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12 UNITED STATES FEDERAL DISTRICT COURT
13 NORTHERN DISTRICT OF NEW YORK

14 ONEIDA INDIAN NATION,
15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF THE
18 INTERIOR,
19 Defendant.

Case No. 5:17-cv-913 (MAD/TWD)

UNOPPOSED MOTION TO CONTINUE
DEFENDANT'S RESPONSE TO THE
COMPLAINT AND RULE 16 CONFERENCE

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**DEFENDANT’S UNOPPOSED MOTION TO CONTINUE DEFENDANT’S
RESPONSE TO THE COMPLAINT AND RULE 16 CONFERENCE**

The United States Department of the Interior (Defendant), hereby moves (1) to continue the Defendant’s response to Complaint by 21 days to November 27, 2017 and (2) to continue the Rule 16 Conference by 60 days to February, 5, 2018, or a date thereafter that is convenient to the Court and Parties. This is the Defendant’s first such motion, and Plaintiff does not object. In support of this motion the Federal Defendants state as follows:

WHEREAS, on August 17, 2017, Plaintiffs filed a Complaint. ECF No. 1

WHEREAS, the Court set Defendant’s answer date for November 6, 2017. Order of September 13, 2017.

WHEREAS, the Court set a Rule 16 Conference for November 16, 2017. ECF No. 3.

WHEREAS, Defendant’s counsel has been working diligently on a response to Plaintiff’s Complaint but requires additional time in order to finish work and for Defendant’s response to be reviewed and vetted by officials within the Departments of Justice and Interior. Additionally, due to a clerical error, Defendant’s counsel initially believed the response to be due November 16 rather than November 6.

WHEREAS, at this time Defendant plans to move to dismiss the Complaint and therefore believes a Rule 16 conference will be of greatest use to the Parties and Court after such motion is fully briefed, which should be by early February.

WHEREAS, Defendant’s counsel conferred with counsel for the Plaintiff who did not object to the continuance.

THEREFORE, The Defendant respectfully requests the Court (1) continue the Defendant’s response to Complaint by 21 days to November 27, 2017 and (2) continue the Rule 16 Conference by 60 days to February, 5, 2018, or a date thereafter that is convenient to the Court and Parties. A proposed order is attached.

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Respectfully submitted this 6th day of November, 2017,

JEFFREY WOOD
Acting Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

/s/ Reuben S. Schifman
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By: 

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Bar Roll No. 102013

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UNITED STATES FEDERAL DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ONEIDA INDIAN NATION,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF THE
INTERIOR,

Defendant.

Case No. 5:17-cv-913 (MAD/TWD)

[PROPOSED] ORDER

[PROPOSED] ORDER

Good cause appearing therefore, the above MOTION is approved. Defendant's Response to the Complaint shall be due no later than November 27, 2017. The Rule 16 Conference is continued until February 5, 2018.

IT IS SO ORDERED.

Dated: _____, 2017

The Honorable Thérèse Wiley Dancks
U.S. Magistrate Judge

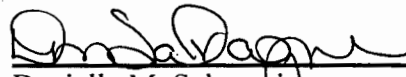
CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2017, I electronically filed an UNOPPOSED MOTION TO CONTINUE DEFENDANT'S RESPONSE TO THE COMPLAINT AND RULE 16 CONFERENCE with a [PROPOSED] ORDER with the Clerk of the Court through its CM/ECF system, which sent electronic notification of such filing to the following:

Meghan Murphy Beackman, Esq. (mbeackman@oneida-nation.org)

Michael R. Smith, Esq. (msmith@zuckerman.com)

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