

1 JOHN M. PEEBLES, State Bar No. 237582  
PATRICK R. BERGIN, State Bar No. 269672  
2 MICHAEL A. ROBINSON, State Bar No. 214666  
TIM HENNESSY, State Bar No. 233595  
3 STEVEN J. BLOXHAM, State Bar No. 96384  
PEEBLES KIDDER BERGIN & ROBINSON LLP  
4 2020 L Street, Suite 250  
Sacramento, CA 95811  
5 Telephone: (916) 441-2700  
Fax: (916) 441-2067  
6 Email: jpeebles@ndnlaw.com  
*Attorneys for Plaintiff*

7  
8 ROB BONTA  
Attorney General of California  
T. MICHELLE LAIRD  
9 Acting Senior Assistant Attorney General  
NOEL A. FISCHER, State Bar No. 232553  
10 B. JANE CRUE, State Bar No. 210122  
Deputy Attorneys General  
11 1300 I Street, Suite 125  
P.O. Box 944255  
12 Sacramento, CA 94244-2550  
Telephone: (916) 210-7789  
13 Fax: (916) 323-2319  
E-mail: jane.crue@doj.ca.gov  
14 *Attorneys for Defendants*

15  
16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA  
18

19  
20 **BIG SANDY BAND OF WESTERN MONO**  
**INDIANS, a federally recognized Indian**  
21 **tribe,**

22 Plaintiff,

23 v.

24 **GAVIN NEWSOM, Governor of the State**  
**of California; and the STATE OF**  
25 **CALIFORNIA,**

26 Defendants.  
27  
28

1:22-cv-00844-NODJ-SKO

**JOINT STIPULATION TO STAY  
PROCEEDINGS PENDING APPROVAL  
OF TRIBAL-STATE CLASS III  
GAMING COMPACT; ORDER**

(Doc. 35)

Judge: NODJ  
Action Filed: July 8, 2022

1 Pursuant to the United States District Court, Eastern District of California Local Rules,  
2 Rule 143, Plaintiff Big Sandy Band of Western Mono Indians, a federally recognized Indian  
3 Tribe (Tribe), and Defendant Gavin Newsom, in his official capacity as Governor of the State of  
4 California, and Defendant State of California (collectively, State Defendants), stipulate as  
5 follows:

6 Whereas, pursuant to stipulation, the Tribe and State Defendants (collectively, the Parties)  
7 were ordered to proceed to the remedial process set forth in the Indian Gaming Regulatory Act,  
8 25 U.S.C. § 2710(d)(7)(B)(iii)-(vii). ECF No. 33.

9 Whereas, pursuant to this remedial process, the parties engaged in negotiations for a new  
10 tribal-state class III gaming compact.

11 Whereas, these negotiations resulted in agreement on the terms of a new tribal-state class  
12 III gaming compact between the Parties.

13 Whereas, as of January 16, 2024, the Tribe and the Governor have executed the Tribal-State  
14 Gaming Compact Between the State of California and the Big Sandy Rancheria of Western Mono  
15 Indians of California (Compact).

16 Whereas, under State law, the Compact must now be ratified by the California Legislature.  
17 Cal. Const. art. IV, § 19(f); *see* Cal. Gov't Code § 12012.25(c)-(e).

18 Whereas, following ratification by the California Legislature, the Compact can only take  
19 effect pursuant to the Indian Gaming Regulatory Act, 18 U.S.C. §§ 1166-1167, 25 U.S.C. §§  
20 2701-2721, when notice of approval (or notice that the compact has been allowed to go into effect  
21 because it has not been disapproved within forty-five days of its submission) has been published  
22 in the Federal Register by the Secretary of the Department of the Interior (Secretary). 25 U.S.C. §  
23 2710(d)(3)(B) & (8)(D).

24 Whereas, the Parties believe a stay of this action until the Compact has completed the  
25 ratification and approval process will conserve the resources of the Court and the Parties.

26 Whereas, the Parties request that this action be stayed until the Compact ratification and  
27 approval process is completed.

28

1           Whereas, the Parties intend to provide a joint stipulation of dismissal within fourteen (14)  
2 days following the completion of the Compact ratification and approval process when the  
3 Secretary has published notice of approval (or notice that the Compact has been allowed to go  
4 into effect because it has not been disapproved within forty-five days of its submission) in the  
5 Federal Register.

6           IT IS HEREBY STIPULATED and respectfully requested by the Parties that the Court  
7 continue the stay in this matter until the Compact ratification and approval process is completed.

8           IT IS FURTHER STIPULATED and respectfully requested by the Parties that the Court  
9 order the Parties to submit a joint stipulation of dismissal within fourteen (14) days following  
10 completion of the ratification and approval process of the Compact.

11           RESPECTFULLY SUBMITTED this 5th day of February, 2024.

12  
13 Dated: February 5, 2024

Respectfully submitted,

14           ROB BONTA  
15           Attorney General of California  
16           T. MICHELLE LAIRD  
17           Acting Senior Assistant Attorney General  
18           NOEL A. FISCHER  
19           Deputy Attorney General

*/s/ B. Jane Crue*

20           B. JANE CRUE  
21           Deputy Attorney General  
22           Attorneys for Defendants

23 Dated: February 5, 2024

PEEBLES KIDDER BERGIN AND ROBINSON  
LLP

*/s/ Patrick R. Bergin (As authorized on 02/05/2024)*

24           PATRICK R. BERGIN  
25           Attorneys for Plaintiff

1 **ORDER**

2 Pursuant to the Joint Stipulation to Stay Proceedings Pending Approval of Tribal-State Class  
3 III Gaming Compact, filed on February 5, 2024 (Doc. 35), this Court hereby orders the following:

- 4 1. All proceedings in this matter will be stayed until the January 16, 2024 Tribal-State  
5 Gaming Compact Between the State of California and the Big Sandy Rancheria of  
6 Western Mono Indians of California (Compact) has completed the state and federal  
7 ratification and approval process;
- 8 2. Within 90 days of the date of this order, and every 90 days thereafter, the parties shall  
9 file a joint status report advising the Court of the status of the ratification and approval  
10 process; and
- 11 3. The Parties shall submit to the Court a joint stipulation of dismissal within fourteen  
12 (14) days following completion of the ratification and approval process of the Compact.

13 IT IS SO ORDERED.

14 Dated: **February 6, 2024**

15 *Is/ Sheila K. Oberto*  
16 UNITED STATES MAGISTRATE JUDGE