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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BETH A. BODI,  
  
Plaintiff,  
  
v.  
  
SHINGLE SPRINGS BAND OF MIWOK  
INDIANS; and DOES 1 through  
15, inclusive,  
  
Defendants.

No. CIV. S-13-1044 LKK/CKD

**ORDER**

Plaintiff's Second Amended Complaint ("SAC," ECF No. 17) alleges, *inter alia*, that plaintiff was wrongfully terminated from her position as Executive Assistant to the Tribal Chairperson in April 2013. Defendants have moved to dismiss the SAC; a hearing on their motion is currently scheduled for January 13, 2014. (ECF No. 18.)

In their reply brief, defendants contend that plaintiff, by failing to address this subject in her opposition to their motion, "apparently concedes [that] the Tribe's immunity deprives this Court of jurisdiction to grant Plaintiff any relief against

1 Defendants relating to her April 2013 termination." (Reply 13,  
2 ECF No. 37.)

3 The court is of the view that briefing on this issue is  
4 necessary in order to adjudicate the motion.

5 Accordingly, plaintiff is DIRECTED to either provide further  
6 briefing on, or concede, the issue of whether tribal sovereign  
7 immunity bars the court from hearing Plaintiff's claims of  
8 wrongful termination (i) in violation of the Family and Medical  
9 Leave Act of 1993 and the California Family Rights Act, (ii) in  
10 violation of public policy, and (iii) due to retaliation.  
11 Plaintiff's briefing or concession must be filed no later than  
12 January 3, 2014 and may be no longer than five (5) pages in  
13 length.

14 IT IS SO ORDERED.

15 DATED: December 20, 2013.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT