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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BP AMERICA, INC., and ATLANTIC
RICHFIELD COMPANY,

Plaintiffs,

v.

YERINGTON PAIUTE TRIBE;
YERINGTON PAIUTE TRIBAL COURT;
and SANDRA-MAE PICKENS in her
official capacity as Judge of the Yerington
Paiute Tribal Court,

Defendants.

Case No. 3:17-cv-00588-LRH-WGC

**UNOPPOSED MOTION AND ORDER TO
ADJUST MOTION AND BRIEFING
SCHEDULE DUE TO FORTHCOMING
AMENDED COMPLAINT**

(FIRST REQUEST)

1 Pursuant to Federal Rules of Civil Procedure 6 and Local Rule IA 6-1, Plaintiffs BP
2 America, Inc. (“BPA”) and Atlantic Richfield Company (“ARC”), move to adjust the current
3 motions and briefing schedule (Dkt. 25) under Fed. R. Civ. P. 12(b) and Local Rule 6-2 due to
4 Plaintiffs’ Amended Complaint, which will be filed on November 16, 2017. Because of
5 Defendants’ motions to dismiss, Plaintiffs are entitled to file an Amended Complaint as a matter
6 of right pursuant to Fed. R. Civ. P. 15(a)(1)(B)). As such, Plaintiffs propose that the current
7 motion and briefing schedule be adjusted accordingly.

8 Prior to filing this Motion, undersigned counsel conferred with counsel for Defendants
9 Yerington Paiute Tribe (“Tribe”), Laurie A. Thom in her official capacity as Chairman of the
10 Yerington Paiute Tribe (“Chairman Thom”), Yerington Paiute Tribal Court (“Tribal Court”), and
11 Sandra-Mae Pickens (“Judge Pickens”). Counsel for Judge Pickens does not oppose this Motion,
12 and counsel for the Tribal Court stated that he concurs with Judge Pickens’ counsel. Similarly,
13 counsel for the Tribe and Chairman Thom does not oppose this Motion. While Defendants do
14 not oppose this Motion, they expressly reserve and do not waive all arguments, including those
15 relating to jurisdiction and sovereign immunity. Additionally, in agreeing to not oppose this
16 motion, the Tribe and Chairman Thom requested that the following statement be inserted: “The
17 Tribe and Chairman Thom do not believe that any amended complaint can cure Plaintiffs’
18 jurisdictional infirmities, but recognize that an amended complaint takes the place of Plaintiffs’
19 current complaint, and therefore in the interest of judicial economy, they are unopposed to
20 Plaintiffs’ proposal to adjust the current motion and briefing schedule. However, the Tribe and
21 Chairman Thom expressly reserve and do not waive their sovereign immunity or their arguments
22 as to jurisdiction.”

23 This is the first request to coordinate and adjust filing deadlines because of the Amended
24 Complaint.

25 Tribal Court Action

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

1 5. Council for the Tribe has agreed that it will coordinate with undersigned counsel
2 for the new Tribal Council member defendants to accept service on or about November 16, 2017.

3 6. Because Plaintiffs will seek an injunction against the new Tribal Council member
4 defendants, and modify their arguments based on the Amended Complaint, Plaintiffs request that
5 this Court allow them to withdraw their pending Motion for Preliminary Injunction and re-file an
6 Amended Motion for Preliminary Injunction against all (current and new) Defendants per the
7 proposed briefing schedule below.

8 7. The requested schedule for withdrawal and re-filing of motions and related
9 briefing is as follows:

Task	New Deadline
Plaintiffs to file Amended Complaint, and serve new Defendants	November 16 [as a matter of right pursuant to Fed. R. Civ. P. 15(a)(1)(B)]
Plaintiffs withdraw Motion for Preliminary Injunction and File Amended Motion for Preliminary Injunction (“MPI”)	November 16
Defendants file Motions to Dismiss (“MTD”) Amended Complaint	November 30
Defendants file Responses to Amended MPI	November 30
Plaintiffs file Responses to Amended MTD Amended Complaint, and Reply to Defendants’ Responses to Amended MPI	December 14
Defendants file Reply to Plaintiffs’ Response to MTD Amended Complaint	December 21

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27 8. BPA and ARC believe these extended and coordinated deadlines will improve
28 efficiency and convenience for the court, without significantly affecting expedited consideration

1 of the substantive issues. The Tribe and Chairman Thom stated that they are unopposed to these
2 deadlines because they track the deadlines set forth in the Court's LR 7-2(b).

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

5
6 Respectfully submitted,

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8 DATED: November 8, 2017

9 DOTSON LAW

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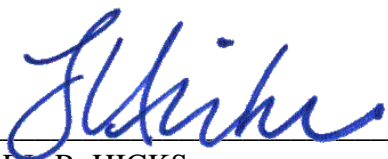
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*Attorneys for Plaintiffs BP America, Inc., and
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ORDER

IT IS SO ORDERED.

DATED this 9th day of November, 2017.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE