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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CEDAR BAND OF PAIUTES; CEDAR  
BAND CORP., & CBC MORTGAGE  
AGENCY,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; FEDERAL  
HOUSING ADMINISTRATION; DR.  
BENJAMIN CARSON, in his official  
capacity as Secretary of the U.S. Department  
of Housing and Urban development; &  
BRIAN MONTGOMERY, in his official  
capacity as Acting Deputy Secretary of  
Housing and Urban Development and  
Assistant Secretary of Housing and Urban  
Development for Housing—Federal  
Housing Commissioner;

Defendants.

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**ORDER GRANTING [32] JOINT  
MOTION TO STRIKE HEARING  
ON MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
MOTION FOR SCHEDULING  
ORDER ON MOTION FOR  
PRELIMINARY INJUNCTION**

Case No. 4:19-CV-30-DN-PK

District Judge David Nuffer  
Magistrate Judge Paul Kohler

Plaintiffs and Defendants, through their respective counsel, jointly moved to strike the hearing on the Temporary Restraining Order (“TRO”) currently set for Thursday, April 25, 2019 and to set a briefing schedule for the Plaintiff’s motion for preliminary injunction (the “Motion”).<sup>1</sup>

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<sup>1</sup> Joint Motion to Strike Hearing on Motion for Temporary Restraining Order and Motion for Scheduling Order on Motion for Preliminary Injunction, [docket no. 32](#), filed April 24, 2019.

Based on the parties' Joint Motion and Defendants' agreement to stay the effective date of Mortgagee Letter 19-06<sup>2</sup> for 90 days from the entry of the order adopting this schedule, IT IS HEREBY ORDERED that the Motion<sup>3</sup> is GRANTED. The hearing scheduled for Thursday, April 25, 2019 is STRICKEN.

As to Plaintiffs' motion for preliminary injunction,<sup>4</sup> IT IS FURTHER ORDERED as follows:

1. Plaintiffs shall produce the materials required by the April 23, 2019 order<sup>5</sup> on or before Wednesday, May 8, 2019.
2. Defendants shall file their short and plain statement required under DUCivR 7-4 and their response brief to Plaintiffs' motion for preliminary injunction on or before Wednesday, May 22, 2019.
3. Plaintiffs shall file their reply brief in support of their motion for preliminary injunction on or before 14 days after the Defendants file their response brief.<sup>6</sup>

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<sup>2</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, Exhibit A, Mortgagee Letter 19-06, [docket no. 6-2](#), filed April 22, 2019.

<sup>3</sup> Joint Motion to Strike Hearing on Motion for Temporary Restraining Order and Motion for Scheduling Order on Motion for Preliminary Injunction, [docket no. 32](#), filed April 24, 2019.

<sup>4</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, [docket no. 6](#), filed April 22, 2019.

<sup>5</sup> Order Re: Upcoming Status Conference and Motion Hearing, [docket no. 23](#), filed April 23, 2019,

<sup>6</sup> In the event that due date for the reply falls on a weekend or a holiday, the reply shall be filed on the next court business day.

4. Oral argument on Plaintiffs' motion for preliminary injunction<sup>7</sup> is now scheduled for Wednesday, June 19, 2019 at 9:00 am in Courtroom 2B in St. George, Utah.

Signed April 24, 2019.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written above a horizontal line.

David Nuffer  
United States District Judge

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<sup>7</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, [docket no. 6](#), filed April 22, 2019.