

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 16. Circuit Rule 27-3 Certificate for Emergency Motion

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form16instructions.pdf>

9th Cir. Case Number(s)

Case Name

I certify the following:

The relief I request in the emergency motion that accompanies this certificate is:

Reconsideration of the Court's decision denying a stay of the execution of the district court's judgment authorizing the Mill Bay Member Association's ejectment based on changes in factual circumstances, namely, the anticipated contract breach by the United States and Confederated Tribes of the Colville Reservation. Mill Bay asks that this Court issue a stay pending this appeal.

Relief is needed no later than *(date)*: .

The following will happen if relief is not granted within the requested time:

The United States and the Confederated Tribes of the Colville Reservation will begin the removal, dismantling, and destruction of the personal property and improvements of the Mill Bay Members Association, beginning October 1, 2020.

I could not have filed this motion earlier because:

The United States and the Confederated Tribes of the Colville Reservation informed counsel for the Mill Bay Members Association and Paul Grondal on September 25, 2020 that they would not honor their agreement to allow Mill Bay to remove its personal property and improvements from MA-8 by March 30, 2021, instead demanding that it be done by September 30, 2020.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

I requested this relief in the district court or other lower court: Yes No

If not, why not:

I notified 9th Circuit court staff via voicemail or email about the filing of this motion: Yes No

If not, why not:

I have notified all counsel and any unrepresented party of the filing of this motion:

On *(date)*:

By *(method)*:

Position of other parties:

Name and best contact information for each counsel/party notified:

(1) Joseph Derrig (Joseph.Derrig@usdoj.gov); (2) Anna Brady (abrady@ziontzchestnut.com); (3) Brian Chestnut (bchestnut@ziontzchestnut.com); (4) Tyler Hotchkiss (tyler@fhbzlaw.com); (5) Nathan Arnold (nathan@cajlawyers.com); (6) Manish Borde (mborde@bordelaw.com); (7) Emanuel F. Jacobowitz (manny@caoteam.com);

I declare under penalty of perjury that the foregoing is true.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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