

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

CHARLES WALEN, an individual, et al.,

Plaintiffs,

v.

DOUG BURGUM, in his official capacity as
Governor of the State of North Dakota, et al.,

Defendants,

and

MANDAN, HIDATSA AND ARIKARA NATION,
et al.,

Intervenor-
Defendants.

No. 1:22-cv-00031-PDW-RRE-DLH

**CONSENTED PROPOSED SCHEDULE REGARDING MOTION FOR ATTORNEYS'
FEES, EXPENSES, AND COSTS**

On November 20, 2023, the Court granted Plaintiffs' motion for an extension of time to file their motion for attorneys' fees, expenses, and costs, and directed the parties to confer regarding a briefing schedule. Text Order, ECF No. 133. The parties have conferred and believe it would be most efficient for the parties and the Court to defer briefing on the matter until the forthcoming appeal in *Turtle Mountain Band of Chippewa Indians, et al. v. Howe* matter, No. 3:22-cv-22-PDW-ARS, is resolved. Given the overlap in counsel between the two cases, the parties believe it would be most efficient for any fee issues to be addressed at the same time in both matters. Moreover, depending on the outcome of that appeal, the parties would first seek to universally resolve any fee issue before seeking a determination from this Court. But such a conversation is premature until the *Turtle Mountain* appeal is resolved.

The parties thus suggest that the briefing schedule in *Walén* be deferred and instead be set after the *Turtle Mountain* appeal is resolved.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Mark P. Gaber

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Counsel for Plaintiffs