

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 07-C-316

MENOMINEE TRIBAL ENTERPRISES,
the principal business arm of the Menominee Indian
Tribe of Wisconsin, MARSHALL PECORE, and
CONRAD WANIGER,

Defendants.

**JOINT EXPEDITED RULE 7.4 MOTION
TO MODIFY BRIEFING SCHEDULE**

The Plaintiff, United States of America, and defendants Menominee Tribal Enterprises (“MTE”), Conrad Waniger and Marshall Pecore (collectively the “defendants”), respectfully move, pursuant to Civil Local Rule 7.4, to amend the current briefing schedule to provide for the following deadlines with respect to the following pending motions:

1. With respect to MTE’s motion for judgment on the pleadings, filed on June 25, 2008, the parties have agreed, subject to this Court’s approval, that the United States may file its response on or before September 2, 2008. The current deadline is August 13, 2008.¹

¹This is the government’s third request for an extension of time to respond to MTE’s motion for judgment on the pleadings. On July 2, 2008, the United States filed a letter request for an fourteen-day extension of time to file its brief in opposition to MTE’s motion. The primary basis for this request was to permit the United States Attorney’s Office sufficient opportunity to consult with Department of Justice attorneys regarding the response, due to the nature of the issues raised in MTE’s motion. This Court granted the motion, extending the deadline from July 16, 2008 to July 30, 2008. Subsequently, on July 22, 2008, the United States filed a second letter request for an additional

The United States is requesting additional time to respond to MTE's motion for judgment on the pleadings so that the United States can complete its internal review of the government's position on the issues raised in the motion. This process will take additional time to complete because of the need for senior-level Department of Justice ("DOJ") officials to coordinate the government's response in this case with the position of the United States in a *qui tam* action currently pending before the United States Court of Appeals for the Tenth Circuit, *United States ex rel. Robert Jack v. Muscogee Creek Nation of Oklahoma et al.*, No. 08-7064 (10th Cir.). The pendency of this Tenth Circuit case has required DOJ officials, above the level of the Assistant Attorney General for the Civil Division, to examine and reach coordinated decisions on the important issues presented in both pending cases. The parties have agreed, subject to this Court's approval, that the defendants may file their respective reply briefs, if any, on or before October 2, 2008.

2. In light of the United States' request for additional time to file its response to MTE's motion for judgment on the pleadings, the defendants have requested additional time to file their responses to the United States' pending motion for partial summary judgment. The parties have therefore agreed, subject to this Court's approval, that the defendants may file their responses on or before September 16, 2008.

3. With respect to the motion for judgment on the pleadings filed by defendants Pecore and Waniger, the parties have agreed, subject to this Court's approval, that these defendants may file their reply brief on or before September 11, 2008.

fourteen-day extension of time to respond, due to a death in the family of the Department of Justice lawyer responsible for securing appropriate internal government approval for the United States' response. The Court also granted this request, extending the deadline to August 13, 2008.

4. With respect to the motions for summary judgment filed by defendant MTE and defendants Pecore and Waniger, the parties have agreed, subject to this Court's approval, that the defendants may file their respective reply briefs on or before September 9, 2008.

A Proposed Order is attached.

Respectfully submitted,

Dated: _____

/s/ _____

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4. With respect to the motions for summary judgment filed by defendant MTE and defendants Pecore and Waniger, the parties have agreed, subject to this Court's approval, that the defendants may file their respective reply briefs on or before September 9, 2008.

A Proposed Order is attached.

Respectfully submitted,


Dated: _____

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Dated: August 12, 2008



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4. With respect to the motions for summary judgment filed by defendant MTE and defendants Pecore and Waniger, the parties have agreed, subject to this Court's approval, that the defendants may file their respective reply briefs on or before September 9, 2008.

A Proposed Order is attached.

Respectfully submitted,

Dated: _____

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