

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River,
A Tributary of the Pacific Ocean

In Re

WATERS OF THE KLAMATH RIVER BASIN.

Case No. WA1300001

CASE MANAGEMENT ORDER # 40:
SEEKING COMMENTS ON PROPOSED
PHASE 3, PART 1, GROUP C ORDER

May 24, 2019

This Case Management Order (CMO) #40 will be mailed to those listed on the current service list provided by the Court on September 12, 2018.

Attached as Exhibit A to this Order is the *Proposed* CASE MANAGEMENT ORDER #___, SCHEDULE FOR BRIEFING AND ARGUING PHASE 3, PART 1, GROUP C LEGAL ISSUES. Exhibit A was created and submitted by the Case Management Committee (CMC). The Court invites all parties to submit comments on Exhibit A according to the schedule set forth below.

All written comments on Exhibit A must be filed not later than June 28, 2019.

All written responses to comments on Exhibit A must be filed not later than July 19, 2019.

WA1300001
OR
Order
11117809



1 After considering any written comments and responses, the Court will issue a CASE
2 MANAGEMENT ORDER #41 (or other appropriate number) SCHEDULE FOR BRIEFING
3 AND ARGUING PHASE 3, PART 1, GROUP C LEGAL ISSUES.

4 Dated this 24th day of May, 2019.

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A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke extending to the right.

Verified Correct Copy of Original 5/24/2019.

EXHIBIT A

****PROPOSED COPY ONLY****

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Proposed CASE MANAGEMENT ORDER
[REDACTED], SCHEDULE FOR BRIEFING AND
ARGUING PHASE 3, PART 1, GROUP C
LEGAL ISSUES

[REDACTED], 2019

I. Introduction

In CMO #38, the Court directed the Case Management Committee (CMC) to “submit a proposed CMO to the court setting forth a schedule for briefing and arguing Group C (or “Third Group”) legal issues.”

On April 8, 2019, the CMC chair transmitted a proposed order to the Court, and notified the Court that the proposed order reflected the committee consensus.

On [DATE] the court circulated the CMC’s proposed Case Management Order to the then-current service list, and solicited feedback as follows: [REDACTED].

Having reviewed the feedback received, the Court enters the below order.

II. CMO # 33 controls the Phase 3, Part 1 legal issues briefing on Group C: Exceptions to PFODs on Tribal Claims except as set forth below in section III.

1 The Court's CMO # 33 and its Appendix A sets forth the process and requirements for
2 Phase 3, Part 1 legal issues briefing, including the legal issues briefing associated with Group C:
3 Exceptions to PDFODs on Tribal Claims.

4 The Court orders that CMO # 33 and its Appendix A will continue to control the process
5 and requirements for legal issues briefing associated with Group C: Exceptions to PDFODs on
6 Tribal Claims, except that the briefing schedule for Group C will be as set forth in Section III of
7 this Order.

8 **III. Briefing schedule for Phase 3, Part 1 Legal Issues in Group C: Exceptions to**
9 **PFODS on Tribal claims.**

10 The briefing schedule for Phase 3, Part 1 legal issues briefing on Group C: Exceptions to
11 PFODs on Tribal Claims shall be as follows:

12 Opening Motions due: **December 20, 2019**

13 Responses in Support due: **January 10, 2020**

14 Responses in Opposition due: **April 24, 2020**

15 Replies due: **June 29, 2020**

16 Telephone status conference to discuss oral argument scheduling [REDACTED] (aprox. 7
17 days after replies)

18 Oral Argument: **August 18-20 OR August 25-27.**

19 **IV. Telephone status conference to discuss oral argument scheduling**

20 Although the oral argument date is set in this proposed order, the court will convene a
21 telephone status conference to discuss the particulars of the order and timing of arguments on
22 [REDACTED] [DATE]. Any party who has filed a motion or response must participate, and
23 any other party may participate. The call-in information is as follows:

24 [REDACTED]