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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BP AMERICA INC., and ATLANTIC  
RICHFIELD COMPANY,

Plaintiffs,

v.

YERINGTON PAIUTE TRIBE; LAURIE A.  
THOM in her official capacity as Chairman  
of the Yerington Paiute Tribe; YERINGTON  
PAIUTE TRIBAL COURT; and SANDRA-  
MAE PICKENS in her official capacity as  
Judge of the Yerington Paiute Tribal Court,

Defendants.

Case No. 3:17-cv-0588-LRH-(WGC)

ORDER

Before the court are the parties' recent status reports concerning the dismissal of the underlying tribal litigation. ECF Nos. 75, 76, 77. The parties have reported to the court that defendant Sandra-Mae Pickens, the Tribal Judge for the Yerington Paiute Tribal Court, dismissed the underlying tribal litigation filed by defendant Yerington Paiute Tribe which was the sole basis for plaintiff's present complaint.

The court has reviewed the parties' status reports and finds that the dismissal of the underlying tribal litigation moots the present action because plaintiffs' only requested relief in the present complaint is for dismissal of the tribal litigation. However, the court disagrees with plaintiffs' contention that dismissal of the tribal litigation does not moot the present action

1 under the voluntary cessation exception to the mootness doctrine. Instead, the court agrees with  
2 defendants that because the Yerington Paiute Tribe did not voluntarily withdraw its complaint  
3 in the Tribal Court as it was dismissed by the Tribal Judge, the voluntary cessation doctrine  
4 does not apply. Further, the court finds that even though that dismissal in Tribal Court was  
5 without prejudice, plaintiffs have failed to show any indication by the Tribe that it will refile  
6 the tribal litigation or that such tribal litigation would then not be dismissed by the  
7 Tribal Judge. Therefore, the court finds that dismissal of the tribal litigation moots the present  
8 action. Accordingly, the court shall dismiss plaintiffs' amended complaint (ECF No. 37) and  
9 the parties' remaining pending motions (ECF Nos. 38, 41, 51, 53).

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11 IT IS THEREFORE ORDERED that plaintiffs' amended complaint (ECF No. 37) is  
12 DISMISSED as moot.

13 IT IS FURTHER ORDERED that the parties' pending motions (ECF Nos. 38, 41, 51,  
14 53) are DENIED as moot.

15 IT IS SO ORDERED.

16 DATED this 26th day of July, 2018.

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19 LARRY R. HICKS  
20 UNITED STATES DISTRICT JUDGE  
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