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Attorneys for Defendants
SHINGLE SPRINGS BAND OF MIWOK
INDIANS, SHINGLE SPRINGS TRIBAL
HEALTH BOARD, and BRENDA ADAMS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BETH A. BODI,
Plaintiff,

vs.

SHINGLE SPRINGS BAND OF MIWOK
INDIANS; SHINGLE SPRINGS TRIBAL
HEALTH; BRENDA ADAMS (as current
Chairperson of the Shingle Springs Tribal
Health Board), and DOES 1 through 30,
inclusive,

Defendants.

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

**STIPULATION AND ORDER
VACATING SCHEDULING
CONFERENCE AND STAYING
ACTION PENDING APPEAL OF THE
COURT’S ORDER FILED MAY 14, 2014**

The Hon. Lawrence K. Karlton

Complaint Filed: April 22, 2013

Plaintiff Beth A. Bodi and defendants Shingle Springs Band Of Miwok Indians, Shingle Springs Tribal Health Board, and Brenda Adams (collectively “Parties”), by and through their counsel of record, respectfully request that the Court give effect to the Parties’ stipulation and stay this action pending appeal of the Court’s order filed May 14, 2014 (“Order”):

1 WHEREAS, the Court’s Order rejected the sovereign immunity defense of Shingle Springs
2 Band Of Miwok Indians, Shingle Springs Tribal Health Board, and Brenda Adams, dismissing
3 only the Shingle Springs Tribal Health Program on non-jurisdictional grounds;

4 WHEREAS, the Court’s Order is immediately appealable because it denies claims of tribal
5 sovereign immunity (*Burlington Northern & Santa Fe Ry. Co. v. Vaughn*, 509 F.3d 1085, 1091
6 (9th Cir. 2007));

7 WHEREAS, the Court’s Order, at page 17, lines 24 to 26, expressed the Court’s “hope that
8 the defendants appeal this ruling so that a higher court may definitively resolve the issue”;

9 WHEREAS, in the Parties’ Joint Status Report, filed May 1, 2014, the Parties stipulated in
10 paragraph (p) that, “should the Court deny Defendants’ motion to dismiss, it is in the interest of
11 the parties, and would further judicial economy, to stay trial court proceedings pending the Ninth
12 Circuit’s resolution of this Court’s jurisdiction to hear the case”;

13 WHEREAS; the Parties hereby confirm their agreement that that a stay of this matter
14 pending appeal of the Order is in the interest of the Parties and would further judicial economy;

15 WHEREAS, a scheduling conference in this matter is currently scheduled for May 19,
16 2014, at 2:00 p.m.; and

17 WHEREAS, the Parties agree that a scheduling conference is unnecessary until the Ninth
18 Circuit resolves defendants’ appeal of the Order.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties
20 that:

- 21 1. The scheduling conference scheduled for May 19, 2014, should be taken off
22 calendar pending the Tribe’s appeal of the Order;
- 23 2. All proceedings in this matter should remain stayed until the Ninth Circuit issues its
24 mandate on defendants’ appeal of the Order; and
- 25 3. The Court should set a scheduling conference, if necessary, following issuance of
26 the Ninth Circuit’s mandate.

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IT IS SO STIPULATED.

Dated: May 15, 2014

Respectfully submitted,
AD ASTRA LAW GROUP, LLP

By /s/ Wendy L. Hillger (approved May 15, 2014)
WENDY L. HILLGER

Attorneys for Plaintiff
BETH A. BODI

Dated: May 15, 2014

DENTONS US LLP

By /s/ Ian R. Barker
IAN R. BARKER

Attorneys for Defendants
SHINGLE SPRINGS BAND OF MIWOK
INDIANS, SHINGLE SPRINGS TRIBAL
HEALTH BOARD, and BRENDA ADAMS


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ORDER

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

1. The scheduling conference scheduled for May 19, 2014, is taken off calendar to be reset pending the Tribe's appeal of the Order;
2. All proceedings in this matter are stayed until the Ninth Circuit issues its mandate on defendants' appeal of the Order; and
3. The Court will set a scheduling conference, if necessary, following issuance of the Ninth Circuit's mandate.

DATED: May 16, 2014.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT