

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

**STATE OF KANSAS**, *ex rel.* )  
*DEREK SCHMIDT* )  
*Attorney General, State of Kansas* )

**BOARD OF COUNTY COMMISSIONERS OF** )  
**THE COUNTY OF CHEROKEE, KANSAS** )

Plaintiffs, )

No. 15-CV-04857

v. )

**NATIONAL INDIAN GAMING** )  
**COMMISSION;** )

**JONODEV OSCELOA CHAUDHURI**, *Acting* )  
*National Indian Gaming Commissioner, in his* )  
*official capacity;* )

**DANIEL J. LITTLE**, *Associate Commissioner* )  
*National Indian Gaming Commission, in his* )  
*official capacity;* )

**ERIC N. SHEPARD**, *Acting General Counsel* )  
*National Indian Gaming Commission, in his* )  
*official capacity;* )

**DEPARTMENT OF INTERIOR;** )  
**SALLY JEWELL**, *Secretary of the United* )  
*States Department of Interior, in her official* )  
*Capacity;* )

**KEVIN K. WASHBURN**, *Assistant Secretary* )  
*for Indian Affairs for the United States* )  
*Department of Interior, in his official capacity;* )

**JOHN BERREY**, *as Chairperson of the* )  
*Quapaw Tribe of Oklahoma Business* )  
*Committee and Chairperson of the Downstream* )  
*Development Authority;* )

**THOMAS MATHEWS**, *as Vice-chairperson* )  
*of Quapaw Tribe of Oklahoma Business* )  
*Committee;* )

**TAMARA SMILEY-REEVES**, as Secretary/  
*Treasurer of Quapaw Tribe of Oklahoma*  
*Business Committee, Secretary of the*  
*Quapaw Tribe of Oklahoma Development*  
*Corporation, and member of the Downstream*  
*Development Authority;*  
**T.C. BEAR**, as Member of Quapaw Tribe of  
*Oklahoma Business Committee and*  
*Quapaw Gaming Authority;*  
**BETTY GAEDTKE**, as Member of Quapaw Tribe  
*of Oklahoma Business Committee;*  
**RANNY MCWATTERS**, as Member of Quapaw  
*Tribe of Oklahoma Business Committee and*  
*Treasurer of the Downstream Development*  
*Authority;*  
**MARILYN ROGERS**, as Member of Quapaw  
*Tribe of Oklahoma Business Committee,*  
*Quapaw Gaming Authority, and Downstream*  
*Development Authority;*  
**TRENTON STAND**, as Member of Quapaw  
*Gaming Authority;*  
**LORI SHAFER**, as Member of Quapaw  
*Gaming Authority;*  
**JUSTIN PLOTT**, as Member of Quapaw  
*Gaming Authority;*  
**FRAN WOOD**, as Member of Quapaw  
*Gaming Authority;*  
**LARRY RAMSEY**, as Secretary of the  
*Downstream Development Authority;*  
**BARBARA KYSER-COLLIER**, as  
*Executive Director of the Quapaw Gaming*  
*Oklahoma Tribal Gaming Agency;*  
**ERIN SHELTON or ERIN ECKART**, as  
*Deputy Director of the Quapaw Tribe of*  
*Oklahoma Tribal Gaming Agency;*  
**RODNEY SPRIGGS**, as President of the  
*Quapaw Development Corporation;*  
**ART COUSATTE**, as Vice-President of the  
*Quapaw Development Corporation;*  
**DONNA MERCER**, as Treasurer of the  
*Quapaw Development Corporation;*  
**JERRI MONTGOMERY**, as Member of the  
*Quapaw Development Corporation;*

**QUAPAW DEVELOPMENT CORPORATION;** )  
**DOWNSTREAM DEVELOPMENT** )  
**AUTHORITY OF THE QUAPAW TRIBE** )  
**OF OKLAHMOA (O-GAH-PAH);** )  
**QUAPAW GAMING AUTHORITY.** )  
Defendants. )  
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**MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

Plaintiffs, the State of Kansas, on relation of Derek Schmidt, Kansas Attorney General, by and through Kansas Attorney General Derek Schmidt, Deputy Attorney General Jeffrey Chanay, and Assistant Attorney General Stephen Phillips, and the Board of County Commissioners of the County of Cherokee, Kansas, by and through Sarah Morse and David Cooper, respectfully move this Court for an order extending their time to respond to federal Defendants' Motion to Dismiss until 31 days after the current due date of June 9, 2015.

In support of this Motion, these plaintiffs state as follows:

- 1) The Motion to Dismiss was filed May 26, 2015.
- 2) This counsel has contacted the federal Defendants in this matter, to consult with them on their views of this extension.
- 3) The federal Defendants do not object to an extension if the Plaintiffs are amenable to a corresponding extension due to defense counsel's work-related travel in the month of July.
- 4) Plaintiffs are agreeable to a reply extension for the United States Defendants.
- 5) The Tribal Defendants state their objection as follows: "The eight entities and individually named officers and directors of the Quapaw Tribe of Oklahoma who have been served and who have entered appearances to date oppose the requested extension, which the State and Cherokee County have represented to the Tribal parties is needed for additional time to

research the issues and due to potential furloughs of State of Kansas employees. The Tribal Defendants' opposition to this motion is based upon the opposition of the Attorney General and Cherokee County to the Defendants' previous requests for reasonable extensions of deadlines, both with respect to answer dates and with respect to the motion for a temporary injunction, as well as their refusal to cooperate with respect to service. However, the Tribal parties understand that the Court will likely consider granting a reasonable extension of the State's and County's deadline."

6) This extension is requested primarily to allow counsel more time to conduct the extensive legal research necessary. Counsel for the State of Kansas also faces the possibility of a work furlough, due to legislative conflict regarding the State budget.

Wherefore, these plaintiffs request an extension of the date by which they are required to respond to federal Defendants' Motion to Dismiss until 31 days after the current due date of June 9, 2015. The new due date would be July 10, 2015.

Respectfully Submitted,

OFFICE OF ATTORNEY GENERAL  
DEREK SCHMIDT

s/ Derek Schmidt

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s/ Jeffrey A. Chanay

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s/ Stephen Phillips

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s/ Sarah A. Morse

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David R. Cooper, #16690  
Sarah A. Morse, #25431  
**ATTORNEYS FOR DEFENDANTS THE  
BOARD OF COUNTY COMMISSIONERS OF  
CHEROKEE COUNTY, KANSAS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of June, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to all those individuals currently electronically registered with the Court.

s/Stephen Phillips

Stephen Phillips