IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV01285 (RCL)
	)	
GALE A. NORTON, Secretary of the Interior, et al.,	)	(Special Master Alan L. Balaran)
	)	
	)	
Defendants.	)	
	)	

INTERIOR DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION FOR PROTECTIVE ORDER AND MOTION TO QUASH PLAINTIFFS' NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO NON-PARTY MICHAEL CARR AND DEFENDANTS AND OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL MICHAEL CARR'S DEPOSITION AND THE PRODUCTION OF DOCUMENTS RELATED THERETO

Plaintiffs' opposition and cross-motion to compel ("Opposition") are so clearly without merit that Interior Defendants will respond only briefly so as not to belabor the arguments already set out in their Motion for Protective Order and to Quash and in their responses to plaintiffs' "bills of particulars" regarding Mr. Carr and the other Named Individuals.[1]

[1]In order to avoid unnecessary repetition of arguments already in the extensive record in this case, the government incorporates herein by reference the following pleadings: *Memorandum of Points and Authorities in Opposition to Plaintiffs' Bills of Particulars in Support of Motion for Order to Show Cause Why Interior Defendants and Their Employees and Counsel Should Not Be Held in Contempt for Violating Court Orders and for Defrauding This Court in Connection with Trial One (Filed October 19, 2001)* (filed June 2, 2003) (the "Government's June 2, 2003 Opposition"); *United States' Reply to Plaintiffs' Opposition to Bills of Particulars Relating to Plaintiffs' October 19, 2001 Motion for Order to Show Cause* (filed Aug. 18, 2003).

1. The Proceedings Regarding the October 19, 2001 Show Cause Motion Unquestionably Involve Potential Criminal Ramifications for the Named Individuals.

Plaintiffs have consistently sought criminal sanctions against Michael Carr and the other non-party individuals named in their October 19, 2001 show cause motion. Plaintiffs' Opposition provides no indication that plaintiffs have abandoned their pursuit of such criminal sanctions. To the contrary, plaintiffs appear to admit that they intend to use the civil discovery rules as a stalking horse to build a criminal case against the Named Individuals. Such manipulation of the civil rules is, of course, absolutely improper and justifies the imposition of a protective order. *See* Fed. R. Civ. P. 26(c) ("[T]he court in the district where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. . . ."). There can be no serious question that plaintiffs' attempt to deprive Mr. Carr of his constitutional due process rights is, at a minimum, oppressive.[2]

While the government recognizes that plaintiffs' petition for rehearing is currently before the Court of Appeals, the Court of Appeals' decision still stands. That decision is itself based upon and supported by other governing precedent that makes clear that the particular allegations made against Mr. Carr and the other Named Individuals cannot be characterized as civil in nature

---

[2]Indeed, the Supreme Court has recognized that it is often appropriate for a district court to impose a protective order "to prevent parties from using civil discovery to evade restrictions on discovery in criminal cases." *Degen v. United States*, 517 U.S. 820, 826 (1996) (citing cases); *see also United States v. Kordel*, 397 U.S. 1, 8-9 (1970) (presuming that appropriate remedy in a civil case where no corporate officer could respond to interrogatories without being subject to a "'real and appreciable' risk of self-incrimination" would be a protective order "postponing civil discovery until termination of the criminal action.") (internal citations omitted). Thus, there is ample authority supporting the imposition of a protective order to prevent civil discovery from going forward where there are unresolved criminal allegations arising from the same matters.

because plaintiffs have identified no action these individuals could take to purge the allegedly contumacious conduct, nor any damages they have allegedly suffered because of the claimed actions of any of these individuals. *See International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 829 (1994) ("Where a fine is not compensatory, it is civil only if the contemnor is afforded an opportunity to purge."); *National Org. for Women v. Operation Rescue*, 37 F.3d 646, 658-62 (D.C. Cir. 1994); *Evans v. Williams*, 206 F.3d 1292, 1296 (D.C. Cir. 2000); *see also* Government's June 2, 2003 Opposition at 7-10 (discussing essential elements of civil contempt proceeding). Mr. Carr no longer works for the federal government, so he has no ability to purge any civil contempt the court might order.[3] Accordingly, there is no place for civil discovery in the proceedings associated with the plaintiffs' October 19, 2001 motion.

