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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,) IN EQUITY NO. C-125-RCJ
10) Subproceedings: C-125-B
Plaintiff,) 3:73-CV-00127-RCJ-WGC

11)
12 WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor,)

13 v.)
14)

15 WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
16 Defendants.)

**UNITED STATES' MOTION TO STAY
BRIEFING DEADLINE**

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18 The United States of America (“United States”), by and through the United States Attorney for
19 the District of Nevada, moves this Court to stay the May 31, 2014, deadline for the United States to
20 respond to Motions to Dismiss filed and joined by various Defendants on March 31, 2014 . Such
21 deadline was established in the briefing schedule provided by the Court in its November 4, 2013,
22 Minutes of Proceedings. ECF No. 1958. The following grounds are presented in support of this
23 Motion.
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1 1. At the time that the Court set the current briefing schedule, Andrew Guarino and David
2 Negri, attorneys with the Department of Justice’s Environment and Natural Resources Division
3 (“ENRD”), had been assigned responsibility for this litigation and had regularly appeared in this Court
4 as counsel for the United States – Mr. Guarino since December, 2012, in this case and Mr. Negri since
5 August, 2003, in this and other cases.

6 2. As explained in the United States’ Motion For Expedited Reconsideration (ECF No.
7 1970), the Court had previously mentioned a local rule providing for appearances by government
8 counsel upon motion by the United States Attorney for the District of Nevada and stated, in regards to
9 Mr. Guarino and Mr. Negri, that it “will in fact grant the motion of the local U.S. Attorney to allow you
10 to appear.” Accordingly, the U.S. Attorney for the District of Nevada then filed a motion to permit the
11 appearance of Mr. Guarino and Mr. Negri on behalf of the United States during the period of their
12 employment by the United States. ECF No. 1919. On January 15, 2014, subsequent to establishment of
13 the briefing schedule at issue, the Court issued an Order denying the motion to appear (“Order”). ECF
14 No. 1968.

15 3. The United States, on January 29, 2014, moved the Court for expedited reconsideration
16 of its Order denying admission of government attorneys (ECF # 1970) (“Motion for Expedited
17 Reconsideration”). As explained more fully in the United States’ Motion for Expedited Reconsideration,
18 which explanation the United States incorporates herein by reference, Congress has granted the Attorney
19 General sole authority to determine how litigation under his supervision will be staffed and the Court’s
20 Order infringes upon that authority by directing that only the U.S. Attorney’s Office for the District of
21 Nevada may represent the United States in this litigation so long as it is not incapable of handling the
22 matter. The United States further explained that expedited reconsideration of the United States’ Motion
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1 to Admit Government Attorneys is appropriate in consideration of the briefing schedule that the United
2 States hereby moves to stay.

3 4. As a result of the Court's Order, Mr. Guarino and Mr. Negri are prevented from
4 representing the United States in this action and the United States is left without counsel designated by
5 the Attorney General to appear on behalf of the United States in this action. Consequently, the United
6 States is presently unable to respond to the Motions to Dismiss.

7 **WHEREFORE**, the United States requests that the Court stay the May 31, 2014, deadline for
8 the United States' responses pending action by the Court on the United States' Motion For Expedited
9 Reconsideration.

10 Dated: April 15th , 2014

11 Respectfully submitted,

12 DANIEL G. BOGDEN
13 United States Attorney

14 Holly A. Vance
15 HOLLY A. VANCE
16 Assistant United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that pursuant to LCR 47-11 service of the foregoing **UNITED STATES' MOTION TO STAY BRIEFING DEADLINE** was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

DATED this 15th day of April, 2014.

/s/ Holly A. Vance
HOLLY A. VANCE