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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 6:15-cv-01517-TC

**DEFENDANTS' MOTION TO  
AMEND SCHEDULE**

**Expedited Hearing Requested**

**MOTION TO AMEND SCHEDULE**

Defendants respectfully request that this Court amend the scope of the hearing on Defendants' motion for judgment on the pleadings (ECF No. 195), which is scheduled for July 18, 2018 (ECF No. 214), to include argument on Defendants' motion for summary judgment

(ECF No. 207). Following a meet-and-conferral, Plaintiffs oppose this motion to amend the schedule. Plaintiffs also oppose Defendants' request for an expedited hearing on this motion.

Defendants filed their motion for summary judgment on May 22, 2018. ECF No. 207. After this Court extended Plaintiffs' deadline for responding to the motion by sixteen days, Plaintiffs filed their response on June 28, 2018. *See* June 14, 2018 Order (ECF No. 239); Pls.' Resp. (ECF No. 255). Consistent with this Court's Order, briefing of the motion for summary judgment will be completed by July 12, 2018, and the motion will be ripe for decision.

Like the motion for judgment on the pleadings, the motion for summary judgment addresses several threshold legal questions for which there is no need for additional discovery and which are logically antecedent to any further discovery and trial. Holding coordinated argument on the motions will preserve resources of the Court and the parties. By contrast, delaying this Court's consideration would prejudice the United States by effectively depriving the United States of a meaningful opportunity to "vastly narrow[]" the issues for trial and obtain a ruling in advance of trial, as contemplated by the Ninth Circuit. *U.S. Dist. Court for Dist. of Or.*, 884 F.3d 830, 838 (9th Cir. 2018). Delaying the Court's consideration would also prejudice the United States by hampering its efforts in preparing for trial, if that remains necessary, by delaying until the eve of trial the guidance as to the scope of any trial that a ruling on the government's motion would contain.

Under these circumstances, the most efficient path forward—and the path most consistent with the Ninth Circuit's direction—is for the Court to hear argument on the motion for summary judgment on July 18, 2018. Because, under the Local Rules, briefing on this motion to amend the schedule would not be complete before the July 18 hearing, Defendants request an expedited hearing on this motion.

Dated: July 3, 2018

Respectfully submitted,  
JEFFREY H. WOOD  
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*/s/ Clare Boronow*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2018, I filed the foregoing with the Clerk of Court via the CM/ECF system, which will provide service to all attorneys of record.

/s/ Clare Boronow

CLARE BORONOW

*Attorney for Defendants*