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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,
Plaintiffs,
v.
BUREAU OF LAND MANAGEMENT, *et al.*,
Defendants,

DESERT VIPERS MOTORCYCLE CLUB,
et al.,
Defendant-Intervenor/Amici Curiae.

Case No. CV 03-2509-SI
Related Case No. CV 03-4501-SI

**ORDER FOR MANAGING REMAINING
CLAIMS IN CASE**

This matter comes before the Court upon the parties' submission of separate Case Management Statements on February 25, 2005.

On October 6, 2003, the Court issued a Case Management Order in Case No. CV 03-2509-SI setting forth a process for the parties to address any renewed motion for preliminary injunctive relief regarding the final outcome of the further communications between the U.S. Bureau of Land Management ("BLM") and the U.S. Fish and Wildlife Service ("FWS") regarding the April 3, 2003, biological opinion, and any amendment, revision, or replacement of that biological opinion. Subsequently, on January 25, 2005, FWS issued a document entitled "Endangered Species Consultation on Management of Imperial Sand Dunes Recreation Based on the California Desert

1 Conservation Area Plan, as Amended by the Proposed 2002 Recreation Area Management Plan
2 (Bureau of Land Management Reference Number 6840(P) CA-063.50.” As required by the Court’s
3 Case Management Order, the parties conferred and attempted to resolve a plan for further case
4 management of this case as it applies to the Imperial Sand Dunes Recreation Area (“ISDRA”) and
5 the Pierson’s milk-vetch. However, the parties were unable to agree with regard to whether BLM
6 should be permitted to sign the Record of Decision on the ISDRA Recreation Area Management
7 Plan (“RAMP”), or whether the case should proceed on a preliminary injunction challenge to the
8 new biological opinion.

9 Having held a telephonic hearing on March 9, 2005, at which counsel for Plaintiffs,
10 Defendants, and Defendant-Intervenors/Amici Curiae appeared, the Court orders the following:

11 1. The October 6, 2003, Case Management Order, is amended to permit BLM to issue
12 a Record of Decision for the Imperial Sand Dunes Recreation Area Management Plan.

13 2. Except as specified in Paragraph 5 below, the Record of Decision may take full force
14 and effect until and unless it is set aside by the Court following briefing on the merits as set forth
15 in the schedule below.

16 3. The following litigation deadlines shall be adhered to by the parties:

17 March 25, 2005: Plaintiffs file first amended complaint.

18 March 25, 2005: BLM signs ROD.

19 April 22, 2005: Federal Defendants file Answer to first amended complaint

20 May 20, 2005: FWS and BLM administrative records filed.

21 June 3, 2005: Plaintiffs file second amended complaint, Defendant-
22 Intervenors file cross-claims (if applicable).

23 June 3, 2005: Plaintiffs and Defendant-Intervenors file motions to
24 supplement the administrative records (if applicable).

25 June 10, 2005: Response to motions to supplement the administrative record
26 (if applicable).

27 June 17, 2005: Reply to motions to supplement the administrative record (if
28 applicable).

1 June 24, 2005: Hearing on motions to supplement the administrative record
2 (if applicable).
3 July 1, 2005 Federal Defendants file answers to amended complaint and
4 cross-complaint.
5 July 8, 2005: Plaintiffs and Defendant-Intervenors file motions for
6 summary judgment. Memorandums in support no longer than
7 50 pages.
8 August 5, 2005: Federal Defendants file responses/cross-motions for summary
9 judgment. Memorandums in support no longer than 50 pages.
10 August 19, 2005: Plaintiffs and Defendant-Intervenors file response/reply.
11 Memorandums in support no longer than 50 pages.
12 September 2, 2005: Federal Defendants file replies. Memorandums in support no
13 longer than 25 pages.
14 September 15, 2005 at 3:00 p.m.: Hearing on cross-motions for summary
15 judgment.

16 4. The Court is aware of the time-sensitivity of this case and will endeavor to issue an
17 Order on the motion(s) to supplement the administrative record on or before July 1, 2005, and an
18 Order on the motions for summary judgment on or before September 30, 2005.

19 5. Notwithstanding any contrary provision of the Record of Decision, the Temporary
20 Closure of Approximately 49,300 Acres to Motorized Vehicle Use of Five Selected Areas in the
21 Imperial Sand Dunes Recreation Area published by BLM in the Federal Register on October 22,
22 2001, 66 Fed. Reg. 53431-02, shall remain in effect until this Court has heard and ruled upon the
23 merits of any challenge to the Record of Decision and January 25, 2005, biological opinion brought
24 by Plaintiffs and/or Defendant-Intervenors/Amici Curiae as set forth in the schedule in Paragraph
25 3, above.

26 6. The stay is lifted in related Case No. CV 03-04501-SI, and that case shall proceed
27 on the same briefing schedule as the schedule set forth in paragraph 3, above.

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1 7. Nothing in this Order shall be interpreted to alter in any way the discretion
2 maintained by BLM as to the content of the Record of Decision.

3 **IT IS SO ORDERED.**

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5 Dated: 3/23/05

s/Susan Illston

SUSAN ILLSTON
U.S. DISTRICT JUDGE

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