

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PICAYUNE RANCHERIA OF
CHUKCHANSI INDIANS

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; SALLY JEWELL, Secretary of
the Interior; and LAWRENCE S.
ROBERTS, Acting Assistant Secretary of
the Interior for Indian Affairs,

Defendants.

CASE NO. 1:16-CV-0950-AWI-EPG

**ORDER AUTHORIZING PLAINTIFF
TO FILE SUPPLEMENTAL BRIEFING**

20 The parties to this action completed briefing on cross-motions for summary judgment on
21 May 25, 2017. Roughly one month later, intervenor-defendant North Fork Rancheria of Mono
22 Indians (“North Fork”) submitted a notice of supplemental authority, modifying its position
23 regarding the propriety of a stay. Doc. 38. Plaintiff Picayune Rancheria of Chukchansi Indians
24 (“Chukchansi”) objects to what it characterizes as supplemental substantive briefing on the
25 propriety of a stay. Doc. 39. Chukchansi is correct that North Fork walked back its prior position
26 regarding the propriety of a stay and now suggests that the Ninth Circuit has conclusively
27 decided that the test for whether a stay should issue in this situation is governed by the *Colorado*
28 *River* standard rather than the *Landis* standard. Doc. 38 at 2; *see Colorado River Water*

1 *Conversation District v. United States*, 424 U.S. 800 (1976); *Landis v. North American Co.*, 299
2 U.S. 248 (1936). In support of that argument, North Fork relies upon authority long preceding
3 the parties' briefing in this case. See Doc. 38 at 2-3 (citing, *inter alia*, *Minucci v. Agrama*, 868
4 F.2d 113, 1115 (9th Cir. 1989)).

5 Chukchansi asks the court to either disregard the unauthorized supplemental briefing or
6 afford Chukchansi an opportunity to respond when its lead counsel returns from his time abroad.
7 Doc. 39 at 3. The issue briefed by North Fork is of significance to the Court. Accordingly, the
8 latter request will be granted. Chukchansi will be permitted to file a responsive brief, not to
9 exceed eight pages, no later than August 8, 2017. That briefing may only address the standard to
10 be applied in determining whether to issue a stay.

11
12 IT IS SO ORDERED.

13 Dated: July 11, 2017



14 SENIOR DISTRICT JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28