

RECEIVED

MAY 31 1988

PIRTLE, MORISSET
SCHLOSSER & AYER

FILED

MAY 26 1988

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.)

NO. C 80 2908 TEH

UNITED STATES DEPARTMENT OF)

THE INTERIOR, BUREAU OF)

INDIAN AFFAIRS, et al.,)

Defendants.)

ORDER

Hoopa defendants have moved for a stay of this Court's Order of April 8, 1988. They have requested that this Court consider the matter on shortened time, and request a hearing date of June 6, 1988. The other parties to this action have agreed to Hoopa defendants' proposed schedule.

This Court, however, declines to permit Hoopa defendants to thrust this schedule on us in this manner. All parties have had nearly two months to respond to the April 8 Order and any adverse consequences it allegedly has created.

Hoopa defendants want to have their motion heard before the federal defendants' compliance plan is due on June 7, 1988. This apparent effort to undermine deadlines set by Order of this Court is futile. This Court is determined to have all parties

COPIES MAILED TO
PARTIES OF RECORD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 comply with deadlines and move this eight-year-old litigation
2 forward.

3 Hoopa defendants also urge this Court to expedite the
4 hearing of the motion because of pending federal legislation
5 concerning issues involved in this action. Again, Hoopa
6 defendants have known about this legislation long before they
7 filed their motion, and the fact that it is pending is not
8 sufficient reason to hear this motion as if it were an
9 emergency.

10 Federal defendants shall submit their compliance plan as
11 ordered, on pain of contempt, and the motion for a stay shall be
12 briefed and heard on a reasonable schedule.

13 Hoopa defendants' allegations in their moving papers of
14 dire consequences resulting from the April 8 Order do not
15 support the request for shortened time. Most of these events
16 must have begun long before Hoopa defendants filed the present
17 motion on May 24. Moreover, no reason appears why federal
18 defendants cannot resolve most or all of these alleged disasters
19 simply by fulfilling in a reasonable manner their duty, under
20 the April 8 Order, to supervise reservation government. Nothing
21 in that Order compels any party to disrupt essential social
22 services on the reservation.

23 Since Hoopa defendants filed their motion for a stay on
24 Tuesday, May 24, the earliest hearing date permissible under the
25 Local Rules would be June 27. However, in view of the urgency
26 felt by the Hoopa defendants and the willingness of the other
27 parties to shorten time, this Court will hear the motion on
28 Friday, June 17, at 9:00 AM, by telephone conference if the

1 parties so choose. Any party wishing to appear by telephone
2 shall notify the Court in writing no later than June 10. Any
3 responses to the motion from the other parties shall be filed on
4 or before Monday, June 6.

5 IT IS SO ORDERED.

6
7
8 DATED: May 26, 1988


9 _____
10 THELTON E. HENDERSON
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28