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10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 BLUE LAKE RANCHERIA, a federally
 14 recognized Indian Tribe, et al.,
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 16 Plaintiffs,
 17 vs.
 18 DAVID LANIER, individually and in his
 19 capacity as Secretary of the California Labor
 20 and Workforce Development Agency, et al.,
 21 Defendants.
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 23 UNITED STATES,
 24
 25 Intervenor.

CASE NO. **2:11-cv-01124-JAM-JFM**

**STIPULATION AND ORDER
 MODIFYING AMENDED STATUS
 (PRETRIAL SCHEDULING) ORDER
 PENDING APPEAL**

22 Plaintiffs Blue Lake Rancheria Economic Development Corporation (“BLREDC”) and
 23 Mainstay Business Solutions (“MBS”); defendants David Lanier, Patrick Henning, Jr., Pam Harris,
 24 Jack Budmark, Talbott Smith, Kathy Dunne, and Sarah Reece; and intervenor United States,
 25 collectively, “the parties,” stipulate as follows:

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 27 1. The Complaint was filed on April 26, 2011.

1 2. On January 5, 2015, the Court entered in this case an Amended Status (Pretrial
2 Scheduling) Order (“Scheduling Order”). The Scheduling Order, among other things, provided
3 that all dispositive motions shall be filed by January 13, 2016; that the final pre-trial conference
4 shall be held on April 1, 2016; and that the trial shall commence on May 23, 2016.

5 3. On May 26, 2015, the Court entered Judgment in favor of Blue Lake Rancheria
6 (“BLR”).

7 4. On June 26, 2015, Defendants filed a Notice of Appeal from the Judgment in favor
8 of BLR. Briefing has not yet commenced on Defendants’ appeal.

9 5. For purposes of this action only, the parties stipulate that BLREDC and MBS are
10 arms of the BLR tribe within the meaning of federal tribal sovereign immunity doctrine; and for
11 purposes of this action only, BLREDC and MBS were entitled to sovereign immunity to the same
12 extent as BLR is determined to be entitled to sovereign immunity.

13 6. The parties agree that trial of BLREDC’s and MBS’s claims against EDD should
14 be postponed until after Defendants’ appeal from the judgment for BLR is resolved, because the
15 issues at trial will be substantially similar to those on appeal.

16 7. The parties agree that the deadline to file dispositive motions, and the dates for
17 final pretrial conference and trial should be vacated. All other dates and deadlines in the
18 Scheduling Order (whether already past or not) should remain the same.

19 8. The parties agree that they should file a joint status report within fourteen (14) days
20 of the Court of Appeal’s issuing its mandate in the current appeal, in which the parties will
21 propose dates for the deadline to file dispositive motions and for final pretrial conference and trial.

22 9. Discovery should not be re-opened except upon mutual agreement of the parties.

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1 IT IS SO AGREED.

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3 Dated: October 15, 2015

BOUTIN JONES INC.

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By: /s/ Michael E. Chase
Michael E. Chase
Attorneys for plaintiffs

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7 Dated: October 15, 2015

KAMALA D. HARRIS
Attorney General of California

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By: /s/ Jill Bowers
Jill Bowers
Attorneys for defendants

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12 Dated: October 15, 2015

CAROLINE D. CIRALOLO
Acting Assistant Attorney General

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By: /s/ W. Carl Hankla
W. Carl Hankla
Attorneys for intervenor

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court hereby
ORDERS that:

1. The following dates and deadlines, as set forth in the January 5, 2015 Amended Status (Pretrial Scheduling) Order (“Scheduling Order”), are vacated:
 - the trial date of May 23, 2016;
 - the pretrial conference date of April 1, 2016, and;
 - the January 13, 2016 deadline to file dispositive motions.
2. All other dates and deadlines provided in the Scheduling Order (whether already past or not) shall remain the same.
3. The parties shall file a joint status report within fourteen (14) days of the Court of Appeal’s issuing its mandate in the defendants’ appeal of this Court’s Judgment in favor of Blue Lake Rancheria. In their joint status report, the parties shall propose dates for the deadline to file dispositive motions and for final pretrial conference and trial.
4. Discovery shall not be re-opened except upon mutual agreement of the parties

IT IS SO ORDERED.

Dated: 10/15/2015

/s/ John A. Mendez
Hon. John A. Mendez
United States District Court Judge