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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA  
SOUTHERN DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY, )	)	
Plaintiff, )	)	Case No. 2:14-cv-00226-APG-VCF
vs. )	)	
UNITED STATES BUREAU OF LAND )	)	
MANAGEMENT, <i>et al.</i> , )	)	
Defendants, )	)	<b>JOINT CASE MANAGEMENT</b>
and )	)	<b>STATEMENT</b>
SOUTHERN NEVADA WATER )	)	
AUTHORITY, )	)	
<u>Defendant-Intervenor.</u> )	)	
WHITE PINE COUNTY, <i>et al.</i> , )	)	Case No. 2:14-cv-00228-APG-VCF
Plaintiffs, )	)	(Consolidated)
vs. )	)	
UNITED STATES BUREAU OF LAND )	)	
MANAGEMENT, <i>et al.</i> , )	)	
Defendants, )	)	
and )	)	
SOUTHERN NEVADA WATER )	)	
AUTHORITY, )	)	
<u>Defendant-Intervenor.</u> )	)	

Counsel for all parties in these two consolidated cases have conferred and propose the following joint case management statement and schedule to govern the proceedings in both cases. The parties agree that these are actions for review on an administrative record pursuant to the Administrative Procedure Act, 5 U.S.C. § 706 *et seq.*, and therefore shall proceed in accordance with Local Rule 16-1(c)(1). The parties are requesting longer than usual briefing periods and

1 extensions of the page limits due to the voluminous Administrative Record that is being prepared  
2 for the challenged actions and the large number of claims and complexities that are involved.  
3 The parties are in agreement that this case will very likely be resolved on cross motions for  
4 summary judgment. The parties note that the United States' Partial Motion to Dismiss certain  
5 Tribal claims in the *White Pine County* case [Dkt. No. 31] is still pending before the Court. The  
6 government's motion was initially filed under Case No. 2:14-cv-00228-ASB, and later refiled  
7 under consolidated Case No. 2:14-cv-00226-APG-VCF on June 10, 2014. The substance and  
8 timing of the Court's decision on the Partial Motion to Dismiss may cause the parties to seek  
9 modifications to the proposed schedule described below. The parties agree that, depending on  
10 the Court's ruling on the Partial Motion to Dismiss certain Tribal claims, the Tribes reserve the  
11 option to file separate briefs on the Tribal claims, within the collective page limits set forth  
12 below for the *White Pine County* Plaintiffs. If the Tribes do so, Federal Defendants and  
13 Defendant-Intervenor may also file separate briefs on the issues briefed by the Tribes within the  
14 collective page limits established for the *White Pine County* case.

15 All proposed deadlines below are for both consolidated cases.

16 1. Lodging of the Administrative Record<sup>1</sup>:

17 November 21, 2014.

18 The parties agree, subject to the Court's approval that the administrative record may be  
19 submitted in electronic form on hard drives rather than in paper form.

20 2. Deadline for Seeking Leave to Amend Complaint:

21 January 30, 2015.

22  
23 <sup>1</sup> Federal Defendants will lodge one Administrative Record for both cases. Plaintiffs agree that  
24 for most claims in these two cases, the Court's review is limited to the Administrative Record,  
25 subject to certain limited exceptions. The complaints in both cases, however, include a claim  
26 seeking to compel the Federal Defendants to prepare a "Supplemental Environmental Impact  
27 Statement" (SEIS) pursuant to the National Environmental Policy Act. An action to compel an  
28 agency to prepare an SEIS is not a challenge to a final agency decision, but rather an action  
arising under 5 U.S.C. § 706(1), and therefore judicial review is not limited to the record as it  
existed at any single point in time. *Friends of the Clearwater v. Dombek*, 222 F.3d 552, 560  
(9<sup>th</sup> Cir. 2000). The Federal Defendants and Defendant-Intervenor reserve the right to oppose  
any motion to supplement should one be filed.

