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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STAND UP FOR CALIFORNIA!, 7911 Logan Lane, Penryn, California 95663

RANDALL BRANNON, 26171 Valerie Avenue, Madera, California 93638;

MADERA MINISTERIAL ASSOCIATION, 17755 Road 26, Madera, California 93638;

SUSAN STJERNE, 24349 Tropical Drive, Madera, California 93638;

FIRST ASSEMBLY OF GOD – MADERA, 22444 Avenue 18 ½, Madera, California 93637; and

DENNIS SYLVESTER, 18355 Road 25, Madera, California 93638,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR, 1849 C Street, N.W., Washington, D.C. 20240;
SARAH MARGARET ROFFEY JEWELL, in

Case No. 2:16-CV-02681 AWI EPG
[Related Cases: 16-cv-950-AWI and 1:15-cv-00419-AWI]
Hon. Anthony W. Ishii, Ctrm. 2
Mag. Judge Erica P. Grosjean, Ctrm. 10

PLAINTIFFS' REPLY TO FEDERAL DEFENDANTS AND INTERVENOR THE NORTH FORK RANCHERIA OF MONO INDIANS' OPPOSITIONS TO PLAINTIFFS' MOTION TO STAY ACTION

Complaint Filed: November 11, 2016

her official capacity as Secretary, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240;

BUREAU OF INDIAN AFFAIRS, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240;

LAWRENCE ROBERTS, in his official capacity as Principal Deputy Assistant Secretary, Bureau of Indian Affairs, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240,

Defendants.

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TABLE OF CONTENTS

SNELL & WILMER L.L.P.
600 ANTON BLVD, SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

TABLE OF AUTHORITIES

Page

Statutes

Other

SNELL & WILMER L.L.P.
600 ANTON BLVD, SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

SNELL & WILMER L.L.P.
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COSTA MESA, CALIFORNIA 92626-7689

MEMORANDUM OF POINTS AND AUTHORITIES

I. THIS COURT HAS AUTHORITY TO STAY THE LITIGATION PENDING THE CALIFORNIA SUPREME COURT'S DECISION ON THE STATE-LAW ISSUE UNDERLYING THE FEDERAL CLAIMS

Both the North Fork Tribe and the Federal Defendants argue that this court has no authority whatsoever to stay this litigation pending the outcome of the California Supreme Court's decision on whether the governor had authority to concur in the two-part determination that resulted in land being taken into trust for the North Fork Tribe for purposes of gaming. Defendants are wrong. Their arguments not only confuse the separate doctrines articulated in *Landis v. N. Am. Co.*, 299 U.S. 248 (1936) and *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976), but the defendants' broad interpretation of the cases denying a stay is also unjustified. Federal courts adjudicating claims over which they have exclusive jurisdiction have repeatedly held that *Landis* provides authority to grant a stay of the litigation pending the outcome of a state case. Moreover, there should be little doubt that this court has authority to stay these proceedings where, under the unusual circumstances presented, the federal claim over which the court has exclusive jurisdiction turns on a question of state law that is currently pending in the California Supreme Court. Defendants have cited no case rejecting a court's authority to stay under such circumstances.

A. This Court has authority to stay this action

Although defendants correctly acknowledge that "*Landis* and *Colorado River* are separate doctrines," (Dkt. 43 {Fed. Def. Opp. to Motion to Stay} at 3; Dkt. 39 {N.F. Tribe Opp. to Motion to Stay} at 5-6), they incorrectly conclude that the *Colorado River* doctrine applies whenever a party seeks to stay federal litigation in favor of pending state court proceedings. That is simply not true. The *Colorado River* doctrine applies only when federal and state courts have *concurrent* jurisdiction over parties' disputes. Because that doctrine is concerned only with wise judicial administration between competing courts with concurrent jurisdiction, however, several courts have held that *Colorado River* stays cannot be granted where the federal court has exclusive jurisdiction—that is, where the state court has "no jurisdiction" to "adjudicate the claims at issue

in the federal suits." *Silberkleit v. Kantrowitz*, 713 F.2d 433, 436 (9th Cir.1983) (quoting *Arizona v. San Carlos Apache Tribe*, 463 U.S. 545 (1983)); see also *Minucci v. Agrama*, 868 F.2d 1113, 1115 (9th Cir. 1989).

