

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
41, SCHEDULE FOR BRIEFING AND
ARGUING PHASE 3, PART 1, GROUP C
LEGAL ISSUES

July 26, 2019

I. Introduction

This Case Management Order (CMO) #41 will be mailed to those on the current service list provided by the court on May 31, 2019.

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 16, 2019, the CMC chair transmitted a proposed order to the Court and notified the Court that the proposed order reflected the committee consensus.

On May 24, 2019 with CMO #40 the court circulated the CMC’s proposed Case Management Order to the then-current service list, and solicited feedback as follows: That written comments must be filed not later than June 28, 2019 and written responses must be filed not later than July 19, 2019.

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



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

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

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

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

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

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

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

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

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

18 Telephone status conference to discuss oral argument scheduling **July 15, 2020 at 9:00**
19 **a.m.**

20 Oral Argument: **August 25 – 27, 2020.**

21 Motions, briefs, replies, and responses can address more than one issue each. However,
22 they must specify which of the thirteen issues(s) they address from the list in CMO #33, Section
23 V, C on Page 7.

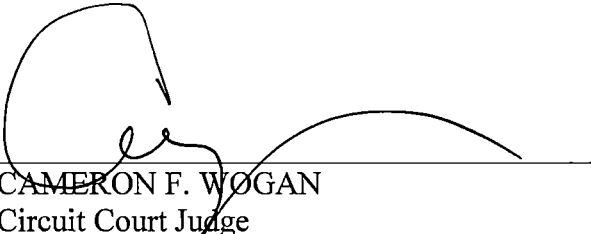
24 **IV. Telephone status conference to discuss oral argument scheduling**

25 Although the oral argument date is set in this proposed order, the court will convene a
26 telephone status conference to discuss the particulars of the order and timing of arguments on
July 15, 2020 at 9:00 a.m. Any party who has filed a motion or response must participate, and

any other party may participate. The call-in information is as follows: telephone number (605) 313-5662, access code 117160.

IT IS SO ORDERED.

Dated this 26th day of July, 2019.



CAMERON F. WOGAN
Circuit Court Judge

Cc: Service List