

The Honorable Justin L. Quackenbush

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF WASHINGTON**

11 PAUL GRONDAL, a Washington
resident and THE MILL BAY
12 MEMBERS ASSOCIATION, INC.,
a Washington Non-Profit
13 Corporation,

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT
OF THE INTERIOR; THE
17 BUREAU OF INDIAN AFFAIRS; et
al.,

18 Defendants.
19

Case No. 2:09-cv-0018-JLQ

20 **WAPATO HERITAGE, LLC'S**
MOTION FOR AN ORDER
SETTING BRIEFING SCHEDULE

21 01/29/2016
22 WITHOUT ORAL ARGUMENT

23 **I. Background**

24 Pending before the Court are the Federal Defendants' Motion for Summary
25 Judgment re: Ejectment (ECF No. 231) and the Colville Tribes' Motion to Dismiss
the cross-claims of Wapato Heritage, LLC (ECF No. 274). The Court ordered the

1 Federal Defendants to provide independent counsel for the individually named
2 defendant landowners, stating that it would not rule on the motions until the
3 landowners had representation. ECF No. 329.
4

5 The Court issued this order on August 1, 2014. Since that time, two lawyers at
6 the same firm entered appearances on January 28, 2015 for a group of the individual
7 landowners. ECF Nos. 341, 342. Per the declaration of Michael Black, the Director
8 of the Bureau of Indian Affairs, his office does not intend to do anything further
9 regarding this matter. ECF No. 340. Accordingly, Wapato Heritage asks the Court to
10 issue a briefing schedule to allow the individual landowners to present their position
11 on the pending motions to the Court and allow the other parties to respond before the
12 Court issues its decision.
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15 II. Analysis

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17 “A district court possesses inherent power over the administration of its
18 business.” *Spurlock v. FBI*, 69 F.3d 1010, 1016 (9th Cir. 1995); *see also Landis v.*
19 *North Am. Co.*, 299 U.S. 248, 254-55 (1936) (trial court has inherent authority to
20 control its own docket and calendar); *Atchison, Topeka & Santa Fe Ry. Co. v.*
21 *Hercules*, 146 F.3d 1071, 1074 (9th Cir. 1998) (recognizing district court’s “inherent
22 authority to control its dockets”); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.
23 1992) (same); *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428,
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1 1429 (9th Cir. 1990) (same). Wapato Heritage asks the Court, using this authority,
2 to enter a scheduling order directing the newly represented landowners to address
3 the merits of the pending motions as appropriate, and also giving the other parties
4 the opportunity to respond. In the alternative, Wapato Heritage asks the Court to set
5 a scheduling conference to work out such a schedule.
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8 **DATED** this 30th day of December, 2015.

9
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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing document, to be electronically filed with the Clerk of the above entitled Court using the CM/ECF system, which will send notification of such filing to the following:

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