IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

| ALABAMA-COUSHATTA T | RIBES OF § | |
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| TEXAS, | § | |
| | § | |
| Plaintiff and | d § | |
| Counter-Defendant, | fendant, § | |
| | § | |
| V. | § | No. 9:01-CV-00299 |
| | § | NO. 9.01-C V-00299 |
| STATE OF TEXAS, | § | |
| Defendant and | \$ | |
| Defendant a | ð | |
| Counter-Pla | untiff. | |

JOINT MOTION FOR ENTRY OF SCHEDULING ORDER

In their Joint Motion to Realign Parties [DE 64] (the "Realignment Motion"),¹ the parties explained that they have reopened this litigation to determine two disputed issues that have arisen since an October 2015 ruling by the National Indian Gaming Commission. *See* Realignment Motion at 1–2. The parties respectfully propose that the following deadlines control the resumption of this litigation:

- August 19, 2016: Deadline for State to file Contempt Motion and for Tribe to file motion for relief from judgment ("Relief Motion").
- 2. November 7, 2016: Deadline to amend Contempt and Relief Motions.
- 3. **December 30, 2016:** Deadline to serve expert disclosures and reports. Any objections shall be made by written motion and filed with the Court no later than fourteen (14) days after the service of the objected-to report.
- 4. **December 30, 2016:** Deadline to complete fact discovery. All discovery to be served to allow responses by this date.

¹ Terms not defined herein have the meaning given to them in the Realignment Motion.

- 5. January 16, 2017: Deadline to serve rebuttal expert disclosures and reports. Any objections shall be made by written motion and filed with the Court no later than fourteen (14) days after the service of the objected-to report.
- 6. January 16, 2017: Deadline to file motions related to fact discovery.
- 7. January 27, 2017: Deadline to complete expert depositions.
- 8. February 1, 2017: Deadline to file summary judgment motions, if necessary.
- February 15, 2017: Deadline to file responses to dispositive motions, including summary judgment, Contempt, and Relief Motions.
- 10. March 1, 2017: Deadline to file replies to dispositive motions including summary judgment, Contempt, and Relief Motions.
- 11. March 8, 2017: Deadline to file sur-replies to dispositive motions including summary judgment, Contempt, and Relief Motions.
- 12. March 8, 2017: Deadline to exchange exhibit and witness lists.
- 13. March 15, 2017: Deadline to file objections to exhibit and witness lists.
- 14. March 27, 2017, or at the Court's convenience thereafter: To the extent necessary, evidentiary hearing and oral argument on the dispositive motions of summary judgment, Contempt and Relief Motions. If necessary, a nonjury trial may be scheduled to resolve factual disputes not before the Court on the dispositive motions.

The parties further propose that, in light of the posture of this case, the Court deem the State's Contempt Motion and the Tribe's Relief Motion, and any summary judgment motions filed herein as "case dispositive motions" for purposes of the page limits imposed by Local Rule CV-7(a).

The parties respectfully request that the Court grant this motion and enter the proposed

scheduling order attached hereto as the scheduling order for this matter.

Dated: July 28, 2016

Respectfully submitted,

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