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*Attorneys for Defendants State of California,*  
*Employment Development Department, Marty*  
*Morgenstern, Pam Harris, and Jack Budmark*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION

14 **BLUE LAKE RANCHERIA, a federally-**  
 15 **recognized Indian Tribe; BLUE LAKE**  
 16 **RANCHERIA ECONOMIC**  
 17 **DEVELOPMENT CORPORATION, a**  
 18 **federally-chartered tribal corporation; and**  
 19 **MAINSTAY BUSINESS SOLUTIONS, a**  
 20 **federally authorized division of Blue Lake**  
 21 **Rancheria Economic Development**  
 22 **Corporation,**  
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 Plaintiffs,  
 v.  
**MARTY MORGENSTERN, individually**  
**and in his official capacity as Secretary of**  
**the California Labor and Workforce**  
**Development Agency; PAM HARRIS,**  
**individually and in her official capacity as**  
**Chief Deputy Director of the Employment**  
**Development Department of the State of**  
**California ("EDD"); JACK BUDMARK,**  
**individually and in his official capacity as a**  
**Deputy Director of the Tax Branch of the**  
**EDD; TALBOTT SMITH, individually and**  
**in his official capacity as a Deputy Director**  
**of the Unemployment Branch of the EDD;**

Case No. 2:11-CV-01124-JAM-JFM

**STIPULATION AND ORDER  
 EXTENDING TIME FOR PARTIES TO  
 SUBMIT A RULE 26(f) REPORT**

Judge: The Hon. John A. Mendez  
 Trial Date: Not yet set.  
 Action Filed: April 26, 2011

1 **KATHY DUNNE, individually and in her**  
2 **official capacity as a Senior Tax Compliance**  
3 **Representative of EDD; SARAH REECE,**  
4 **individually and in her official capacity as**  
5 **an Authorized Representative of the EDD;**  
6 **THE STATE OF CALIFORNIA; THE**  
7 **EMPLOYMENT DEVELOPMENT**  
8 **DEPARTMENT, a department of the State**  
9 **of California; and DOES 1 to 50, inclusive,**

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Defendants.

1 Plaintiffs Blue Lake Rancheria, Blue Lake Rancheria Economic Development Corporation,  
2 and Mainstay Business Solutions, and Defendants State of California, Employment Development  
3 Department, Marty Morgenstern, Pam Harris, Jack Budmark, Talbott Smith, Kathy Dunne, and  
4 Sarah Reece, collectively, “the parties,” stipulate and jointly move this Court for an order  
5 extending the time to file and serve (1) the parties’ joint status report, (2) the parties’ joint  
6 discovery plan and (3) the parties’ initial disclosures upon the grounds and for the reasons  
7 following:

8 1. The Complaint was filed on April 26, 2012.

9 2. All Defendants have appeared and are represented by the Office of the California  
10 Attorney General.

11 3. On June 29, 2011, the Court heard oral argument on Plaintiffs’ motion for a  
12 preliminary injunction and ordered the parties to submit further briefing on certain legal issues.

13 4. Defendants’ motion to dismiss pursuant to Federal Rules of Civil Procedure, Rules  
14 12(b)(1) and (6), is set for hearing before the Court on August 17, 2011.

15 5. The Parties therefore stipulate and jointly move this Court to extend the time for the  
16 parties to file and serve (1) the parties’ joint status report, (2) the parties’ joint discovery plan and  
17 (3) the parties’ initial disclosures pursuant to Federal Rules of Civil Procedure, Rules 16(b) and  
18 26(f)(3), pending further order of the Court.

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20 Dated: July 8, 2011

Respectfully Submitted,

BOUTIN JONES INC.,

*/s/ Robert R. Rubin*

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ROBERT R. RUBIN (SBN 117428)  
*Attorneys for Plaintiffs Blue Lake  
Rancheria, Blue Lake Rancheria Economic  
Development Corporation and Mainstay  
Business Solutions*

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Dated: July 8, 2011

KAMALA D. HARRIS  
Attorney General of California  
WILLIAM L. CARTER  
Supervising Deputy Attorney General

*/s/ Steven J. Green*

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STEVEN J. GREEN (SBN 73705)  
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Deputy Attorneys General  
*Attorneys for Defendants State of California,  
Employment Development Department,  
Marty Morgenstern, Pam Harris, Jack  
Budmark, Talbott Smith, Kathy Dunne, and  
Sarah Reece*

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court hereby ORDERS that the time for the Parties to file and serve (1) the parties' joint status report, (2) the parties' joint discovery plan and (3) the parties' initial disclosures pursuant to Federal Rules of Civil Procedure, Rules 16(b) and 26(f)(3), is extended pending further order of the Court.

Dated: 7/11/11

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

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**CERTIFICATE OF SERVICE**

Case Name: **Blue Lake Rancheria v. Morgenstern** No. **2:11-CV-01124-JAM-JFM**

I hereby certify that on July 8, 2011, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PARTIES TO SUBMIT A RULE 26(f) REPORT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 8, 2011, at Sacramento, California.

Michele Warburton  
Declarant

/s/ Michele Warburton  
Signature

Blue Lake Stipulation.doc