

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA WILDLIFE
FEDERATION, INC. et al.,

Plaintiffs,

v.

CONSOLIDATED CASE
NO. 4:08cv324-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

ORDER ON PROCEDURAL MOTIONS

IT IS ORDERED:

1. The National Association of Clean Water Agencies' motion for leave to file an amicus brief, ECF No. 222, is GRANTED. The Association may file a single amicus brief by June 15, 2011, of not more than 25 pages. The brief must include the information required by Federal Rule of Appellate Procedure 29(c)(1), (4), and (5).

2. The motion of the Gulf Restoration Network et al. ("Gulf Restoration"), ECF No. 228, to consolidate Case No. 4:11cv142 into Consolidated Case No. 4:08cv324 is GRANTED IN PART. The motion of the Florida Cattlemen's Association et al. ("the Cattlemen"), ECF No. 6 in Case No. 4:11cv177, to

consolidate that case into Consolidated Case No. 4:08cv324 is GRANTED IN PART. Cases 4:11cv142 and 4:11cv177 are consolidated with Case No. 4:08cv324 for case-management purposes only. The consolidation order previously entered in Case No. 4:11cv142, ECF No. 7, is modified accordingly.

3. The Scheduling Order entered on March 21, 2011, ECF No. 216, remains in effect and applies to all parties including Gulf Restoration and the Cattlemen. For purposes of that order, Gulf Restoration is part of the “environmental organizations as a unit,” and the Cattlemen are part of the “plaintiffs—other than the environmental organizations—as a unit.” The Scheduling Order’s reference in ¶ 3(e) to “eight” other memoranda is amended to “nine,” in order to allow the Cattlemen to file a nonduplicative memorandum.

4. The motion of Destin Water Users, Inc., et al., ECF No. 243, to amend the scheduling order to allow discovery and the presentation of expert testimony at the summary-judgment hearing is DENIED.

5. The motion of the Florida Water Environment Association, Inc. Utility Council, et al., ECF No. 244, to supplement the record and consider extra-record evidence is DENIED. But I take judicial notice of the record in this Case No. 4:08cv324.

6. The motion of the State of Florida et al. (“the State”), ECF No. 247, to extend the deadline for filing their motion to supplement the record is GRANTED.

The State's motion to supplement, ECF No. 250, is deemed timely.

7. The State's motion to supplement, ECF No. 250, is GRANTED IN PART and DENIED IN PART. The Environmental Protection Agency must add to the administrative record the pages identified in its memorandum, ECF No. 261, at 16. The State's motion is denied in all other respects.

8. The unopposed motion of The Fertilizer Institute et al., ECF No. 252, to supplement the record is GRANTED. The EPA must add to the administrative record the exhibits attached to the motion.

9. The State's motion, ECF No. 265, for an *in camera* review of the documents on the EPA's privilege list is DENIED.

SO ORDERED on May 31, 2011.

s/Robert L. Hinkle
United States District Judge