

1 Kelly F. Ryan (CA SBN 195921)
THE RYAN LAW FIRM
2 A Professional Law Corporation
139 E. Olive Avenue, 1st Floor
3 Monrovia, California 91016
Telephone: (626) 568-8808
4 Facsimile: (626) 568-8809

5 Joseph L. Kitto (DC Bar No. 469760)
P.O. Box 819
6 Lower Lake, CA 95457
Telephone: (707) 533-3502
7 Facsimile: (707) 284-1069
Email: kitto@sovsys.net
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9 Attorneys for Plaintiff
THE MISHEWAL WAPPO TRIBE OF ALEXANDER VALLEY

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

12 MISHEWAL WAPPO TRIBE OF ALEXANDER
13 VALLEY,

14 Plaintiff,

15 v.

16 SALLY JEWELL, in her official capacity as Secretary
17 of the Interior; KEVIN WASHBURN, in his official
18 capacity as Assistant Secretary of the Interior; and
DOES 1-50, inclusive

19 Defendants,
20

Case No. 5:09-cv-02502-EJD

Hon. Edward J. Davila

**PLAINTIFF'S MOTION
REQUESTING STATUS
UPDATE OF PLAINTIFF'S
AND DEFENDANT'S CROSS
MOTIONS FOR SUMMARY
JUDGMENT**

1 Plaintiff now asks the Court to issue a Notice of Update as to the status of cross Summary
2 Judgment Motions filed by Plaintiff and Defendants on May 31, 2013. Since the hearing on July
3 25, 2014, neither party has been advised as to the status of the aforementioned motions. Given
4 that the Plaintiff has had a change in circumstances in which several elder members of the
5 Plaintiff have passed and several others have been diagnosed as having terminal illnesses, the
6 remaining Plaintiff members hereby respectfully request that a status update be provided.

7 **Exhibit 1**, Decl. of Scott Gabaldon. Although the Plaintiff is comprised of over three-hundred
8 (300) members, the loss of elders is deeply impacting on the cultural leadership. Knowledge of
9 the status of this lawsuit, in consideration of the life changing impact it could have, would
10 provide great relief to this aspect of the Tribe's continued welfare. Thus, the Plaintiff respectfully
11 requests a status update.
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CERTIFICATE OF SERVICE

I, Joseph L. Kitto, hereby certify that on November 6, 2014, I caused the foregoing to be served upon counsel of record through the Court's electronic service system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 6, 2014 at Santa Rosa, California.

By: /s/ Joseph L. Kitto