

Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment at 1. That same day, the plaintiffs filed a motion for partial summary judgment pursuant to Rule 56. Plaintiffs' Motion for Partial Summary Judgment at 1. The Court has not yet resolved either motion.

Since the briefing on these cross-motions closed a little over ten months ago, the parties have filed four notices of supplemental authority (with three responses thereto), six supplemental declarations, nine new exhibits, and one amended statement of material facts not in genuine dispute. At least some of these new filings have, by the parties' own admissions, altered the substance of their legal arguments in favor of dismissal or summary judgment. See, e.g., Defendants' Notice of New Evidence at 2 (asserting that, in light of the new evidence adduced by the defendants, "[the d]efendants' arguments regarding the failure to exhaust administrative remedies and waiver . . . apply to all of [the p]laintiffs' claims against [Kempthorne]," and that "[c]onversely, . . . [the d]efendants no longer contend that Tunica's claims are unripe or that Tunica lacks standing to challenge its rates"). In addition, the defendants have informed the Court that the RNSB has filed a complaint with the Court of Federal Claims that, according to the defendants, raises "claims identical to those brought against the United States in this case," Defendants' Notice of Duplicative Complaint Filed by the Ramah Navajo School Board at 1, and that they "will, if appropriate[,] [] without delay[] file a motion or otherwise notify this Court of any action that [the d]efendants believe is necessary in order to avoid duplicative proceedings in these two cases," id. at 1-2.

The piecemeal fashion in which these numerous developments have been presented to the Court has rendered the parties' already-complicated motions all but inscrutable. Moreover, the parties' prolix submissions have further complicated what was already a lengthy and in some

ways convoluted docket, making the record for review of this case unduly cumbersome.

Therefore, to assist the Court in its disposition of the parties' pending motions, the Court will deny without prejudice the parties' pending motions and direct them to file renewed dispositive motions incorporating the many new cases, exhibits, and procedural developments referenced in the parties' post-briefing submissions.

The Court recognizes that the current disarray in the docket for this case is due in large part to its own delay in resolving the parties' motions. Questions of blame aside, however, the simple truth of the matter is that it will be much easier for the Court to resolve (and, doubtless, for the District of Columbia Circuit to review in the event of an appeal) the parties' motions if their arguments and evidence are consolidated in discrete, comprehensive briefs. To ensure that the parties' renewed motions are resolved as quickly as possible, the Court will direct the parties to file a joint statement within ten days of the entry of this order setting their own briefing schedule for their renewed motions, and will set a status hearing in this case forty-five days after briefing on the renewed motions has concluded, with the intention of issuing a memorandum opinion resolving the motions in advance of that status hearing.

Accordingly, it is

ORDERED that the Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment and the Plaintiffs' Motion for Partial Summary Judgment are **DENIED** without prejudice. It is further

ORDERED that the parties shall submit a joint status report containing a revised briefing schedule for dispositive motions in this case on or before March 27, 2008.

SO ORDERED this 17th day of March, 2008.

REGGIE B. WALTON
United States District Judge