

**THE DISTRICT COURT
OF THE CHEROKEE NATION**

2017 SEP 21 PM 3:48

THE CHEROKEE NATION,)
)
 Plaintiff,)
)
 vs.)
)
 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.)
)

CV-2017-203

**MOTION TO LIFT LIMITED STAY
FOR PURPOSE OF FILING MOTION ON BOND**

The Cherokee Nation hereby moves this Court to lift the limited stay in this case solely to permit the Nation to file a Motion to Waive Filing of an Appeal or Supersedeas Bond. In support of this Motion, the Cherokee Nation states:

1. On June 27, 2017, the Court granted the parties' Joint Motion for a Limited Stay in this matter based on the filing by defendants of a motion for a preliminary injunction in the United States District Court for the Northern District of Oklahoma in *McKesson Corp. et al v. Todd Hembree et al.*, Case No. 4:17-cv-00323--TCK-FHM.

2. In order to clarify an issue which has arisen in the federal court action, the Nation seeks to lift the limited stay of this case for the purpose of filing a Motion to Waive Filing of an


Appeal or Supersedeas Bond. The lifting of the stay to permit the filing of the Motion will allow the Court to rule on the issue presented in the Motion and this in turn will facilitate the federal court's consideration of the preliminary injunction motion that is pending before it. Thus, this motion to lift the limited stay is consistent with the underlying purpose of the stay, which is to facilitate the federal court's consideration of the motion for a preliminary injunction before it.

3. The Nation conferred with defendants on this motion on September 15, 2017 and thereafter, and they have not provided the Nation with their position.

WHEREFORE, the Cherokee Nation respectfully requests that the Court enter an Order to lift the limited stay in this case solely to permit the Nation to file a Motion to Waive Filing of an Appeal or Supersedeas Bond.

Dated this 21st day of September, 2017.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2017, a copy of the foregoing was distributed via U.S. Mail and Electronic Mail to the counsel and their addresses listed below:

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