

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

Assiniboine & Sioux Tribes of :  
the Fort Peck Indian : Civil Action No. 02-0035 (JR)  
Reservation v. Norton, et al. :

Standing Rock Sioux Tribe v. :  
Norton, et al. : Civil Action No. 02-0040 (JR)

Three Affiliated Tribes of :  
the Fort Berthold Reservation : Civil Action No. 02-0253 (JR)  
v. Norton, et al. :

Shoshone-Bannock Tribes of :  
the Fort Hall Reservation v. : Civil Action No. 02-0254 (JR)  
Norton, et al. :

Chippewa Cree Tribe of the :  
Rocky Boy's Reservation v. : Civil Action No. 02-0276 (JR)  
Norton, et al. :

Yankton Sioux Tribe v. :  
Norton, et al. : Civil Action No. 03-1603 (JR)

Osage Tribe of Indians of :  
Oklahoma v. USA, et al. : Civil Action No. 04-0283 (JR)

Crow Creek Sioux Tribe v. :  
Kempthorne, et al. : Civil Action No. 04-0900 (JR)

Omaha Tribe of Nebraska v. :  
Kempthorne, et al. : Civil Action No. 04-0901 (JR)

Oglala Sioux Tribe v. :  
Kempthorne, et al. : Civil Action No. 04-1126 (JR)

The Confederated Tribes of :  
the Colville Reservation v. : Civil Action No. 05-2471 (JR)  
Norton, et al. :

Wyandot Nation of Kansas v. :  
Kempthorne, et al. : Civil Action No. 05-2491 (JR)

Rosebud Sioux Tribe v. :  
Kempthorne, et al. : Civil Action No. 05-2492 (JR)

Winnebago Tribe of Nebraska :  
v. Kempthorne, et al. : Civil Action No. 05-2493 (JR)

Lower Brule Sioux Tribe v. :  
Kempthorne, et al. : Civil Action No. 05-2495 (JR)

Prairie Band of Potawatomi :  
Nation v. Kempthorne, et al. : Civil Action No. 05-2496 (JR)

Te-Moak Tribe of Western :  
Shoshone Indians v. : Civil Action No. 05-2500 (JR)  
Norton, et al. :

Cheyenne River Sioux Tribe v. :  
Kempthorne, et al. : Civil Action No. 06-1897 (JR)

Stillaguamish Tribe of :  
Indians v. Kempthorne, et al. : Civil Action No. 06-1898 (JR)

Iowa Tribe of Kansas and :  
Nebraska v. Kempthorne, et al. : Civil Action No. 06-1899 (JR)

Confederated Tribes of the :  
Goshute Reservation v. : Civil Action No. 06-1902 (JR)  
Kempthorne, et al. :

Muskogee (Creek) Nation of :  
Oklahoma v. Kempthorne, et al. : Civil Action No. 06-2161 (JR)

Eastern Shawnee Tribe of :  
Oklahoma v. Kempthorne, et al. : Civil Action No. 06-2162 (JR)

Northwestern Band of Shoshone :  
v. Kempthorne, et al. : Civil Action No. 06-2163 (JR)

Red Cliff Bank of Lake :  
Superior Indians v. : Civil Action No. 06-2164 (JR)  
Kempthorne, et al. :

Pechanga Band of Luiseno :  
Mission Indians v. : Civil Action No. 06-2206 (JR)  
Kempthorne, et al. :

Colorado River Indian Tribes :  
v. Kempthorne, et al. : Civil Action No. 06-2212 (JR)

Tohono O'Odham Nation v. :  
Kempthorne, et al. : Civil Action No. 06-2236 (JR)

Nez Perce Tribe, et al. v. :  
Kempthorne, et al. : Civil Action No. 06-2239 (JR)

Passamaquoddy Tribe of :  
Maine v. Kempthorne, et al. : Civil Action No. 06-2240 (JR)

Salt River Pima-Maricopa :  
Indian Community v. : Civil Action No. 06-2241 (JR)  
Kempthorne, et al. :

Coer D'Alene Tribe v. :  
Kempthorne, et al. : Civil Action No. 06-2242 (JR)

Ak-Chin Indian Community v. :  
Kempthorne, et al. : Civil Action No. 06-2245 (JR)

Sokaogon Chippewa Community :  
v. Kempthorne, et al. : Civil Action No. 06-2247 (JR)

Gila River Indian Community :  
v. Kempthorne, et al. : Civil Action No. 06-2249 (JR)

Northern Cheyenne Tribe of :  
Indians v. Kempthorne, et al. : Civil Action No. 06-2250 (JR)

Haudenosaunee: The Onondaga :  
Nation v. Kempthorne, et al. : Civil Action No. 06-2254 (JR)

Jicarilla Apache Nation v. :  
Department of Interior : Civil Action No. 07-0803 (JR)

**ORDER**

Upon further consideration of matters discussed in open court today:

1. The government will move to dismiss some or all of the claims in Nez Perce, et al. v. Kempthorne, et al., No. 06-2239, by June 5, 2008. Plaintiffs will file their opposition by June 26, and the government will file its reply by July 10. The outcome of that motion will have important implications for all

the tribal cases that are before me, and the parties in those cases should have an opportunity to make themselves heard on the issues that will be presented.

Accordingly, the government is invited to file its motion to dismiss in all the tribal cases that present the same or similar jurisdictional issues that will be briefed in Nez Perce. Such a motion may be filed on one page, incorporating by reference the motion filed in Nez Perce. At the government's option, individualized supplements may be filed in each tribal case. All such motions are due on June 5.

Plaintiffs shall respond to the motions to dismiss in a manner similar to that established by my order of August 23, 2007, [Nez Perce Dkt. #39], regarding the government's remand motions. One or more principal briefs in opposition to the motion to dismiss must be filed by June 26. Individualized oppositions asserting other, unique arguments may be filed by July 3.

The government's reply to the principal brief or briefs in opposition will be due on July 10, but the government may have until July 17 to reply to individualized oppositions.

The parties' submissions should address the procedural posture of any parallel proceedings in the Court of Federal Claims and the relief sought in those cases.

Oral argument on the anticipated motion to dismiss in Nez Perce is set for July 24, 2008, at 10:00 a.m. Other tribal plaintiffs wishing to be heard may move by July 21 to be allotted argument time, such motions to be docketed in Nez Perce, No. 06-2239. Nothing in this order should be understood as modifying the schedule set for plaintiffs' motion for class certification in Nez Perce.

JAMES ROBERTSON  
United States District Judge