

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CHAD EVERET BRACKEEN, et al., §  
and §  
STATE OF TEXAS, §  
STATE OF LOUISIANA, and §  
STATE OF INDIANA, §  
Plaintiffs, §  
v. §  
RYAN ZINKE, in his official capacity as §  
Secretary of the United States §  
Department of the Interior, et al., §  
Defendants, §  
and §  
CHEROKEE NATION, et al., §  
Intervenor-Defendants. §

Civil Action No. 4:17-cv-868-O

**OPPOSED MOTION FOR EXPEDITED CONSIDERATION AND MOTION  
TO STAY PENDING APPEAL OF CHEROKEE NATION, ONEIDA NATION,  
QUINAULT INDIAN NATION, AND MORONGO BAND OF MISSION  
INDIANS**

Intervenor-Defendants the Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians (“the Tribes”) move this Court for expedited consideration of this Motion and for an order staying its final judgment (ECF No. 167) pending appeal. The Tribes intend to appeal the judgment. Expedited consideration of this Motion is necessary because the Tribes will be irreparably injured absent an immediate stay.

Further, a stay is warranted by the traditional factors governing a stay pending appeal. A stay is also warranted because the Tribes have presented a substantial case on the merits when a serious legal question is involved and the equities favor a stay. In support of this motion, the Tribes rely on their accompanying Brief. A proposed order is attached.

Dated: October 10, 2018

Respectfully submitted,

By: /s/ Adam H. Charnes

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MISSION INDIANS**

**CERTIFICATE OF CONFERENCE**

Counsel for the Tribes contacted counsel for the other parties about this motion on October 9, 2018, by email. Counsel for the Individual Plaintiffs and counsel for the State Plaintiffs indicated by email on October 9, 2018, that they oppose the motion. Counsel for the Federal Defendants indicated by email on October 9, 2018, that they consent to the motion.

*/s/ Adam H. Charnes*  
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Adam H. Charnes

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 10th day of October, 2018, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(d).

*/s/ Adam H. Charnes*  
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