

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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11 WALKER RIVER PAIUTE TRIBE, AND)
12 THE FALON PAIUTE-SHOSHONE) Case No. 3:08-CV-00627-LRH-VPC
13 TRIBE, FEDERALLY RECOGNIZED INDIAN)
14 TRIBES,)
15 Plaintiffs,)
16 v.)
17 UNITED STATES DEPARTMENT OF) STIPULATION TO STAY
18 HOUSING AND URBAN DEVELOPMENT) PROCEEDINGS ; AND ORDER
19 ("HUD"); et al.,)
20 Defendants.)

19 COMES NOW Plaintiffs WALKER RIVER PAIUTE TRIBE, and THE FALLON
20 PAIUTE-SHOSHONE TRIBE, and Defendants UNITED STATES DEPARTMENT OF
21 HOUSING AND URBAN DEVELOPMENT (“HUD”); ET AL., by and through their respective
22 counsel, and stipulate to stay proceedings.

23 The parties request that this case be stayed pending the appeal and resolution of the
24 appeal in the case *Fort Peck Housing Authority v. United States Department of Housing and*
25 *Urban Development*, filed in the Tenth Circuit Court of Appeals, Cause Nos. 06-1425 and 06-
26 1147. That appeal raises the same controlling legal issue that is raised in this action, and will

1 therefore likely be dispositive of much, if not all, of this case.

2 The parties agree that the time for Plaintiffs to serve their complaint and the time for
3 Defendants to file their answer is tolled during the period of the stay.

4 HUD agrees that, during the pendency of this litigation, it will not seek repayment or
5 collection of the Indian Housing Block Grant funds allegedly overpaid to Plaintiffs as a result of
6 Formula Current Assisted Stock counts which Plaintiffs contend in this litigation violate, among
7 other things, the Administrative Procedures Act and the Native American Housing and Self-
8 Determination Act, unless HUD is expressly compelled to do so by Congress or by force of law
9 external to HUD and not under HUD's control. If HUD is required for any reason to seek
10 repayment or collection of the subject funds, it shall immediately notify Plaintiffs so that they can
11 take any necessary actions in this litigation, or otherwise.

12 DATED: March 9, 2009.

13 GREGORY A. BROWER
14 United States Attorney

15 /s/ West Williams, Jr.
16 WES WILLIAMS JR., ESQ.
17 Attorney for Plaintiff

15 /s/ Holly A. Vance
16 HOLLY A. VANCE
17 Assistant United States Attorney

18 /s/ Mitchell C. Wright
19 MITCHELL C. WRIGHT, ESQ.
20 Attorney for Plaintiff

22 IT IS SO ORDERED:



23
24 DATED: March 10, 2009.
25
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE