

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

THE NEZ PERCE TRIBE, et al.	)	
	)	
Plaintiffs,	)	
v.	)	
	)	No. 06-CV-02239-JR
DIRK KEMPTHORNE, Secretary of the	)	
Interior, et al.	)	
	)	
Defendants.	)	

**MOTION TO INTERVENE**

Caddo Nation of Oklahoma, ("Caddo"), intervenor, pursuant to Fed. Civ. R. 24(a)(c), moves for leave to intervene as of right or alternatively, permissively, as a plaintiff in this action, and shows the Court:

1. The Caddo Nation of Oklahoma, is a federally recognized Indian tribe, recognized by the United States as a sovereign Indian tribe with legal rights and responsibilities, eligible for the special programs and services provided by the United States to Indians.

2. The Caddo were noticed and identified as an interested party per an Order issued on October 15, 2008.

3. The Caddo and the Plaintiffs share common claims against the Defendants

4. The Caddo have an interest relating to both the federal statutory grounds and the common law claims relating to the remedy sought in this action.

5. The Caddo's claims involves facts, parties and evidence that are the same and similar to this action and would provide the best use of judicial economy in resolving these claims.

6. The Caddo's claims are so situated that disposing of the action may as a practical matter impair or impede the Caddo's ability to otherwise protect its interest and remedy unless they are adequately represented in this action.

7. Both the claims of the Caddo and the Plaintiffs share common questions of law and fact.

8. This motion is timely made and would not cause undue delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, Caddo Nation of Oklahoma prays that the Court issue an Order allowing Caddo to intervene in the above-captioned matter, to file the attached Complaint In Intervention and for such further legal or equitable relief to which Caddo may be entitled.

Dated this 26<sup>th</sup> day of November 26, 2008.

Respectfully submitted,

*s/ Jennifer H. McBee*

Jennifer Henshaw McBee, OBA #19170

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of November, 2008, I forwarded a copy of the attached document to the following parties via Certified U.S. Mail, return receipt requested:

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