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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,
Plaintiff,

vs.

AMG SERVICES, INC., *et al.*,
Defendants.

2:12-cv -00536-GMN-VCF

ORDER

**(Emergency Motion To Partially Withdraw
Defendants' Joint Motion To Dismiss Plaintiff's
Complaint #214)**

Before the Court is the Tribal-Chartered Defendants' *Emergency Motion To Partially Withdraw Defendants' Joint Motion To Dismiss Plaintiff's Complaint. (#214)*. The court held a telephonic hearing on October 15, 2012, at 11:30 a.m.

Motion To Partially Withdraw Motion To Dismiss (#214)

The Tribal-Chartered Defendants assert that they "withdraw from their Joint Motion to Dismiss Plaintiff's Complaint the argument that the Federal Trade Commission ("FTC") lacks authority to bring suit against the Tribal Defendants because they are arms of federally recognized Indian Tribes." (#214). The Tribal-Chartered Defendants state that because of the undersigned's comments during the October 12, 2012, hearing regarding not ruling on the motions to dismiss based on the jurisdictional issue as he would have to consider matters outside the pleadings, "rather than press an argument the Court views as inappropriate for decision under Federal Rule of Civil Procedure 12(b)(6), and in the interest of conserving the resources of the Parties and the Court, [d]efendants hereby withdraw the Arm of the Tribe Argument from their Motion to Dismiss" without prejudice. *Id.*

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2 After considering the motion (#214) and the arguments made during the hearing, the court finds
3 that expedited discovery is not necessary in light of the Tribal-Chartered Defendants' partial withdrawal
4 of their joint motion to dismiss. The expedited Rule 30(b)(6) depositions should be vacated. The
5 financial documents previously ordered to be produced not later than October 16, 2012 (#212), must be
6 produced not later than 11:00 AM PDT on October 29, 2012. The parties must meet and confer in a
7 good faith effort to resolve any remaining dispute regarding written discovery. If a motion to compel is
8 necessary, any such motion must be filed not later than November 9, 2012, and the parties must agree to
9 an expedited briefing schedule. If the non-Tribal-Chartered Defendants do not withdraw their joinder's
10 to the Tribal-Chartered Defendants' joint motion to dismiss by 4:00 PM PDT on October 17, 2012, the
11 FTC may file an emergency motion to reinstate expedited discovery.
12

13 Accordingly and for good cause shown,

14 IT IS HEREBY ORDERED that Tribal-Chartered Defendants' *Emergency* Motion To Partially
15 Withdraw Defendants' Joint Motion To Dismiss Plaintiff's Complaint (#214) is GRANTED.

16 IT IS FURTHER ORDERED that the Rule 30(b)(6) depositions previously scheduled for
17 October 17 and 18, 2012, are hereby VACATED.

18 IT IS FURTHER ORDERED that the parties must proceed as outlined above.

19 DATED this 15th day in October, 2012.
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22 CAM FERENBACH
23 UNITED STATES MAGISTRATE JUDGE
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