

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, *et al.*, :  
 :  
 Plaintiffs, :  
 :  
 v. : Civil Action No. 96-1285 (JR)  
 :  
 DIRK KEMPTHORNE, Secretary of :  
 the Interior, *et al.*, :  
 :  
 Defendants. :

**SCHEDULING ORDER**

Following a status/scheduling conference held in open court on July 9, 2007, the following pretrial schedule is adopted:

1. Plaintiffs may identify deficiencies in the administrative record [3357] no later than August 6, 2007. The government may have eleven (11) days to respond.
2. Rule 26(a)(2) designations of expert witnesses are due August 17 from both sides. Designations of responding experts are due September 17. Rule 26(a)(2)(B) reports are to be filed for all witnesses expected to present substantial opinion testimony.
3. The parties are to exchange trial exhibits by August 31. Plaintiffs may have eleven (11) days to disclose additional exhibits responsive to defense exhibits that relate to the "cost" and "throughput" issues. Exhibits previously received in evidence in this case and documents within the administrative record need not be provided in the exchange.

4. If plaintiffs wish to offer statements, by affidavit or declaration, of persons unable to attend the trial because of some disability, they must provide such statements to defendants by August 31, together with appropriate identification of the affiants or declarants and the reasons why they cannot appear for trial. Objections must be made by September 7 and will be ruled on immediately. Upon notice by the government under Rule 30, any such affiant or declarant must be made available for *de bene esse* deposition a reasonable time before trial.
5. Pretrial statements compliant with LCvR 16.5(b)(1) are due September 17.
6. Motions in limine are due September 21.
7. A final pretrial conference is set for **September 28 at 3 p.m.**
8. The parties will notify one another of their first three witnesses three business days before they testify and thereafter provide one another with three business days "rolling notice" of witnesses. Such notice is to include the subject matter and expected duration of the witnesses' testimony.

9. Documents previously received in evidence will be deemed admissible, subject only to objections as to relevance or materiality.

It is **SO ORDERED**.

JAMES ROBERTSON  
United States District Judge