

**IN THE UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
WISCONSIN GREEN BAY DIVISION**

VILLAGE OF HOBART, WISCONSIN,

Plaintiff,

Case No. 1:23-cv-01511-WCG

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR et al.,

Defendants.

**JOINT MOTION FOR VACATUR OF THE FEBRUARY 16, 2024,
NOTICE AND REQUEST TO CONVERT MARCH 18, 2024, Rule 16(b)
CONFERENCE TO SCHEDULING CONFERENCE**

Plaintiff Village of Hobart, Wisconsin (“Plaintiff”), Defendants United States Department of the Interior (“Interior”); Deb Haaland, Secretary of the Interior; Bureau of Indian Affairs (“BIA”); Tammie Poitra, Midwest Regional Director, BIA; Acting Midwest Regional Director; and Interior Board of Indian Appeals (“Defendants” or “Interior”) (collectively, “the Parties”), jointly move for vacatur of this Court’s February 16, 2024, Notice of Rule 16(b) Telephone Scheduling Conference (“Notice”). The Court ordered the Parties to file a Rule 26(f) conference report no later than March 11, 2024, and to attend a Rule 16(b) telephone scheduling conference on March 18, 2024, at 9:20a.m. (CT).

However, the Parties agree that this action for review on an administrative record is not subject to the requirements of Civil L. R. 26, Fed. R. Civ. P. 26, Civil L. R. 16(b), or Fed. R. Civ. P. 16. The Parties therefore agree that the Notice should be vacated. In addition, the Parties jointly request that the March 18, 2024, 16(b) telephone conference proceed but be converted to

a telephonic scheduling conference for the purposes of discussing the schedule for lodging and review of the administrative record, and for summary judgment briefing, set forth below, as well as any other matters the Court deems necessary.

1. The Parties jointly move the Court to adopt the following stipulated schedule for lodging and review of the administrative record in this case:

A. Interior shall lodge the administrative record for the challenged agency decision at issue in this case with the Court by June 28, 2024.

B. The parties will confer and informally attempt to resolve any disputes concerning the administrative record. Plaintiff shall notify Interior of any issues concerning the sufficiency of the administrative record as lodged on or before July 30, 2024.

C. If the parties do not informally resolve issues concerning the administrative record, any motion(s) to supplement or otherwise challenge the sufficiency of the administrative record, including requests to engage in discovery, or to amend pleadings pursuant to Civil L. R. 15, shall be filed on or before August 6, 2024.

2. The Parties propose the Court select one of the Parties' proposed summary judgment briefing schedules. Both schedules are based on no motion being filed regarding the administrative record or seeking leave to amend pleadings:

Defendants' Proposed Summary Judgment Briefing Schedule:

A. On or before August 16, 2024, Plaintiff shall file its motion for summary judgment on all claims.

B. On or before September 30, 2024, Defendants shall file their consolidated cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgment.

Defendants' supporting memorandum will include arguments in favor of its cross-motion and respond to Plaintiff's motion for summary judgment.

C. On or before October 30, 2024, Plaintiff shall file its consolidated reply in support of its motion for summary judgment and opposition to Defendants' cross-motion for summary judgment.

D. On or before November 29, 2024, Defendants shall file their reply in support of its cross-motion for summary judgment.

E. The Parties shall each have up to 60 pages double-spaced for their respective memoranda set forth above, which they will divide between their initial and reply briefs at their discretion.

Plaintiff's Proposed Summary Judgment Briefing Schedule:

A. On or before August 16, 2024, Plaintiff shall file its motion for summary judgment along with its supporting brief.

B. On or before September 30, 2024, Defendants shall file their response brief.

C. On or before October 30, 2024, Plaintiff shall file its reply.

D. The Plaintiff shall have up to 60 pages, double-spaced, for its initial and reply brief to be divided at its discretion.

E. Defendant shall have up to 40 pages, double-spaced, for its response.

3. The Parties have conferred and agreed that, should any motions be filed by August 6, 2024, as set forth above, the summary judgment briefing schedule selected by the Court and set forth above shall be vacated and Parties will confer on a revised briefing schedule to commence upon issuance of the Court's order(s) on any motion(s) concerning the record.

4. The Parties have conferred and agreed that, should the Court grant the Motion of Oneida Nation to Intervene as Defendant, ECF-11, filed February 15, 2024, the Parties will confer on a revised briefing schedule, including page limits, to the extent that such revision is necessary to ensure efficient briefing of this case and afford adequate time for all Parties to review the administrative record and engage in briefing.

DATED: March 11, 2024.

Respectfully submitted,

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources
Division

/s/ Charmayne G. Staloff
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VILLAGE OF HOBART, WISCONSIN,

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UNITED STATES DEPARTMENT OF THE
INTERIOR et al.,

Defendants.

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR VACATUR OF
THE FEBRUARY 16, 2024, NOTICE AND REQUEST TO CONVERT
MARCH 18, 2024, Rule 16(b) CONFERENCE TO SCHEDULING
CONFERENCE**

This matter comes before the Court upon the Parties' joint motion for vacatur of the February 16, 2024, Notice of Rule 16(b) Telephone Scheduling Conference and request to convert the March 18, 2024, Rule 16(b) conference to a scheduling conference. For the reasons set forth in the motion, the Court HEREBY GRANTS the motion. With respect to the Parties' proposed summary judgment briefing schedules set forth in Paragraph 2A and 2B, the Court hereby adopts the briefing schedule proposed by **[Defendants]** / **[Plaintiff]**.

IT IS SO ORDERED,

Dated at Milwaukee, Wisconsin this ____ day of _____, 202__.

THE HONORABLE WILLIAM C. GRIESBACH
UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

I, Charmayne G. Staloff, hereby certify that on March 11, 2024, I caused the foregoing JOINT MOTION FOR VACATUR OF THE FEBRUARY 16, 2024, NOTICE OF RULE 16(b) TELEPHONE SCHEDULING CONFERENCE AND REQUEST TO CONVERT MARCH 18, 2024, Rule 16(b) CONFERENCE TO SCHEDULING CONFERENCE to be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Charmayne G. Staloff

Charmayne G. Staloff, Trial Attorney
Indian Resources Section
Environment and Natural Resources Division
United States Department of Justice