

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

NEZ PERCE TRIBE

Plaintiff,

v.

NOAA FISHERIES, et al.,

Defendants.

Case No. 3:CV-10-286-BLW

**CASE MANAGEMENT ORDER**  
(LEGAL TRACK)

In accordance with the agreements reached in the telephone scheduling conference held between counsel and the Court's staff on November 10, 2010, and to further the efficient administration of this matter,

NOW THEREFORE IT IS HEREBY ORDERED, that the following recitation of deadlines and procedures shall govern this litigation:

1. Dispositive Motion Deadline: All dispositive motions shall be filed by March 25, 2011.
  - a. The administrative record shall be filed on or before December 17, 2010.

**Memorandum Decision & Order - 1**

- b. Nez Perce Tribe's Motion For Summary Judgment and Supporting Memorandum shall be filed on or before February 11, 2011.
  - c. Federal Defendants' Motion for Summary Judgment and Supporting Memorandum shall be filed on or before March 25, 2011.
  - d. Nez Perce Tribe's response and reply shall be filed on or before April 8, 2011.
  - e. Federal Defendants' response and reply shall be filed on or before April 22, 2011.
  - f. A hearing shall be held on the motions for summary judgment on **June 1, 2011, at 3:30 p.m.** in the Federal Courthouse in Coeur d'Alene.
2. Settlement Conference: Chief Magistrate Judge Candy Dale is hereby authorized to conduct any and all settlement conferences in this case.
3. Amendment of Pleadings and Joinder of Parties: All motions to amend pleadings and join parties, except for allegations of punitive damages, shall be filed on or before February 4, 2011. This deadline

shall only be extended for good cause shown.<sup>1</sup> All parties are entitled to know the claims and parties well-before trial rather than be forced to pursue or defend against a moving target. Although this deadline precedes the general discovery deadline, the parties are directed to send out all discovery requests that might relate to amendment or joinder enough in advance of this amendment and joinder deadline to obtain the responses needed to make an informed decision on amendment and joinder.

4. Scheduling of Trial and Pretrial Conference. Plaintiff's counsel shall contact In-Court Deputy Jamie Gearhart (208-334-9021) within one week following the entry of a decision on all pending dispositive motion to make arrangements for a telephone scheduling conference between counsel and me in which the trial and pretrial conference shall be set, if necessary.
5. Law Clerk: If counsel has a procedural or legal question that needs to be brought to my attention, please contact Dave Metcalf the law clerk assigned to this case at (208) 334-9025.
6. Calendaring Clerk: With regard to any scheduling matters or calendar

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<sup>1</sup> The Ninth Circuit has held that motions to amend filed after the Scheduling Order deadline are governed, not by the liberal provisions of Fed. R. Civ. P. 15(a), but instead, by the more restrictive provisions of Fed. R. Civ. P. 16(b) requiring a showing of "good cause." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

issues, please contact my deputy clerk, Jamie Gearhart at (208) 334-9021.

7. Docketing Clerk: The Docketing Clerk assigned to this case is Carrie McMahan who can be reached at (208) 334-9397.



DATED: **November 10, 2010**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. LYNN WINMILL

Chief Judge

United States District Court