2. Plaintiffs Cannot Serve as Roving "Inspectors General." Plaintiffs invite the Court to disregard the Supreme Court's holding in *Young v. United States ex rel. Vuitton et Fils, S.A.*, 481 U.S. 787, 814 (1987), and its own recent ruling in *Landmark Legal Foundation v. EPA*, 2003 WL 21715678 at *4 (D.D.C. July 25, 2003), and to permit them to conduct criminal investigations of federal employees and attorneys. *See* Opposition at 2. The Court should decline the invitation. Plaintiffs' additionally note the Court's "truth-seeking" function. Opposition at 3. Plaintiffs, however, pay no heed to the clear limitations on the federal judicial power, as recently clarified by the Court of Appeals. In the portion of the July 18, 2003 decision that plaintiffs have not challenged, the Court of Appeals held that a "'roving federal district court'" has no role in our constitutional system. *Cobell v. Norton*, 334 F.3d 1128, 1141-43 (D.C.

---

[3]Indeed, as we pointed out in the Government's June 2, 2003 Opposition at 12-13 & n.5, plaintiffs' counsel has conceded on the record that former government officials and employees cannot be liable for civil contempt.

Cir. 2003), quoting with approval *Ruiz v. Estelle*, 679 F.2d 1115, 1162 (5th Cir.), *amended in part, reh'g denied in part on other grounds*, 688 F.2d 266 (5th Cir. 1982). Accordingly, district courts are not empowered to appoint agents to function in "an investigative, quasi-inquisitorial, quasi-prosecutorial role that is unknown to our adversarial legal system." *Cobell*, 334 F.3d at 1142. Significantly, the plaintiffs have identified no order of this Court that has provided them with the authority they claim to conduct free-ranging investigations of alleged misconduct of their adversaries in this litigation, and we are aware of none. Indeed, the Court's decision in *Landmark Legal Foundation*, *supra*, directly contradicts plaintiffs' claimed authority.

3. The Court's September 17, 2002 Order Did Not Award Civil Discovery as a "Sanction" and Was Far More Limited Than Plaintiffs Contend. Remarkably, plaintiffs contend that the Court ordered discovery as a "sanction" for the contempt it had found. Opposition at 2, 6. There is no indication in the September 17, 2002 order that the Court took any such action, nor do plaintiffs cite any authority that would permit a court to allow discovery not otherwise permitted by Rule 26(b) as a "punishment." In setting forth the scope of civil discovery, Rule 26(b)(1) authorizes parties to obtain discovery "that is relevant to the claim or defense of any party. . ." and further permits courts, "[f]or good cause", to "order discovery of any matter relevant to the subject matter involved in the action." Discovery may be further limited by the court, but there is no provision in the rules for expanding the scope of discovery beyond that set forth in Rule 26(b).

In any event, the Court of Appeals specifically vacated the findings of contempt and the sanctions imposed by the Court pursuant to those findings. Accordingly, even if the discovery permitted by the September 17, 2002 order could conceivably have been meant as a "sanction"

for the finding of contempt, plaintiffs cannot rely upon a vacated sanction as a basis for their claimed right to employ civil discovery to investigate their sundry suspicions.[4]

At this time, no proceeding before the Court requires any discovery. Trial 1.5 has been concluded and the Court has ruled upon the issues raised there. There is no indication in the September 17, 2002 ruling that the Court intended to permit plaintiffs to conduct fishing expeditions into matters unrelated to the issues before the Court in Trial 1.5, much less that the Court intended to permit discovery to continue even after the conclusion of Trial 1.5 and the issuance of the Court's opinion. Indeed, nothing in the injunction issued by the Court on September 25, 2003, provides for further discovery. The lack of any proceeding towards which discovery may be directed and the lack of any pre-discovery scheduling conference is an additional ground for granting Interior Defendants' motion.

4. Rule 53 Grants a Special Master the Authority to Set Schedules and to Conduct Proceedings Efficiently. In referring the October 19, 2001 motion to the Special Master, the Court plainly intended the Special Master to have the usual powers granted by Fed. R. Civ. P. 53(c). Specifically, Rule 53(c) provides: "Subject to the specifications and limitations stated in the order [of reference], the master has and shall exercise the power to regulate all proceedings in every hearing before the master and to do all acts and take all measures necessary or proper for the efficient performance of the master's duties under the order." Nothing in the September 17, 2002 order of reference purports to limit this power.