1 3. Deadline for Parties to Confer on Record Disputes:

2 February 17, 2015.

3 4. Deadline for Filing Motion to Complete and/or Supplement the Administrative Record:

4 March 17, 2015.

5 If a motion to complete and/or supplement the Administrative Record is filed, any  
6 opposition will be due within 21 days after the filing of the motion, and the movant's reply will  
7 be due within 14 days after the filing of the opposition. If a motion to complete and/or  
8 supplement is filed, the summary judgment briefing schedule set forth below shall be stayed  
9 pending the Court's resolution of the motion. Within 10 days of an order of the Court resolving  
10 the motion to complete and/or supplement, the parties shall jointly submit a proposed revised  
11 summary judgment briefing schedule.

12 Assuming that no motion to complete and/or supplement the Administrative Record is  
13 filed, summary judgment briefing shall proceed as follows:

14 5. Deadline for each set of Plaintiffs to file: a) a concise statement of undisputed material  
15 facts; b) summary judgment motions; and, c) supporting opening briefs (Plaintiff in  
16 *Center for Biological Diversity* will be limited to 40 pages, and Plaintiffs in *White Pine*  
17 *County, et al.* will be limited collectively to 60 pages):

18 May 1, 2015

19 6. Deadline for the Federal Defendants to file their responses to each of Plaintiffs' motions,  
20 and: a) a concise statement of undisputed materials facts; b) summary judgment motions;  
21 and, c) supporting opening briefs (the combined response and opening brief in response  
22 to each set of Plaintiffs' briefs will be limited to 40 pages in the *Center for Biological*  
23 *Diversity* case and 60 pages in the *White Pine County* case):

24 July 10, 2015

25 7. Deadline for the Defendant-Intervenor to file its responses to each of Plaintiffs' motions,  
26 and: a) a concise statement of undisputed materials facts; b) summary judgment motions;  
27 and, c) supporting opening briefs (the combined response and opening brief in response  
28

1 to each set of Plaintiffs' briefs will be limited to 40 pages in the *Center for Biological*  
2 *Diversity* case and 60 pages in the *White Pine County* case):

3 July 17, 2015

4 8. Deadline for each set of Plaintiffs to file their combined response and reply briefs  
5 (Plaintiff in *Center for Biological Diversity* will be limited to 40 pages, and Plaintiffs in  
6 *White Pine County, et al.* will be limited collectively to 60 pages):

7 September 4, 2015

8 9. Deadline for the Federal Defendants to file their final reply briefs to each of the  
9 Plaintiffs' replies (Defendants' reply in the *Center for Biological Diversity* case will be  
10 limited to 30 pages, and Defendants' reply in the *White Pine County* case will be limited  
11 to 45 pages):

12 October 23, 2015.


13 10. Deadline for the Defendant-Intervenor to file its final reply briefs to each of the  
14 Plaintiffs' replies (Defendant-Intervenor's reply in the *Center for Biological Diversity*  
15 case will be limited to 30 pages, and Defendant-Intervenor's reply in the *White Pine*  
16 *County* case will be limited to 45 pages):

17 October 30, 2015.

18 Respectfully submitted on October 17, 2014.

19 /s/ Marc Fink  
20 Marc Fink (MN Bar No. 343407)  
21 Center for Biological Diversity  
22 209 East 7th Street  
23 Duluth, Minnesota 55805  
24 Tel: 218-464-0539  
mfink@biologicaldiversity.org

25 Julie Cavanaugh-Bill (NV Bar No. 11533)  
26 Cavanaugh-Bill Law Offices, LLC  
27 Henderson Bank Building  
401 Railroad Street, Suite 307  
Elko, Nevada 89801  
Tel: 775-753-4357  
julie@cblawoffices.org

28 IT IS SO ORDERED.  
  
UNITED STATES MAGISTRATE JUDGE  
DATED: 10-17-2014

1 *Attorneys for Plaintiff Center for Biological*  
2 *Diversity*

3 */s/ Simeon Herskovits*  
4 Simeon Herskovits, Nevada Bar No. 11155  
5 ADVOCATES FOR COMMUNITY  
6 AND ENVIRONMENT  
7 P.O. Box 1075  
8 El Prado, New Mexico 87529  
9 Phone: (575) 758-7202  
10 Fax: (575) 758-7203  
11 simeon@communityandenvironment.net