But even if a stay under *Colorado River* is unavailable under such circumstances, that does not preclude this court from granting a stay under *Landis*. Indeed, federal courts have issued stays under the *Landis* doctrine where, as here, the claims are under the exclusive jurisdiction of the federal court, but a related action is also pending in state court. See, e.g., *Klein v. Walston & Co.*, 432 F.2d 936 (2d Cir. 1970) (stay of claims under Securities Exchange Act, over which the federal court has exclusive jurisdiction, pending resolution of state action); *Amdur v. Lizars*, 372 F.2d 103 (4th Cir. 1967) (upholding stay of federal action pending resolution of more advanced state action); see also 7C Charles Alan Wright et. al., Federal Practice and Procedure § 1838 (3d ed.) (Although *Landis* concerned the pendency of a prior federal action, the doctrine has been used to stay a federal action in favor of a state action).

More recently, Judge Davila of the Northern District of California explicitly rejected the argument that "district courts have no discretion to stay a claim that is subject to exclusive federal jurisdiction," and granted a stay under the *Landis* doctrine. *Klein v. Cook*, No. 5:14-CV-03634-EJD, 2015 WL 2454056, at *1 (N.D. Cal. May 22, 2015). That case involved a shareholder derivative action brought on Apple's behalf against several current and former board members asserting claims that defendants had violated the Securities Exchange Act of 1934, claims over which the federal court indisputably had exclusive jurisdiction. *Id.* at *1. Defendants moved to stay the federal proceeding pending the resolution of three related shareholder derivative actions that were pending in state court. In opposition to the stay request, plaintiff argued—as the defendants here contend—that "under the *Colorado River* doctrine, district courts have no discretion to stay a claim that is subject to exclusive federal jurisdiction . . . ." *Id.* at *2. The court rejected that argument and granted the stay. The court explained that "[i]n *Colorado River*, the Supreme Court addressed the issue of concurrent jurisdiction where both the state court and the federal court had jurisdiction over controversies involving a federal right." *Id.* at *3. Where a court has exclusive jurisdiction over federal claims, however, there is no risk that the state court

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will effectively adjudicate the federal claim, and there is no risk of the federal court abdicating its responsibility to decide the federal issues simply by granting a stay. *Ibid.* "Therefore, pursuant to this court's inherent power to control its docket, the *Landis* standard is appropriate for the instant motion to stay." *Ibid.*

This court should, likewise, reject defendants' assertion that it lacks all authority to stay this proceeding.

B. <u>The cases cited by defendants do not require a different outcome</u>

Despite the above, defendants cite the decision in *Minucci v. Agrama*, 868 F.2d 1113 (9th Cir. 1989) for the proposition that "the Ninth Circuit has held that courts may only stay claims that are within the *concurrent* jurisdiction of the federal courts." [Dkt. 39 at 6.] This is mistaken for two reasons.

First, the Ninth Circuit in *Minucci* holds only that the *Colorado River* doctrine does not give federal district courts authority to stay federal proceedings pending the outcome of state court litigation where the claim is within the exclusive jurisdiction of the federal courts. That court did not, however, foreclose the possibility of stays under other doctrines. 868 F.2d at 1115. Indeed, it is telling that the court in *Minucci* never cites to or discusses the application of *Landis*. In fact, with one exception, none of the other appellate court decisions cited by defendants even consider *Landis* let alone reject the authority of a district court under that doctrine to issue a stay under such circumstances. See, e.g., *Intel Corp. v. Advanced Micro Devices, Inc.*, 12 F.3d 908, 912 (9th Cir. 1993) (no citation to *Landis*); *Scotts Co. v. Seeds, Inc.*, 688 F.3d 1154, 1158 (9th Cir. 2012) (same); *Silberkleit*, 713 F.2d at 436 (same); *Medema v. Medema Builder*, 854 F.2d 210, 214 (7th Cir. 1988) (same); *Ambrosia Coal & Constr. Co. v. Pages Morales*, 368 F.3d 1320, 1328 (11th Cir. 2004) (same).[1]

Second, and more importantly, the rationale courts have applied to reject a district court's authority to stay federal proceedings simply does not apply where, as here, the federal claim over

[1] The one exception is *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013). As explained next, however, the reasoning in that and other cases rejecting a district court's authority to stay when it has exclusive jurisdiction over a federal claim does not apply where, as here, that federal claims turns on a question of state law that is currently pending in the state supreme court in litigation between the parties.

