

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE AK-CHIN INDIAN)	
COMMUNITY,)	
)	
Plaintiff,)	Case No. 06-CV-02245-JR
)	Judge James Robertson
v.)	(Electronically filed on April 29, 2008)
)	
DIRK KEMPTHORNE, ROSS O.)	
SWIMMER and HENRY M. PAULSON,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR ENTRY OF TRUST RECORD
PRESERVATION ORDER**

Pursuant to Fed. R. Civ. Pro. 7(b) and 16 and Local Civil Court Rule (“LCvR”) 7, Plaintiff, the Ak-Chin Indian Community (“the Community”), respectfully moves for entry of the accompanying proposed Trust Record Preservation Order.

The Court has authority to enter a document preservation order in this case pursuant to its case management authority and the power to preserve evidence that is relevant to the subject of the litigation. Quite apart from its authority to preserve trust records under the Rules, the Court also has inherent equitable authority to order the preservation of trust records in compliance with Trustee-Delegates’ fiduciary obligation to furnish critical information about the trust. As set forth in the accompanying Memorandum of Points and Authorities in Support of Plaintiff’s Motion, entry of the proposed order will protect such records against the risk of further destruction or loss, but without imposing an undue burden on Defendants.

In accordance with LCvR 7(m), counsel for Plaintiff has contacted counsel for Defendants by telephone to discuss this motion and determine whether there is any opposition to the relief sought. Counsel for Plaintiff is advised that this motion is opposed.

WHEREFORE, the Community respectfully requests that the Court grant its motion and enter the accompanying proposed Trust Record Preservation Order.

Respectfully submitted, this 29th day of April, 2008.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that the PLAINTIFF'S MOTION FOR ENTRY OF TRUST RECORD PRESERVATION ORDER, THE PROPOSED ORDER, THE MEMORANDUM IN SUPPORT THEREOF, AND THE ATTACHMENTS AND EXHIBITS THERETO were electronically filed using the Court's ECF system and that the below-listed counsel are ECF users and will be served via the ECF System:

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This 29th day of April, 2008.

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