

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PENOBSCOT NATION,)
)
Plaintiff,)
v.)
)
JANET T. MILLS, et al.)
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Defendants.)
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Case No. 1:12-cv-254-GZS

PROCEDURAL ORDER

The Court has received and reviewed the Joint Submission (ECF No. 90) in response to the Court’s March 11, 2014 Procedural Order (ECF No. 69). In light of the representations made therein, the Court hereby notifies the parties that it will allow *Daubert/Kumho* motions to be filed concurrently with the parties’ summary judgment motions and anticipates deciding any *Daubert/Kumho* motions in conjunction with issuing a decision on any related motions for summary judgment. To the extent that the Joint Submission contained a request from the State Defendants and State Intervenors that they be allowed to file *Daubert/Kumho* motions and receive a final decision on said motions prior to briefing the issues on which they intend to seek summary judgment, the Court hereby denies that request.

Therefore, the Court anticipates that the proposed schedule that the parties file with the Court on or before January 19, 2015 will allow for a party filing a response in opposition to any motion for summary judgment to also simultaneously file any *Daubert/Kumho* motion that the filer believes must be resolved in order to construct the factual record for purposes of the pending motion for summary judgment.

With respect to the joint record that will accompany the to-be-filed motions, the parties shall provide the Court with public documents that are cited in the papers but are not readily accessible via on-line databases. To the extent that the parties wish additional guidance on how to best provide the Court with the joint exhibits, the parties shall contact the Clerk’s Office with a more detailed explanation as to the size of the documents in question as well as whether the

documents are searchable or scanned. To the extent that questions remain, the Court will address these issues at the to-be-set status conference.

The Court recognizes that the State Intervenors are apparently prepared to file their summary judgment motion posthaste. However, in an effort to streamline the record, the Court believes it is best to have all motions for summary judgment filed simultaneously. Therefore, to the extent that the Joint Submission can be read to suggest that the Court order a separate track for briefing the State Intervenors' motion for summary judgment, the Court declines that request.

Rather, the parties shall on or before January 19, 2015, file a proposed schedule for filing all motions for summary judgment as well as any related *Daubert/Kumho* motions. To the extent that any party anticipates exceeding the standard page limits or anticipates filing a statement of material facts that exceed fifty (50) numbered paragraphs, the filing shall indicate the number of pages or paragraphs requested. After the Court receives the parties' proposed schedule on or before January 19, 2015, the Court will set this matter for a status conference to finalize the schedule for briefing the proposed motions as well as any other issues that must be resolved in order to streamline the filing of the motions for summary judgment. Additionally, at this status conference, the Court contemplates discussing the feasibility of convening a judicial settlement conference before a final decision is issued on the to-be-filed motions.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 10th day of December, 2014.