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2017 OCT 13 PM 1:54

THE DISTRICT COURT OF THE CHEROKEE NATION

CLERK OF COURT
TODD HEMBREE
TULSA, OKLAHOMA

THE CHEROKEE NATION,)
)
 Plaintiff,)
)
 v.)
)
 MCKESSON CORPORATION;)
 CARDINAL HEALTH, INC.; CARDINAL)
 HEALTH 110, LLC;)
 AMERISOURCEBERGEN DRUG)
 CORPORATION; CVS HEALTH)
 CORPORATION; CVS PHARMACY,)
 INC.; OKLAHOMA CVS PHARMACY,)
 LLC; WALGREENS BOOTS ALLIANCE,)
 INC.; WALGREEN CO.; WAL-MART)
 STORES, INC.,)
)
 Defendants.)

Case No. CV-2017-203

JOINT MOTION TO EXTEND LIMITED STAY OF PROCEEDINGS

Plaintiff and Defendants¹ respectfully move the Court to extend the limited stay of these proceedings until resolution of certain Defendants' Motion for Preliminary Injunction (the "Motion") currently pending in the United States District Court for the Northern District of Oklahoma (the "Federal Court") in *McKesson Corp., et al. v. Todd Hembree, et al.*, No. 4:17-cv-00323-TCK-FHM. In support hereof, the parties state as follows:

1. On June 26, 2017, the Court entered its Order Granting Joint Motion for Limited Stay, staying the above-captioned action until the earlier of (a) 90 days after Plaintiff's filing of the First Amended Petition; or (b) the date of the ruling by the Federal Court on the Motion. Pursuant to the Order, following the expiration of the stay, Defendants would have 21 days in which to answer, file motions, or otherwise respond to the First Amended Petition.

¹ Defendants have reserved and continue to reserve their rights to assert that the Cherokee Nation and this Court lacks the authority and jurisdiction to regulate their conduct, or to prosecute or hear the above-captioned litigation. The Nation and Court lack jurisdiction under federal law and both subject-matter and personal jurisdiction under tribal law. Defendants do not consent to the jurisdiction of the Nation or this Court.

2. Plaintiff filed its First Amended Petition on July 19, 2017. As a result, absent an earlier ruling by the Federal Court, the stay would expire on October 17, 2017.

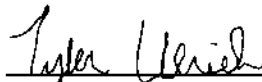
3. Under the briefing schedule agreed to by the parties in Federal Court, the normal briefing on the Motion (including response and reply) was originally expected to end by August 11, 2017. However, supplemental and court-ordered briefing has continued, with the latest filing occurring on October 10, 2017.

4. The parties have met and conferred and agree that it would best conserve judicial resources to await the ruling of the Federal Court on the Motion before proceeding further in this action. The parties, therefore, seek to extend the stay until the date of the ruling by the Federal Court on the Motion. Upon expiration of the stay, Defendants will have 21 days to answer, file motions, or otherwise respond to the First Amended Petition.

5. As before, Defendants' June 12, 2017 "Motion to Stay [the Tribal Court Action] During Pendency of the Federal Court Action" would remain stayed, and Defendants reserve their rights to seek a longer stay once the stay requested in this motion expires.

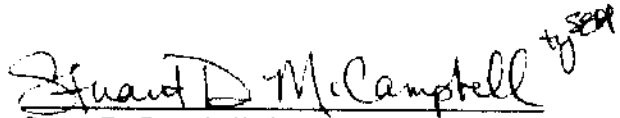
6. An agreed proposed order is submitted herewith.

Respectfully submitted,



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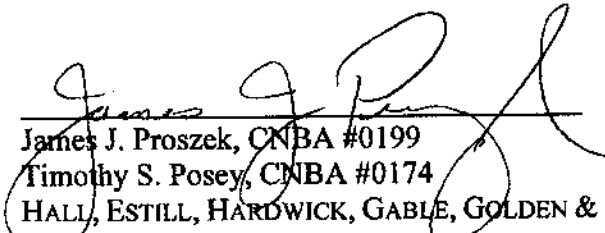
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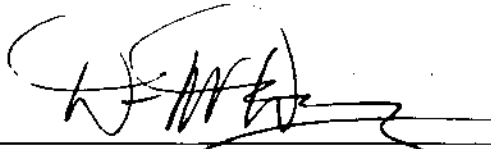
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* *pro hac vice motions pending*

** *application to Cherokee Bar pending*

THE DISTRICT COURT
OF THE CHEROKEE NATION

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THE CHEROKEE NATION,

Plaintiff,

v.

MCKESSON CORPORATION;
CARDINAL HEALTH, INC.; CARDINAL
HEALTH 110, LLC;
AMERISOURCEBERGEN DRUG
CORPORATION; CVS HEALTH
CORPORATION; CVS PHARMACY,
INC.; OKLAHOMA CVS PHARMACY,
LLC; WALGREENS BOOTS ALLIANCE,
INC.; WALGREEN CO.; WAL-MART
STORES, INC.,

Defendants.

Case No. CV-2017-203

**ORDER GRANTING JOINT MOTION
TO EXTEND LIMITED STAY OF PROCEEDINGS**

Before the Court is the parties' October 13 2017 Joint Motion to Extend Limited Stay of Proceedings. It is hereby ORDERED as follows:

1. The motion is GRANTED.
2. This action will be temporarily stayed until the date of the ruling by the federal court in the Northern District of Oklahoma on the preliminary injunction motion pending in *McKesson Corp., et al. v. Todd Hembree, et al.*, No. 4:17-cv-00323-TCK-FHM. This temporary stay is without prejudice to Defendants' right to seek a longer stay.
3. Upon expiration of the stay, Defendants shall have 21 days to answer, file motions, or otherwise respond to the First Amended Petition.

DONE AND ORDERED on this 13 day of October, 2017, at the District Court of
the Cherokee Nation, Tahlequah, Oklahoma



T. LUKE BARTEAUX
DISTRICT JUDGE

Copies furnished to:
All Counsel of Record