12 Kelly C. Brown, Nevada Bar No. 5591  
13 White Pine County District Attorney  
14 County Courthouse  
15 801 Clark St., Suite 3  
16 Ely, Nevada 89301  
17 Phone: (775) 293-6565  
18 Fax: (775) 289-1559  
19 kbrown@mwpower.net

20 Paul Echo Hawk, *pro hac vice*  
21 P. O. Box 2634  
22 Kirkland, WA 98083  
23 Telephone: (206) 457-6918  
24 paulechohawk@gmail.com

25 *Attorneys for Plaintiffs White Pine County, Nevada;*  
26 *Great Basin Water Network; Central Nevada*  
27 *Regional Water Authority; Sierra Club;; Ely*  
28 *Shoshone Tribe; Duckwater Shoshone Tribe; Baker,*  
*Nevada, Water & Sewer General Improvement*  
*District; Utah Physicians for a Healthy*  
*Environment; Utah Rivers Council; Utah Audubon*  
*Council; and League of Woman Voters of Salt Lake,*  
*Utah*

29 */s/ Rovianne A. Leigh*  
30 Rovianne A. Leigh, *pro hac vice*  
31 Curtis G. Berkey, *pro hac vice*  
32 Scott W. Williams, *pro hac vice*  
33 Berkey Williams LLP  
34 2030 Addison Street, Suite 410  
35 Berkeley, California 94704  
36 Telephone: (510) 548-7070

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Facsimile: (510) 548-7080  
cberkey@berkeywilliams.com  
swilliams@berkeywilliams.com  
rleigh@berkeywilliams.com

Paul Echo Hawk, *pro hac vice*  
P. O. Box 2634  
Kirkland, WA 98083  
Telephone: (206) 457-6918  
paulechohawk@gmail.com

Julie Cavanaugh-Bill (NV Bar No. 11533)  
Cavanaugh-Bill Law Offices, LLC  
Henderson Bank Building  
401 Railroad Street, Suite 307  
Elko, Nevada 89801  
Tel: 775-753-4357  
julie@cblawoffices.org

*Attorneys for Plaintiffs Confederated Tribes of the  
Goshute Reservation*

/s/ Luther L. Hajek

DANIEL G. BOGDEN  
United States Attorney  
District of Nevada  
BLAINE T. WELSH  
Assistant United States Attorney  
Nevada State Bar No. 4790  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
Telephone: 702-388-6336  
Facsimile: 702-388-6787  
Email: blaine.welsh@usdoj.gov

SAM HIRSCH  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
LUTHER L. HAJEK  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment and Natural Resources Div.  
999 18th St., South Terrace, Suite 370  
Denver, CO 80202  
Telephone: 303-844-1376  
Facsimile: 303-844-1350  
Email: luke.hajek@usdoj.gov

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MAUREEN RUDOLPH  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment and Natural Resources Div.  
601 D St., NW  
Washington, DC 20004  
Telephone: (202) 305-0479  
Facsimile: (202) 305-0274  
Email: maureen.rudolph@usdoj.gov

*Attorneys for Defendants United States Bureau of  
Land Management; and United States Department  
of Interior*

/s/ Hadassah M. Reimer  
Gregory J. Walch (Nev. Bar No. 4780)  
Dana R. Walsh (Nev. Bar No. 10228)  
Southern Nevada Water Authority  
1001 South Valley View Blvd. (MS #480)  
Las Vegas, Nevada 89153  
Tel.: (702) 258-7166  
Fax: (702) 875-7002  
greg.walch@lvvwd.com  
dana.walsh@lvvwd.com

Murray D. Feldman (Idaho Bar. No. 4097)  
Holland & Hart LLP  
800 W. Main Street, Ste. 1750  
Boise, Idaho 83702  
Tel.: (208) 342-5000  
Fax: (208) 343-8869  
[mfeldman@hollandhart.com](mailto:mfeldman@hollandhart.com)

Hadassah Reimer (Wyo. Bar No. 6-3825)  
Holland & Hart LLP  
25 S. Willow St., Ste. 200  
PO Box 3099  
Jackson, WY 83001  
Tel.: (307) 734-4517  
Fax: (307) 739-9744  
[hmreimer@hollandhart.com](mailto:hmreimer@hollandhart.com)

*Attorneys for Defendant-Intervenor  
Southern Nevada Water Authority*