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16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF NEVADA**

18 AMERICAN WILD HORSE CAMPAIGN and )  
19 KIMBERLEE CURLY, )

20 Plaintiffs, )

21 v. )

22 RYAN ZINKE, Secretary of the Department of )  
23 the Interior, MICHAEL D. NEDD, Acting )  
24 Deputy Director of Operations of Bureau of )  
25 Land Management, and JILL SILVEY, District )  
26 Manager Elko District Office of Bureau of Land )  
27 Management, )

28 Defendants. )

No. 3:18-cv-00059-RCJ-VPC

**JOINT MOTION FOR**  
**SCHEDULING ORDER**

29 Ryan Zinke, in his official capacity as Secretary of the Department of Interior, Michael  
30 D. Nedd, in his official capacity as Acting Deputy Director of Operations of the Bureau of Land  
31 Management, Jill Silvey, in her official capacity as the Elko District Office Manager, and the

1 United States Bureau of Land Management (“BLM”) (collectively, “Federal Defendants”) and  
2 American Wild Horse Campaign and Kimberlee Curyl (collectively, “Plaintiffs”) submit the  
3 following proposed schedule for the above-captioned case. The parties have conferred and agree  
4 that this is a case for review on the administrative record, and is therefore exempt from the  
5 requirements of Federal Rule of Civil Procedure 26. *See* Fed. R. Civ. P. 26(a)(1)(B)(i), (f)(1).

6 Plaintiffs challenge BLM’s December 21, 2017, Decision Record, which stated that there  
7 were 9,053 excess wild horses in the Triple B and Antelope Complexes. The proposed action  
8 consists of a 10-year gather plan and proposes BLM gather and remove approximately 9,053  
9 excess wild horses within the Complexes, implement population control measures to gathered  
10 and released mares, and may return some gelded horses to the range to be managed as a non-  
11 breeding population. On January 30, 2018, BLM initiated a gather of 1,500 wild horses in the  
12 Triple B Complex. The gather ended on February 21, 2018. This was the first gather conducted  
13 under the challenged Decision Record. BLM has no additional gathers scheduled and does not  
14 currently anticipate that it will be able to conduct any further gathers in the Triple B or Antelope  
15 Complexes before the next Fiscal Year (October 1, 2018), unless there is an emergency or public  
16 safety issue that arises.

17 On February 26, 2018, the Plaintiffs filed their Complaint (ECF No. 1). Plaintiffs served  
18 the United States Attorney for the District of Nevada on March 8, 2018, and therefore Federal  
19 Defendants’ Answer to the Complaint is due on or before May 8, 2018. *See* Federal Rule of  
20 Civil Procedure 12(a)(2). On April 5, 2018, Federal Defendants mailed Plaintiffs a copy of the  
21 final Administrative Record in the related case, *Friends of Animals v. Jill Silvey*, No. 3:18-cv-  
22 00043-RCJ-VPC. Because the cases challenge the same agency decision, Federal Defendants’  
23 position is that the Administrative Record should be the same for both cases. Plaintiffs,  
24 however, assert that because their Complaint raises claims that are not raised in the *Friends of*  
25 *Animals* case, additional records may be required for the Administrative Record for the instant  
26 case.

1 The parties are currently conferring to informally resolve disputes regarding the  
2 Administrative Record. Accordingly, the parties respectfully request that the Court grant this  
3 motion and enter a scheduling order as follows:

4 **A. Administrative Record**

- 5 i. Federal Defendants shall file their Answer to the Complaint no later than May 8,  
6 2018.
- 7 ii. Plaintiffs have already notified Federal Defendants with their concerns regarding  
8 the sufficiency of the Administrative Record. The parties shall confer to resolve  
9 any disputes without court intervention until May 1, 2018.
- 10 iii. If the parties agree regarding the sufficiency of the Administrative Record,  
11 Federal Defendants shall file the certified Administrative Record with the Court  
12 and serve a copy upon Plaintiff no later than May 8, 2018.
- 13 iv. If the parties cannot resolve all disputes regarding the Administrative Record,  
14 Plaintiff shall file any Motion to Supplement the Record no later than May 8,  
15 2018.
- 16 v. Parties shall file any Motion to Amend or Supplement the Pleadings no later than  
17 June 1, 2018.

18 **B. Briefing on the Merits**

- 19 i. Plaintiff shall file its Opening Brief within 14 days after resolution of any motions  
20 regarding the contents of the Administrative Record, as provided in paragraph  
21 A(iv). If no motions are filed under paragraph A(iv), Plaintiff's Motion for  
22 Summary Judgment shall be filed no later than June 15, 2018.
- 23 ii. Federal Defendants shall file their combined Response to Plaintiff's Motion for  
24 Summary Judgment and Cross-Motion for Summary Judgment no later than July  
25 17, 2018.
- 26  
27  
28



1 /s/ Daniela A. Arregui

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29 /s/ William N. Lawton

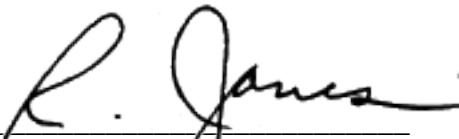
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*Attorneys for Plaintiffs*

IT IS SO ORDERED.

Dated: **April 24, 2018.**



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HON. ROBERT C. JONES  
United States District Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2018, I electronically filed the foregoing documents with the Clerk of the Court for the District of Nevada via the CM/ECF system, which will send notification of such to the attorneys of record.

*/s/ Devon L. Flanagan*  
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