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8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF WASHINGTON

10 PAUL GRONDAL, *et al.*,

11 Plaintiffs,

12 v.

13 UNITED STATES OF AMERICA, *et al.*;

14 Defendants.  
15

NO. 2:09-cv-0018-RMP

MOTION TO EXPEDITE HEARING ON  
MOTION TO STAY EXECUTION OF  
JUDGMENT PENDING APPEAL

Noted: Immediately (or as soon as  
possible at the Court’s discretion)

Without Oral Argument

16 I. MOTION & ARGUMENT

17 Pursuant to LCR 7(i)(2)(C), Plaintiffs Paul Grondal and the Mill Bay Members  
 18 Association, Inc. (“Mill Bay”) request expedited hearing of their Motion to Stay Execution  
 19 of Judgment Pending Appeal (“Motion to Stay”), filed contemporaneously herewith. Mill

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1 Bay respectfully requests that the Motion to Stay be noted for hearing on July 24, 2020.

2 Good cause exists to grant this motion. Under the Local Civil Rules, expedited  
3 consideration is needed to obtain a ruling on Mill Bay’s Motion to Stay before Fed. R. Civ.  
4 P. 62(a)’s automatic 30 day stay period elapses. The Court entered judgment against Mill  
5 Bay on July 9, 2020. ECF 503 & 504. Under Rule 62(a), execution on that judgment is  
6 automatically stayed until August 10, 2020. While Mill Bay seeks to stay execution of the  
7 judgment pending appeal, the hearing on that motion “must be at least 30 days after the  
8 motion’s filing” under LCR 7(i)(2)(A). Thus, without expedited consideration, any ruling  
9 on Mill Bay’s Motion to Stay will occur *after* Fed. R. Civ. P. 62(a)’s automatic stay on  
10 execution of the judgment has expired. By that time, the Federal Defendants might have  
11 already ejected Mill Bay, rendering a stay meaningless. Expedited consideration will  
12 prevent this outcome. Finally, Plaintiffs note that, to the extent Federal Defendants and the  
13 Tribe seek to delay consideration of the Motion to Stay due to vacation plans and trial in  
14 other matters (see below), Plaintiffs assert these competing inconveniences do not  
15 outweigh Mill Bay’s exigent need for resolution on whether Rule 62(a)’s automatic stay  
16 will be extended or not (given that Mill Bay potentially faces physical ejection from real  
17 property), so that if necessary Plaintiffs may timely apply to the Ninth Circuit in hopes of  
18 obtaining a ruling in advance of the expiration of Rule 62(a)’s 30-day clock.

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1                   **II.    OPPOSING PARTIES’ STATEMENTS OF POSITION**

2                   Pursuant to LCR 7(i)(C)(2), Plaintiffs recite the opposing parties’ positions as  
3 follows:

4                   Wapato Heritage and Gary Reyes do not oppose this Motion to Expedite.

5                   The consolidated position of the Federal Defendants and The Confederated Tribes  
6 of the Colville Reservation is as follows: Late yesterday, plaintiffs filed their Motion for  
7 Clarification of Court’s Order and Judgment [ECF 503, 504]. ECF 505. This morning,  
8 plaintiffs notified counsel for the United States and the Confederated Tribes of the Colville  
9 Reservation (CTCR) of their Motion to Stay Execution of the Judgment and accompanying  
10 Motion to Expedite that Motion, and asked if federal defendants and CTCR oppose the  
11 Motion to Expedite. In principle, the United States and CTCR do not oppose expedited  
12 consideration by the Court, but such consideration should not occur until after the United  
13 States and CTCR respond to the underlying Motion to Stay. Due to the significance of the  
14 Motion to Stay, and other scheduled responsibilities and plans (including that lead counsel  
15 for the United States has a weeklong trial scheduled in United States District Court  
16 beginning August 24 and lead counsel for CTCR is on vacation the week of July 27), the  
17 United States and CTCR need the full 14 days to response to the Motion, as allowed under  
18 the court rules. Moreover, at this juncture it would be premature for the Court to decide  
19 whether the judgment should be stayed because that very judgment (and related order) is

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1 the subject of plaintiffs' Motion for Clarification filed yesterday. Instead, for the orderly  
2 administration of justice, it makes sense to first clarify the judgment and order, if necessary,  
3 and then rule on whether the judgment -- in its present form or as clarified -- should be  
4 stayed.

### 5 III. CONCLUSION

6 For all the foregoing reasons, this Court should expedite the motion hearing  
7 regarding the stay execution of the Judgment against Mill Bay pending appeal.

8 DATED the 17<sup>th</sup> day of July, 2020.

9 By s/SALLY W. HARMELING

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of July, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System. Notice of this filing will be sent to the parties listed below by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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I hereby certify that on the 17<sup>th</sup> day of July, 2020, Notice of this filing is being sent this date via United States Postal Service First Class Mail to the parties below at the addresses indicated below.

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5 DATED at Wenatchee, Washington this 17<sup>th</sup> day of July, 2020.

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