

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

THE NEZ PERCE TRIBE, *et al.*,)
for and on behalf of themselves)
all others similarly situated,)
))
Plaintiffs,)
))
v.)
))
DIRK KEMPTHORNE,)
SECRETARY OF THE INTERIOR, *et al.*,)
))
Defendants.)
_____)

Case No. 06cv02239-JR

**Electronically Filed on
August 8, 2008**

**PLAINTIFFS’ MOTION FOR LEAVE FOR PLAINTIFFS’ COUNSEL TO SEND
COURT-APPROVED NOTICE TO MEMBERS OF THE PUTATIVE CLASS OF
PLAINTIFFS, AND FOR MEMBERS OF THE PUTATIVE CLASS TO HAVE AN
OPPORTUNITY FOR PERMISSIVE JOINDER AS PLAINTIFFS BEFORE A RULING
ON CLASS ACTION CERTIFICATION**

Pursuant to Fed. R. Civ. P. 23(d) and LCvR 7, Plaintiffs respectfully move this Court for an Order granting leave for Plaintiffs’ counsel, the Native American Rights Fund, to send a Court-Approved Notice to members of the putative class of plaintiffs, and for members of the putative class to have an opportunity for permissive joinder under Fed. R. Civ. P. 20(a)(1) as plaintiffs in this action before the Court rules on Plaintiffs’ pending motion for class action certification. The Notice generally would inform the putative class members of the status of this action and Plaintiffs’ class certification motion following the oral argument on that motion, which was held on July 24, 2008, and of their options for protecting their interests. The points and authorities in support of this Motion are set forth in the supporting Memorandum submitted herewith, along with a Proposed

Notice for the Court's approval. Pursuant to LCvR 7(c), a Proposed Order also is submitted herewith this Motion. Pursuant to LCvR 7(f), Plaintiffs request oral argument on this Motion.

Pursuant to LCvR 7(m), counsel for Plaintiffs states that on August 4 and 8, 2008, she discussed this Motion with counsel for Defendants, and is authorized to state that Defendants oppose the Motion.

DATED this 8th day of August, 2008

Respectfully submitted,

/s/ Melody L. McCoy
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August, 2008, a true and correct copy of the foregoing PLAINTIFFS' MOTION FOR LEAVE FOR PLAINTIFFS' COUNSEL TO SEND COURT-APPROVED NOTICE TO MEMBERS OF THE PUTATIVE CLASS OF PLAINTIFFS, AND FOR MEMBERS OF THE PUTATIVE CLASS TO HAVE AN OPPORTUNITY FOR PERMISSIVE JOINDER AS PLAINTIFFS BEFORE A RULING ON CLASS ACTION CERTIFICATION; PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE FOR PLAINTIFFS' COUNSEL TO SEND COURT-APPROVED NOTICE TO MEMBERS OF THE PUTATIVE CLASS OF PLAINTIFFS, AND FOR MEMBERS OF THE PUTATIVE CLASS TO HAVE AN OPPORTUNITY FOR PERMISSIVE JOINDER AS PLAINTIFFS BEFORE A RULING ON CLASS ACTION CERTIFICATION; [PROPOSED] COURT-APPROVED NOTICE TO MEMBERS OF THE PUTATIVE CLASS; 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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