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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

<p>14 BIG LAGOON RANCHERIA, a Federally Recognized Indian Tribe, Plaintiff, v. STATE OF CALIFORNIA, Defendant.</p>	<p>CV 09-1471 CW (JCS) STIPULATION TO CONTINUE DISPOSITIVE MOTION FILING AND HEARING DATES Original Dates Plaintiff's Motion: April 1, 2010 Defendant's Opposition/ Cross-motion: April 15, 2010 Plaintiff's Reply/ Cross-opposition: April 29, 2010 Defendant's Surreply: May 6, 2010 Hearing: June 3, 2010 Courtroom: 2, Fourth Floor Judge: The Honorable Claudia Wilken Trial Date: n/a Action Filed: April 3, 2009</p>
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 25 IT IS HEREBY STIPULATED by and between Plaintiff Big Lagoon Rancheria (Big
 26 Lagoon) and Defendant State of California (State), through their respective counsel, as follows:
 27 On August 19, 2009, the Court issued a Minute Order and Case Management Order (Case
 28 Management Order) indicating that fact discovery in this action should be completed by January

1 29, 2010. (Doc. 30.) The Case Management Order also established a schedule for filing and
2 hearing case-dispositive motions as follows: Big Lagoon's dispositive motion is due by April 1,
3 2010; the State's opposition and any cross-motion is due by April 15, 2010; Big Lagoon's
4 reply/cross-opposition to the State's motion is due by April 29, 2010; the State's surreply is due
5 by May 6, 2010; and the matter is set to be heard on June 3, 2010. (*Id.*) The Court also
6 scheduled a case management conference for June 3, 2010, whether or not dispositive motions are
7 filed. (*Id.*)

8 On December 21, 2009, pursuant to stipulation by the parties (Doc. 32), the Court
9 continued the date for fact discovery completion to February 26, 2010, and left unchanged all
10 remaining dates in the Case Management Order. (Doc. 35.)

11 On December 16, 2009, the State filed a motion for a protective order against some of Big
12 Lagoon's requests for production of documents. (Doc. 33.) Judge Claudia Wilken referred the
13 State's motion to Magistrate Judge Joseph C. Spero (Doc. 34), who heard the motion on March 5,
14 2010 (Doc. 54). Magistrate Judge Spero denied the motion but did not rule on any privileges, and
15 ordered the parties to meet and confer to narrow the disputed discovery requests (*see id.*), which
16 the parties are currently working to resolve. The State intends to file objections to the magistrate
17 judge's decision.

18 On February 26, 2010, the State filed a motion to continue the fact discovery completion
19 date because the United States Department of the Interior has not yet provided documents
20 necessary for one of the State's affirmative defenses. (Doc. 48.) Judge Wilken referred the
21 State's motion to Magistrate Judge Spero (Doc. 49), who, pursuant to stipulation, ordered the
22 motion to be heard on shortened notice (Doc. 53). On March 17, 2010, Magistrate Judge Spero
23 granted the State's motion in part and denied it in part. (Doc. 60.) The Court continued to May
24 31, 2010, the fact discovery completion for the State to obtain documents subpoenaed from the
25 United States only and for no other fact discovery. (*Id.*) The Court also continued the dispositive
26 motion hearing date to August 19, 2010, and ordered the parties to stipulate to a briefing
27 schedule. (*Id.*) The State intends to file objections to the magistrate judge's decision. On March
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1 18, 2010, Judge Wilken's clerk advised counsel that Judge Wilken is unavailable on August 19,
2 2010, but could hear dispositive motions on August 12, 2010.

3 Pursuant to Magistrate Judge Spero's March 17, 2010 order requiring the parties to stipulate
4 to a new briefing schedule for the filing of dispositive motions, counsel agree to the following
5 briefing schedule: Big Lagoon's dispositive motion would be due by June 17, 2010; the State's
6 opposition and any cross-motion would be due by July 1, 2010; Big Lagoon's reply/cross-
7 opposition to the State's motion would be due by July 15, 2010; the State's surreply would be due
8 by July 22, 2010; and the matter would be set to be heard on August 12, 2010. The Court would
9 also conduct a case management conference on August 12, 2010, whether or not dispositive
10 motions are filed.

11 The parties' stipulation is made pending the Court's approval, and without prejudice to the
12 State's pending motion to stay and, alternatively, to continue the dispositive motion filing and
13 hearing dates (Doc. 50), or the parties' rights to request further continuances. The State further
14 believes that good cause to continue the dispositive motion filing and hearing dates arises out of
15 the above-described ongoing discovery disputes and the State's forthcoming objections to the
16 magistrate judge's orders.

17 THEREFORE, the parties respectfully request that the Court reset the case-dispositive
18 motion filing and hearing dates as follows: Big Lagoon's dispositive motion would be due by
19 June 17, 2010; the State's opposition and any cross-motion would be due by July 1, 2010; Big
20 Lagoon's reply/cross-opposition to the State's motion would be due by July 15, 2010; the State's
21 surreply would be due by July 22, 2010; and the matter would be set to be heard on August 12,
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1 2010. The Court would also conduct a case management conference on August 12, 2010,
2 whether or not dispositive motions are filed.

3 **IT IS SO STIPULATED.**

4 Dated: March 22, 2010

Respectfully submitted,

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13 Dated: March 22, 2010

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23 Dated: March 23, 2010

