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 9 Henning, Jr., Pam Harris, Jack Budmark, Talbott
 Smith, Kathy Dunne, Sarah Reece and California
 10 Employment Development Department*

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13 CIVIL DIVISION
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 16 **BLUE LAKE RANCHERIA, a federally-**
recognized Indian Tribe; et al.,
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 Plaintiffs,
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 v.
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 20 **JULIE A. SU, in her official capacity as**
Secretary of the California Labor and
Workforce Development Agency, et al.,
 21
 Defendants.
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 23 **UNITED STATES OF AMERICA,**
 24
 Intervenor.
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Case No. 2:11-CV-01124-JAM-KJN

**STIPULATION REGARDING
 DISPOSITION OF FUNDS ON DEPOSIT;
 NON-OBJECTION BY INTERVENOR
 UNITED STATES OF AMERICA;
 ORDER**

Judge: Hon. John A. Mendez
 Action Filed: April 26, 2011

26 Plaintiffs Blue Lake Rancheria, a federally recognized Indian tribe, Blue Lake Rancheria
 27 Economic Development Corporation, and Mainstay Business Solutions (collectively, Plaintiffs)
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1 and Defendants Julie A. Su,¹ as successor to David Lanier, sued in his official capacity as
2 Secretary of the Labor and Workforce Development Agency, Rita Saenz, as successor to Patrick
3 W. Henning, Jr., sued in his official capacity as Director of the Employment Development
4 Department, Pam Harris, Jack Budmark, Talbott Smith, Kathy Dunne, and Sarah Recce
5 (collectively, Defendants or EDD) hereby stipulate and request as follows:

6 1. On August 11, 2011, this Court ordered Defendants to deposit monies with the Court
7 to satisfy a bond requirement. (ECF No. 40.) These monies were collected from Plaintiff
8 Mainstay Business Solutions by EDD in the service of levies that were the basis of the dispute
9 between Plaintiffs and Defendants. On August 25, 2011, Defendants deposited the money as
10 ordered, in the amount of \$537,284.67. It remains on deposit with the Court.

11 2. On August 24, 2012, the United States of America filed a Motion to Intervene as
12 Defendant-Claimant. (ECF No. 55.) In its Motion to Intervene, the United States “concede[d]
13 that the state’s tax lien on the Funds is superior to the federal tax lien, provided that the state’s
14 pre-suit levies were valid. See proposed United States' Answer and Claim filed herewith. Thus,
15 if the plaintiffs prevail on their cause of action against the defendants, the Funds should go to the
16 United States. Otherwise, the Funds should go back to EDD.” The Court granted the United
17 States’s motion on October 1, 2012 (ECF No. 61), and the United States filed an answer in this
18 matter on October 2, 2012 (ECF No. 62).

19 3. Plaintiffs and Defendants reached a settlement of this matter that was fully executed
20 on April 15, 2021.

21 4. Pursuant to the terms of that settlement, Plaintiffs and Defendants jointly stipulate
22 and request that the Court release back to EDD all monies placed on deposit with the Court by
23 EDD pursuant to the Court’s August 25, 2011 Order with accrued interest, if any.

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¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary Julie A. Su is substituted
28 as a party in place of former Secretary David Lanier, and Director Rita Saenz is substituted as a
party in place of former director Patrick Hemming, Jr.

1 Defendant-Intervenor United States of America does not object to the monies on deposit
2 with the Court being returned to EDD.

3 Dated: June 5, 2021

BOUTIN JONES INC.

4 /s/ Michael E. Chase (as authorized
5 on 6/5/21)

6 By: _____
MICHAEL E. CHASE
Attorneys for Plaintiffs

7
8 Dated: June 7, 2021

ROB BONTA
Attorney General of California
SARA J. DRAKE
Senior Assistant Attorney General
WILLIAM P. TORNGREN
Supervising Deputy Attorney General
COLIN WOOD
Deputy Attorney General

13
14 By: /s/ Jennifer T. Henderson _____
JENNIFER T. HENDERSON
Attorneys for Defendants

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16 Dated: June 4, 2021

U.S. Department of Justice

18 /s/ Y. Jeannette Tran (as authorized
19 on 6/4/21)

20 By: _____
Y. JEANNETTE TRAN
Attorneys for Defendant-Intervenor
United States of America

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23 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED. THE CLERK**
24 **IS DIRECTED TO RETURN THE FUNDS ON DEPOSIT AND ACCRUED INTEREST, IF**
25 **ANY, TO THE CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT.**

26 Dated: June 8, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE