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Attorneys for Proposed Intervenor-Defendants Idaho Legislature

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)

v.)

STATE OF IDAHO; IDAHO)
DEPARTMENT OF WATER)
RESOURCES, an agency of the State of)
Idaho; and GARY SPACKMAN, in his)
official capacity as Director of the Idaho)
Department of Water Resources,)
)
Defendants.)

IDAHO HOUSE OF)
REPRESENTATIVES; MIKE MOYLE,)
in his official capacity as Majority Leader)
of the House; IDAHO SENATE; and)
CHUCK WINDER, in his official)
capacity as President Pro Tempore of the)
Senate,)
)
Proposed Intervenor-Defendants.)

Case No. 1:22-cv-00236-DCN

**LEGISLATURE’S RESPONSE TO
LITIGATION PLAN [Dkt. 16]**

Plaintiffs and Defendants filed their Litigation Plan today. Dkt. 16. Proposed Intervenor-Defendants (collectively, the Legislature) hereby respond—in a provisional manner, recognizing that the Court has not yet ruled on the Legislature’s motion to intervene, Dkt. 12. The Court may, however, enter an order on the Litigation Plan before the Court enters an order allowing the Legislature to intervene. That sequence could preclude the Legislature’s ability to comment on the Litigation Plan before it is acted upon by the Court.¹ Consequently, the Legislature lodges with the Court this request to amend the Plan, Dkt. 16, if the Court grants the Legislature’s motion to intervene:

In section 2, Dispositive Motions Filing Cut-Off Date, order the following filings, page limitations, and deadlines:

Filings	Substantive Page Limit on Briefs²	Filing Deadline
Plaintiff’s motion and opening brief	60 pages plus 15-page statement of undisputed and disputed facts	December 9, 2022
Defendants’ cross-motion and response brief	60 pages plus 15-page statement of undisputed and disputed facts	March 10, 2023
Legislature’s cross-motion and response brief	50 pages plus 10-page statement of undisputed and disputed facts	April 10, 2023

¹ The Legislature notes that its Memorandum in Support of Intervention, Dkt. 12-1, stated that the “Legislature will comply with any briefing schedule set by the Court,” *id.* at 13, and also noted that at that time “[t]he case is in its earliest stages and no litigation plan has been entered,” *id.* at 6. While the Legislature will comply with any briefing schedule set by the Court, it is seeking input into and comment on the proposed briefing schedule, as a potential party in intervention in this action, through these proposed amendments.

² Non-substantive parts of a brief include the caption, table of contents, table of authorities, signature block, and certificate of service. Attachments to the brief are not included in the page limitation.

Plaintiff's response/reply brief	25 pages	June 14, 2023
Defendants' reply brief	25 pages	August 18, 2023
Legislature's reply brief	20 pages	September 15, 2023

The proposed staggered schedule providing that the Legislature would file its briefs after the respective filings of the Defendants will help minimize redundant briefing. The Legislature has no objection to the remaining portions of section 2. The Legislature has no comments on the remainder of the Litigation Plan or on the Joint Discovery Plan, Dkt. 17.

Respectfully submitted this 31st day of August, 2022.

HOLLAND & HART LLP

By: /s/ William G. Myers III

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