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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
7 **EASTERN DISTRICT OF CALIFORNIA**
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10 BANK OF THE SIERRA, a California
11 corporation,

1:14-cv-01044-AWI-SAB

12 Plaintiff,

13 v.
14 **ORDER ACCELERATING**
15 **BRIEFING SCHEDULE RE**
16 **MOTION TO VACATE PRIOR**
17 **ORDER BASED ON FAILURE TO**
18 **JOIN AN INDISPENSABLE**
19 **PARTY**

20 (Doc. 15)

21 PICAYUNE RANCHERIA OF THE
22 CHUKCHANSI INDIANS, a federally
23 recognized Indian tribe, and
24 CHUKCHANSI ECONOMIC
25 DEVELOPMENT AUTHORITY, a wholly
26 owned economic arm of the Tribe,

27 Defendants.

28 Plaintiff, Bank of the Sierra (“Plaintiff”), named the Picayune Rancheria of the
29 Chukchansi Indians (“the Tribe”) and the Economic Development Authority that it operates as
30 defendants in an action (1) contesting the jurisdiction of the “Tribal Court of the Picayune
31 Rancheria of Chukchansi Indians” (“Tribal Court”) to enter a binding order against Plaintiff; (2)
32 seeking to enjoin all Defendants from prosecuting an action against Plaintiff in the Tribal Court;
33 and interpleading funds the amount of \$392,407.01. Doc. 1. On October 27, 2014, this Court
34 dismissed the action based on the representations by counsel for Plaintiff and counsel, Lester
35

1 Marston, purporting to represent “Defendant Picayune Rancheria of Chukchansi Indians” (which
2 this Court now believes to represent the “McDonald Faction”¹) that the parties had come to an
3 agreement. Doc. 14. This Court’s order required only that the case be dismissed, the interpled
4 funds be returned to Plaintiff, and each party bear its own costs and fees. Doc. 14. On November
5 7, 2014, a second party purporting to represent the Picayune Rancheria of Chukchansi Indians
6 (which refers to itself as the “Unification Council”²) filed a motion to intervene, re-open the
7 case, vacate this Court’s prior order dismissing the case (Doc. 14), then dismiss pursuant to
8 Federal Rule of Civil Procedure 19 for failure to join an indispensable party.

9 The Unification Council’s motion is set for December 15, 2014. In light of the uncertain
10 status of Tribal leadership and the resulting potential loss of Tribal funds, this Court will
11 accelerate the briefing schedule as follows: Defendant McDonald Faction will file any opposition
12 to Defendant Unification Council’s motion by November 26, 2014.

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14 IT IS SO ORDERED.

15 Dated: November 19, 2014



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SENIOR DISTRICT JUDGE

¹ Reference to this party as McDonald Faction is not intended as any indication of legitimacy or lack thereof; it is simply an efficient party designation that is necessary due to the lack of clarity as to which party actually represents the Tribe.

² The Unification Council was established on August 24, 2014 and is composed of Reggie Lewis, Nancy Ayala, Chance Alberta, Tracey Hopkins, Karen Wynn, and Nokomis Hernandez.