

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

Assiniboine & Sioux Tribes of :
the Fort Peck Indian : Civil Action No. 02-0035 (JR)
Reservation v. Norton, et al. :

Standing Rock Sioux Tribe v. :
Norton, et al. : Civil Action No. 02-0040 (JR)

Three Affiliated Tribes of :
the Fort Berthold Reservation : Civil Action No. 02-0253 (JR)
v. Norton, et al. :

Shoshone-Bannock Tribes of :
the Fort Hall Reservation v. : Civil Action No. 02-0254 (JR)
Norton, et al. :

Chippewa Cree Tribe of the :
Rocky Boy's Reservation v. : Civil Action No. 02-0276 (JR)
Norton, et al. :

Yankton Sioux Tribe v. :
Norton, et al. : Civil Action No. 03-1603 (JR)

Osage Tribe of Indians of :
Oklahoma v. USA, et al. : Civil Action No. 04-0283 (JR)

Crow Creek Sioux Tribe v. :
Kempthorne, et al. : Civil Action No. 04-0900 (JR)

Omaha Tribe of Nebraska v. :
Kempthorne, et al. : Civil Action No. 04-0901 (JR)

Oglala Sioux Tribe v. :
Kempthorne, et al. : Civil Action No. 04-1126 (JR)

The Confederated Tribes of :
the Colville Reservation v. : Civil Action No. 05-2471 (JR)
Norton, et al. :

Wyandot Nation of Kansas v. :
Kempthorne, et al. : Civil Action No. 05-2491 (JR)

Rosebud Sioux Tribe v. :
Kempthorne, et al. : Civil Action No. 05-2492 (JR)

Winnebago Tribe of Nebraska :
v. Kempthorne, et al. : Civil Action No. 05-2493 (JR)

Lower Brule Sioux Tribe v. :
Kempthorne, et al. : Civil Action No. 05-2495 (JR)

Prairie Band of Potawatomi :
Nation v. Kempthorne, et al. : Civil Action No. 05-2496 (JR)

Te-Moak Tribe of Western :
Shoshone Indians v. : Civil Action No. 05-2500 (JR)
Norton, et al. :

Cheyenne River Sioux Tribe v. :
Kempthorne, et al. : Civil Action No. 06-1897 (JR)

Stillaguamish Tribe of :
Indians v. Kempthorne, et al. : Civil Action No. 06-1898 (JR)

Iowa Tribe of Kansas and :
Nebraska v. Kempthorne, et al.: Civil Action No. 06-1899 (JR)

Confederated Tribes of the :
Goshute Reservation v. : Civil Action No. 06-1902 (JR)
Kempthorne, et al. :

Muskogee (Creek) Nation of :
Oklahoma v. Kempthorne, et al.: Civil Action No. 06-2161 (JR)

Eastern Shawnee Tribe of :
Oklahoma v. Kempthorne, et al.: Civil Action No. 06-2162 (JR)

Northwestern Band of Shoshone :
v. Kempthorne, et al. : Civil Action No. 06-2163 (JR)

Red Cliff Bank of Lake :
Superior Indians v. : Civil Action No. 06-2164 (JR)
Kempthorne, et al. :

Pechanga Band of Luiseno :
Mission Indians v. : Civil Action No. 06-2206 (JR)
Kempthorne, et al. :

Colorado River Indian Tribes :
v. Kempthorne, et al. : Civil Action No. 06-2212 (JR)

Tohono O'Odham Nation v. :
Kempthorne, et al. : Civil Action No. 06-2236 (JR)

Nez Perce Tribe, et al. v. :
Kempthorne, et al. : Civil Action No. 06-2239 (JR)

Passamaquoddy Tribe of :
Maine v. Kempthorne, et al. : Civil Action No. 06-2240 (JR)

Salt River Pima-Maricopa :
Indian Community v. : Civil Action No. 06-2241 (JR)
Kempthorne, et al. :

Coer D'Alene Tribe v. :
Kempthorne, et al. : Civil Action No. 06-2242 (JR)

Ak-Chin Indian Community v. :
Kempthorne, et al. : Civil Action No. 06-2245 (JR)

Sokaogon Chippewa Community :
v. Kempthorne, et al. : Civil Action No. 06-2247 (JR)

Gila River Indian Community :
v. Kempthorne, et al. : Civil Action No. 06-2249 (JR)

Northern Cheyenne Tribe of :
Indians v. Kempthorne, et al. : Civil Action No. 06-2250 (JR)

Haudenosaunee: The Onondaga :
Nation v. Kempthorne, et al. : Civil Action No. 06-2254 (JR)

Jicarilla Apache Nation v. :
Department of Interior : Civil Action No. 07-0803 (JR)

ORDER

At a status conference on June 6, 2007, the government requested a stay of discovery for 60 days to permit the briefing and consideration of an anticipated motion to remand Salt River Pima-Maricopa Indian Community v. Kempthorne, No. 06-cv-02241; Ak-Chin Indian Community v. Kempthorne, No. 06-cv-02245; Passamaquoddy Tribe of Maine v. Kempthorne, No. 06-cv-02240; and Tohono O'odham Nation v. Kempthorne, No. 06-cv-02236 to the

Department of the Interior for administrative proceedings. My reaction from the bench was to suggest, in the interest of conserving the resources of the parties and the Court, that the government file its remand motion in all of the 38 essentially identical tribal suits that are assigned to and pending before me. The government objects to that suggestion, mostly because settlement talks are ongoing in many of those cases. Plaintiffs object to any stay, arguing that the government's remand idea has already been rejected in a related case, see, e.g., Plaintiff's Comments Regarding Defendants' Request to File a Remand Motion, No. 06-02236, Dkt. #12 at 7-10.

After considering the arguments of the parties, I believe that significant economies can be achieved by resolving this administrative remand issue once and for all. It is accordingly

ORDERED that all proceedings in these cases are **stayed** for 30 days from the date of this order. It is

FURTHER ORDERED that the government has **30 days from the date of this order** to file its anticipated remand motion in any or all of these cases. It is

FURTHER ORDERED that those cases in which the government files such a motion will be **consolidated for the limited purpose of the remand motion** and **further stayed** until the motion is decided. And it is

FURTHER ORDERED that, in any case in which the government does not file such a motion, the government will be **deemed to have waived** its remand argument.

JAMES ROBERTSON
United States District Judge