

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE
4 NO. 9213-APPL.

FILED
JUN 23 1993
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE
ORDERED
RECORDED

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) NO. 9213
13 v.) ORDER REGARDING STATUS
14 STATE OF WASHINGTON, et al.,) CONFERENCE OF JUNE 10,
15 Defendants.) 1993

16 HAVING conducted a status conference with all counsel on
17 Thursday, June 10, 1993, the court finds and rules as follows:

18 1. Proposed "Sunset Order". The court declines to enter
19 the proposed "Sunset Order" lodged on April 12, 1993, and will
20 retain jurisdiction over this case.

21 2. Validity of Prior Orders. Orders previously entered in
22 this case shall remain in full force and effect, unless expres-
23 sly modified by this court.

24 3. Filing of New Subproceedings. New subproceedings may be
25 filed with the court in the manner specified in the court's
26 previous orders. The court will review the procedures specified

cc: BJR ER, JH, all email.

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1 in paragraph 25 of the injunction entered by Judge Boldt on
2 March 22, 1974, 384 F. Supp. 312, 419 (W.D. Wn. 1974), and
3 determine what modifications are required in the procedure for
4 filing, and for responding to, new requests for determination.

5 The court will not require the payment of filing fees upon
6 the filing of new subproceedings.

7 The Clerk shall file as "Subproceeding No. 93-1" the "Re-
8 quest for Determination of Upper Skagit Indian Tribe for Addi-
9 tional Usual and Accustomed Fishing Places" lodged on April 30,
10 1993. Opposing parties shall file a response to new subproceed-
11 ings, including 93-1, within 20 days of the filing date rather
12 than within 7 days as previously required.

13 4. Case Management Procedures. All future proceedings in
14 this case will be governed by the Federal Rules of Civil Proce-
15 dure and the local rules of this court. The Clerk will maintain
16 a separate file and a separate computer docket for each subpro-
17 ceeding. Counsel shall file a notice of appearance in each
18 subproceeding in which they wish to participate. This applies
19 to all subproceedings currently pending as well as all those
20 filed in the future. But all parties in this case will be bound
21 by all rulings in the subproceedings whether or not counsel have
22 filed notices of appearance in particular subproceedings.

23 The court will enter separate pretrial and trial scheduling
24 orders in each subproceeding, including those currently pending.
25 Once a subproceeding is filed, the court will not stay the
26 matter except upon a strong showing of need.

1 5. Proposal by Parties for Additional Procedures. Counsel
2 are directed to submit to the court, no later than July 12,
3 1993, proposed procedures addressing four issues listed below.
4 As to each, the proposal should either be fully agreed upon by
5 all counsel, or should identify the areas of agreement and
6 disagreement, with a statement of the parties' positions.

7 (a) Alternative Dispute Resolution ("ADR"). The parties
8 should submit a detailed proposal for an ADR procedure
9 to be employed prior to the filing of a subproceeding
10 with the court.

11 (b) Special Master. This proposal should address the role
12 a special master would play as well as the means of
13 compensation, and should include suggested names.

14 (c) Emergency Adjudications. The parties should suggest
15 speedy but fair procedures for dealing with disputes
16 which must be resolved without delay.

17 (d) Paragraph 25. The parties should address whether
18 paragraph 25 of Judge Boldt's order of March 22, 1974
19 should be amended or completely rewritten.

20 DATED at Seattle, Washington this 22nd day of June, 1993.

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24 BARBARA J. ROTHSTEIN
25 CHIEF UNITED STATES DISTRICT JUDGE
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