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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

NEZ PERCE TRIBE,

Plaintiff,

v.

MIDAS GOLD CORP., MIDAS GOLD
IDAHO, INC., IDAHO GOLD RESOURCES
COMPANY, LLC, and STIBNITE GOLD
COMPANY,

Defendants

Case No. 1:19-cv-00307-BLW

JOINT MOTION TO STAY
PROCEEDINGS

BACKGROUND

The Court's Scheduling Order, as amended on December 28, 2020, requires the parties to complete Alternative Dispute Resolution ("ADR") by May 11, 2021, and sets other deadlines for

completion of fact discovery, expert disclosures and discovery, and filing of dispositive motions. *See* ECF Nos. 36, 62.

On January 15, 2021, the Defendants¹ in this action entered into a CERCLA Administrative Settlement Agreement and Order on Consent (“ASAOC”) with the United States Environmental Protection Agency and the United States Forest Service related to the Stibnite Mining District in Idaho, at issue in this litigation.

In light of this development, the parties would like the opportunity to engage in the ADR process to explore possible resolution of this case without also simultaneously proceeding with discovery and other pre-trial preparations under the amended Scheduling Order. Accordingly, the parties stipulate and agree as follows:

1. All deadlines in this case shall be stayed, effective immediately, until June 1, 2021, unless the stay is otherwise lifted as provided below.
2. The parties will work in good faith to identify, by March 1, 2021, a mutually agreeable framework for ADR, such as court-supervised settlement conference or mediation. If an agreement is reached on an ADR framework, the parties will schedule a date or dates on which to conduct the ADR process.
3. On or before expiration of the stay period, the parties will file with the Court a status report regarding the status of the ADR process, including whether a further stay may be warranted.
4. If the ADR process does not result in a resolution of the case, Defendants intend to file a dispositive motion within fourteen days following the expiration of the stay period. If the Court’s ruling on the dispositive motion does not resolve this case, the parties will work together

¹ On Tuesday, February 16, 2021, Defendants Midas Gold Corp and Midas Gold Idaho, Inc. effectuated a corporate name change. Midas Gold Corp and Midas Gold Idaho, Inc. will promptly file with the Court the necessary paperwork to reflect this change for purposes of this case.

in good faith to seek to agree upon a revised Scheduling Order to account for the period of the litigation stay and other factors, including sufficient time for field work before expert disclosures become due.

5. During the stay period, the parties agree that neither party will seek discovery, file motions, or seek other relief from the Court, except that any party may file (a) a motion seeking any relief needed to enforce the terms of the stay, or (b) a motion to lift the stay for good cause shown.

6. Upon expiration of the stay, both parties reserve the right to pursue any arguments in support of their respective positions in the litigation.

REQUEST FOR RELIEF

The parties respectfully request that the Court approve this stipulation and grant a stay in accordance with the terms set forth above.

Dated: February 17, 2021

Ronald J. Tenpas (*admitted pro hac vice*)
Margaret Peloso (*admitted pro hac vice*)
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/s/Preston N. Carter
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Dated: February 17, 2021

ADVOCATES FOR THE WEST

/s/Laird Lucas
Bryan Hurlbutt
Laird Lucas

NEZ PERCE TRIBE OFFICE OF LEGAL
COUNSEL

/s/ Michael Lopez
Michael Lopez
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 17th day of February, 2021, I filed the foregoing document electronically through the CM/ECF system which caused the following parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic filing:

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Preston N. Carter