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December 20, 2017

Hon. Mae A. D'Agostino
United States District Judge
U.S. District Court for the
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

Re: Letter Request to Adjourn Return Date and for New Briefing Schedule
Oneida Indian Nation v. U.S. Dep't of Interior, No. 17-CV-0913 (MAD/TWD)

Dear Judge D'Agostino:

As explained more fully below, the parties to the referenced civil action have agreed to a new return date of February 20, 2018 for the Department of the Interior's pending motion to dismiss – and also have agreed to a briefing schedule for the opposition and reply to be filed by the parties. Pursuant to Local Rule 7.1(j) and Rule 1 of the Court's individual rules and practices, I am writing to request approval of the new return date and briefing schedule.

No previous request has been made to adjourn the return date or to extend the due dates for the Nation's opposition or the Department's reply.

Absent an extension, the motion to dismiss is returnable on January 16, 2018; the Nation's reply is due January 2, 2018; and the Department's reply is due three days later on January 5, 2018.

The parties have agreed to an adjournment of the return date to February 20, 2018, with the Nation's opposition due on January 26, 2018 and the Department's reply due on February 9, 2018.

The parties request these dates in light of the upcoming end-of-year holidays and because this schedule will give the Department the two weeks needed to file a reply. The only alternative return date before February 20, 2018 would be February 6, 2018, but that will not provide sufficient time for the Nation to file its opposition and for the Department to have two weeks to file its reply.



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Accordingly, the parties request that the return date for the Department's motion to dismiss be adjourned to February 20, 2018, that the new due date for the Nation's opposition be January 26, 2018, and that the new due date for the Department's reply be February 9, 2018.

Respectfully submitted,

/s/ Michael R. Smith

Michael R. Smith

Cc: All Counsel