

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STIFEL, NICOLAUS & COMPANY, INC.,

Plaintiff,

ORDER

v.

13-cv-121-wmc

LAC COURTE OREILLES BAND OF
LAKE SUPERIOR CHIPPEWA INDIANS
OF WISCONSIN and LAC COURTE
OREILLES TRIBAL COURT,

Defendants.

ORDER BASED ON AGREED-UPON STAY OF TRIBAL COURT ACTION

In light of the stay of all proceedings in the Tribal Court and based on the parties' stipulation in this action, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Preliminary Injunction (Dkt. #24) shall be considered withdrawn, without prejudice to any of the arguments made therein.

3. Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin's Motion to Dismiss, or, In the Alternative, to Stay Proceedings (Dkt. #9) shall be considered withdrawn, without prejudice to any of the arguments made therein.

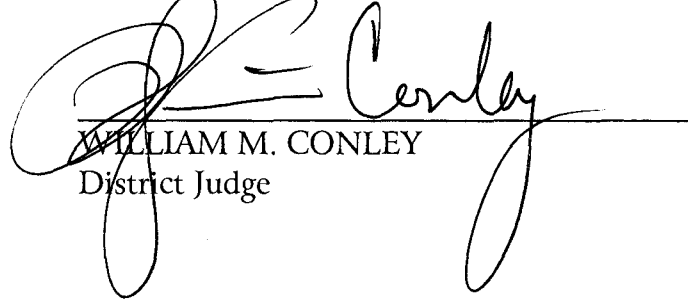
4. Plaintiff's claim against the Tribal Court only shall be dismissed without prejudice and without costs pursuant to Federal Rule of Civil Procedure 41. As a result, the Tribal Court's Motion to Dismiss Or, In the Alternative, to Stay Proceedings (Dkt. #12) shall be considered withdrawn as moot.

5. Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin's Expedited Request to Present the Court with Matters Outside the Pleadings (Dkt. #17) shall be considered withdrawn as moot.¹

6. The Band shall file its answer to Stifel's Complaint on or before June 21, 2013.

Entered this 29 th day of May, 2013.

BY THE COURT:



WILLIAM M. CONLEY
District Judge

¹ For defendants' future reference, all requests to file matters outside the pleadings should come with an attached copy of the information sought to be introduced, and need not be labeled "expedited." Typically, such requests will be decided at the same time as any relevant Rule 12(b) motions. If the extraneous material is appropriate for consideration at the pleading stage, it will be accounted for in the court's decision on the dismissal motion; if the case proceeds past the pleading stage and the extraneous material introduces disputed factual questions, the court will set briefing on an early motion for summary judgment.