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which this court has exclusive authority necessarily turns on questions of state law that are currently pending in the state supreme court in parallel litigation between the parties. In each of the cases cited by the defendants, courts have relied on the "virtually unflagging obligation of the federal courts to exercise the jurisdiction given them" and have reasoned that staying federal proceedings pending the outcome of state proceedings would effectively abrogate that obligation by deferring to the state court's determination of the parties' dispute. For example, in *Minucci*, the Ninth Circuit recognized that resolution of the state court proceedings would necessarily include adjudication of the factual issues involved in the federal claims. 868 F.3d at 1114. Deferring to the state court would effectively resolve the parties' dispute, which was inconsistent with the district court's "unflagging obligation" to resolve the federal claims over which it had exclusive jurisdiction. *Id.* at 1115. Other cases cited by defendants for the proposition that district courts lack authority to stay federal proceedings involving an exclusively federal claim pending the outcome of parallel proceedings in state court are similarly concerned that stays under such circumstances would effectively abrogate the federal court's obligation to resolve the federal claims by deferring to the state court's determination of the parties' dispute.[2] See, e.g., *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1, 25-26 (U.S. 1983) ("our task . . . is not to find some substantial reason for the *exercise* of federal jurisdiction by the district court; rather, the task is to ascertain whether there exist 'exceptional' circumstances . . . to justify the *surrender* of that jurisdiction" (emphasis in original); *Silberkleit*, 713 F.2d at 435-36; *Ambrosia Coal & Const. Co. v. Pages Morales*, 368 F.3d 1320, 1328 (11th Cir. 2004).

That concern with protecting the federal court's obligation to resolve the federal claim simply does not apply here, however, because the federal claim itself is necessarily dependent on a question of state law. Stand Up's fifth claim for relief asserts that the Secretarial Procedures are invalid because the governor lacked authority to concur in the determination to allow gaming. [See Dkt. 28 {Stand Up Motion to Stay at 1-2}.] On the question of the governor's authority to

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[2] This was certainly the concern in the cases this court found "persuasive" in *Abrahamson v. Berkley*, No. 1:16-CV-0348 AWI BAM, 2016 WL 8673060, at *19, n.14 (E.D. Cal. Sept. 2, 2016). See, e.g., *Schulein v. Petroleum Dev. Corp.*, No. SACV111891AGANX, 2012 WL 12884851, at *8 (C.D. Cal. June 25, 2012)

concur, however, this court will necessarily have to defer to the California Supreme Court's decision because the governor's authority is indisputably a question of state law. See, e.g., *Muniz v. United Parcel Serv., Inc.*, 738 F.3d 214, 219 (9th Cir. 2013) ("Decisions of the California Supreme Court, including reasoned dicta, are binding on us as to California law."); *Glendale Assocs., Ltd. v. NLRB*, 347 F.3d 1145, 1154 (9th Cir. 2003) ("When the state's highest court has not squarely addressed an issue, we must predict how the highest state court would decide the issue using intermediate appellate court decisions, decisions from other jurisdictions, statutes, treaties and restatements for guidance." (internal quotation marks omitted)).

Thus, unlike all of the cases cited by defendants for the proposition that a district court has no authority to stay an action with exclusively federal claims, a stay in this case would not pose any risk that this court would inappropriately defer to the state court's decision in resolving the exclusively federal claim. Such deference here is not only proper, but is required.

Granting a stay here would not be an abdication of the federal court's responsibility to resolve federal questions, but would be more like the procedure federal courts use for certifying controlling state law questions, a procedure the United States Supreme Court has enthusiastically endorsed, and which applies even when claims fall within the exclusive jurisdiction of federal courts. See *Lehman Bros. v. Schein*, 416 U.S. 386, 389-90 (1974) (approving of certification procedure and noting that it has been used both by the U.S. Supreme Court and courts of appeals); *In re Mooney*, 812 F.3d 1276, 1278 (11th Cir.) (certifying three questions to Georgia Supreme Court in an appeal involving federal bankruptcy questions over which the federal courts have exclusive jurisdiction). Indeed, as the Supreme Court has noted, "when state law does not make the certification procedure available, a federal court not infrequently will stay its hand, remitting the parties to the state court to resolve the controlling state law on which the federal rule may turn." *Lehman Bros.*, 416 U.S. at 390.

