

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 00-cv-0000-AP [*place AP docket number here*]

XXXXX,

Petitioner,

v.

YYYYY,

Respondent.

**JOINT CASE MANAGEMENT PLAN FOR PETITIONS FOR REVIEW OF AGENCY
ACTION IN [ENVIRONMENTAL] CASES**

1. APPEARANCES OF COUNSEL

For Plaintiff:

For Defendant:

Special Assistant United States Attorney

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on the presentation of federal question, 28 U.S.C. § 1331.

[If jurisdiction is also based on a specific statutory provision, i.e. the citizen-suit provision of the Endangered Species Act, parties should so state in this section. Additionally, the Respondent should identify any anticipated jurisdictional defenses (i.e., justiciability, ripeness, standing, failure to exhaust remedies, etc.)]

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition for Review Was Filed:

B. Date Petition for Review Was Served on U.S. Attorney's Office:

C. Date Answer or Other Response Was Filed:

4. STATEMENT(S) REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

[Provide concise statements regarding whether the case involves unusually complicated or out-of-the-ordinary claims, such as a constitutional challenge to a statute or regulation, an alleged due process violation, a request for emergency relief, etc. It would be the unusual case that has any information in this section.]

5. OTHER MATTERS

[Describe any other matters either party believes should be brought to the attention of the Court.]

6. PROPOSED BRIEFING SCHEDULE

[This briefing schedule is intended to provide reasonable default deadlines which expedite the review process without compromising the ability of Petitioners or Respondents to adequately develop their arguments. The schedule may be modified by agreement of the parties upon a showing of good cause. If parties have reached agreement on page limits for their merits briefs, they should so state here.]

A. Deadline for Filing Administrative Record:

[The Deadline for Filing the Administrative Record should be 30 days from the date of the Response to the Petition. When possible, the record shall be filed in a searchable electronic format , i.e. .pdf]

B. Deadline for Parties to Confer on Record Disputes:

[The Deadline for Parties to Confer on Record Disputes should be 30 days from the date the Administrative Record is filed.]

C. Deadline for Filing Motions to Complete and/or Supplement the Administrative Record:

[The Deadline for Filing Motions to Complete and/or Supplement the Administrative Record should be 30 days from the Deadline for Parties to Confer on Record Disputes. Response and Reply deadlines for such motions are governed by D.C.COLO.L.Civ.R. 7.1(C). The parties should review and familiarize themselves with the Court's decisions in CNE v. Salazar, 711 F. Supp.2d 1267; and WildEarth Guardians v. USFS, 713 F.Supp.2d 1243.]

D. Petitioner's Opening Brief Due:

[Petitioner's Opening Brief is due 30 days after the Deadline for Filing Motions to Complete and/or Supplement the Administrative Record. If there are challenges to the record, the briefing schedule will be modified accordingly.]

E. Respondent's Response Brief Due:

[Respondent's Response Brief is due 30 days after the filing of Petitioner's Opening Brief.]

F. Petitioner's Reply Brief (If Any) Due:

[Petitioner's Reply Brief is due 15 days after the filing of Respondent's Response Brief.]

7. STATEMENTS REGARDING ORAL ARGUMENT

[The parties should state whether they request oral argument. If oral argument is requested, the requesting party(ies) should explain the need for oral argument. Even if oral argument is requested by one or both parties, it will be the decision of the Judge to whom the case is randomly drawn to determine whether there is a need for such argument.]

A. Petitioner's Statement:

B. Respondent's Statement:

8. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

[The parties should state whether they intend to consent to the exercise of jurisdiction by a magistrate judge in accordance with D.C.COLO.LCivR 72.2. Pursuant to this Rule, all full-time magistrate judges in the District of Colorado are specially designated under 28 U.S.C. § 636(c)(1) to conduct any or all proceedings in any jury or nonjury civil matter and order the entry of judgment. If all parties consent to the exercise of jurisdiction by a magistrate judge under D.C.COLO.LCivR 72.2, they must file a completed "Notice of Availability . . . and Consent to Exercise Jurisdiction" form, which Plaintiff should have received from the clerk upon filing, NO LATER THAN 40 days after the date of Defendant's Answer, or within 21 days of the filing of the proposed Plan.

Upon consent of the parties and an order of reference from the district judge, the magistrate judge assigned the case under 28 U.S.C. § 636(a) and (b) will conduct all proceedings in the case.]

Indicate below the parties' consent choice.

- A. () **All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.**

- B. () **All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.**

9. OTHER MATTERS

[Parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 5.1G. by submitting proof that a copy of the motion has been served upon all attorneys of record and all pro se parties. Parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 6.1E. by serving such motion on the Moving Attorney's Client.]

10. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

[The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.]

DATED this ____ day of _____, 20__.

BY THE COURT:

U.S. DISTRICT COURT JUDGE

UNITED STATES ATTORNEY

APPROVED:

(Name)
(Address)
e-mail address
Telephone:

Attorney(s) for Petitioner(s)
(or Petitioner, *pro se*)

By:
Name
U.S. Department of Justice
Environmental and Natural Resources
Division
e-mail address
Mailing Address:

Street Address:
United States Attorney's Office

Attorney for Respondent(s)

Please affix counsel's signatures and any *pro se* party's signatures before submission of the proposed Joint Case Management Plan to the court.