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WILLIAM L. WHITTAKER
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LILLIAN BLAKE PUZZ, et al.,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF)
THE INTERIOR, BUREAU OF)
INDIAN AFFAIRS, et al.,)
Defendants.)

NO. C 80 2908 TEH

ORDER

Hoopla defendants have moved for a stay of this Court's Order of April 8, granting injunctive relief to plaintiffs. Hoopla defendants want the Order stayed either while their appeal is pending, or until Congress passes HR 4469 (a bill that would partition the reservation, giving the Square to the Hoopla tribe and creating a separate reservation for other Indians).

The grounds for the stay are that Hoopla defendants, and all reservation residents, will suffer irreparable harm from the effects of the April 8 Order. Hoopla defendants claim that the Hoopla Business Council is the only functioning local government on the reservation, and the Federal defendants can neither support its activities since the Order went into effect, nor can

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1 create anything to take its place. Hence, essential social
2 services and beneficial government activities will be disrupted.

3 In particular, Hoopa defendants claim that an emergency
4 room, timber sales, a motel construction project, grant
5 programs, education and day care, fisheries, forestry and
6 environmental protection, and public utilities will be disrupted.
7 Moreover, a governmental structure employing about 250 people
8 will be dismantled. The Federal defendants cannot fill the gap,
9 the Hoopas argue, both because of the impracticality of assuming
10 all these tasks, and because they are barred by statute from
11 spending reservation funds. 25 U.S.C. §§ 155, 123 (only tribal
12 governing bodies can spend tribal funds).

13 Hoopa defendants argue that these hardships far outweigh
14 the burden a stay would impose on plaintiffs. They also argue
15 that the public interest favors the stay, since the April 8
16 Order is contrary to the general federal policy of encouraging
17 tribal self-government and to pending congressional legislation,
18 and would seriously disrupt a functioning local government.
19 They conclude that since the balance of hardships favors them
20 and their appeal raises serious legal questions, a stay should
21 be granted.

22 Plaintiffs oppose the stay, arguing that the April 8
23 Order does not compel Federal defendants to disrupt essential
24 social services, but merely to supervise the ongoing affairs of
25 the reservation to prevent discrimination. They claim that the
26 potential breakdown of social services is merely speculative,
27 since Federal defendants have not yet implemented their
28

