

\*\*E-Filed 8/28/2009\*\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

WILTON MIWOK RANCHERIA, a formerly  
federally recognized Indian Tribe, ITS MEMBERS  
and DOROTHY ANDREWS,

Plaintiffs

v.

KENNETH L. SALAZAR, et al.,

Defendants

ME-WUK INDIAN COMMUNITY OF THE  
WILTON RANCHERIA

Plaintiffs

v.

KENNETH L. SALAZAR, et al.,

Defendants

Case No. C-07-02681-JF-PVT  
Case No. C-07-05706-JF

ORDER ENLARGING TIME TO  
RESPOND TO ALL MOTIONS OF  
PROPOSED INTERVENORS AND  
CONTINUING HEARING DATE

On July 16, 2009, the Court entered judgment in the above-entitled actions. On August 4, 2009, the County of Sacramento, California (“County”) and the City of Elk Grove, California (“City”) (collectively “Proposed Intervenor”) moved to intervene, to re-open and vacate the judgment and to dismiss the actions for lack of subject matter jurisdiction. On August 14, 2009, Plaintiffs and Defendants in both actions (collectively “the Parties”) jointly moved to enlarge time to respond to Proposed Intervenor’s motions and to permit them to defer their responses to

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(JFEX2)

1 the motions to vacate and dismiss until after disposition of the motion to intervene. Proposed  
2 Intervenor's oppose the Parties' motion.

3 The Parties argue that enlarging time and deferring their obligation to respond to  
4 Proposed Intervenor's motions to vacate judgment and dismiss until after disposition of the  
5 motion to intervene would further judicial economy and efficiency. The Parties assert that  
6 responding to Proposed Intervenor's substantive motions would result in significant costs and  
7 expenditure of time which would be unnecessary if the motion to intervene is denied. Proposed  
8 Intervenor's contend that a delay in hearing the motion to vacate threatens their legal interests,  
9 and that there is ample authority for hearing a post-judgment motion to intervene concurrently  
10 with a motion to vacate a judgment. In particular, Proposed Intervenor's are concerned that lands  
11 in which they assert an interest may be placed into trust and beyond this Court's jurisdiction  
12 before resolution of their motions.

13 The Court concludes that it would be most efficient to address all of Proposed  
14 Intervenor's motions at the same time. Court staff has confirmed with counsel for the United  
15 States that there is no pending application to place the subject lands in trust on behalf of  
16 Plaintiffs and that the governing body of the Tribe will not be reconstituted until 2010. Through  
17 staff, the Court has solicited the views of Plaintiffs, Defendants, and Proposed Intervenor's.

18 Good cause therefore appearing, the Court hereby RESETS all motions filed by Proposed  
19 Intervenor's for hearing on October 30, 2009 at 9:00am. All opposition papers must be filed on or  
20 before October 9, 2009. Any reply papers must be filed on or before October 16, 2009.

21  
22 IT IS SO ORDERED.

23 DATED: August 28, 2009

24  
25   
26 JEREMY FOGEL  
United States District Judge

1 Copies of Order served on:  
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