcel created by a controversial 1980s land exchange.” (ECF No. 1).

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.

This case was filed on June 24, 2015 and assigned to Judge Kane. On July 31, 2015, this case was reassigned to me as the presiding AP judge. In an attempt to expeditiously move this case along, I ordered the parties to submit a proposed Joint Case Management Plan ("JCMP"), which was finalized and issued on September 9, 2015. (ECF No. 16). On November 13, 2015, the Administrative Record was filed. (ECF No. 19). On January 29, 2016, I entered an order altering the JCMP. (ECF No. 21).

On March 11, 2016, the Plaintiffs filed a Motion to Compel Disclosure Necessary to Complete and Supplement Defendants' Administrative Record (ECF No. 22). Based on my review of Plaintiffs' motion, this matter is replete with disputed procedural and substantive issues related to what documents may be necessary to complete the Administrative Record. I find that resolution of the issues raised in the pending motion, coupled with the fact that this case was filed more than 8 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: March 15, 2016

BY THE COURT:

/s/ Wiley Y. Daniel _____
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE