

m 3-17-98



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

139 East South Temple, Suite 600
Salt Lake City, Utah 84111
Phone: 801-524-5344

IN REPLY REFER TO:

March 17, 1998

ORDER

JERRY AND DEBORAH KELLY,	:	N2-97-01
	:	
Appellant	:	Appeal to the grazing portion of the
	:	Assistant District Manager's Final
v.	:	Multiple Use Decision, dated January 9,
	:	1997, Hole in the Wall, Jersey Valley,
BUREAU OF LAND MANAGEMENT,	:	and Home Station Gap Allotments,
	:	Winnemucca District, Nevada
Respondent	:	
	:	
.....		
JERRY AND DEBORAH KELLY,	:	IBLA 97-237
	:	
Appellant	:	Appeal to the Wild Horse Portion of the
	:	Assistant District Manager's Final
v.	:	Multiple Use Decision, dated January 9,
	:	1997, Hole in the Wall, Jersey Valley,
BUREAU OF LAND MANAGEMENT,	:	and Home Station Gap Allotments,
	:	Winnemucca District, Nevada
Respondent	:	
	:	
.....		
C-PUNCH RANCH, INC.,	:	N2-95-2
	:	
Appellant	:	Appeal from the Area Manager's Final
	:	Multiple Use Decision, dated December
v.	:	6, 1994, Blue Wing and Seven Troughs
	:	Allotment, Winnemucca District, Nevada
BUREAU OF LAND MANAGEMENT,	:	
	:	
Respondent	:	

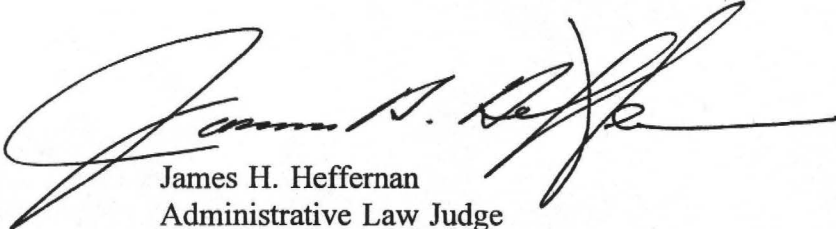
MOTION FOR CONTINUANCE GRANTED

On March 11, 1998, the Hearings Division received a Notice Of Entry Of Appearance And Motion For Continuance from the newly designated counsel for Respondent, covering the above-referenced dockets. Therein it is stated that the previous Government counsel of record has developed a serious illness, necessitating the physical transfer of these dockets from the Regional Solicitor's Office in Sacramento, California, to the Field Solicitor's Office in Salt Lake City.

Since both of these appeals implicate multiple use decisions that are challenged on a number of complex factual and legal issues, the new counsel of record will require a reasonable period of time to review the case files and prepare for hearing. Further, the Government avers in its Motion that counsel for C-Punch Ranch, Inc., Ann Morgan, Esq., has a three week trial scheduled in another matter in June 1998 and that neither C-Punch Ranch nor Appellants, Mr. and Mrs. Jerry and Deborah Kelly, oppose the instant Motion.

Counsel for the Government also states that the parties in both of these appeals have expressed an interest in settlement negotiations. Consequently, based upon these averments and for related good cause shown, the following **ORDER** is hereby entered:

1. The public hearings in the above captioned matters which were scheduled to be conducted in Winnemucca, Nevada, during the week of April 6, 1998, are both **INDEFINITELY POSTPONED** in order to foster the referenced potentials for settlement negotiations; and,
2. In order to insure that these dockets do not languish procedurally, counsel for the Respondent is **ORDERED TO SUBMIT A WRITTEN STATUS REPORT WITH RESPECT TO PENDING SETTLEMENT NEGOTIATIONS IN BOTH APPEALS BY NO LATER THAN JULY 1, 1998;** after which time the undersigned will reset the public hearings in these dockets in the absence of progress toward settlement.


James H. Heffernan
Administrative Law Judge

See pages 3 and 4 for distribution