

IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

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

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION
FOR ENTRY OF TRUST RECORD PRESERVATION ORDER**

On April 29, 2008, the Salt River Pima-Maricopa Indian Community (“the Community”) and other plaintiffs filed motions for the entry of trust record preservation orders (“Motion for RRO”) in their respective cases. *See, e.g.*, Motion for RRO, *Salt River Pima-Maricopa Indian Community v. Kempthorne, et al.*, Case No. 06-CV-02241-JR (D.D.C.) (Dkt. No. 31). In the memorandum accompanying the Motion for RRO, counsel for the Community represented that twenty-two additional individual and groups of tribal plaintiffs “joined in th[e] motion.” *See, e.g.*, Memo in Support of Motion for RRO, *Salt River Pima-Maricopa Indian Community v. Kempthorne, et al.*, Case No. 06-CV-02241-JR (D.D.C.) (Dkt. No. 32) at 3. Plaintiffs in this case are among the Tribes identified as having joined in the Motion for RRO. *Id.* Indeed, on May 1, 2008, Plaintiffs in the instant case filed a formal motion joining in the Motion for RRO. *Nez Perce Tribe, et al., v. Kempthorne*, Case No. 06-CV-02239-JR (D.D.C.) (Dkt. No. 46). The Court granted Plaintiffs’ Motion to join on May 7, 2008.

On the same date as this Response to Plaintiffs’ Motion for Entry of Trust Record

Preservation Order (“Response”), Defendants in *Salt River Pima-Maricopa Indian Community* have filed, or will file, a Response to Plaintiff’s Motion for Entry of Trust Record Preservation Order (“Opposition”), as well as numerous declarations in support of the Opposition. In that Opposition, Defendants explain in great detail why record retention orders in these Tribal trust cases are unnecessary and prejudicial to Defendants, because the orders would (1) in all critical respects, be duplicative of record preservation procedures already in place, and (2) in numerous critical respects, impose burdens upon Defendants that would substantially impede their operations and mission. Because Defendants in the instant case believe that no trust preservation order is necessary or appropriate, Defendants join in the Opposition filed by the defendants in *Salt River Pima Maricopa Tribe*, and, in support of the instant Response, rely upon the declarations filed in support of the Opposition.

For the reasons set forth above, as well as the reasons set forth in the Opposition and supporting declarations filed in *Salt River Pima Maricopa Tribe*, Defendants request that Plaintiffs’ Motion for Entry of Trust Record Preservation Order be denied in its entirety.

Respectfully submitted this 20th day of June 2008,

RONALD J. TENPAS
Assistant Attorney General

/s/ Maureen E. Rudolph
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CERTIFICATE OF SERVICE

I hereby certify that, on June 20, 2008, I electronically transmitted the foregoing DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR ENTRY OF TRUST RECORD PRESERVATION ORDER to the Clerk of the Court, using the ECF system for filing and transmittal of a Notice of Electronic Filing to the attorneys listed on the ECF system for this case.

/s/ Maureen E. Rudolph
MAUREEN E. RUDOLPH