

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division**

THE CALIFORNIA VALLEY MIWOK
TRIBE, *et al.*,

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as
Secretary of the United States Department of
the Interior, *et al.*,

Defendants.

Case No. 1:11-cv-00160-RWR

Hon. Richard W. Roberts

**AMENDED JOINT MOTION FOR BRIEFING SCHEDULE
FOR CROSS MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs and Defendants hereby jointly amend their prior motion for an order which enters the briefing schedule for cross motions for summary judgment set forth below. In this case the plaintiffs challenge the August 31, 2011 final decision of the Assistant Secretary – Indian Affairs for the U.S. Department of Interior. On September 20, 2011, the Court entered an order which, *inter alia*, required plaintiffs to file an amended complaint by October 17, 2011, and defendants, no later than December 1, 2011, to answer or otherwise respond to the amended complaint and to lodge the administrative record.

Pursuant to the September 20, 2011 order, plaintiffs, on October 17, 2011, filed their First Amended Complaint, and defendants, on December 1, 2011, filed their Answer to the First Amended Complaint and the administrative record for this case. On December 28, 2011, the parties filed a "Joint Motion for Briefing Schedule For Cross Motions For Summary Judgment" (Doc. No. 38), which proposed the following briefing schedule:

Pleading	Deadline
Plaintiffs' Motion For Summary Judgment	February 21, 2012
Defendants' Combined Opposition To Plaintiffs' Motion For Summary Judgment And Cross Motion For Summary Judgment	March 20, 2012
Plaintiffs' Combined Reply In Support Of Plaintiffs' Motion For Summary Judgment And Opposition To Defendants' Cross-Motion For Summary Judgment	April 17, 2012
Defendants' Reply In Support Of Defendants' Cross Motion For Summary Judgment	May 8, 2012

The Motion has not been ruled on. Because of a recent illness involving one of Plaintiffs' lead counsel (Robert J. Uram), the parties request that the following scheduling order be entered to reflect an extension of ten days to each deadline:

Pleading	Deadline
Plaintiffs' Motion For Summary Judgment	March 2, 2012
Defendants' Combined Opposition To Plaintiffs' Motion For Summary Judgment And Cross Motion For Summary Judgment	March 30, 2012
Plaintiffs' Combined Reply In Support Of Plaintiffs' Motion For Summary Judgment And Opposition To Defendants' Cross-Motion For Summary Judgment	April 27, 2012
Defendants' Reply In Support Of Defendants' Cross Motion For Summary Judgment	May 18, 2012

A proposed order setting forth these dates is enclosed.

CONCLUSION

For the reasons set forth above, the parties respectfully request that the Court enter the briefing schedule requested herein.

Respectfully submitted this 16th day of February, 2012.

Respectfully submitted,

/s/ M. Roy Goldberg

M. ROY GOLDBERG

(D.C. Bar No. 416953)

CHRISTOPHER M. LOVELAND

(D.C. Bar No. 473969)

ATTORNEYS FOR PLAINTIFFS

Sheppard Mullin Richter & Hampton LLP

1300 I Street, N.W., 11th Floor East

Washington, DC 20005-3314

Tel: (202) 218-0007

Fax: (202) 312-9425

Email: rgoldberg@sheppardmullin.com

cloveland@sheppardmullin.com

ROBERT J. URAM (*admitted pro hac vice*)

Sheppard Mullin Richter & Hampton LLP

Four Embarcadero Center, 17th Floor

San Francisco, California 94111-4109

Tel: (415) 434-9100

Fax: (415) 434-3947

Email: ruram@sheppardmullin.com

/s/ Kenneth D. Rooney

KENNETH D. ROONEY

United States Department of Justice

Environment & Natural Resources Division

Natural Resources Section

P.O. Box 663

Washington, D.C. 20044-0663

Phone: (202) 514-9269

Fax: (202) 305-0506

E-mail: kenneth.rooney@usdoj.gov

OF COUNSEL

James W. Porter

Attorney-Advisor

Branch of Tribal Government and Alaska

Division of Indian Affairs

Office of the Solicitor, Department of the Interior

1849 C Street, N.W. Washington, D.C. 20240

Mail stop 6518

CERTIFICATE OF SERVICE

I certify that on February 16th, 2012, I caused the foregoing "Amended Joint Motion for Briefing Schedule for Cross Motions for Summary Judgment" to be filed with the Court pursuant to the electronic filing rules. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

/s/ Roy Goldberg
Roy Goldberg