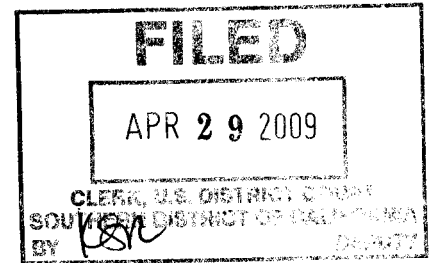


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ORIGINAL



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

RAMONA BAND OF CAHUILLA, CAHUILLA
BAND OF INDIANS, et al.,

Plaintiff-Intervenors.

v.

FALLBROOK PUBLIC UTILITY DISTRICT, et al.,

Defendants.

Civ. No. 51-1247 GT(RBB)

ORDER

On May 27, 2009, Plaintiff-Intervenors', the Ramona Band of Cahuilla Indians ("Ramona Band") and the Cahuilla Band of Indians ("Cahuilla Band"), Joint Motion to Dismiss Certain Defendants and Joint Motion for Leave to File Second Amended Complaint came on for hearing before the Court. The Court has fully consider these matters, including all the briefs filed, the authorities cited therein and the arguments presented. Accordingly,

IT IS ORDERED that Plaintiff-Intervenors' Joint Motion to Dismiss Certain Defendants is **GRANTED**. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), the dismissal is **without prejudice** for all Defendants who own land outside the boundaries of the Anza-Cahuilla Sub-Basin as defined by Interlocutory Judgment 33 and who did **not** file an answer. Pursuant to Fed. R. Civ. P. 41 (a)(2),

1 the dismissal is **with prejudice** for those Defendants who own land outside the boundaries of the
2 Anza-Cahuilla Sub-Basin as defined by Interlocutory Judgment 33 and who did file an answer.

3 **IT IS FURTHER ORDERED** that Pechanga Band of Luiseno Indians' ("Pechanga Band")
4 request for a 60 day stay of their dismissal for the purpose of completing settlement negotiations
5 is **GRANTED**.

6 **IT IS FURTHER ORDERED** that Defendants who oppose their dismissal may file a
7 Motion to Intervene.

8 **IT IS FURTHER ORDERED** that Plaintiff-Intervenors' Joint Motion to File Second
9 Amended Complaint is **GRANTED**.

10 **IT IS FURTHER ORDERED** that Defendants who are dismissed pursuant to this Order
11 and filed either an answer or waiver may file a Motion for Attorneys Fees and Costs with
12 supporting briefing and documentation. Motion papers are due no later than May 18, 2009.
13 Oppositions are due no later than June 1, 2009. The page limit for both Moving papers and
14 Oppositions is 10 pages. Reply briefs are due no later than June 15, 2009. The page limit for
15 Reply briefs is 5 pages. The Court will render its decision and issue an Order. No oral argument
16 is required.

17 **IT IS FURTHER ORDERED** that Plaintiff-Intervenors' Request for continuation of Stay
18 for six months is **Granted**. Written status reports from Plaintiff-Intervenors are due on June 29,
19 2009, August 28, 2009, and October 28, 2009. The stay is lifted for the limited purposes of: 1)
20 filing and serving the Second Amended Complaint; 2) settlement conferences before Magistrate
21 Judge Brooks; 3) Motions to Intervene by dismissed Defendants; and 4) Motions for Attorneys'
22 Fees and Costs by Defendants who filed either an answer or waiver.

23 **IT IS SO ORDERED.**

24
25 *April 29, 2009*
date
26 
GORDON THOMPSON, JR.
United States District Judge

27 cc: All counsel and parties without counsel