

1 Curtis G. Berkey (CA State Bar No. 195485)
Scott W. Williams (CA State Bar No. 097966)
2 BERKEY WILLIAMS LLP
2030 Addison Street, Suite 410, Berkeley, CA 94704
3 Tel: 510/548-7070, Fax: 510/548-7080
E-mail: cberkey@berkeywilliams.com
4 E-mail: swilliams@berkeywilliams.com
Attorneys for Plaintiff-Intervenor
5 *Ramona Band of Cahuilla*

6 Marco A. Gonzalez (CA State Bar No. 190832)
COAST LAW GROUP LLP
7 1140 S. Coast Hwy. 101
Encinitas, CA 92024
8 Tel: 760/942-8505, Fax: 760/942-8515
Email: marco@coastlawgroup.com

9 Scott B. McElroy (Pro Hac Vice)
10 M. Catherine Condon (Pro Hac Vice)
McELROY, MEYER, WALKER & CONDON, P.C.
11 1007 Pearl Street, Suite 220, Boulder, CO 80302
Tel: 303/442-2021, Fax: 303/444-3490
12 E-mail: smcelroy@mmwclaw.com
E-mail: ccondon@mmwclaw.com
13 *Attorneys for Plaintiff-Intervenor*
14 *Cahuilla Band of Indians*

15 UNITED STATES DISTRICT COURT
16 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,) CIVIL NO.: 51-CV-1247-GPC-RBB
18)
Plaintiff,) **JOINT MOTION TO EXTEND STAY**
19)
RAMONA BAND OF CAHUILLA, CAHUILLA)
20 BAND OF INDIANS,) Date: No hearing date set
Time:
21 Plaintiff-Intervenors,) Dept: 9
22 v.) Hon. Gonzalo P. Curiel
23 FALLBROOK PUBLIC UTILITY DISTRICT, et al.,)
24 Defendants.) **ORAL ARGUMENT NOT REQUIRED**
25)
26)
27)
28)

1 Plaintiff-Intervenors Ramona Band of Cahuilla and Cahuilla Band of Indians (“Tribes”)
2 respectfully move this Court for a 90-day extension of the stay of litigation until April 21, 2014, in
3 order to allow the parties to continue settlement discussions. Pursuant to this Court’s Order of
4 September 25, 2013 (Document 5422), the current stay expires on January 21, 2014. Counsel for the
5 Tribes are authorized to state that the United States, the State of California, the County of Riverside,
6 Riverside County Flood Control and Water Conservation District, the Greenwald landowners, and
7 Hemet Unified School District support this motion. Agri-Empire and the Anza Basin Landowners
8 Group represented by Richards, Watson & Gershon do not oppose the Tribes’ motion.

9 During the pendency of the prior stay, the parties focused their efforts in two areas:

10 1) drafting language in the settlement agreement that accurately captures the parties’ intentions with
11 regard to substantive agreements reached thus far; and 2) seeking to narrow the differences among
12 the parties with regard to the allocation of water in the Anza and Cahuilla Water Basins and other
13 issues related to the nature and scope of the Tribes’ water rights. Progress has been made in both
14 areas. As to the language of the settlement agreement, the Tribes have taken the lead in revising the
15 draft following discussions among the parties, and the number of provisions still in need of
16 clarification or substantive revision continues to be reduced. As to water allocation, the parties have
17 identified several issues on which there continues to be disagreement. U.S. Magistrate Judge
18 Brooks scheduled a settlement conference on March 12, 2014, to discuss possible resolution of these
19 issues. Judge Brooks has indicated that the parties may lodge a confidential settlement conference
20 brief on or before March 5.

21 In addition, the Cahuilla Band of Indians, Agri-Empire and the United States have continued
22 their discussions related to issues unique to these parties. These parties met on October 31 and
23 December 9, 2013, and held a telephonic meeting on January 2, 2014. They met with Judge Brooks
24 on November 4, 2013, to discuss the status of their ongoing discussions and are meeting with Judge
25 Brooks on February 26 to continue those discussions. Judge Brooks has ordered them to submit
26 settlement briefs by February 19, 2014. Document 5440.

27 The parties’ diligence in seeking to resolve these issues is reflected by numerous meetings
28 held during the past 120 days. Telephonic meetings were held on September 24, 2013; October 4,

1 2013 (State issues only); October 31, 2013; December 16, 2013; and January 2, 2014. Meetings in
2 person were held on November 19, 2013, and December 10, 2013. The parties met with Judge
3 Brooks on November 4, 2013, to report on their progress and to continue their discussions. On
4 January 9, 2014, the parties by telephone reported the status of their discussions to Judge Brooks.
5 At that time, Judge Brooks authorized counsel for the Tribes to express his concurrence in extending
6 the stay for an additional 90 days.

7 The provisions of the draft settlement agreement address most of the concerns of the parties.
8 The parties are committed to continuing their discussions to seek to resolve the outstanding issues
9 and unaddressed concerns. Although these issues are not yet resolved, the parties are working
10 diligently to resolve them, and remain committed to the successful conclusion of the negotiations. A
11 90-day extension of the stay will allow the parties to continue the settlement discussions without the
12 cost and distraction of litigation.

13 For these reasons, the Tribes respectfully request that the stay be continued until April 21,
14 2014.

15
16 Date: January 16, 2014

Respectfully submitted,

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18 BERKEY WILLIAMS LLP

19 By: s/Curtis G. Berkey

Curtis G. Berkey
Scott W. Williams
2030 Addison Street, Suite 410
Berkeley, California 94704
Tel: 510/548-7070; Fax: 510/548-7080
E-mail: cberkey@berkeywilliams.com
E-mail: swilliams@berkeywilliams.com

21
22
23
24 *Attorneys for Plaintiff-Intervenor,
Ramona Band of Cahuilla*

25 Marco A. Gonzalez (SBN 190832)
COAST LAW GROUP LLP
11140 S. Coast Hwy. 101
Encinitas, California 92024
26 Tel: 760/942-8505; Fax: 760/942-8515
27 Email: marco@coastlawgroup.com
28

McELROY, MEYER, WALKER & CONDON, P.C.

By: s/M. Catherine Condon

M. Catherine Condon (Pro Hac Vice)
Scott B. McElroy (Pro Hac Vice)
1007 Pearl Street, Suite 220
Boulder, Colorado
Tel: 303/442-2021; Fax: 303/444-3490
E-mail: ccondon@mmwclaw.com
E-mail: smcelroy@mmwclaw.com

*Attorneys for Plaintiff-Intervenor,
Cahuilla Band of Indians*

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