

1 JEFFREY WOOD
Acting Assistant Attorney General

2 REUBEN S. SCHIFMAN
3 Trial Attorney
4 United States Department of Justice
5 Environment & Natural Resources Division
6 Natural Resources Section
7 P.O. Box 7611
Washington, D.C. 20044-7611
8 Telephone (202) 305-4224
9 Reuben.Schifman@usdoj.gov

10 Attorneys for Defendants

11 UNITED STATES FEDERAL DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 THE GUIDIVILLE RANCHERIA OF
14 CALIFORNIA, a federally recognized Indian
15 tribe; and UPSTREAM POINT MOLATE LLC,
16 a California Limited Liability Corporation,

17 Plaintiffs,

18 vs.

19 THE UNITED STATES OF AMERICA; RYAN
20 ZINKE, the Secretary of the Department of the
21 Interior; John Tahsuda, Acting Assistant
22 Secretary – Indian Affairs;¹

23 and

24 THE CITY OF RICHMOND, a California
25 Municipality,

26 Defendants.
27

Case No. CV 12-1326 YGR

MOTION FOR FEDERAL DEFENDANTS'
COUNSEL TO PARTICIPATE IN CASE
MANAGEMENT CONFERENCE BY
TELEPHONE

28 ¹ Ryan Zinke and John Tahsuda are automatically substituted for Sally Jewell and Kevin Washburn as federal defendants in this action pursuant to Fed. R. Civ. P. 25(d).

**FEDERAL DEFENDANTS' MOTION TO PARTICIPATE IN CONFERENCE
BY TELEPHONE**

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3 The United States of America, Ryan Zinke, in his official capacity as Secretary of the
4 Department of the Interior, John Tahsuda, in his official capacity as the Acting Assistant Secretary -
5 Indian Affairs (collectively, "Federal Defendants"), hereby move for permission for Federal
6 Defendants' counsel to participate telephonically at the case management conference. Federal
7 Defendants' counsel has conferred with counsel for all parties who do not oppose the motion. In
8 support of this motion the Federal Defendants state as follows:

9 WHEREAS, the Parties stipulated to continue the April 9, 2018 Case Management
10 Conference ("CMC") in light of the expected settlement between the City and Plaintiffs. ECF No.
11 357.

12 WHEREAS, the Court granted in part and denied in part the Stipulation to continue the CMC,
13 excusing settling defendants from appearance and requiring others to so that a schedule can be
14 entered. ECF No. 358.

15 WHEREAS, the Tribe and Federal Defendants have had settlement discussions but have not
16 reached a proposed settlement.

17 WHEREAS, as explained in greater detail in the concurrently-filed Case Management
18 Statement the Tribe and Federal Defendants are in agreement as to the schedule for future
19 proceedings in this case and thus counsel's telephonic appearance will not prejudice the Case
20 Management Conference.

21 WHEREAS, Federal Defendants' counsel is located in Washington, D.C., and appearing at
22 the Case Management Conference in person would require the Federal Government to incur
23 significant expense that could be avoided were counsel allowed to appear by telephone.

24 WHEREAS, due to the current fiscal situation the Department of Justice is seeking to
25 conserve resources and avoid travel expenses wherever possible.

26 WHEREAS, Federal Defendants have appeared at prior Case Management Conferences
27 telephonically without impairing the effectiveness of such conferences. *See* ECF Nos. 41, 78, 108,
28 166, 185, 192, 209, 234, 317, 344.

1 WHEREAS, Federal Defendants' counsel has conferred with counsel for the Tribe who does
2 not oppose the motion.

3 THEREFORE, The Federal Defendants respectfully request the Court permit Federal
4 Defendants' counsel to appear by telephone at the upcoming case management conference.

5 A proposed order is attached.

6 Respectfully submitted this 6th day of April, 2018,

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8 JEFFREY WOOD
9 Acting Assistant Attorney General
10 United States Department of Justice
11 Environment & Natural Resources Division

12 /s/ Reuben S. Schiffman
13 REUBEN S. SCHIFMAN
14 Reuben.Schifman@usdoj.gov
15 United States Department of Justice
16 Environment & Natural Resources Division
17 Natural Resources Section
18 P.O. Box 7611
19 Washington, D.C. 20044-7611
20 Tel: (202) 305-4224
21 Fax: (202) 305-0506

22 BRIAN STRETCH
23 United States Attorney
24 450 Golden Gate Avenue, 9th Floor
25 P.O. Box 36055
26 San Francisco, CA 94102
27 Telephone: (415) 436-7180

28 Attorneys for Defendants

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE GUIDIVILLE RANCHERIA OF CALIFORNIA, a federally recognized Indian tribe; and UPSTREAM POINT MOLATE LLC, a California Limited Liability Corporation,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA; RYAN ZINKE, the Secretary of the Department of the Interior; Michael Black, Acting Assistant Secretary – Indian Affairs;

and

THE CITY OF RICHMOND, a California Municipality,

Defendants.

Case No. CV 12-1326 YGR

[PROPOSED] ORDER

[PROPOSED] ORDER

Good cause appearing therefore, the above MOTION is approved. Federal Defendants' counsel may appear by telephone at the Case Management Conference on April 09, 2018.

IT IS SO ORDERED.

Dated: _____, 2018

The Honorable Yvonne González Rogers

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2018, a copy of the foregoing was filed electronically with the Clerk of the Court through its ECF system and electronic notice was delivered to the parties entitled to receive notice.

/s/ Reuben S. Schiffman
REUBEN S. SCHIFMAN
Reuben.Schifman@usdoj.gov
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 305-4224
Fax: (202) 305-0506