



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