

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

HON. BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
                                Plaintiff,  
  
                                v.  
  
PUYALLUP TRIBE OF INDIANS,  
  
                                Defendant.

Case No.: 3:13-CV-05122-BHS  
UPDATED JOINT STATUS REPORT  
and  
STIPULATED MOTION FOR ENTRY  
OF SCHEDULING ORDER  
NOTE ON MOTION CALENDAR:  
September 19, 2013

The parties provide this Updated Joint Status Report to set forth their proposed procedure for submitting the case to the Court and respectfully move the Court pursuant to Local Rule 7(d)(1) and 10(g) for entry of a scheduling order implementing the parties' agreed recommendation described herein. The parties believe the approach they propose fully presents the issues and economizes both the parties' and the Court's time. The proposed process would be as follows:

1           1. The parties have drafted a set of Stipulated Facts that sets forth all of the  
2 information the parties need in order to present their arguments and, they believe, the  
3 information the Court will need to decide the case.

4           2. The parties intend to present cross-motions for summary judgment. The parties  
5 anticipate that the Court's ruling on the cross-motions will fully resolve the case. The  
6 cross-motions would be submitted on the following schedule:

7           3. On October 25, 2013, the parties will simultaneously file their respective  
8 Motions for Summary Judgment, one by the United States, one by the Tribe. The parties  
9 anticipate that these motions will address and present to the Court the ultimate issue(s)  
10 that must be decided in order to resolve this case. The page limit for each party's Motion  
11 would be 24 pages as provided by Local Rule 7(e)(3).  
12

13           4. On November 15, 2013, the parties will simultaneously file their Responses to  
14 the Motions for Summary Judgment, one by the United States, one by the Tribe. The  
15 page limit for each party's Response would be 18 pages. Since the Motion and Response  
16 would be the only two pleadings filed by each side (other than the Stipulated Facts and  
17 exhibits to those Facts), this page limit for the Response is halfway between the limits in  
18 the local rule for response and reply briefs.  
19

20           5. The Motions for Summary Judgment would be deemed fully submitted upon  
21 submission of the Responses. The Court would determine whether to schedule oral  
22 argument as per the Local Rules.  
23  
24



1 LESOURD & PATTEN, LLP

2 Richard L. Johnson

3 RICHARD L. JOHNSON  
4 SANDRA VELIZ  
5 600 Univ. Street, S. 2401  
6 Seattle, WA 98101  
7 (206) 624-1040  
8 (206) 223-1099 (f)  
9 *Attorneys for the Puyallup Indian Tribe*

10 ORDER

11 Upon consideration of the Updated Joint Status Report filed by the parties on  
12 September 19, 2013, the Court finds the procedure they have proposed to be  
13 appropriate and hereby APPROVES the schedule for presentation of the case set forth in  
14 paragraphs 3 and 4, above.

15 SO ORDERED this 20 day of September, 2013.

16   
17  
18 BENJAMIN H. SETTLE  
19 United States District Judge

20  
21 CERTIFICATE OF SERVICE

22 IT IS HEREBY CERTIFIED that on this 19th day of September, 2013, I filed a  
23 copy of the foregoing with the Court through the ECF system, which will send copies of  
24 the filing to:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

W. CARL HANKLA [W.Carl.Hankla@usdoj.gov](mailto:W.Carl.Hankla@usdoj.gov)  
Trial Attorney, Tax Division  
U.S. Department of Justice

RICHARD L. JOHNSON [rjohnson@lesourd.com](mailto:rjohnson@lesourd.com)  
SANDRA VELIZ [sveliz@lesourd.com](mailto:sveliz@lesourd.com)  
LeSourd & Patten, LLP

*John Howard Bell*

---

John Howard Bell, WSA #5574  
Attorney for Defendant Puyallup Tribe  
of Indians