

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

THE NEZ PERCE TRIBE, <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	No. 06cv02239-JR
	)	
v.	)	
	)	
DIRK KEMPTHORNE,	)	
Secretary of the Interior, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS’ NOTICE OF JOINDER IN PLAINTIFFS’ OPPOSITION  
TO DEFENDANTS’ MOTION TO DISMISS**

On June 16, 2008, Defendants moved to dismiss this action. (Doc. # 58). Plaintiffs the Nez Perce Tribe, *et al.*, hereby give notice that they join in the Principal Brief in Opposition to Defendants’ Motion to Dismiss filed today, July 16, 2008 by Plaintiffs in *Ak-Chin Indian Community v. Kempthorne*, No. 06-2245 (Doc. # 59); *Passamaquoddy Tribe v. Kempthorne, et al.*, No. 06-2240 (Doc. # 48); *Salt River Pima-Maricopa Indian Community v. Kempthorne, et al.*, No. 06-2441 (Doc. # 49); and, *Tohono O’Odham Nation v. Kempthorne, et al.*, No. 06-2236 (Doc. # 46).

DATED this 16th day of July, 2008

Respectfully submitted,

/s/ Melody L. McCoy  
MELODY L. MCCOY, USDC Bar. No. CO0043  
DONALD R. WHARTON  
DAVID L. GOVER  
DAWN S. BAUM  
MARK C. TILDEN  
JOHN E. ECHOHAWK  
WALTER R. ECHO-HAWK, JR.  
Native American Rights Fund  
1506 Broadway  
Boulder, CO 80302  
Tel (303) 447-8760  
Fax (303) 443-7776  
E-mail [mmccoy@narf.org](mailto:mmccoy@narf.org)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of July, 2008, a true and correct copy of the foregoing PLAINTIFFS' NOTICE OF JOINDER IN PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS was served by Electronic Case Filing or by regular first class U.S. mail, postage pre-paid, on the following counsel:

E. KENNETH STEGBEY  
ANTHONY P. HOANG  
KEVIN J. LARSEN  
MAUREEN RUDOLPH  
U.S. Department of Justice  
Environment and Natural Resources Division  
P.O. Box 663  
Washington, DC 20044-0663  
Tel (202) 616-4119  
Tel (202) 305-0241  
Tel (202) 305-0479  
Fax (202) 353-2021

JOHN H. MARTIN  
U.S. Department of Justice  
Natural Resources Section  
1961 Stout St., Eighth Floor  
Denver, CO 80294  
[john.h.martin@usdoj.gov](mailto:john.h.martin@usdoj.gov)  
Tel: (303) 844-1383  
Fax (303) 844-1350

Attorneys for Defendants

OF COUNSEL:

PAUL SMYTH  
ELISABETH BRANDON  
THOMAS BARTMAN  
GLADYS I. COHOCARI  
SHANI N. WALKER  
Office of the Solicitor  
U.S. Department of the Interior  
Washington, DC 20240

TERESA DAWSON  
Office of the Chief Counsel  
Financial Management Service  
U.S. Department of the Treasury  
Washington, DC 20227

/s/ *Melody L. McCoy*  
MELODY L. MCCOY, USDC Bar. No. CO0043  
Attorney for Plaintiffs