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 12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**
 14 **SACRAMENTO DIVISION**

15 BLUE LAKE RANCHERIA, a federally
 16 recognized Indian Tribe, et al.,
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 Plaintiffs,
 18 vs.
 19 MARTY MORGENSTERN, individually and in
 his capacity as Secretary of the California Labor
 and Workforce Development Agency, et al.,
 20
 Defendants.

CASE NO. 2:11-cv-01124-JAM-JFM
**ORDER ON PLAINTIFFS' MOTION FOR
 LEAVE TO FILE FIRST AMENDED
 COMPLAINT AND DEFENDANTS'
 MOTION FOR SUBSTITUTION OF
 PARTIES**
 Judge: Hon. John A. Mendez
 Courtroom: 6
 Date: March 11, 2015
 Time: 9:30 a.m.
 Date of Filing: April 26, 2011
 Date of Trial: May 23, 2016

24 UNITED STATES,
 25
 Intervenor.

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1 Plaintiffs' Motion for Leave to File First Amended Complaint and Defendants' Motion for
2 Substitution of Parties came on for hearing on March 11, 2015, at 9:30 a.m. in this Court. Counsel for
3 Plaintiffs and counsel for Defendants were in attendance and presented oral arguments on both
4 motions. Having considered the parties' papers filed in support of and in opposition to the motions,
5 oral argument, and other pleadings and papers on file herein, the Court hereby **GRANTS** Plaintiffs'
6 Motion for Leave to File First Amended Complaint and **DENIES** Defendants' Motion for
7 Substitution of Defendants for the reasons stated by the Court on the record at the hearing.

8 **IT IS ORDERED** that Plaintiffs Blue Lake Rancheria, Blue Lake Rancheria Economic
9 Development Corp., and Mainstay Business Solutions have leave to file in this action a First
10 Amended Complaint which includes only the following amendments to the Complaint:

- 11 1. the addition of Patrick W. Henning, Jr. as a defendant in his official capacity as Director of
12 the Employment Development Department of the State of California;
- 13 2. the addition of David Lanier as a defendant in his official capacity as Secretary of the
14 California Labor and Workforce Development Agency, and;
- 15 3. the removal of Marty Morgenstern as a defendant.

16 The First Amended Complaint shall not name as a defendant any party originally named in the
17 Complaint who has subsequently been dismissed from the action, including the State of California,
18 the Employment Development Department, and the "Doe" defendants.

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20 **IT IS SO ORDERED.**

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23 Dated: 3/20/2015

/s/ John A. Mendez

The Honorable John A. Mendez

UNITED STATES DISTRICT JUDGE

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Approved as to form:

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Supervising Deputy Attorney General

/s/ Jill Bowers
Jill Bowers
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