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9 Attorneys for Plaintiff Beth A. Bodi

10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

12 BETH A. BODI,  
 13 Plaintiff,

14 vs.

15 SHINGLE SPRINGS BAND OF MIWOK  
 16 INDIANS; SHINGLE SPRINGS TRIBAL  
 17 HEALTH PROGRAM; BRENDA ADAMS  
 18 (in her capacity as current Chairperson of the  
 19 Shingle Springs Tribal Health Board), and  
 20 DOES 1 through 30, inclusive,  
 21 Defendants.

Case No. 2:13-CV-01044 LKK-CKD

**STIPULATION AND ORDER  
 GRANTING PLAINTIFF LEAVE TO  
 FILE A SECOND AMENDED  
 COMPLAINT AND SCHEDULING  
 PARTIES' BRIEFING OF  
 DEFENDANTS' MOTION TO DISMISS**

The Hon. Lawrence K. Karlton

Complaint Filed: April 22, 2013

22 Plaintiff Beth A. Bodi, having inadvertently neglected to include one of the defendants  
 23 within the caption of her First Amended Complaint ("FAC"), hereby seeks, by stipulation, to amend  
 24 the caption of her complaint, in a Second Amended Complaint ("SAC") that names in the caption of  
 25 the SAC all of the defendants set forth in the body of the FAC. Specifically, Plaintiff seeks leave to  
 26 file an amended complaint that names within the caption (as well as the body) the Shingle Springs  
 27 Band of Miwok Indians ("Tribe"), Shingle Springs Tribal Health Program, the Shingle Springs  
 28 Health Board (inadvertently omitted from the caption of the FAC), and Brenda Adams (in her  
 capacity as Chairperson of the Shingle Springs Tribal Health Board) (collectively "Defendants").

1 Counsel of record for Defendants are amenable to the request for reasons of judicial economy and  
2 efficiency, and the Parties hereby respectfully request that the court give effect to the stipulation, as  
3 follows:

4 WHEREAS, Plaintiff named the Shingle Springs Tribal Health Board in the body of her  
5 First Amended Complaint (“FAC”), but inadvertently omitted that entity from the caption;

6 WHEREAS, defendants are willing to stipulate to the requested amendment of the FAC by  
7 Plaintiff, so as to allow for expeditious resolution of anticipated motions, and to that end, to enable  
8 the court to resolve the jurisdictional defenses of all tribal entities against whom Plaintiff purports  
9 to have claims in the context of a single consolidated motion without the need for further amended  
10 complaints;

11 WHEREAS, all of the above-listed defendants plan to file responsive pleadings seeking  
12 dismissal of Plaintiff’s claims; and

13 WHEREAS, the above-listed defendants and Shingle Springs Tribal Health Board are  
14 represented by Dentons US LLP (“Dentons”), and all intend to file a single brief in support of a  
15 consolidated motion to dismiss, raising common issues; and

16 WHEREAS, the Parties wish to make arrangements for orderly briefing of defendants’  
17 motions to dismiss on a timeline that accommodates counsels’ respective schedules during the  
18 summer; and

19 WHEREAS, the Parties agree that the foregoing reasons present good cause for altering the  
20 briefing schedule set forth in Rule 230 of the Local Rules of the United States District Court,  
21 Eastern District of California; and

22 WHEREAS, Shingle Springs Tribal Health Program and Brenda Adams, who have not yet  
23 been served, and Shingle Springs Tribal Health Board, which is not yet a party, have authorized  
24 Dentons to accept service on their behalf pursuant to the terms of this stipulation;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties  
26 that:

- 27 1. Plaintiff may file a second amended complaint within seven days of the Court’s

1 approval of this stipulation that is identical to first amended complaint, except that it adds the  
2 inadvertently omitted Shingle Springs Tribal Health Board to the caption as a party;

3 2. The responsive pleading of defendants Shingle Springs Band of Miwok Indians,  
4 Shingle Springs Tribal Health Program, Brenda Adams, and Shingle Springs Tribal Health  
5 Board shall be due no later than August 5, 2013;

6 3. Plaintiff shall oppose defendants' motion to dismiss no later than September 3,  
7 2013;

8 4. Defendants shall file any reply brief in support of their motion to dismiss no later  
9 than September 16, 2013;

10 5. Defendants' motion to dismiss shall be heard Monday, September 23, 2013, at  
11 10:00 a.m., or at another date and time thereafter as convenient for the Court;

12 6. Service of the second amended complaint on Shingle Springs Tribal Health  
13 Program, Brenda Adams, and Shingle Springs Tribal Health Board shall be deemed effective on  
14 the date Plaintiff electronically files and serves her second amended complaint pursuant to this  
15 Court-approved stipulation.

16 IT IS SO STIPULATED.

17 Respectfully submitted,

18 Dated: July 9, 2013

PACIFIC AMERICAN LAW GROUP, PC

19  
20 By /s/ Wendy L. Hillger  
WENDY L. HILLGER

21 Attorneys for Plaintiff

22  
23 Dated: July 9, 2013

DENTONS US LLP

24  
25 By /s/ Ian R. Barker (auth. July 2, 2013)  
IAN R. BARKER

26 Attorneys for Defendants

27  
28 - 3 -

ORDER

The Parties having stipulated thereto and good cause appearing, IT IS HEREBY ORDERED THAT:

1. Plaintiff may file a second amended complaint within seven days of the Court's issuance of this order that is identical to first amended complaint, except that it adds the inadvertently omitted Shingle Springs Tribal Health Board to the caption as a party;

2. The responsive pleading of defendants Shingle Springs Band of Miwok Indians, Shingle Springs Tribal Health Program, Brenda Adams, and Shingle Springs Tribal Health Board shall be due no later than August 5, 2013;

3. Plaintiff shall oppose defendants' motion to dismiss no later than September 3, 2013;

4. Defendants shall file any reply brief in support of their motion to dismiss no later than September 16, 2013;

5. Defendants' motion to dismiss shall be heard Monday, September 23, 2013, at 10:00 a.m.;

6. Service of the second amended complaint on Shingle Springs Tribal Health Program, Brenda Adams, and Shingle Springs Tribal Health Board shall be deemed effective on the date Plaintiff electronically files and serves her second amended complaint.

DATED: July 9, 2013.



LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT