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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12 CACHIL DEHE BAND OF WINTUN
13 INDIANS OF THE COLUSA INDIAN
14 COMMUNITY, a federally recognized Indian
Tribe,

15 *Plaintiff,*

16 v.

17 S.M.R. JEWELL, Secretary of the Interior, *et*
al.,

18 *Defendants.*

19 _____
20 UNITED AUBURN INDIAN COMMUNITY
OF THE AUBURN RANCHERIA,

21 *Plaintiff,*

22 v.

23 S.M.R. JEWELL, Secretary of the Interior, *et*
al.,

24 *Defendants.*
25 _____
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CASE NO. 2:12-CV-03021-TLN-AC

**STIPULATION AND ORDER TO
MODIFY ORDER GOVERNING
FURTHER PROCEEDINGS (DOCKET
NOS. 69 AND 82)**

28 STIPULATION AND ORDER TO MODIFY
ORDER GOVERNING FURTHER
PROCEEDINGS

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Case No. 2:12-CV-03021-TLN-AC

1 CITIZENS FOR A BETTER WAY, *et al.*,
2 *Plaintiffs*,
3 v.
4 UNITED STATES DEPARTMENT OF THE
5 INTERIOR, *et al.*,
6 *Defendants*.

7
8 The parties, plaintiffs UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN
9 RANCHERIA (“UAIC”), CACHIL DEHE BAND OF WINTUN INDIANS OF THE COLUSA
10 INDIAN COMMUNITY (“Colusa”), CITIZENS FOR A BETTER WAY, ET AL. (“Citizens”),
11 and defendants THE ESTOM YUMEKA MAIDU TRIBE OF THE ENTERPRISE
12 RANCHERIA, CALIFORNIA (“Enterprise”), and DEFENDANTS SALLY JEWELL, ET AL.
13 (“Federal Defendants”), hereby stipulate and request that the Court issue the following order to
14 modify the Stipulation and Order Governing Further Proceedings (Docket No. 69 (entered
15 Mar. 4, 2013), as modified by Docket No. 82 (entered June 5, 2013) (“Stipulated Order”)) in
16 these consolidated cases:

17 Paragraph 4 of the Stipulated Order shall be modified to reflect that Federal Defendants
18 timely lodged the Administrative Record, that Plaintiffs have raised objections regarding the
19 Administrative Record, and that the Parties have agreed to extend the current deadline of
20 August 15, 2013 for filing objections to the Administrative Record to allow for the resolution of
21 those objections, to read as follows:

22 4. Federal Defendants lodged the Administrative Record with the Court on May 17,
23 2013 (Docket No. 79). The Citizens Plaintiffs notified Federal Defendants by letter on July 17,
24 2013 of certain objections to Federal Defendants’ Administrative Record. Federal Defendants
25 have agreed to review those objections and to provide Plaintiffs a response to the Citizens’
26 July 17 letter, including lodging of a certified Supplement to the Administrative Record, if
27 necessary, as soon as practicable. Any objections to, including motions to supplement, the

1 Administrative Record shall be filed on or before the 14th day following Federal Defendants’
2 delivery to Plaintiffs of their response to the Citizens’ July 17 letter. Electronic copies of
3 documents, if any, with which Federal Defendants propose to supplement the Administrative
4 Record shall be included in Federal Defendants’ response, and the 14-day period for filing
5 objections to the Administrative Record shall not commence until Federal Defendants deliver
6 copies of those documents to Plaintiffs. The Parties shall meet and confer to resolve conflicts
7 pertaining to the Federal Defendants’ response, if any, prior to filing motion(s) with the Court,
8 which motion(s) shall be calendared on the earliest available date.

9 Paragraph 5 of the Stipulated Order shall be modified to read as follows:

10 5. Plaintiffs’ Motion(s) for Summary Judgment shall be filed on or before the later
11 of 28 days after Federal Defendants’ delivery to Plaintiffs of their response, including copies of
12 any documents with which Federal Defendants propose to supplement the Administrative
13 Record, to the Citizens’ July 17, 2013 letter or 28 days after resolution by the Court of any
14 objections to, including motions to supplement, the Administrative Record. Federal Defendants
15 shall lodge a certified Supplement to the Administrative Record, if necessary, as soon as
16 practicable after the Court resolves any objections to, including motions to supplement, the
17 Administrative Record. Plaintiffs shall calendar the hearing on their Motion(s) for Summary
18 Judgment on the first available hearing date on or after the 90th day following filing of the last-
19 filed Motion for Summary Judgment. Federal Defendants’ Combined Cross-Motion(s) for
20 Summary Judgment and Opposition(s) to Plaintiffs’ Motion(s) for Summary Judgment shall be
21 filed no later than 30 days after the last-filed Motion for Summary Judgment. Plaintiffs’
22 Combined Opposition(s) to Defendants’ Cross-Motion for Summary Judgment and Reply(ies), if
23 any, in support of their Motion(s) for Summary Judgment shall be filed no later than 30 days
24 thereafter. Federal Defendants’ Reply(ies), if any, in support of their Cross-Motion(s) for
25 Summary Judgment shall be filed no later than 14 days thereafter.

26 The remaining provisions of the Stipulated Order shall remain unchanged.
27

1 DATED: August 12, 2013

Respectfully submitted,

2 /s/ Benjamin S. Sharp

3 Benjamin S. Sharp (*pro hac vice*)

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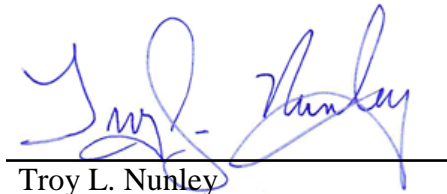
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So Ordered.

Dated: August 13, 2013



Troy L. Nunley
United States District Judge