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19 **UNITED STATES DISTRICT COURT**  
20 **EASTERN DISTRICT OF CALIFORNIA**

21 THE ESTOM YUMEKA MAIDU TRIBE OF  
22 THE ENTERPRISE RANCHERIA,  
23 CALIFORNIA,

24 Plaintiff,

25 v.

26 STATE OF CALIFORNIA,

27 Defendant.

Case No. 14-cv-01939

**JOINT STATUS REPORT**

28 The parties—plaintiff the Estom Yumeka Maidu Tribe of the Enterprise Rancheria,  
California (Enterprise or the Tribe) and defendant the State of California—hereby submit the  
following joint statement regarding the status of this case, as ordered by the Court. *See* ECF No.  
31 (April 25, 2016).

1. On February 16, 2016, this Court entered its Memorandum and Order on the  
parties' cross-motions for judgment on the pleadings, finding that the State of California had failed  
to negotiate in good faith to conclude a tribal-state gaming compact. *See* ECF No. 27 (Feb. 17,

1 2016). As contemplated by the Indian Gaming Regulatory Act (IGRA), this Court ordered the  
2 parties “to proceed pursuant to the remedial process set forth in the IGRA, 25 U.S.C.  
3 § 2710(d)(7)(B)(iii)-(vii). As the immediate remedy, Defendant and Plaintiff are ordered to  
4 conclude a gaming compact within 60 days. § 2710(d)(7)(B)(iii).” ECF No. 27, at 23.

5 2. After the Court’s entry of the Order, the parties negotiated in an effort to conclude a  
6 new tribal-state gaming compact. However, the statutorily prescribed 60-day period expired on  
7 April 18, 2016, and the parties failed to conclude a compact.

8 3. As the next step in its remedial process, IGRA provides: “If a State and an Indian  
9 tribe fail to conclude a Tribal-State compact governing the conduct of gaming activities on the  
10 Indian lands subject to the jurisdiction of such Indian tribe within the 60-day period provided in  
11 the order of a court issued under [25 U.S.C. § 2710(d)(7)(B)(iii)], the Indian tribe and the State  
12 shall each submit to a mediator appointed by the court a proposed compact that represents their  
13 last best offer for a compact. The mediator shall select from the two proposed compacts the one  
14 which best comports with the terms of this chapter and any other applicable Federal law and with  
15 the findings and order of the court.” 25 U.S.C. § 2710(d)(7)(B)(iv).

16 4. Accordingly, on April 21, 2016, the parties jointly requested that the Court appoint  
17 Zela G. Claiborne to serve as the mediator pursuant to 25 U.S.C. § 2710(d)(7)(B)(iv). ECF No.  
18 29. On April 25, 2016, the Court appointed Ms. Claiborne as mediator. ECF No. 31.

19 5. The State and Enterprise each submitted proposed compacts representing their last  
20 best offers to the mediator. On May 3, 2016, the mediator notified the parties that she had selected  
21 Enterprise’s proposed compact as the one that best comports with the law and the orders of the  
22 court.

23 6. Under IGRA’s remedial process, the State has 60 days to consent to the proposed  
24 compact selected by the mediator, failing which the Secretary of the Interior “shall prescribe”  
25 class III gaming procedures “consistent with the proposed compact selected by the mediator . . . ,  
26 the provisions of [IGRA], and the relevant provisions of the laws of the State.” 25 U.S.C.  
27 § 2710(d)(7)(B)(v)-(vii). As the mediator submitted the proposed compact to the State on May 3,  
28

1 2016, the 60-day period will expire on July 2, 2016. Pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii), if  
2 the State does not consent to the proposed compact by July 5, 2016 (the first business day  
3 following July 2), the mediator will notify the Secretary and forward the selected compact to the  
4 Secretary, who will then prescribe class III gaming procedures.

5           7.       The parties will provide the Court with an updated status report on or before  
6 October 1, 2016.

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1 DATED: July 1, 2016

Respectfully submitted,

2 By: /s/ Christopher E. Babbitt

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