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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )

10 Plaintiff, )

11 WALKER RIVER PAIUTE TRIBE, )

12 Plaintiff-Intervenor, )

13 vs. )

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

16 Defendants. )

17 \_\_\_\_\_ )  
18 UNITED STATES OF AMERICA, )  
19 WALKER RIVER PAIUTE TRIBE, )

20 Counterclaimants, )

21 vs. )

22 WALKER RIVER IRRIGATION DISTRICT, )  
23 et al., )

Counterdefendants. )

IN EQUITY NO. C-125-RCJ-WGC  
SUBFILE NOS. C-125-B and C-125-C  
3:73-CV-00127-RCJ-WGC  
3:73-CV-00128-RCJ-WGC

**MINERAL COUNTY’S MOTION  
TO STAY MAY 30, 2014,  
BRIEFING DEADLINE IN  
SUBPROCEEDING C-125-C  
CONSISTENT WITH MAY 27,  
2014, 9<sup>TH</sup> CIRCUIT ORDER  
STAYING BRIEFING  
DEADLINE IN  
SUBPROCEEDING C-125-B,  
AND TO CLARIFY SCOPE OF  
STAY IN C-125-B**

24 Mineral County hereby moves this Court for an order staying the May 30, 2014, deadline for  
25 responses to the Motion to Dismiss filed by WRID and joined by various Defendants on March 31,  
26 2014, in subproceeding C-125-C. Mineral County further moves the Court to clarify the scope of

1 the stay issued by the 9<sup>th</sup> Circuit in the C-125-B subproceeding, making it clear that the stay  
2 pertains to all responses in subproceeding C-125-B. The following grounds are presented in  
3 support of this Motion.

4 **POINTS AND AUTHORITIES**

5 On May 27, 2014, the 9<sup>th</sup> Circuit Court of Appeals issued an Order staying the May 30<sup>th</sup>  
6 briefing deadline on jurisdictional motions to dismiss in the C-125-B subproceeding. C-125-B Doc.  
7 No. 2001. The May 30, 2014, deadline was established by the Court in its November 4, 2013,  
8 Minutes of Proceedings. C-125-B Doc. No. 1958; C-125-C Doc. No. 736. Mineral County  
9 respectfully requests that the Court similarly stay the May 30, 2014, deadline for responses to the  
10 motion to dismiss filed in the C-125-C subproceeding by the Walker River Irrigation District on  
11 March 31, 2014, and joined by a number of defendants. C-125-C Doc. Nos. 751, 752, 753, &  
12 754. Mineral County, the United States, and the Walker River Paiute Tribe all are parties to both  
13 subproceedings C-125-B and C-125-C, and are likely to participate in briefing on the motions to  
14 dismiss in each subproceeding. A stay in both subproceedings would allow the briefing and  
15 decision on the motions to dismiss filed in both subproceedings to proceed simultaneously,  
16 which would be consistent with the preference previously expressed by the Court for briefing of  
17 the pending motions to dismiss in both subproceedings to proceed simultaneously. In addition,  
18 keeping the briefing schedules for the motions to dismiss in both subproceedings on the same  
19 schedule would be in the interest of judicial economy and efficiency.

20 Additionally, it is unclear whether the 9<sup>th</sup> Circuit Court's May 27, 2014, Order stays the  
21 response deadline for *all* parties in the C-125-B subproceeding or only for the United States.  
22 Mineral County requests that the Court clarify that the stay applies to all parties' May 30<sup>th</sup>  
23 response deadline in subproceeding C-125-B.  
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1 Further, Mineral County respectfully requests that notice of the stay of the response  
2 deadline be filed in subproceeding C-125-C, as well as C-125-B, to ensure that parties to both  
3 subproceedings receive notice of the stay.

4 Respectfully submitted this 27th day of May, 2014,

5 /s/ Simeon Herskovits

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of May, 2014, Mineral County filed, through the United States District Court ECF System the foregoing **MINERAL COUNTY’S MOTION TO STAY MAY 30, 2014, BRIEFING DEADLINE IN SUBPROCEEDING C-125-C CONSISTENT WITH MAY 27, 2014, 9<sup>TH</sup> CIRCUIT ORDER STAYING BRIEFING DEADLINE IN SUBPROCEEDING C-125-B, AND TO CLARIFY SCOPE OF STAY IN C-125-B** to be served by CM/ECF electronic filing on all of the registered participants.

/s/ Simeon Herskovits  
Simeon Herskovits

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