

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE NEZ PERCE TRIBE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06cv02239-JR
)	
KENNETH L. SALAZAR,)	
Secretary of the Interior, <i>et al.</i> ,)	
)	
<u>Defendants.</u>)	
CADDO NATION OF OKLAHOMA,)	
)	
Plaintiff,)	Complaint in Intervention
)	Filed December 1, 2008
v.)	
)	
KENNETH L. SALAZAR,)	
Secretary of the Interior, <i>et al.</i> ,)	
)	
<u>Defendants.</u>)	
THE KICKAPOO TRIBE IN KANSAS, <i>et al.</i> ,)	
)	
Plaintiffs,)	Complaint in Intervention
)	Filed December 4, 2008
v.)	
)	
KENNETH L. SALAZAR,)	
Secretary of the Interior, <i>et al.</i> ,)	
)	
<u>Defendants.</u>)	
THE NATIVE VILLAGE OF ATKA,)	
)	
Plaintiff,)	Complaint in Intervention
)	Filed December 4, 2008
v.)	
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KENNETH L. SALAZAR,)	
Secretary of the Interior, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

INTERVENOR PLAINTIFFS THE KICKAPOO TRIBE IN KANSAS;
THE SAULT STE.MARIE TRIBE OF CHIPPEWA INDIANS;
THE SHOALWATER BAY INDIAN TRIBE; THE SKOKOMISH TRIBAL NATION;
THE KAIBAB BAND OF PAIUTE INDIANS OF ARIZONA; THE LAC DU FLAMBEAU
BAND OF LAKE SUPERIOR CHIPPEWA INDIANS; THE QAWALANGIN TRIBE;
THE ALEUT COMMUNITY OF ST. PAUL ISLAND; AND, THE NATIVE VILLAGE
OF ATKA'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS
THEIR COMPLAINTS IN INTERVENTION

Pursuant to LCvR 7(b), the above-referenced Intervenor Plaintiffs file this opposition to Defendants' Motion to Dismiss their Complaints in Intervention (Dkt. No. 93). To the extent that Defendants' pending Motion to Dismiss [the First Amended Complaint] (Dkt. No. 58) applies to Intervenor Plaintiffs' Complaints filed on December 4, 2008 (Dkt. Nos. 89 and 90) by way of Defendants' Motion (Dkt. No. 93) or otherwise, Intervenor Plaintiffs join in the Plaintiffs' Principal Brief in Opposition to Defendants' Motion to Dismiss [the First Amended Complaint] filed in this action on July 16, 2008 (Dkt. No. 59).

Pursuant to LevR 7(c), a proposed order is submitted with this opposition.

Dated this 2nd day of February, 2009

Respectfully submitted,

/s/ Melody L. McCoy

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KAIBAB BAND OF PAIUTE INDIANS OF ARIZONA;
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS;
QAWALANGIN TRIBE;
ALEUT COMMUNITY OF ST. PAUL ISLAND; AND,
NATIVE VILLAGE OF ATKA

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2009, a true and correct copy of the foregoing INTERVENOR PLAINTIFFS KICKAPOO TRIBE IN KANSAS; SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS; SHOALWATER BAY INDIAN TRIBE; SKOKOMISH TRIBAL NATION; KAIBAB BAND OF PAIUTE INDIANS OF ARIZONA; LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS; QAWALANGIN TRIBE; ALEUT COMMUNITY OF ST. PAUL ISLAND; AND, NATIVE VILLAGE OF ATKA'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS COMPLAINTS IN INTERVENTION and [PROPOSED] ORDER was served by Electronic Case Filing or by regular first class U.S. mail, postage pre-paid, on the following counsel:

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[PROPOSED] ORDER

This matter is before the Court on Defendants’ Motion to Dismiss the Complaints in Intervention (Dkt. Nos. 85, 89 & 90). Upon careful consideration of the Motion and Opposition to the Motion, and for good cause shown, it is hereby ORDERED that Defendants’ Motion to Dismiss the Complaints in Intervention (Dkt. Nos. 89 & 90) is DENIED.

SO ORDERED.

Date: _____

HON. JAMES ROBERTSON
United States District Court