This court, therefore, has the authority to stay this action pending the California Supreme Court's resolution of a state-law issue on which Stand Up's federal claim turns.

II. THIS CASE SHOULD BE STAYED UNDER LANDIS

Contrary to the North Fork Tribe's arguments, a stay under *Landis* is warranted because

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the stay will cause no harm to the North Fork Tribe or the federal defendants, but the denial of a stay will be highly prejudicial to Stand Up. Granting the requested stay will narrow the issues before the Court, potentially to a single issue—whether the Secretarial Procedures can legally authorize gaming where the Governor's concurrence has been invalidated. *See Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (identifying *Landis* factors). Finally, the Supreme Court will decide the concurrence issue within a reasonable time.

A. <u>The North Fork Tribe's claimed injury is self-inflicted and does not arise out of the requested stay</u>

The North Fork Tribe argues that a stay will cause injury by "maintain[ing] a cloud of federal litigation over [the] North Fork [Tribe]'s project" and "Stand Up should not be permitted to keep its case hanging over the project." [Dkt. 39 at 10, 11]. The North Fork Tribe contends that Stand Up is engaged in "scorched earth" tactics, which have failed at every turn. [Dkt. 39 at 1, 12.] This, however, is untrue, and the North Fork Tribe fails to mention that any injury resulting from "a cloud of federal litigation" is, at least partially, of its own making. After Stand Up prevailed on appeal in state court and the California Fifth District Court of Appeal held the Governor's concurrence to be invalid, Stand Up amended its complaint in this action to assert the Fifth Claim. The Tribe, however, petitioned for review of the state-court decision to the California Supreme Court, which the California Supreme Court granted. *Stand Up for California! v. State*, 390 P.3d 781 (Cal. 2017). It was the Tribe's successful petition, therefore, that precipitated Stand Up's request for a stay.

The injury the Tribe asserts, related to its ability to obtain financing [Dkt. 39 at 10], would also not be a direct result of a stay. Rather, it would be the result of the case pending before the California Supreme Court. And whether this Court grants a stay in this case will have no impact on the California Supreme Court's resolution of the issue. Nor will a decision to deny a stay remove the alleged cloud of litigation related to the Supreme Court's decision. Any uncertainty that remains in the status of the Tribe's ability to conduct gaming under the Secretarial Procedures will persist until the Tribe's appeal to the California Supreme Court is resolved.

Additionally, the North Fork Tribe splits hairs in claiming that it did not previously state

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that it was amenable to a stay pending resolution of the concurrence issue by the California Supreme Court. The Tribe argues that it "supported a stay only if the Court [in *Picayune*] rejected [the] North Fork [Tribe]'s federal-law arguments and instead decided that Picayune's case turned on state law." [Dkt. 39 at 11. This case, as discussed above and in Stand Up's motion for summary judgment, turns on state law. Rather than acknowledging that a stay is appropriate to the extent this case turns on state law, the Tribe argues that since making the statement it has changed its mind because it discovered cases suggesting a stay cannot be granted under *Landis*. This change, however, is based on misunderstanding the *Colorado River* doctrine.

B. Stand Up will suffer hardship if the stay is denied

If the Court denies Stand Up's motion to stay, Stand Up faces an untenable and paradoxical situation. On the one hand, as the Tribe correctly points out, the Court cannot adjudicate the validity of the Governor's concurrence without the presence of the State of California; and on the other hand, contrary to the Tribe's assertions, Stand Up has not brought any claim in this case challenging the validity of the Governor's concurrence. Rather, Stand Up challenges the effect of that invalidity on the legality of the Secretarial Procedures.

The Tribe's opposition to a stay is directed almost exclusively at forcing the Court to narrow the legal issues in Stand Up's Fifth Claim to the collateral estoppel issue, and thereby deprive Stand Up of the opportunity to fairly litigate a claim that it has not filed in any federal court. At the time Stand Up amended its complaint in this action, the state court of appeal had held the Governor's concurrence invalid as a matter of California law. This situation was altered, not by any ruling in the District of Columbia Action, but by the Tribe's petition for review in the California Supreme Court and the Court's grant of the petition.

