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13 Attorneys for the United States

14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **EASTERN DISTRICT OF CALIFORNIA**  
 16

17 WENDY DEL ROSA, and ALTURAS INDIAN  
 RANCHERIA, et al.,

18 Plaintiffs,

19 v.

20 RYAN ZINKE, Secretary of the United States  
 Department of the Interior, et al.

21 Defendants.

Case No. 2:17-cv-01750-TLN-CMK

**STIPULATION AND ORDER FOR  
 EXTENSION OF TIME FOR PLAINTIFFS  
 TO RESPOND TO DEFENDANTS  
 MOTION TO DISMISS**

**[E.D. Cal. Local Rule 144(a)]**

Date: April 19, 2018  
 Time: 2:00 p.m. PDT  
 Courtroom: 2, 15th Floor  
 Judge: Hon. Troy L. Nunley

22 The parties hereby stipulate as follows:

- 23
- 24 1. Defendants filed its motion to dismiss plaintiffs' complaint on March 19, 2018.
  - 25 2. The hearing on defendants' motion to dismiss is set for April 19, 2018 at 2:00 p.m.

1           3.       Counsel for the plaintiffs is the attorney of record responsible for the preparation and  
2 filing of briefs and presenting oral argument in the following cases pending before the Ninth Circuit  
3 Court of Appeals and the Seventh Circuit Court of Appeals in the following cases: *United States of*  
4 *America, Ramona Band of Cahuilla, and Cahuilla Band of Indians v. Gregory Burnett and Fallbrook*  
5 *Public Utility District*, in the United States Court of Appeals for the Ninth Circuit, No. 17-55664;  
6 *Chemehuevi Indian Tribe, et al. v. John McMahon, et al.*, in the United States Court of Appeals for the  
7 Ninth Circuit, No. 17-56791; *Chemehuevi Indian Tribe, et al. v. Edmund Brown, Jr., et al.*, in the  
8 United States Court of Appeals for the Ninth Circuit, No. 17-55604; *Stockbridge-Munsee Community*  
9 *v. State of Wisconsin, et al.*, in the United States Court of Appeals for the Seventh Circuit, No. 18-  
10 1449; *Yurok Tribe v. Resighini Rancheria, et al.*, in the United States Court of Appeals for the Ninth  
11 Circuit, No. 18-15309; and *Andrew Allen, et al v. USA, et al.*, in the United States Court of Appeals for  
12 the Ninth Circuit, No. 17-17463.

13           4.       Counsel for the plaintiffs currently has an opening brief due in *Chemehuevi v.*  
14 *McMahon* on April 9, 2018; an opening brief due in *Allen v. USA* on April 20, 2018; an opposition  
15 brief due in *Stockbridge Munsee Community v. State of Wisconsin* on May 23, 2018; and an opposition  
16 brief due in *Yurok v. Resighini* on June 25, 2018.

17           5.       In addition to this case, plaintiff's counsel has a brief due April 10, 2018 in *April*  
18 *Diwald v. Jessica Jackson*, in the United States District Court Northern District of California, Case No.  
19 16-cv-0128-RM.

20           6.       In order to prepare the briefs due in the Ninth Circuit Court of Appeals, Seventh Circuit  
21 Court of Appeals, United States District Court, and in this case, plaintiffs' counsel needs an extension  
22 of time until May 7, 2018 to file its opposition to defendants' motion to dismiss in this case.

23           7.       Plaintiffs have not requested a previous extension of time in this case.

24           8.       The parties agree that the Court can grant the plaintiffs request for an extension of time.

25           9.       The parties agree that the Court can issue an order granting the plaintiffs request for an  
26 extension of time until May 7, 2018, to file its opposition to defendants' motion to dismiss.

27           10.      The parties shall file their joint status report, which was due on March 26, 2018, on or  
28 before the expiration of twenty (20) days after the Court rules on the defendants' motion to dismiss.

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3 DATED: April 6, 2018

Respectfully Submitted,  
4 RAPPORT AND MARSTON

5  
6 By: /s/ Lester J. Marston  
LESTER J. MARSTON  
7 Attorney for Plaintiffs,  
Alturas Indian Rancheria and  
8 Wendy Del Rosa, Chair

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10 JEFFREY H. WOOD  
Acting Assistant Attorney General

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12  
13 By: /s/ Andrea L. Berlowe  
ANDREA L. BERLOWE  
14 Senior Counsel

15  
16 **ORDER**

17 Having read the foregoing stipulation of the parties and good cause appearing therefore,

18 **IT IS HEREBY ORDERED** that:

19 1. Plaintiffs' opposition brief to defendants' motion to dismiss shall be filed on or before  
20 May 7, 2018;

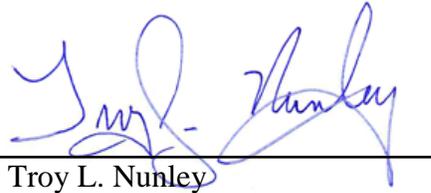
21 2. Defendants' reply brief to plaintiffs' opposition shall be due fourteen (14) days prior to  
22 the hearing set by the Court on defendants' motion to dismiss.

23 3. The hearing currently set on April 19, 2018, on defendants' motion to dismiss is  
24 vacated.

25 4. A hearing on defendants' motion to dismiss is set for May 31, 2018, at 2:00 p.m. in  
26 Courtroom 2, 15th floor.

27 5. The parties shall file a joint status report on or before the expiration of twenty (20) days  
28 after the Court rules on the defendants' motion to dismiss.

1 Dated: April 9, 2018

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4 Troy L. Nunley  
5 United States District Judge  
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