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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY;)	Civil No. CV 03-29-M-DWM
ECOLOGY CENTER,)	
)	
Plaintiffs,)	
)	JOINT STATUS REPORT
and)	
)	
STATE OF MONTANA,)	
)	
Plaintiff-Intervenor,)	
v.)	
)	
)	

UNITED STATES FISH AND WILDLIFE)
SERVICE, UNITED STATES ARMY)
CORPS OF ENGINEERS,)
))
Defendants,)
and)
))
KOOTENAI TRIBE OF IDAHO,)
))
Defendant-Intervenor.)

The Kootenai Tribe of Idaho, on behalf of all parties to this litigation, and in response to the Court's Order dated April 14, 2008 (dkt #144), respectfully submits this Joint Status Report regarding subsequent scheduling in this matter:

Following the May 6, 2008 settlement conference assisted by Magistrate Judge Lynch in Missoula, the parties have continued to pursue settlement and have made significant progress towards an agreement which would resolve all claims presented in this litigation. However, as reported to Judge Lynch today, June 5, 2008, certain obstacles to settlement remain which require additional time to overcome. The parties are optimistic that those obstacles can be overcome.

Given the progress made to date towards settlement, the parties' desire to continue their good faith efforts to resolve their disputes, and out of respect for the Court's interest in moving this case towards either settlement or final judgment on the merits, the parties propose to dedicate the next two weeks to pursuing settlement, and if at that point it becomes evident that settlement is no longer possible, the parties agree to adhere to the following schedule for briefing cross-motions for summary judgment based on the administrative records filed by the defendants along with any extra-record evidence submitted by the parties and allowed by the Court.

Thus, the parties respectfully suggest the following schedule for this litigation:

- June 19, 2008: Deadline for continued settlement negotiations;
- July 31, 2008: Plaintiffs' and Plaintiff-Intervenor's motions for summary judgment and opening briefs in support;
- August 29, 2008: Defendants' and Defendant-Intervenor's cross-motions for summary judgment and briefs in support of cross-motions/in opposition to Plaintiffs' and Plaintiff-Intervenor's motions;
- September 26, 2008: Plaintiffs' and Plaintiff-Intervenor's briefs replying in further support of their motions and in opposition to Defendants' and Defendant-Intervenor's motions;
- October 10, 2008: Defendants' and Defendant-Intervenor's reply briefs.

The parties further request that absent settlement, the Court set a date for hearing oral argument on the above summary judgment motions as soon as the Court's schedule permits.

RESPECTFULLY SUBMITTED this 5th of June, 2008.

By: /s/ Julie A. Weis
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(e) I certify that on the date indicated below, the foregoing **JOINT STATUS REPORT** will be electronically filed with the Court's electronic filing system, which will generate automatic service upon all parties enrolled to received such notice. If not so enrolled, service copies will be manually mailed.

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DATED this 5th day of June, 2008.

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