

1 Pursuant to Federal Rule of Civil Procedure 6 and Local Rule IA 6-1, Plaintiffs BP
2 America Inc. (“BPA”) and Atlantic Richfield Company (“ARC”) move to extend the time
3 allowed under Fed. R. Civ. P. 12(b) and Local Rule 7-2 for the parties to respond to the
4 Complaint and to file, respond to, and reply in support of certain initial motions, as set forth
5 below.

6 Prior to filing this Motion, undersigned counsel conferred with counsel for the
7 Defendants Yerington Paiute Tribe (“Tribe”), Laurie A. Thom in her official capacity as
8 Chairman of the Yerington Paiute Tribe (“Chairman Thom”), Yerington Paiute Tribal Court
9 (“Tribal Court”), and Sandra-Mae Pickens in her official capacity as Judge of the Yerington
10 Paiute Tribal Court (“Judge Pickens”). Defendants do not oppose this Motion, but they
11 expressly reserve and do not waive all arguments, including those relating to jurisdiction and
12 sovereign immunity.

13 This is the first request to extend the filing deadlines for the submissions addressed
14 herein. In support of this Motion, BPA and ARC state as follows:

15 Tribal Court Action

16 1. On August 18, 2017, the Tribe filed a related action in the Yerington Paiute Tribal
17 Court, captioned *Yerington Paiute Tribe v. BP America Inc. & Atlantic Richfield Co.*, Case
18 No. CV1017, against BPA and ARC (the “Tribal Court Action”).

19 2. On September 22, 2017, BPA and ARC filed a Motion to Dismiss for Lack of
20 Jurisdiction or, in the alternative, a Motion to Stay Pending Resolution of the Federal Court
21 Action (“Motion to Dismiss”) in the Tribal Court Action.

22 3. To allow for briefing and determination of the relevant and related jurisdictional
23 and other issues by this court, the Tribe filed an unopposed motion in the Tribal Court action
24 extending the time allowed (i) for the Tribe to file a response to the Motion to Dismiss until
25 December 1, 2017, (ii) for BPA and ARC to file a reply until January 15, 2018; and (iii) for a
26 hearing to be held by the Tribal Court on January 30, 2018.

27 Federal Court Action

28 4. On September 22, 2017, BPA and ARC filed their Complaint for Declaratory and

1 Injunctive Relief in this court, naming the Tribe, Chairman Thom, the Tribal Court, and
2 Judge Pickens as defendants. BPA and ARC simultaneously filed a Motion for Preliminary
3 Injunction and a Request for Expedited Consideration (“Preliminary Injunction Motion”).

4 5. BPA and ARC effected service of the Summons, Complaint, and Preliminary
5 Injunction Motion on all four defendants on **October 5, 2017**. See Proofs of Service (Dkt. 18-
6 21).

7 6. Under Fed. R. Civ. P. 12(a)(1)(A)(i), Defendants have until **October 26, 2017**, to
8 respond to the Complaint. Counsel for the Tribe and Chairman Thom have indicated that they
9 will file a motion to dismiss.

10 7. BPA and ARC reasonably assume that some or all of the Defendants will raise
11 related arguments in both their motion(s) to dismiss and their response(s) to the Preliminary
12 Injunction Motion. Similarly, BPA and ARC will present related counter-arguments in their
13 response and reply briefs. As a result, counsel for the parties have agreed to coordinate the
14 briefing schedule to align the responses and replies as follows.

15 8. Under Local Rule 7-2, Defendants would have until October 19, 2017, to respond
16 to the Preliminary Injunction Motion. The parties agree to extend the deadline for Defendants’
17 response(s) by eight days to **October 27, 2017**, one day after Defendants’ answer(s) or motion(s)
18 to dismiss is/are due under Rule 12.

19 9. The parties further agree to extend the deadlines for BPA’s and ARC’s reply in
20 support of the Preliminary Injunction Motion and response to Defendants’ motion(s) to dismiss
21 to **November 16, 2017**.

22 10. The parties agree to extend the deadline for Defendants to reply in support of the
23 motion(s) to dismiss to **November 30, 2017**.

24 11. BPA and ARC believe these extended and coordinated deadlines will improve
25 efficiency and convenience for the court, without significantly affecting the need for expedited
26 consideration of the substantive issues before the court.

27 WHEREFORE, BPA and ARC respectfully request that deadlines under Fed. R. Civ.
28 P. 12 and Local Rule 7-2 be extended and aligned as set forth above.

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DATED: October 13, 2017

Respectfully submitted,

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*Attorneys for Defendants BP America Inc., and
Atlantic Richfield Company*

IT IS SO ORDERED:



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED this 16th day of October, 2017.