

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,

Plaintiff,

v.

KEN SALAZAR, Secretary,
DEPARTMENT OF THE INTERIOR,

Defendants.

Case No. 4:08-CV-516-BLW

CASE MANAGEMENT ORDER

Pursuant to the Case Management Report (docket no. 239) agreed upon by the parties, the following schedule shall govern this litigation:

Motion to Dismiss

Defendants intend to file a motion to dismiss most of the remaining claims in the case. In response, Plaintiff may seek to conduct jurisdictional discovery and to stay the resolution of the motion to dismiss pending the Court's resolution of the motion for jurisdictional discovery.

Accordingly, the following schedule shall govern the motion to dismiss and potential responsive motion:

- | | |
|---|----------------|
| 1. Defendants file motion to dismiss: | March 11, 2013 |
| 2. Intervenors file motion to dismiss or brief in support of Defendants' motion to dismiss: | March 25, 2013 |
| 3. Plaintiff files either an opposition to the motion to dismiss or a motion for jurisdictional discovery and stay: | April 15, 2013 |

If no motion for jurisdictional discovery and stay is filed:

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4. Defendants and intervenors file replies in support of motion

to dismiss:

April 29, 2013

If a motion for jurisdictional discovery and stay is filed:

5. Defendants and Intervenors file oppositions to motion for

jurisdictional discovery:

May 6, 2013

6. Plaintiff files reply in support of motion for jurisdictional

discovery:

May 20, 2013

If the Court denies the motion for jurisdictional discovery, Plaintiff's opposition to the motion to dismiss is due 21 days after the Court's order denying the motion. If the Court grants the motion for jurisdictional discovery, Plaintiff's opposition is due 21 days after BLM produces the discovery required by the Court. In either case, Defendants' and Intervenors' replies in support of the motion to dismiss are due 14 days after the filing of the opposition.

Motion To Amend Complaint

Plaintiff has alerted the parties that it is foregoing at this time filing a motion to amend or supplement the complaint in this matter.

Additional Resource Management Plans

The parties have agreed that, if Defendants' and Intervenors' motions to dismiss are denied, the next RMPs to be briefed on summary judgment will be the Ely RMP in Nevada and the Surprise, Eagle Lake, and Alturas RMPs in Nevada and California. The Surprise, Eagle Lake, and Alturas RMPs were developed at the same time and rely on the same environmental impact statement.

The parties will discuss and submit a merits briefing schedule for these additional RMPs.



DATED: **March 7, 2013**

B. Lynn Winmill

B. LYNN WINMILL

Chief Judge

United States District Court