

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

IDAHO STATE SNOWMOBILE  
ASSOCIATION; and THE BLUERIBBON  
COALITION,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE; U.S.  
FOREST SERVICE, Northern Region;  
CLEARWATER NATIONAL FOREST;  
FAYE KRUGER; Regional Forester, Northern  
Region; RICK BRAZELL, Forest Supervisor,  
Clearwater National Forest,

Defendants.

Case No. 3:12-CV-447-BLW

**CASE MANAGEMENT ORDER**

In accordance with the agreements reached in the Telephone Scheduling Conference on March 6, 2013, 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) 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 **May 31, 2013**. 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.

2) Alternative Dispute Resolution Plan: This case is not assigned to ADR at this time. If settlement discussions do occur and counsel believe there is a possibility that such discussions may be encouraged or enhanced by the Court's ADR program then counsel will at that time contact the ADR Program Administrator, Susie Headlee at (208) 334-9067.

3) Administrative Record:

i) The parties agree that this case arises under the Administrative Procedure Act which will involve resolution through judicial review of an administrative record. Extra-record review, including discovery, is possible only through limited exceptions and the parties are not

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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).

obligated to follow the Rule 26 discovery procedures. See Fed.R.Civ.P. 26(a)(1)(B)(i).

- ii) Defendants Forest Service et al. will submit a proposed administrative record to Plaintiffs on or before **May 1, 2013**.
- iii) Plaintiffs will advise Defendants of any issues with the proposed administrative record on or before **May 17, 2013**, and the parties will attempt in good faith to resolve any issues raised.
- iv) Defendant will lodge a certified copy of the administrative record with the Court on or before **May 31, 2013**.
- v) Plaintiffs will file any motion addressing alleged deficiencies in the administrative record and/or the need to expand review beyond the administrative record on or before **June 14, 2013**. If any such motion is filed, that motion will be presented in accordance with the local rules and a schedule for further proceedings shall be determined upon resolution of the motion.

5. Dispositive Motions:

- a) In the absence of any motion referred to in the preceding paragraph, Plaintiffs will file a motion for summary judgment and associated pleadings on or before **August 21, 2013**.
- b) If Plaintiffs file a motion for summary judgment on August 21, 2013, then Defendants Forest Service et al. will file their combined response to

Plaintiffs' motion and a cross-motion for summary judgment on or before **October 17, 2013**.

c) If intervention is granted the existing parties agree that the intervenors' combined response to Plaintiffs' motion and any cross-motion will be filed on or before **October 25, 2013**.

d) Plaintiffs will file their combined reply in support of motion for summary judgment and response to cross-motion(s) on or before **November 20, 2013**.

e) Defendants and any intervenors will file their reply in support of cross-motion(s) on or before **December 18, 2013**.

8. Scheduling of Trial and Pretrial Conference. Although this case is on a Legal Track, a trial – or an evidentiary hearing – may become necessary if the dispositive motions are denied and disputed factual questions need to be resolved. In that event, Plaintiff's counsel shall contact In-Court Deputy Jamie Gearhart to make arrangements for a telephone scheduling conference between counsel and me in which the trial and pretrial conference shall be set.

9. 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 or at [dave\\_metcalf@id.uscourts.gov](mailto:dave_metcalf@id.uscourts.gov).

10. Calendaring Clerk: With regard to any scheduling matters or calendar issues, please contact my deputy clerk, Jamie Gearhart at (208) 334-9021.
11. Docketing Clerk: If you have a docketing question, please contact a docket clerk at (208) 334-1361.



DATED: March 6, 2013

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