

E-Filed 1/15/10

**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.

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

ORDER¹ REQUESTING FURTHER
BRIEFING

ME-WUK INDIAN COMMUNITY OF THE
WILTON RANCHERIA,

Plaintiffs,

v.

KENNETH L. SALAZAR, et al.,

Defendants.

On July 16, 2009, pursuant to a stipulation between the parties after more than two years of litigation and many months of settlement negotiations, the Court entered judgment in the above-entitled actions. On August 4, 2009, the County of Sacramento, California and the City of Elk Grove, California (collectively "Proposed Intervenor") moved to intervene, to re-open and vacate the judgment, and to dismiss the actions for lack of subject matter jurisdiction.

¹ This disposition is not designated for publication in the official reports.

1 In an order dated December 9, 2009, the Court indicated it was not inclined to dismiss the
2 actions for lack of subject matter jurisdiction and requested supplemental briefing by the parties
3 and Proposed Intervenors as to the relevance of the Supreme Court's recent decision in *Carciari*
4 *v. Salazar*, 129 S.Ct. 1058 (2009). All parties have submitted the requested briefing.

5 In their supplemental briefing, the Proposed Intervenors requested that the Court certify
6 the jurisdictional issue under 28 U.S.C. § 1292(b) for interlocutory appeal to the Ninth Circuit
7 and stay implementation of the judgments pending resolution of the appeal. To aid its
8 consideration of these requests, the Court requests responses from the other parties to Proposed
9 Intervenors' arguments with respect to the appropriateness of an interlocutory appeal. Such
10 briefing shall be filed on or before January 22, 2010.

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12 **IT IS SO ORDERED.**

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14 DATED: January 15, 2010

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17 JEREMY FOGEL
United States District Judge