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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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KANE COUNTY (2), UTAH,

Plaintiff, and

STATE OF UTAH,

Intervenor-Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant, and

SOUTHERN UTAH WILDERNESS  
ALLIANCE, *et al.*,

Intervenor-Defendants

**ORDER ASSIGNING CASE TO  
JUDGE CLARK WADDOUPS  
FOR ALL PURPOSES**

Case No. 2:10-cv-1073 (Consolidated  
2:11-cv-1031, 2:12-cv-476)

Chief District Judge David Nuffer

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Intervenor Defendants filed a motion for leave<sup>1</sup> to file a motion about the ambiguous record as to the presiding trial judge in the case.<sup>2</sup> The helpful factual summary<sup>3</sup> in the proposed motion shows that it is not clear that a presiding trial judge is assigned to this case.

For nearly five years, Judge Clark Waddoups has been managing the case under the “Memorandum Decision and Order for Joint Case Management; and Transferring Case”<sup>4</sup> signed by Judge Robert Shelby. That order directed the clerk’s office to transfer the case to Judge

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<sup>1</sup> Motion for Leave to File Motion to Expedite Reassignment, docket no. [362](#), filed January 25, 2018.

<sup>2</sup> [Proposed] Motion to Expedite Reassignment (“Proposed Motion”), docket no [362-1](#), filed January 25, 2018.

<sup>3</sup> Proposed Motion at 2-3.

<sup>4</sup> Docket no. [78](#), filed March 13, 2013.

Waddoups, who would “oversee and manage all non-dispositive, pretrial matters”<sup>5</sup> and at his election, resolve dispositive motions.<sup>6</sup> The Case Management Order also contemplated that the case would eventually be transferred back to Judge Robert Shelby for trial.<sup>7</sup> On August 29, 2015, however, Judge Shelby recused from the case.<sup>8</sup>

At the time of Judge Shelby’s recusal, the case was assigned to Judge Waddoups, and there was no mechanism for appointing a future judge to whom the case would be transferred for purposes of conducting a trial.

Judge Waddoups has managed this case, as a bellwether for more than 20 other cases, for nearly five years. He also tried a case with similar issues, also arising in Kane County.<sup>9</sup> The long dockets in these cases reflect the substantial expertise acquired by Judge Waddoups; that the cases arise from similar events and facts<sup>10</sup> and involve substantially the same parties;<sup>11</sup> that the cases call for a determination of the same or substantially related questions of law and fact<sup>12</sup> and that the cases would entail substantial duplication of labor or unnecessary court costs or delay if heard by different judges<sup>13</sup> with a risk of inconsistent verdicts or outcomes.<sup>14</sup> For these reasons, which are all identified as factors supporting the transfer of related cases to a single judge, which

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<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.*, at 4.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> Order of Recusal, docket no. [252](#), filed August 20, 2015.

<sup>9</sup> *Kane County (1), Utah v. United States*, [2:08-cv-315-CW](#).

<sup>10</sup> [DUCivR 83-2\(g\)\(1\)](#).

<sup>11</sup> [DUCivR 83-2\(g\)\(2\)](#).

<sup>12</sup> [DUCivR 83-2\(g\)\(4\)](#).

<sup>13</sup> [DUCivR 83-2\(g\)\(5\)](#).

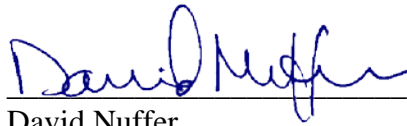
<sup>14</sup> [DUCivR 83-2\(g\)\(6\)](#).

the court may address sua sponte pursuant to DUCivR 83-2(g), under my authority as chief district judge,

IT IS HEREBY ORDERED that this case is assigned to Judge Waddoups for all purposes.

Signed January 26, 2018.

BY THE COURT



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David Nuffer  
Chief United States District Judge