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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**PAUMA BAND OF LUISENO MISSION INDIANS OF THE PAUMA & YUIMA RESERVATION**, a/k/a PAUMA LUISENO BAND OF MISSION INDIANS, a/k/a PAUMA BAND OF MISSION INDIANS, a federally recognized Indian Tribe,

Plaintiff,

vs.

**STATE OF CALIFORNIA; CALIFORNIA GAMBLING CONTROL COMMISSION**, an agency of the State of California; and **ARNOLD SCHWARZENEGGER**, as Governor of the State of California;

Defendants.

CASE NO. 09cv1955 AJB (MDD)

ORDER DENYING PLAINTIFF’S EX PARTE MOTION FOR A PROTECTIVE ORDER

[DOC. NO. 118]

On August 15, 2011, Plaintiff filed this Ex Parte Motion for a Protective Order. (Doc. No. 118). On August 17, 2011, this Court ordered Defendants to respond on or before August 22, 2011. (Doc. No. 122). On August 22, 2011, Defendants filed their Response and Opposition. (Doc. No. 123).


Plaintiff asserts that it requires a protective order and other remedial relief from this Court to prevent contact between an attorney who serves as the representative of the Governor of the State of California with certain members of the Plaintiff’s Tribal Council. Defendants admit that

1 the representative of the Governor is an attorney but that he is not acting as such – he is the party  
2 representative of the Governor’s Office in this litigation and also serves as the representative of the  
3 Governor’s Office in Tribal matters.

4 Having reviewed the moving papers and its supporting documentation, the Plaintiff’s  
5 Motion is DENIED. Although Fed.R.Civ.P. 26(c) authorizes a court to issue a protective order  
6 regarding discovery, there is no discovery dispute before the Court. In fact, Plaintiff’s Motion fails  
7 even to allege that the Defendants are engaging in the challenged activity for the purpose of  
8 gathering discovery. *See U. S. v. Sierra Pac. Indians*, 759 F.Supp.2d 1215, 1217 (E.D. Cal. 2011).

9 IT IS SO ORDERED:

10 DATED: August 23, 2011

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13 Hon. Mitchell D. Dembin  
14 U.S. Magistrate Judge  
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