

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	No. 2:73-cv-26
)	
and)	Honorable Paul L. Maloney
)	
BAY MILLS INDIAN COMMUNITY, SAULT STE.)	
MARIE TRIBE OF CHIPPEWA INDIANS, GRAND)	
TRAVERSE BAND OF OTTAWA AND CHIPPEWA)	
INDIANS, LITTLE RIVER BAND OF OTTAWA)	
INDIANS, and LITTLE TRAVERSE BAY BANDS)	
OF ODAWA INDIANS,)	
Plaintiff-Intervenors,)	
)	
-v-)	
)	
STATE OF MICHIGAN, et al.,)	
Defendants.)	
)	

ORDER GRANTING MOTION FOR LEAVE TO FILE A SUR-REPLY

The Coalition to Protect Michigan Resources and the Bay De Noc Great Lakes Sports Fishermen (collectively, “Proposed Intervenors”) have moved to intervene in this litigation (ECF No. 1964). The Court has yet to rule on that motion. Subsequent to the Proposed Intervenors filing their motion to intervene, the Sixth Circuit issued the published *Wineries of the Old Mission Peninsula Ass’n v. Twp. of Peninsula*, 2022 WL 2965614, – F.4th – (6th Cir. July 27, 2022) opinion, where the Circuit permitted an interest group to intervene in litigation involving the constitutionality of certain Township Ordinances. Given this binding precedent, the Proposed Intervenors filed the present motion for leave to file a sur-reply to their motion to intervene, for the purpose of addressing the *Wineries* decision.

Pursuant to W.D. Mich. LCivR 7.3(c), The Court will grant the Proposed Intervenor's motion for leave to file a sur-reply, but it will also give the seven parties in this case the opportunity to respond to the *Wineries* decision.

IT IS HEREBY ORDERED that the Proposed Intervenor's motion to file a sur-reply (ECF No. 1976) is **GRANTED**. The Clerk of Court shall **ACCEPT** the Proposed Intervenor's sur-reply and exhibits (ECF Nos. 1976-1, 1976-2, 1976-3) for filing.

IT IS FURTHER ORDERED that the seven parties in this case may also file sur-reply briefs, limited to addressing the *Wineries* decision, by Friday, August 19, 2022.

IT IS SO ORDERED.

Date: August 8, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge