

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES CORNELL PARKS,

Plaintiff,

v.

TULALIP RESORT CASINO,

Defendant.

CASE NO. C07-1406RSM

ORDER DEFERRING DEFENDANT'S
MOTION TO DISMISS AND
DIRECTING DEFENDANT TO SHOW
CAUSE

This matter comes before the Court on defendant's Motion to Dismiss. (Dkt. #17). Defendant argues that the Court should dismiss plaintiff's complaint because this Court lacks subject matter jurisdiction to entertain plaintiff's claim.

Having reviewed defendant's motion, plaintiff's response, the affidavits and exhibits attached thereto, and the remainder of the record,¹ the Court hereby finds and orders:

(1) Defendant's Motion to Dismiss (Dkt. #17) is DEFERRED. Defendant argues that as a federally recognized tribe, it possesses sovereign immunity from suit. To support this argument, defendant relies on Tulalip Tribes Law and Ordinances 49 and 55. However, defendant fails to attach these ordinances for the Court to review. In addition, defendant argues that plaintiff has failed to exhaust his administrative remedies. In support of this argument,

¹ While a moving party has no obligation to file a reply, defendant notably did not file a reply in the instant case.

1 defendant relies on a personnel policy which allegedly required plaintiff to file a grievance with
2 defendant before filing a lawsuit in this Court. However, defendant also fails to attach this
3 policy for the Court to review. The Court notes that defendant previously attached this
4 personnel policy to its prior motion to dismiss, but the Court struck this motion as moot
5 because defendant failed to note the motion in accordance with this Court's rules. Accordingly,
6 defense counsel is DIRECTED TO SHOW CAUSE by filing with the Court a declaration and
7 attaching the appropriate documents thereto no later than February 22, 2008. Failure to adhere
8 to the Court's instructions may result in the Court *sua sponte* denying defendant's motion to
9 dismiss.

10 (2) The Clerk is directed to forward a copy of this Order to all counsel of record and to
11 pro se plaintiff at the following address: 7102 14 Ave NE, Tulalip, WA 98271.

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13 DATED this 12 day of February, 2008.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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