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 THE REGENTS OF THE UNIVERSITY OF
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 MARYE ANNE FOX; GARY MATTHEWS

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN FRANCISCO/OAKLAND DIVISION**

18 TIMOTHY WHITE, an individual; ROBERT L.
 19 BETTINGER, an individual; and MARGARET
 SCHOENINGER, an individual,

20 Petitioners and plaintiffs,

21 vs.

22 THE UNIVERSITY OF CALIFORNIA; THE REGENTS
 OF THE UNIVERSITY OF CALIFORNIA; MARK G.
 YUDOF, in his individual and official capacity as
 23 President of the University; MARYE ANNE FOX, in her
 individual and official capacity as Chancellor of the
 24 University of California, San Diego; GARY
 MATTHEWS, in his individual and official capacity as
 25 Vice Chancellor of the University of California, San
 Diego; KUMEYAAAY CULTURAL REPATRIATION
 26 COMMITTEE; and DOES 1-50, inclusive,

27 Respondents and defendants.

Case No. C12-01978 RS

**STIPULATION RE BRIEFING
 SCHEDULE ON MOTIONS TO
 DISMISS AND
 POSTPONEMENT OF CASE
 MANAGEMENT
 CONFERENCE; [~~PROPOSED~~]
 ORDER**

28
 STIPULATION RE BRIEFING SCHEDULE,
 CASE NO. C12-01978 RS

STIPULATION

1
2 1. Whereas on May 23, 2012, Petitioners and Plaintiffs (“Plaintiffs”) filed their
3 Petition for Writ of Mandamus and First Amended Complaint (“FAC”) (ECF 25);

4 2. Whereas on June 5, 2012, Respondent and Defendant Kumeyaay Cultural
5 Repatriation Committee (“KCRC”) executed a Notice and Acknowledgement of Receipt of
6 Summons and Complaint concerning the FAC;

7 3. Whereas on June 6, 2012, Respondents and Defendants The Regents of the
8 University of California, Mark G. Yudof, Marye Anne Fox, and Gary Matthews (“the
9 University”) filed a motion to dismiss the FAC (ECF 37);

10 4. Whereas KCRC’s response to the FAC is due on June 26, 2012, Fed. R. Civ. P. 12,
11 and KCRC intends to file a motion to dismiss the FAC;

12 5. Whereas, under Civil L.R. 7-2(a), the earliest date on which KCRC’s motion to
13 dismiss could be heard is August 2, 2012;

14 6. Whereas, because the University’s motion to dismiss and KCRC’s anticipated
15 motion to dismiss will address overlapping legal issues—in particular, KCRC’s asserted
16 immunity from suit—the parties agree that it would be most efficient for both the parties and the
17 Court for the two motions to dismiss to be heard together on the same date;

18 7. Whereas the earliest date on which both motions could be heard that is convenient
19 for the parties and their counsel and is open on the Court’s hearing calendar is August 23, 2012;

20 8. Whereas the University therefore noticed the hearing on its motion to dismiss the
21 FAC for August 23 at 1:30 p.m. (ECF 37);

22 9. Whereas the parties wish to agree to the extent possible on procedural matters and
23 to establish an efficient briefing schedule consistent with the applicable rules, the parties have
24 agreed for the motions to dismiss to be briefed on the following schedule: (1) KCRC will file its
25 motion to dismiss by July 6, 2012; (2) Plaintiffs will file oppositions to both motions to dismiss
26 by July 23; and (3) Defendants will file their replies by August 9.

1 10. Whereas, under the parties' agreed schedule, the reply briefs will be filed two
2 weeks before the hearing on the motions, allowing the Court the same 14-day preparation period
3 as for a motion noticed for 35 days after filing under Civil L.R. 7-2 and 7-3;

4 11. Whereas, per this Court's order, the Case Management Conference is presently set
5 for August 23, 2012, having been continued from its initial date of June 28. (ECF 29.)

6 12. Whereas, rather than hold the Case Management Conference on the same day as
7 the hearing on the motions to dismiss, the parties agree that it is preferable to postpone the
8 Conference until October 4, 2012.

9 13. Whereas the parties further agree that, at the August 23 hearing on the motions to
10 dismiss, or thereafter if the motion dismiss has not yet been decided, any party may raise the
11 timing of Conference with the Court and may request further postponement as appropriate, and
12 any other party may oppose such a request.

13 THEREFORE, the parties stipulate to a briefing schedule and postponement of the Case
14 Management Conference, as follows:

15 Subject to approval of the Court, (1) KCRC will file its motion to dismiss Plaintiffs' FAC
16 by July 6, 2012; (2) Plaintiffs will file their oppositions to the University's motion to dismiss and
17 to KCRC's anticipated motion to dismiss by July 23, 2012; (3) Defendants will file their replies
18 by August 9, 2012; (4) both motions to dismiss will be heard on August 23, 2012 at 1:30 p.m., or
19 at the Court's earliest convenience thereafter; and (5) the Case Management Conference will be
20 continued to October 4, 2012 at 10 a.m.

21 IT IS SO STIPULATED.
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DATED: June 11, 2012

McMANIS FAULKNER

/s/ Elizabeth Pipkin
ELIZABETH PIPKIN

Attorneys for Petitioners and Plaintiffs

DATED: June 11, 2012

MUNGER, TOLLES & OLSON LLP

/s/ John M. Rappaport
JOHN M. RAPPAPORT

Attorneys for Respondents and Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA; MARK G. YUDOF; MARYE
ANNE FOX; GARY MATTHEWS

DATED: June 11, 2012

CALIFORNIA INDIAN LEGAL SERVICES

/s/ Dorothy Alther
DOROTHY ALTHER

Attorneys for Respondents and Defendants
KUMEYAA Y CULTURAL REPATRIATION
COMMITTEE

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~~PROPOSED~~ ORDER

The Court has considered the parties’ stipulation regarding a briefing schedule on Respondents and Defendants’ motions to dismiss and postponement of the Case Management Conference. Pursuant to the parties’ stipulation and good cause appearing, THE COURT NOW ENTERS THE FOLLOWING ORDER:

(1) Respondent and Defendant Kumeyaay Cultural Repatriation Committee (“KCRC”) shall respond to Plaintiffs’ Petition for Writ of Mandamus and First Amended Complaint by July 6, 2012; (2) Plaintiffs shall file its oppositions to Respondents and Defendants The Regents of the University of California, Mark G. Yudof, Marye Anne Fox, and Gary Matthews’ (“the University’s”) motion to dismiss and to KCRC’s motion to dismiss, if any, by July 23, 2012; (3) Respondents and Defendants shall file any replies by August 9, 2012; (4) the Court shall hear the University’s motion to dismiss and KCRC’s motion to dismiss, if any, on August 23, 2012 at 1:30 p.m. in Courtroom 3 on the 17th Floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco, at which time the parties may raise any concerns regarding the timing of the Case Management Conference; and (5) the Case Management Conference shall be continued to October 4, 2012 at 10 a.m. in Courtroom 3.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/11/12



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE