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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 NICHOLAS VILLA, JR., SIMILARLY  
SITUATED MEMBERS of the HISTORIC  
10 IONE BAND OF MIWOK INDIANS TRIBE,  
and the HISTORIC IONE BAND OF MIWOK  
11 INDIANS TRIBE,

Plaintiffs,

12 v.

13 SALLY JEWELL, in her capacity as the  
14 Secretary of the DEPARTMENT of the  
INTERIOR, the DEPARTMENT of the  
15 INTERIOR, the BUREAU OF INDIAN  
AFFAIRS, AMY DUTCHSKE, in her capacity  
16 as the Pacific Regional Director of the  
BUREAU OF INDIAN AFFAIRS, and in her  
17 personal capacity, and JOHN DOE and MARY  
ROE, unknown BUREAU OF INDIANS  
18 AFFAIRS employees in their official and  
personal capacities,

19 Defendants.

CASE NO. 2:16-CV-00503-KJM-KJN

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

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21 Plaintiffs Nicholas Villa, Jr. et al. and Federal Defendants Secretary Jewell, the Department of  
22 the Interior, Bureau of Indian Affairs, and Amy Dutchske respectfully submit this stipulation and  
23 proposed order. In accordance with the Court's standing orders, the parties have been meeting and  
24 conferring regarding Federal Defendants' contemplated motion to dismiss the current complaint. In  
25 those discussions, the parties have sought to narrow the issues for motion practice in order to conserve  
26 the resources of the parties and the Court. The parties have resolved some issues, and Plaintiffs  
27 therefore intend to file a First Amended Complaint that will render certain aspects of Federal  
28 Defendants' motion to dismiss unnecessary. Accordingly the parties hereby agree, and request that the

1 Court order, that Plaintiffs will file a First Amended Complaint by **July 1, 2016**, and that Federal  
2 Defendants will respond to that amended complaint by **August 5, 2016**.

3 In light of this, the parties also request that the Court continue the scheduling conference  
4 currently set for July 21, 2016. The parties submit that there is good cause to continue the scheduling  
5 conference because scheduling and discovery planning should be deferred until the issues are clear, *i.e.*  
6 until there is an operative complaint over which the Court determines that it has jurisdiction. The parties  
7 are working together to narrow their disputes and present the Court with key jurisdictional issues in a  
8 timely and efficient manner.

9 The parties previously agreed under Local Rule 144 to one complaint-response extension of two  
10 weeks. *See* Dkt. 9 (extending complaint-response deadline from May 24 to June 7).

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12 Respectfully submitted,

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14 Dated: May 25, 2016

PHILLIP A. TALBERT  
Acting United States Attorney

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16 By: /s/ VICTORIA L. BOESCH  
17 VICTORIA L. BOESCH  
Assistant United States Attorney

18 Dated: May 25, 2016

19 /s/MARK J. KALLENBACH  
20 (authorized 5/25/16)  
MARK J. KALLENBACH

21 Attorneys for Plaintiffs  
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23  
24 **ORDER**

25 Plaintiffs' Amended Complaint shall be filed no later than July 1, 2016, and the Federal  
26 Defendants' response to the amended complaint shall be filed no later than August 5, 2016. The  
27 scheduling conference currently set for July 21, 2016, is vacated and reset for September 1, 2016, at  
28 2:30 p.m., with the parties' joint status report due seven (7) days prior.

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**IT IS SO ORDERED.**

DATED: June 3, 2016.

  
UNITED STATES DISTRICT JUDGE