

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

SIERRA NEVADA FOREST PROTECTION
CAMPAIGN, CENTER FOR BIOLOGICAL
DIVERSITY, NATURAL RESOURCES
DEFENSE COUNCIL, SIERRA CLUB,
and THE WILDERNESS SOCIETY,
non-profit organizations,

No. CIV-S-05-0205 MCE GGH
CIV-S-05-0211 MCE GGH
CIV-S-05-0905 MCE GGH
CIV-S-05-0953 MCE GGH

(Related Cases)

Plaintiffs,

v.

ORDER RE: BRIEFING SCHEDULE

MARK REY, in his official
capacity as Under Secretary of
Agriculture, DALE BOSWORTH, in
his official capacity as Chief
of the United States Forest
Service, JACK BLACKWELL, in his
official capacity as Regional
Forester, Region 5, United
States Forest Service, and
JAMES M. PEÑA, in his official
capacity as Forest Supervisor,
Plumas National Forest,

Defendants.

_____ /

and Related Cases.

-----oo0oo-----

1 The Court has reviewed the proposed briefing schedules
2 submitted by counsel in these related cases. Originally, by
3 Joint Status Report filed August 15, 2005, an overall schedule
4 was suggested for submitting cross-motions for summary judgment
5 in all four lawsuits, which the parties claim will be dispositive
6 of the issues raised therein. On or about September 7, 2005,
7 however, counsel for the Plaintiff in Pacific Rivers Council v.
8 United States Forest Service, et al., Case No. CIV. S-05-0953 MCE
9 GGH, withdrew from that briefing schedule and proposed a new, and
10 somewhat delayed, timeline for presentation of briefs in that
11 case.

12 Pursuant to both proposed schedules, Plaintiffs' Motions for
13 Summary Judgment in all four cases have now been submitted. In
14 the August 15, 2005 Joint Status Report, all parties requested
15 waiver of the requirement, under Local Rule 56-260(a), that a
16 separate statement of undisputed facts be presented in supported
17 of each summary judgment request, and that a response to that
18 statement be filed in opposition under Rule 56-260(b). In
19 reliance on that request, the summary judgment motions filed by
20 Plaintiffs in California Forestry Association v. Bosworth, et
21 al., Case No. CIV. S-05-0905 MCE GGH, Sierra Nevada Forest
22 Protection Campaign v. Rey, Case No. CIV. S-05-0205 MCE GGH, and
23 Pacific Rivers Council v. United States Forest Service, et al.,
24 supra, fail to include a separate statement of undisputed facts.

25 The Court declines to waive presentation of a separate
26 statement of undisputed facts in support of, and in opposition
27 to, the motions for summary judgment in these related cases. The
28 Court believes that those statements will be of assistance in

1 analyzing the administrative record and in ultimately deciding
2 the issues raised by the parties herein. The briefing schedule
3 set forth below has extended the period within which Plaintiffs
4 may submit their initial motions so that they may provide the
5 required statements.

6 In addition, the Court believes that combined briefing, as
7 also requested by the parties, will make it more difficult to
8 identify and address the issues raised by each discrete briefing
9 submitted by the various parties to these cases. Consequently,
10 papers in support of, or in opposition to, each motion filed in
11 accordance with the schedule set forth below will be filed
12 separately and identified specifically as to its contents.

13 In view of the number of intervenors in this case, the Court
14 grants the requested modification of the page limits established
15 in its June 16, 2005 Order in order to give both Plaintiffs and
16 Defendants the opportunity to respond, in a separate pleading of
17 not more than twenty-five (25) pages, to the intervenors' briefs.

18 The following briefing schedule will apply:

19

20 November 14, 2005 Plaintiffs file all papers in support of
21 their motions for summary judgment,
22 including statements of undisputed fact.
23 Each memorandum of points and
authorities shall not exceed 50 pages,
plus supporting papers.

24 December 16, 2005 Federal Defendants file their opposition
25 to Plaintiffs' motions for summary
26 judgment, each brief not exceeding 35
pages, plus supporting papers.

27 ///

28 ///

1 December 16, 2005 Federal Defendants file their cross-
2 motions for summary judgment, including
3 statements of undisputed fact. Each
4 memorandum of points and authorities
5 shall not exceed 50 pages, plus
6 supporting papers.

7

8 January 6, 2006 Defendant-Intervenors may file their
9 briefs, each brief not to exceed 20
10 pages, plus supporting papers.

11 February 17, 2006 Plaintiffs file their opposition to
12 Federal Defendants' cross-motions for
13 summary judgment, each brief not to
14 exceed 30 pages, plus supporting papers.

15 February 17, 2006 Plaintiffs file their reply in support
16 of their motions for summary judgment,
17 each brief not to exceed 10 pages, plus
18 supporting papers.

19 February 17, 2006 Plaintiffs may respond to briefs
20 submitted by Defendant-Intervenors, each
21 response not to exceed 25 pages, plus
22 supporting papers.

23 March 17, 2006 Federal Defendants file their reply in
24 support of their cross-motions for
25 summary judgment, each brief not to
26 exceed 10 pages, plus supporting papers.

27 ///

28 ///

1 March 17, 2006

Federal Defendants may respond to briefs
submitted by Defendant-Intervenors, each
response not to exceed 25 pages, plus
supporting papers.

2
3
4 Oral argument, if deemed necessary by the Court, will be
5 scheduled following the conclusion of the briefing schedule
6 outlined above.

7 IT IS SO ORDERED.

8
9 DATED: October 26, 2005

10
11 

12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28