This paradoxical position is prejudicial to Stand Up's opportunity to seek relief on its Fifth Claim. If the Court denies the stay and concludes that Stand Up is collaterally estopped from asserting its Fifth Claim in this action, Stand Up will refile after the Supreme Court makes a final determination regarding the Governor's authority to concur. Once the Supreme Court makes that determination, the collateral estoppel issue disappears, the district court will be bound by the Supreme Court's decision, and the case can proceed directly to merits of Stand Up's challenge.

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See Muniz, 738 F.3d at 219 ("Decisions of the California Supreme Court, including reasoned dicta, are binding on us as to California law."). At that point, however, Stand Up will likely face defenses from the government and the North Fork Tribe based on the Tribe's assertion of sovereign immunity.

Because the Tribe's action by petitioning for review have placed Stand Up in an untenable position in relation to the Fifth Claim, equity requires that the Court stay disposition under *Landis* pending the decision of the California Supreme Court.

Finally, while a denial of the stay will be highly prejudicial to Stand Up, *Landis* does not require that Stand Up demonstrate that it will in fact suffer any particular hardship. *Landis* holds that if there is "even a fair possibility" of harm to the Tribe or the Federal defendants, Stand Up then "must make out a clear case of hardship or inequity." *Landis*, 299 U.S. at 255. Here, there is not a fair possibility of harm to the Tribe or the government. Any cloud of litigation over the Tribe's project will persist until the California Supreme Court reaches a decision. Moreover, the Tribe should not be allowed to claim any injury from pending and uncertain litigation where any claimed injury is not attributable to Stand Up's requested stay or where the Tribe has precipitated the continued litigation, acknowledged the state-law issue's importance to pending federal litigation, and stated it was amendable to a stay if the *Picayune* case challenging the Secretarial Procedures turned on an issue of state law.

C. Resolution of Stand Up's Fifth Claim could eliminate the need for this Court to address other claims in the First Amended Complaint

The North Fork Tribe asserts that "Stand Up does not even contend that the California Supreme Court's decision affects the legal issues in its first four claims." (Dkt. 39. at 1.) Not so. Stand Up argued in its opening brief that, "the pending decision by the California Supreme Court regarding the validity of the Governor's concurrence under California law is necessary to the resolution of Stand Up's fifth claim and potentially dispositive of the entire case." (Dkt. 28 at 5.)

A stay will necessarily narrow and simplify the issues before the Court. Contrary to the arguments it makes here, the North Fork Tribe acknowledged as much in its petition seeking to convince the Supreme Court to grant review. [*See* RJN, Ex. 3, at 25{Petition for Review}

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COSTA MESA, CALIFORNIA 92626-7689

(acknowledging that the resolution of the concurrence issue under state law may impact federal actions related to the Tribe's trust decision).] Should the California Supreme Court invalidate the concurrence, this Court could resolve this case on the Fifth Claim alone without addressing any of the others. If the concurrence is held invalid, this Court can then address Stand Up's claim that gaming cannot be authorized under the Secretarial Procedures because gaming under IGRA is contingent on a valid concurrence. 25 U.S.C. § 2719(b)(1)(A). If this Court determines that the Secretarial Procedures are invalid as the result of the failed concurrence, there will be no need for the Court to address Stand Up's other claims. The Secretary's violation of the Johnson Act, NEPA, or the Clean Air Act would be moot.

Alternatively, should the Supreme Court hold the Governor's concurrence was valid, Stand Up's Fifth Claim would fail. The Court would therefore only need to address Stand Up's other claims. Thus there is no argument that the Supreme Court's decision would not simplify the issues before the Court and further the ordinary course of justice.

The North Fork Tribe argues that "a stay would frustrate the course of justice by undermining IGRA's goal of facilitating gaming by Indian tribes under Secretarial procedures on an 'expedited basis.'" [Dkt. 39 at 12.] Contrary to this assertion, however, the purpose of the Governor's concurrence provision in IGRA is not to expedite tribal gaming, but rather to provide states with an outright veto over off-reservation gaming. *See Confederated Tribes of Siletz Indians v. U.S.*, 841 F. Supp.1479, 1491-92 (D. Or. 1994), *aff'd on other grounds*, 110 F.3d 688 (9th Cir. 1097) ("The meaning of § 2719(b)(1)(A) is unmistakably clear: Congress made state's interests paramount by granting the Governor veto power over the DOI's determination.") Thus, the Tribe's need to expeditiously conduct gaming under the Secretarial Procedures should not outweigh concerns over whether the Tribe has any such right to conduct gaming in the first place.

