

1 127, are two motions to dismiss, a motion to stay, a motion to vacate briefing schedule, a motion
2 to extend time, a motion to shorten time, a motion for leave to file excess pages, and a Report
3 and Recommendation (“R&R”) from the magistrate judge. Pending before the Court in the C-
4 125-C Case, No. 3:73-cv-128, are a motion to dismiss, a motion to stay, a motion to vacate
5 briefing schedule, a motion to extend time, and a motion to shorten time.

6 **I. C-125-B**

7 The Court denies the motion to stay in this subfile as moot. On May 16, 2014, the United
8 States filed a petition for a writ of mandamus ordering the Court to permit Attorneys Guarino and
9 Negri to appear in the present action. Accordingly, on May 27, 2014, the Court of Appeals
10 stayed the May 27, 2014 deadline for the United States to file a response to the pending Motions
11 to Dismiss (ECF Nos. 1980, 1981). When the Court later admitted the attorneys, the Court of
12 Appeals ordered the United States to file a supplemental brief addressing mootness. The United
13 States has filed a brief arguing that the petition is not moot. Mineral County has now asked the
14 Court to clarify the scope of the stay ordered by the Court of Appeals in the present case, i.e.,
15 whether it applies to Mineral County’s own opposition. The Court finds that regardless of
16 whether the petition for a writ of mandamus is moot and regardless of whether the stay applies
17 only to the petitioner (the United States) or to the other parties, as well, the motion to stay
18 briefing on the underlying motions is moot because Mineral County, the Walker River Paiute
19 Tribe, and the United States (through the attorneys whom the United States sought a writ of
20 mandamus for the Court to admit and whom the Court has now admitted) have all since filed
21 their separate oppositions to the motions to dismiss. Moreover, the motion to stay is moot
22 because the Court denies the motions to dismiss in this subfile via the present Order, without
23 prejudice, because it grants the motion to vacate the briefing schedule on those motions pending
24 the issuance of a superseding order on service in this subfile, which the Court also issues via the
25 present Order.

1 **II. C-125-C**

2 Mineral County asks the Court to stay the briefing schedule on the Motion to Dismiss
3 (ECF No. 751) in the present subfile just as the Court of Appeals stayed it in the C-125-B subfile.
4 The motion to stay has become moot, because, as in the C-125-B subfile, Mineral County, the
5 Walker River Paiute Tribe, and the United States (through the attorneys whom the United States
6 sought a writ of mandamus for the Court to admit and whom the Court has now admitted) have
7 all since filed their separate oppositions to the motion to dismiss. The motion to dismiss at issue
8 is Walker River Irrigation District's motion to dismiss Mineral County's Complaint in
9 Intervention. Unlike the motions to dismiss in the C-125-B subfile, the present motion to
10 dismiss will not be dismissed without prejudice pending further service, because the Superseding
11 Order Regarding Service applies only in the C-125-B subfile. Rather, the Court will order oral
12 argument on the pending Motion to Dismiss (ECF No. 751).

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CONCLUSION

IT IS HEREBY ORDERED that in Case No. 3:73-cv-127 (In Equity C-125-B):

1. The Motion to Stay (ECF No. 2002), the Motion to Extend Time (ECF No. 2014), and the Motion to Shorten Time (ECF No. 2015) are DENIED as moot.
2. The Motion for Leave to File Excess Pages (ECF No. 2021) is GRANTED.
3. The unopposed Motion to Vacate Schedule Related to Motions Regarding Basic Threshold Jurisdictional Issues, or, in the Alternative, Motion for Status Conference (ECF No. 1971) is GRANTED.
4. The unopposed Report and Recommendation (ECF No. 2060) is ADOPTED IN PART, and the Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties (ECF No. 2060-1) is SO ORDERED, except that paragraph 15 is amended as follows: "If an Unrepresented party fails either to consent to electronic service or service by postcard, or if a Non-Appearing Party takes no action and remains a Non-Appearing Party, that party shall be deemed to have consented and agreed to receive service and subsequent notice of all filings in this matter by taking the responsibility to check the public website by selecting "Walker River" on the Court's website (www.nvd.uscourts.gov) or by accessing the public website directly (<https://ecf.nvd.uscourts.gov/casedisplay>). ~~All such parties shall be deemed to have received notice of all subsequent Orders and other filings in Subproceeding C-125-B.~~
5. The Motions to Dismiss (ECF Nos. 1980, 1981) are DENIED without prejudice pending refiling and service in accordance with the Superseding Order Regarding Service.

IT IS FURTHER ORDERED that in Case No. 3:73-cv-128 (In Equity C-125-C):

6. The Motion to Stay (ECF No. 756) is DENIED as moot.

