

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**STATE OF KANSAS,  
*ex rel. Derek Schmidt, Attorney General,*  
State of Kansas and BOARD OF  
COUNTY COMMISSIONERS OF  
CHEROKEE, KANSAS,**

**Plaintiffs,**

**v.**

**NATIONAL INDIAN  
GAMING COMMISSION, *et al.***

**Defendants.**

**Case No. 15-CV-4857-DDC**

**ORDER**

This matter is before the Court on three Motions to Stay (Docs. 52, 57, 69) and a Motion to Continue Proceedings on Pending Request for Preliminary Injunction (Doc. 77) filed by 17 tribal entities, officers, and officials of the Quapaw Tribe of Oklahoma (collectively, the “Tribal Defendants”). The Tribal Defendants have asked the Court to continue or stay briefing and consideration of plaintiffs’ Motion for Preliminary Injunction (Doc. 14), pending adjudication of their motions to dismiss (Docs. 50, 55, 68, 76). The Tribal Defendants argue that as subdivisions, arms, officers, and directors of the Quapaw tribal government, tribal immunity shields them from suit in federal court.

On June 26, 2015, the Court issued a Memorandum and Order (Doc. 54) granting a motion filed by 10 Tribal Defendants who had asked for an extension of time to respond to plaintiffs’ Motion for Preliminary Injunction. The Court did not set a date by which the Tribal Defendants had to respond to plaintiffs’ motion. Instead, it determined that it must decide the threshold issue whether it has subject-matter jurisdiction over the parties who assert tribal

immunity before setting a response date. The same is true for the remaining Tribal Defendants. Thus, for the reasons explained in the Court's June 26, 2015 Memorandum and Order, the Court grants the Tribal Defendants' motions to stay and continue.

**IT IS THEREFORE ORDERED BY THE COURT THAT** the Tribal Defendants' Motions to Stay (Docs. 52, 57, 69) are granted.

**IT IS FURTHER ORDERED THAT** the Tribal Defendants' Motion to Continue Proceedings on Pending Request for Preliminary Injunction (Doc. 77) is granted.

**IT IS SO ORDERED.**

**Dated this 29th day of July, 2015, at Topeka, Kansas.**

s/ Daniel D. Crabtree  
**Daniel D. Crabtree**  
**United States District Judge**