IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

HCI DISTRIBUTION, INC.; and ROCK RIVER MANUFACTURING, INC.,) Case No. 8:18-cv-00173-JMG-MDN
Plaintiffs,))
v. DOUGLAS PETERSON, Nebraska Attorney General; TONY FULTON, Nebraska Tax Commissioner, Defendants.	NOTICE OF FULLY-BRIEFED MOTION

Plaintiffs HCI Distribution, Inc. and Rock River Manufacturing, Inc. ("Tribal Entities") submit this Notice of Fully-Briefed Motion to advise this Court that proposed-Intervenor's, United States, Motion to Stay All Proceedings and Request for Permission to Intervene has been fully briefed.

- 1. The United States' motion was filed on May 31, 2018. ECF 16.
- 2. The Tribal Entities' opposition brief was timely filed on June 14, 2018. ECF 18 & 19.
- 3. The United States' reply brief was due on June 21, 2018. NECivR 7.1(c). The United States did not file a reply brief.

The Tribal Entities bring this to the Court's attention in light of the fact that an expeditious resolution of both this lawsuit generally and the instant motion specifically is critical to the Tribe's self-sufficiency and self-determination, as set forth fully in the Tribal Entities' brief in opposition. ECF 18.

Further, the Tribal Entities submit that justice requires a quick resolution of the pending motion. Prior to recusing himself, the previous magistrate in this matter ordered "the deadline for

Defendants to file an answer or other responsive pleading to the Complaint shall be extended to 14-days after the Court enters its order on the United States' Motion . . . or until further order of the Court," effecting a de facto stay of this proceeding. ECF 20. The magistrate issued his order in response to a **June 14**, 2018 informal email from counsel for the United States, a non-party who has not successfully intervened, to U.S. District Court Judge John Gerrard requesting that Defendants be relieved of their obligation to meet their **June 15**, 2018 deadline to file an Answer or responsive pleading. (Ducheneaux Decl. Ex. 1.) Defendants neither weighed in on the United States' motion nor did they request an extension on their own behalf. The previous magistrate ordered the de facto stay over the Tribal Entities' objection that the informal email request was improper, the United States lacked standing to move the Court, and Defendants had neither moved on their own behalf nor weighed in on the Motion to Stay. (Ducheneaux Decl. Ex. 2.) Additionally, Magistrate Bazis' office has informed the parties that discovery and case planning is effectively stayed until after the Court rules on the United States' motion. (Ducheneaux Decl. Ex. 3.)

In light of the important issues of federal law and tribal sovereignty at issue in this case (*see generally* Complaint and ECF 18) and in light of the de facto stay, which the Tribal Entities believe is improper and unnecessarily delaying just prosecution of this case, the Tribal Entities respectfully request that the Court take notice that the United States' pending motion has been fully briefed and respectfully ask this Court to render a decision on that motion as soon as possible.

Respectfully submitted this 22nd day of June, 2018.

HCI DISTRIBUTION, INC. and ROCK RIVER MANUFACTURING, INC., Plaintiffs,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2018 a copy of the foregoing was filed electronically with the Clerk of the Court. The electronic filing prompted automatic service of the filing to all counsel of record in this case who have obtained CM/ECF passwords.

s/ Nicole E. Ducheneaux