

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **ED CV 14-00007 DMG (DTBx)** Date August 27, 2014

Title ***Agua Caliente Band of Cahuilla Indians v. Riverside County, et al.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS—ORDER RE ADDITIONAL BRIEFING FOR MOTION  
FOR JUDGMENT ON THE PLEADINGS [DOC. # 42]**

This matter is before the Court on the Motion for Judgment on the Pleadings filed by Defendants Riverside County, Larry W. Ward, Paul Angulo, Don Kent, and Intervener-Defendant Desert Water Agency (“DWA”) (collectively “Defendants”). [Doc. # 42.] On June 25, 2014, Plaintiff Agua Caliente filed an opposition. [Doc. # 43.] Defendants filed a reply on June 27, 2014. [Doc. # 45.] The motion is set for hearing on August 29, 2014.

In their Reply, Defendants argue for the first time that 25 C.F.R. § 162.017(c) is invalid because it exceeds the Bureau of Indian Affairs’ authority. (Reply at 9.) They also contend in their Reply that 25 C.F.R. § 162.017(c) does not preempt the County’s possessory interest taxes because the regulation states it is “subject to applicable federal law.” (*Id.*) These arguments appear to be the crux of the parties’ dispute, yet they are given only short-shrift in the Reply brief and, because they are raised in the Reply for the first time, deprive Plaintiff of the opportunity to respond.

Accordingly, the Court orders supplemental briefing on the issues identified above. Defendants shall file supplemental briefing by September 10, 2014. Plaintiff shall file its supplemental opposition by September 24, 2014. Defendants’ supplemental reply, if any, may be filed by October 1, 2014. The hearing set for August 29, 2014 is hereby **VACATED**. The Court will set another date for oral argument if it determines it is needed. If the parties believe that discovery is needed prior to briefing these issues, they may file a stipulation requesting that the Court modify the briefing schedule to permit such discovery and, if necessary, converting the Motion for Judgment on the Pleadings to one for Summary Judgment pursuant to Fed. R. Civ. P. 12(d).

**IT IS SO ORDERED.**