The North Fork Tribe's assertion that Stand Up is collaterally estopped from bringing a claim based in the Governor's concurrence by the District of Columbia court's ruling is also incorrect. (Dkt. 39 at 3). Collateral estoppel prevents a party from relitigating an issue decided in a previous action if: (1) the issue is identical to one alleged in prior litigation; (2) the issue was "actually litigated" in the prior litigation; and (3) the determination of the issue in the prior

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litigation was "critical and necessary" to the judgment. *Beauchamp v. Anaheim Union High Sch. Dist.*, 816 F.3d 1216, 1225 (9th Cir. 2016) (citation omitted). The North Fork Tribe fails on at least two of the three elements. The issue here, whether the Governor's concurrence was valid, was not actually litigated in the District of Columbia court, which held that the State of California was in indispensable party. Indeed, the District of Columbia court passed on the issue, holding that it could not "address the validity of the California Governor's concurrence under California law." *Stand Up for California! v. U.S. Dep't of the Interior*, 204 F. Supp. 3d 212, 251 (D.D.C. 2016). Because the issue was never addressed, it follows that the issue played no part in the judgment. Contrary to the North Fork Tribe's assertion, the District of Columbia court did not hold that the State of California is an indispensable party to any federal claim based on the Governor's concurrence. (Dkt. 39 at 3) Rather, the court held that the State of California would be an indispensable party to "any challenge to the validity of the Governor's concurrence." *Stand Up for California!*, 204 F. Supp. 3d at 251. Stand Up does not challenge the Governor's concurrence in the instant action because the validity of the concurrence is based exclusively on state law. The relevant ruling at the time Stand Up made its fifth claim held that the Governor's concurrence was invalid. *Stand Up for California! v. State*, 6 Cal. App. 5th 686, 691 (Ct. App. 2016). Stand Up sought the instant stay pending resolution of this issue by the California Supreme Court— only after The California Supreme Court granted the North Fork Tribe's petition for review—so that this court need not determine the validity of the Governor's concurrence.

D. <u>The Supreme Court will resolve the concurrence issue within a reasonable time</u>

In arguing *Stand Up for California! v. State* will not be resolved within a reasonable time, the North Fork Tribe relies on the fact that the Supreme Court has held any briefing in *Stand Up* pending a decision in *United Auburn*. [Dkt. 39 at 13.] *Stand Up*, however, will likely be resolved entirely by *United Auburn*. According to the North Fork Tribe in its petition for review, the split between the Third and Fifth Districts occurred under "legally indistinguishable circumstances." [RJN, Ex. 3 at 2.] Under this view, resolution in *United Auburn* would also resolve *Stand Up*. The only scenario in which the Supreme Court would likely order briefing in *Stand Up* is if the

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decision in *United Auburn* leads to the conclusion that the concurrence is fact dependent and the Governor does not have general concurrence authority.

The briefing in *United Auburn* is well underway. Both the opening brief and the answering brief have been filed and the reply brief is due on August 16, 2017.[3] Finally, in evaluating whether the resolution will be within a reasonable time, the Court should consider that Supreme Court's decision is necessary for a just adjudication of Stand Up's Fifth Claim.

III. CONCLUSION

For the foregoing reasons, the Court should stay these proceedings pending a decision by the California Supreme Court on the legality Governor Brown's concurrence.

Dated: July 26, 2017

SNELL & WILMER L.L.P.

By: /s/ *Sean M. Sherlock*
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[3] Docket (Register of Actions) *United Auburn Indian Community of the Auburn Rancheria v. Brown*, Case No. S23854, *available at* http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=2170450&doc_no=S238544 (last visited July 25, 2017).

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2017, the attached document PLAINTIFFS' REPLY TO FEDERAL DEFENDANTS AND INTERVENOR THE NORTH FORK RANCHERIA OF MONO INDIANS' OPPOSITIONS TO PLAINTIFFS' MOTION TO STAY ACTION was electronically transmitted to the Clerk of the Court using the CM/ECF System which will send a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: July 26, 2017

SNELL & WILMER L.L.P.

By: */s/ Kimberly A. Collins*
Kimberly A. Collins

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