

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PYRAMID LAKE PAIUTE TRIBE,

Plaintiff,

v.

**SYLVIA BURWELL, Secretary, Health
and Human Services et al.,**

Defendants.

Case No. 1:13-cv-01771 (CRC)

ORDER

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED that [12] Plaintiff's motion for summary judgment is GRANTED in part and temporarily DENIED in part. The Court finds that the Indian Health Services ("IHS") violated the Indian Self-Determination and Education Assistance Act by canceling the Emergency Medical Service program formerly operated by IHS as part of the outpatient clinic facility at Fort McDermitt, Nevada ("EMS program") after the Pyramid Lake Paiute Tribe submitted a proposal to operate the program and by denying the Tribe's proposal on that basis. It is further

ORDERED that [14] Defendants' motion to dismiss or, in the alternative, for summary judgment, is DENIED. It is further

ORDERED that the parties shall enter into negotiations to establish a self-determination contract for the Pyramid Lake Paiute Tribe to carry out the EMS program at the amount the Secretary "would have otherwise provided" for the program, plus contract support and start-up costs, pursuant to the Indian Self-Determination and Education Assistance Act. It is further

ORDERED that a telephonic conference is hereby set for Friday, October 10, 2014 at 10:00 a.m. before Judge Christopher R. Cooper. The parties are instructed to jointly call chambers at 202-354-3480.

SO ORDERED.

CHRISTOPHER R. COOPER
United States District Judge

Date: October 7, 2014