

1 PHILIP A. TALBERT  
Acting United States Attorney  
2 GREGORY T. BRODERICK  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

5 Attorneys for the United States  
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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9

10 WALTER ROSALES AND KAREN  
TOGGERY, *et al.*,

11 Plaintiffs.  
12

13 v.

14 AMY DUTSCHKE, Regional Director,  
BIA; *et al.*,

15 Defendants  
16

CASE NO. 2:15-cv-1145 KJM KJN

**STIPULATION AND ORDER  
REGARDING FILING OF  
SECOND AMENDED  
COMPLAINT AND  
RESPONSIVE PLEADING**

17 Through undersigned counsel, the parties hereby stipulate and propose to permit the filing of the  
18 Second Amended Complaint (Dkt. No. 52), and to continue the due date for the responsive pleading by  
19 all defendants to July 1, 2016. On May 3, 2016, this Court dismissed Plaintiffs' complaint but permitted  
20 an amended complaint to be filed on or before May 23, 2016. (*See* Dkt. No. 49). On May 20, 2016,  
21 Plaintiffs filed a First Amended Complaint ("FAC"). (*See* Dkt. No. 50). On May 23, 2016, Plaintiffs  
22 filed a Second Amended Complaint, which was similar to the FAC but dismissed one of the claims.  
23 Plaintiffs appear to have served Defendants Amy Dutschke and John Rydzik on or about May 26, 2016,  
24 thus making their responsive pleading due July 25, 2016, because they are both federal employees. *See*  
25 Fed. R. Civ. App. 12(a)(3). Other defendants, who had previously been served, have a responsive  
26 pleading deadline of June 6, 2016. *See* Fed. R. Civ. App. 15(a)(3).

27 Defendants Dutschke and Rydzik are officials employed by the Bureau of Indian Affairs, and  
28 have requested individual-capacity representation by the Department of Justice. *See* 28 C.F.R. § 50.15.

1 Although the full package requesting representation has been submitted to the Constitutional Torts  
2 branch of the Department's Civil Division, this process will take some time to complete. In light of that  
3 pending request and the history of this action, the parties believe that it would be more efficient for all  
4 defendants to file their responsive pleadings at the same time. Therefore, the parties hereby stipulate,  
5 and propose as follows:

- 6 1. That Plaintiffs' Second Amended Complaint (Dkt. No. 52) be filed; and
- 7 2. That all defendants shall respond to that Complaint on or before July 1, 2016.

8 Dated: May 31, 2016

Respectfully submitted,

9 PHILIP A. TALBERT  
10 Acting United States Attorney

11 /s/ Gregory T. Broderick  
12 GREGORY T. BRODERICK  
Assistant U.S. Attorney

13 LAW OFFICE OF FRANK LAWRENCE

14 /s/ Frank Lawrence (authorized 05/31/2016)  
15 FRANK LAWRENCE  
16 Attorneys for Defendants San Diego Gaming Ventures  
17 LLC, Penn. National Gaming Inc., C.W.  
Driver, and Specially-Appearing Defendants Erica Pinto,  
Carlene Chamberlain, and Kenny Meza

18 WEBB & CAREY

19 /s/ Patrick Webb (authorized 05/31/2016)  
20 PATRICK WEBB  
21 Attorney for Plaintiffs

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Good cause appearing, **IT IS SO ORDERED.**

Dated: June 2, 2016

  
UNITED STATES DISTRICT JUDGE