

THE DISTRICT COURT  
OF THE CHEROKEE NATION

FILED  
2017 SEP 22 PM 2: 53

THE CHIEF CLERK  
OF THE DISTRICT COURT  
OF THE CHEROKEE NATION  
TULSA, OKLAHOMA

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

**PLAINTIFF CHEROKEE NATION'S MOTION  
TO SET DATE FOR DEFENDANTS TO RESPOND TO PENDING MOTIONS**

Plaintiff, the Cherokee Nation, hereby moves this Court for an Order to set September 26, 2017 as the date for Defendants to respond to two motions filed by the Plaintiff and which are pending before this Court. In support of this motion, Plaintiff states:

1. On September 21, 2017, the Cherokee Nation filed a Motion to Lift Limited Stay for Purpose of Filing Motion on Bond, and a Motion to Waive Filing of an Appeal or Supersedeas Bond.

2. As recited in both motions, on September 15, 2017 and thereafter for nearly a week, the Nation conferred with the Defendants to ascertain their position on the motions, but they did not provide the Nation with their position. The rules of this Court provide, "Unless

otherwise provided in these rules or by order of the District Court, motions and responses thereto shall be filed promptly and within such time as not to delay the proceedings. Promptness and diligence is favored in all filings in the District Court.” R. 120, Rules of the District Court of the Cherokee Nation.

3. As recited in the Motion to Lift Limited Stay, the motions filed by the Nation seek a ruling from this Court that will facilitate a decision by 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, on a motion for a preliminary injunction filed by the Defendants (the Plaintiffs in the federal court case). Since the motion for a preliminary injunction is pending before the federal court for decision, time is of the essence for this Court to consider and rule upon the motions filed by the Cherokee Nation. The federal court has ordered the Cherokee Nation to file a response by September 28, 2017 on the issue presented in the Nation’s Motion to Waive Filing of an Appeal or Supersedeas Bond. A ruling by this Court prior to then would allow the Cherokee Nation to inform the federal court of this Court’s decision on the issue in a timely manner.

4. The issues presented in the Nation’s pending motions are not complex and seek a ruling from this Court that inures to the benefit of Defendants by waiving the filing of any appeal or supersedeas bond by Defendants, should they seek to appeal any decision by this Court.

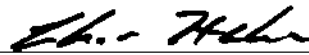
5. Requiring Defendants to respond by September 26, 2017 will provide adequate time for Defendants to consider and file a response to the pending motions. As noted above, Rule 120 of this Court’s rules expressly states that responses to motions shall be filed “promptly” and that “promptness and diligence” are favored in all filings in this Court. This motion to set a

time for Defendants to respond to the Nation's pending motions is consistent with the rules of this Court.

6. A proposed Order accompanies this motion. In order to facilitate the Court's review of this matter, the Nation also submits proposed Orders for the two pending motions.

Dated this 22nd day of September, 2017.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd 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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