

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL CASE NO. 2:01cv19**

**UNITED STATES OF AMERICA,** )  
*ex rel.* **KAREN T. WILSON,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**GRAHAM COUNTY SOIL &** )  
**WATER CONSERVATION DISTRICT,** )  
*et. al.,* )  
 )  
**Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court *sua sponte* for the purpose of amending the Pretrial and Case Management Order heretofore entered in this matter. The parties appeared before the Court at a status conference on December 7, 2011, regarding the issue of the further presentation of evidence in this case pertaining to the issue of subject matter jurisdiction pursuant to the terms of the remand of the United States Court of Appeals for the Fourth Circuit. The Court heard from the parties as to what they contemplate regarding the presentation of such evidence, and that they anticipated that there would be no genuine issue as to any material fact concerning subject

matter jurisdiction. The parties acknowledged, however, that the evidence they intend to present may in fact reflect issues of fact, and in such event that all parties desire that the Court make a determination as to those facts based on the evidence theretofore presented by the parties in written form, particularly in the form of affidavits, transcripts of prior deposition testimony and documents rather than by any live testimony. Based thereon the Court determines that the Pretrial and Case Management Order needs to be amended in order to account for such further proceedings.

**IT IS THEREFORE ORDERED** as follows:

1. On or before February 13, 2012, the Defendants shall present any further affidavits, transcripts or other documentary evidence as they desire to present pertaining to the issue of subject matter jurisdiction. The Defendants may, but are not required to, file on or before said date a brief setting forth any further arguments that they desire to present regarding the issue of whether subject matter jurisdiction lies in this case. Such brief, for each such Defendant as desires to file one, shall not exceed ten (10) pages in length, in 14 point type, double spaced.

2. On or before February 27, 2012, the Plaintiff shall present any further affidavits, transcripts or other documentary evidence as she desires to present

pertaining to the issue of subject matter jurisdiction. The Plaintiff may, but is not required to, file on or before said date a brief setting forth any further arguments that she desires to present regarding the issue of whether subject matter jurisdiction lies in this case. Such brief, if Plaintiff desires to file one, shall not exceed ten (10) pages in length, in 14 point type, double spaced.

3. On or before March 12, 2012, the Defendants may file a reply brief responding to the further evidence and brief of the Plaintiff, if the Plaintiff has filed such. Such reply brief shall not exceed seven (7) pages in length, in 14 point type, double spaced.

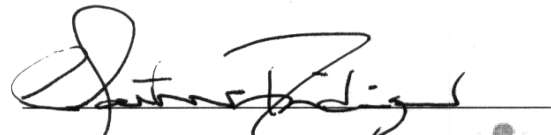
4. Also on or before March 12, 2012, all parties shall file with the Court the following:

a. Proposed Findings and Conclusions that each party asserts that the Court should enter with regard to the issue of subject matter jurisdiction;

b. Such proposed Findings and Conclusions shall be annotated whereby the party tendering such proposed finding cites to the specific evidence supporting such finding. Such citation shall state where such evidence can be located in the record of this case (e.g. [Doc. \_\_\_\_]) and shall be accompanied by a copy of such exhibit (the documents need not be attached if such were part of the filings of February 13 or February 27, as outlined

above). If such supporting evidence consists in whole or in part of deposition testimony, then the party shall identify the witness who testified in support thereof and shall provide a copy of the portion of the transcript showing such testimony.

Signed: January 27, 2012

  
Martin Reidinger  
United States District Judge 