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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  
corporation,

1:14-cv-01044-AWI-SAB

11 Plaintiff,

**ORDER DELAYING  
DISTRIBUTION OF INTERPLED  
FUNDS PENDING RESOLUTION  
OF MOTION TO VACATE  
DISMISSAL**

12  
13 v.

14 PICAYUNE RANCHERIA OF THE  
15 CHUKCHANSI INDIANS, a federally  
recognized Indian tribe, and  
16 CHUKCHANSI ECONOMIC  
DEVELOPMENT AUTHORITY, a wholly  
17 owned economic arm of the Tribe,

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

1 Marston, purporting to represent “Defendant Picayune Rancheria of Chukchansi Indians” (which  
2 this Court now believes to represent the “McDonald Faction”) that the parties had come to an  
3 agreement. Doc. 14.

4 Intervenor-Defendant Unification Council (“Unification Council”<sup>1</sup>) filed a motion to  
5 vacate this Court’s order dismissing the case. In light of the uncertain status of Tribal leadership  
6 and the resulting potential loss of Tribal funds, this Court accelerated the briefing schedule to  
7 require Defendant McDonald Faction to file any opposition to Defendant Unification Council’s  
8 motion by November 26, 2014. After this Court ordered the McDonald Faction to respond, Mr.  
9 Marston contacted the Clerk’s office regarding distribution of the interpled funds. Normally,  
10 upon dismissal of an interpleader action where the time for disbursement of funds is not specified the  
11 Clerk’s office in this district waits 30 days before disbursement of the funds in question. This case  
12 was ordered dismissed on October 27, 2014. The date for release of interpled funds is quickly  
13 approaching and the Court has not yet had the opportunity to rule on the Unification Council’s  
14 motion to vacate the dismissal. For the same reason that this Court expedited the briefing  
15 schedule – the uncertain status of Tribal leadership and the potential for loss of Tribal funds –  
16 this Court respectfully directs the Clerk of the Court not to release the interpled funds to the  
17 Bank of the Sierra until this Court rules on the Unification Council’s motion to vacate the  
18 dismissal. Doc. 15.

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20 IT IS SO ORDERED.

21 Dated: November 24, 2014

  
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28 SENIOR DISTRICT JUDGE

<sup>1</sup> For purposes of identifying parties for CM/ECF service, the Clerk’s Office may refer to the party represented by Lester Marston as “McDonald Faction” and the party represented by Robert Rosette and Richard Verri as “Unification Council.” Neither party designation is intended to reflect the legitimacy or (lack thereof) of either entity.