

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

Case No. 2:15-cv-01743-MMD-NJK

5 Plaintiff,

ORDER

6 v.

7 400 ACRES OF LAND, more or less,  
8 situate in Lincoln County, State of Nevada;  
9 and JESSIE J. COX, et al.,

Defendants.

10 The Court granted the Government's motion to appoint a land commission, finding  
11 that such appointment is appropriate in light of the parties' disparate positions on highest  
12 and best use and the remoteness and backcountry character of the property at issue.  
13 (ECF No. 497 at 8.) The Court then advised the parties of the identity and qualifications of  
14 each prospective commissioner under Federal Rule of Civil Procedure 71.1(h)(2)(C).  
15 (ECF No. 515.) Objections were due by September 24, 2019. (Id.) To date, no objections  
16 have been filed.

17 The Court therefore appoints the following three qualified and disinterested  
18 individuals as Commissioners for this case under Federal Rule of Civil Procedure 71.1(h):  
19 (1) The Honorable Philip M. Pro; (2) The Honorable Peggy A. Leen; and (3) The Honorable  
20 Justice Michael L. Douglas.<sup>1</sup>

21 As set forth in Federal Rule of Civil Procedure 71.1(h)(2)(D), the Commission has  
22 the powers of a special master under Federal Rule of Civil Procedure 53(c). The  
23 Commission's action and report are determined by a majority. Federal Rule of Civil  
24 Procedure 53(d), (e), and (f) apply to the Commission's action and report. The dates  
25 relevant to proceedings and work involving the Commission are established in the

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28 <sup>1</sup>The Commissioners' biographies are attached to the Court's prior order. (ECF No. 515.)

1 scheduling order (ECF No. 506). However, it should be noted that the Court-ordered  
2 settlement conference is scheduled for October 28, 2018. (ECF No. 512.)

3 The Court will determine how compensation for the Commission is to be divided  
4 between the parties.

5 The Court will direct that a copy of this Order, the scheduling order (ECF No. 506),  
6 and the Government's Notice of Requirement of Background Checks Prior to Site Visit  
7 (ECF No. 520) be provided to the Commissioners.

8 DATED THIS 25<sup>th</sup> day of September 2019.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE