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16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 **BUENA VISTA RANCHERIA OF ME-
 20 WUK INDIANS,**

21 Plaintiff,

22 v.

23 **GAVIN NEWSOM, Governor of California,
 24 and STATE OF CALIFORNIA,**

25 Defendants.

2:23-cv-01790-ADA-SKO

**STIPULATION OF THE PARTIES
 REGARDING DATES TO FILE
 OPPOSITION AND REPLY BRIEFS,
 AND FOR STATUS CONFERENCE AND
 SCHEDULING REPORT, AND ORDER
 THEREON**

Courtroom: 1
 Judge: The Honorable Ana de Alba
 Trial Date: Not Yet Set
 Action Filed: August 22, 2023

26 The parties, through their undersigned legal counsel, hereby stipulate as follows:
 27
 28

1 1. Plaintiff Buena Vista Rancheria of Me-Wuk Indians (Plaintiff) served, and
2 defendants Gavin Newsom in his official capacity as Governor of the State of California and the
3 State of California (Defendants) accepted service of, the summons, complaint, civil case cover
4 sheet, Order Setting Status (Pretrial Scheduling) Conference, Notice of Availability of Magistrate
5 Judge to Exercise Jurisdiction and Appeal Instructions, Notice of Availability of Voluntary
6 Dispute Resolution, Notice of Related Cases, Notice of Errata to Complaint, Exhibit B to the
7 Complaint, and Order Reassigning Cases for All Purposes, in this case on September 25, 2023.

8 2. On October 2, 2023, consistent with the parties' stipulation, this Court granted and
9 ordered that Defendants file their answer or other responsive pleading to the summons and
10 complaint on or before November 6, 2023. ECF No. 12.

11 3. On November 6, 2023, Plaintiff filed and served on Defendants a Notice of Motion
12 and Motion for Partial Summary Judgment and Declaration of Lester J. Marston Regarding
13 Compliance with Standing Order, Memorandum of Points and Authorities in Support of Plaintiff
14 Buena Vista Rancheria's Motion for Partial Summary Judgment, Declaration of Wayne Smith,
15 Statement of Undisputed Facts, Request for Judicial Notice, and Proposed Findings of Fact on
16 November 6, 2023. ECF No. 13.

17 4. Also on November 6, 2023, Defendants filed and served on Plaintiff a Notice of
18 Motion and Motion to Dismiss and Motion to Strike Plaintiff's Third and Fourth Causes of
19 Action and Related Claims, Memorandum of Points and Authorities in Support of Thereof, and
20 Declaration of Counsel in Support Thereof. ECF No. 14.

21 5. Plaintiff and Defendants' oppositions to the respective motions are currently due
22 on November 20, 2023. Plaintiff and Defendants' respective replies are currently due on
23 November 30, 2023.

24 6. Given the complexity of this litigation, the upcoming Thanksgiving holidays, and
25 the Court's busy docket, the parties agree that the filing date for each party's opposition brief is
26 extended to on or before Monday, December 4, 2023. The parties further agree that the filing
27 date for each party's reply brief is extended ten days, to on or before Thursday, December 14,
28 2023.

1 7. The parties believe that their respective motions will substantially narrow the
2 issues to be litigated in this matter thereby impacting the issues to be addressed in any required
3 scheduling report, including the scope of any remaining litigation. In order to produce a more
4 meaningful scheduling report and to conserve judicial resources, the parties agree to extend the
5 current Scheduling Conference date from December 5, 2023 (ECF No. 12) to January 23, 2024,
6 or as soon thereafter as the Court may accommodate. The parties' scheduling report will
7 therefore be due January 16, 2024. Plaintiff will provide Defendants a draft scheduling report by
8 December 29, 2023, Defendants will provide their written review of the report to Plaintiff by
9 January 8, 2024, and the parties will meet and confer on the report no later than January 12, 2024.
10 The report will be filed with the Court on January 16, 2024.

11 8. Plaintiff and Defendants request the Court to enter an order approving this
12 stipulation and ordering the parties to carry out the terms of this stipulation.

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14 Dated: November 14, 2023

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 T. MICHELLE LAIRD
18 Acting Senior Assistant Attorney General
19 NOEL A. FISCHER
20 Deputy Attorney General
21 ERICA BECKER
22 Deputy Attorney General

/s/ John M. Appelbaum

23 JOHN M. APPELBAUM
24 Deputy Attorney General
25 Attorneys for Defendants

26 Dated: November 14, 2023

Respectfully Submitted,
RAPPART AND MARSTON

*/s/ Lester J. Marston (as authorized
on 11/14/23)*

27 LESTER J. MARSTON
28 Attorney for Plaintiff

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ORDER

Having considered the foregoing stipulation of the parties regarding their respective motions, Plaintiff Buena Vista Rancheria of Me-Wuk Indians' motion for partial summary judgment (Doc. 13), and Defendants' motion to dismiss (Doc. 14), and the corresponding request to continue the scheduling conference deadlines, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that the above stipulation of the parties is hereby approved as follows:

1. The parties shall file their respective oppositions to the opposing party's motion for partial summary judgment and motion to dismiss on or before December 4, 2023, and the parties may file any reply briefs ten days thereafter, on or before December 14, 2023; and

2. The current Scheduling Conference scheduled for December 5, 2023, is VACATED and rescheduled to January 25, 2024, at 10:15 a.m. The parties' Joint Scheduling Report shall be filed seven (7) days before the Scheduling Conference. The parties will comply with their stipulated process for timely filing their scheduling report.

IT IS SO ORDERED.

Dated: November 15, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE