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WESTERN EXPLORATION LLC, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,
et al.,

Defendants.

Case No. 3:15-cv-00491-MMD-VPC
ORDER ON
STIPULATION REGARDING
EXPEDITED BRIEFING

1 Counsel for Defendants U.S. Bureau of Land Management (“BLM”), *et al.*, counsel for
2 Plaintiffs State of Nevada, ex rel. Adam Paul Laxalt, *et al.*, and counsel for proposed Intervenors
3 The Wilderness Society, *et al.*, have conferred and propose the following schedule to govern the
4 proceedings in this case.

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6 The government asserts that this case is brought pursuant to the Administrative Procedure
7 Act, 5 U.S.C. §§ 701-06, and shall be resolved on cross-motions for summary judgment based on
8 the agencies’ administrative records, in accordance with Local Rule 16-1(c)(1). The Plaintiffs
9 generally believe this case is a judicial review proceeding that will be resolved based upon the
10 record but reserve all rights should issues arise during briefing.

11 At the conclusion of the hearing on Plaintiffs’ Motion for Preliminary Injunction, the
12 Court indicated it would consider the instant case on an expedited basis. Accordingly, the
13 Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate to the
14 following expedited briefing schedule:
15

- 16 1. Defendants shall serve the U.S. Forest Service administrative record and the first
17 two parts of the Bureau of Land Management administrative record on electronic
18 media, such as DVDs or USB drive, on Plaintiffs by no later than January 29,
19 2016.
- 20 2. Defendants shall serve the remainder of the administrative record on Plaintiffs
21 and file the entire administrative record on electronic media, such as DVDs or
22 USB drive, with the Court by no later than February 15, 2016.
- 23 3. Plaintiffs shall file their motion for summary judgment and brief in support of
24 their motion for summary judgment by no later than April 1, 2016.
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- 1 4. Defendants shall file their cross-motion for summary judgment and combined
2 brief in support of their motion for summary judgment and in opposition to
3 Plaintiffs' motion by no later than May 13, 2016.
- 4 5. If the proposed Intervenors are granted intervention, Intervenors shall file their
5 cross-motion for summary judgment and combined brief in support of their
6 motion for summary judgment and in opposition to Plaintiffs' motion by no later
7 than May 20, 2016.
- 8 6. Plaintiffs shall file their combined opposition to Defendants' and Intervenors'
9 motions for summary judgment and reply in support of their motion for summary
10 judgment by no later than June 6, 2016.
- 11 7. Defendants shall file their reply in support of their motion for summary judgment
12 by no later than June 30, 2016. If proposed intervenors are granted intervention,
13 they will file their reply in support of their motion for summary judgment also by
14 no later than June 30, 2016.¹
- 15 8. Plaintiffs shall have the option to file a surreply in support of their motion for
16 summary judgment by no later than July 11, 2016 or submit a notice they do not
17 intend to file such brief.
- 18 9. If Plaintiffs believe Defendants have omitted materials that should be part of the
19 record or otherwise properly considered by the Court, the parties agree Plaintiffs
20 may cite to and attach such documents to their brief on the condition that they file
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¹ Proposed intervenors believe it would be more appropriate that they be granted an additional week to file their reply after Defendants file theirs in order to avoid duplication of Federal Defendants' arguments. Given that the parties are proposing an expedited schedule and both sides made concessions to reach agreement on these dates, Plaintiffs and Defendants are proposing the same deadline for Defendants and proposed Intervenors so that if no surreply is filed by Plaintiffs briefing can be completed by the end of June 2016.

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a motion to supplement the record with such documents. Defendants will file any opposition to such motion to supplement with their responsive summary judgment brief and reserve the right to oppose on any basis and to seek to strike the documents and the relevant portions of the briefs. Plaintiffs will have an opportunity to submit a reply in support of such motion to supplement with their summary judgment reply brief and similarly reserve all rights relative to such disputes about the record. The parties have agreed, however, that such disputes shall be resolved through such motion practice concurrent with the briefing on the merits in the interest of proceeding on an expedited basis.

10. The parties agree to avoid redundancy, they will not submit separate detailed statements of fact under Local Rule 56-1 with their summary judgment briefs but instead will include brief discussions of the facts and references to relevant facts necessary to their arguments being raised in their summary judgment briefs.

11. Plaintiffs' and Defendants' initial summary judgment briefs shall be no more than 45 pages and Plaintiffs' combined opposition and reply brief and Defendants' reply brief shall be no more than 30 pages. Any surreply filed by Plaintiffs shall be limited to 15 pages. If proposed intervenors are granted intervention, they will comply with the local rules for the length of their briefs.

Counsel for Defendants and proposed Intervenors have authorized Plaintiffs' counsel to file this stipulation on behalf of the parties.

Respectfully submitted this 24th day of December, 2015.

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IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

Dated: December 28, 2015