

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

<p>FRONT RANGE EQUINE RESCUE, et al.,</p> <p style="padding-left: 40px;">Plaintiffs,</p> <p style="padding-left: 40px;">v.</p> <p>TOM VILSACK, Secretary of the U.S. Department of Agriculture, et al.,</p>)	Civ. No. 1:13-cv-00639-MCA-RHS
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SCHEDULING ORDER

THIS MATTER is before the Court on *Federal Defendants’ and Defendant-Intervenors’ Joint Motion to Consolidate the Preliminary Injunction Hearing with a Hearing on the Merits, and For Expedited Briefing on the Merits*. [Doc. 131] Having considered the submissions, the relevant case law, and otherwise being fully advised in the premises, the Court will grant the motion in part.

The hearing on Plaintiffs’ pending motion for preliminary injunction will be consolidated with the hearing on the merits. Briefing on the merits of Plaintiffs’ claims will proceed as follows:

- 1) On or before August 29, 2013, Federal Defendants will lodge the Administrative Record for Plaintiffs’ claims with the Court in CD-Rom or DVD format.

- 2) On or before September 12, 2013, Plaintiffs and Plaintiff-Intervenor will file their Opening Briefs on the Merits;
- 3) On or before September 26, 2013, Federal Defendants and Defendant-Intervenors will file their Response Briefs on the Merits;
- 4) On or before October 10, 2013, Plaintiffs and Plaintiff-Intervenor will file their Reply Briefs on the Merits.
- 5) The length of the Plaintiffs' opening brief and the parties' response briefs will be consistent with the Federal Rules of Appellate Procedure, except that Plaintiffs and the State of New Mexico will each be entitled to file a reply brief of no more than 30 pages in length.
- 6) Consistent with Olenhouse v. Commodity Credit Corp., 42 F.3d 1560, 1580 (10th Cir. 1984), Plaintiffs' July 19, 2013 *First Amended Complaint for Declaratory and Injunctive Relief* [Doc. 54], will be processed as an appeal. The parties shall not submit additional evidence in support of and in opposition to the substantive result of the Federal Defendants' NEPA process.

The Court holds in abeyance Federal Defendants' and Defendant-Intervenors' request to convert the Court's Amended Temporary Restraining [Doc. 125] into a Preliminary Injunction in the event the Court is unable to render a decision on the merits on or before October 17, 2013.

IT IS THEREFORE HEREBY ORDERED that *Federal Defendants' and Defendant-Intervenors' Joint Motion to Consolidate the Preliminary Injunction Hearing*

with a Hearing on the Merits, and For Expedited Briefing on the Merits is **GRANTED**
IN PART.

SO ORDERED this 29th day of August, 2013, in Albuquerque, New Mexico.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", written over a horizontal line.

M. CHRISTINA ARMIJO
Chief United States District Judge