---

[4]Moreover, plaintiffs cannot use a "sanction" supposedly imposed upon the Interior Defendants in their official capacities as a basis for taking discovery of a **non-party** like Mr. Carr and the other Named Individuals, who had no right or opportunity to participate in the proceedings that concluded with the Court's September 17, 2002 decision.

The government has objected to the referral of the contempt proceedings to the Special Master on the grounds that the Special Master should play no role in a proceeding that involves potential criminal consequences for the Named Individuals and has moved to recuse the Special Master on other grounds. However, the government does not contest the power afforded a special master under Rule 53(c) where a matter has properly been referred to a special master. Plaintiffs have never challenged the order of reference and do not seem to be challenging it now. Instead, plaintiffs appear to challenge the scope of a special master's authority under Rule 53(c) to set schedules and protocols. Specifically, plaintiffs complain about the deadlines set by the Special Master for filing their "bills of particulars" and his determination that no discovery would take place before the issuance of his reports and recommendations on the legal sufficiency of the "bills of particulars." However, these sorts of determinations are precisely the type of actions contemplated by Rule 53(c). While plaintiffs may belatedly wish to raise an objection regarding the schedule and procedures established by the Special Master more than 10 months ago, they clearly are not permitted to issue discovery requests or engage in other "self-help" without a ruling by the Court that the Special Master has somehow exceeded or abused his Rule 53(c) authority. Thus, plaintiffs should have timely asked the Court to clarify or modify the Special Master's November 4, 2002 *Revised Procedures and Schedule for Investigation Into Plaintiffs' Motion for Orders to Show Cause* ("Revised Procedures Memorandum") and not simply ignored it. Their discovery and their motion to compel are, accordingly, improper.

Even if the plaintiffs' motion to compel is viewed as a challenge to the Special Master's Revised Procedures Memorandum, it should still be rejected. As noted in the Government's June 2, 2003 Opposition at 4-5, plaintiffs were directed by the Court on March 15, 2002 to file individualized specifications of their charges, and the Special Master simply adopted and

reiterated that directive in his Revised Procedures Memorandum. Plaintiffs complain that the Special Master's schedule did not permit them adequate time to file bills of particulars regarding the October 19, 2001 motion, but in fact plaintiffs had more than **a year and a half** to formulate specific charges against the Named Individuals. If plaintiffs did not have enough evidence to support their extremely serious allegations against the Named Individuals, they should never have filed the October 19, 2001 motion in the first place. *See* Fed. R. Civ. P. 11(b). In short, there was nothing unreasonable about the schedule that the Special Master set for plaintiffs to file their bills of particulars.

Likewise, it was entirely proper for the Special Master to defer the commencement of any civil discovery until he and the Court had first reviewed the plaintiffs' allegations for legal sufficiency and for a determination of the precise character of the proceeding. The government and the Named Individuals have consistently argued that the presence of allegations of criminal misconduct precludes the employment of civil discovery procedures. Thus, the Special Master established a protocol that would address concerns of efficiency and economy as well as concerns regarding the protection of the constitutional due process rights of the Named Individuals whom plaintiffs have accused of criminal misconduct. Plaintiffs articulate no reason to revisit the Special Master's schedule or procedures, and none exists. Rather, as urged by the government and the Named Individuals in their personal capacities, the proceedings before the Special Master should be terminated because of the criminal nature of the plaintiffs' allegations and because plaintiffs have failed to supply a legal basis for their charges.

Conclusion

For all the reasons stated above and in Interior Defendants' opening brief, the motion for protective order and to quash should be granted, and plaintiffs' motion to compel should be denied.

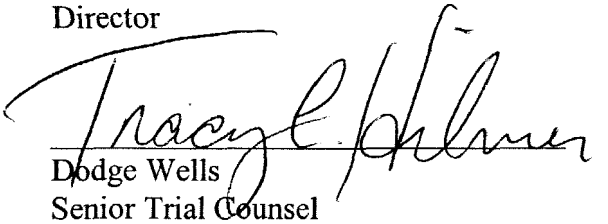
Respectfully submitted,

ROBERT D. McCALLUM, JR.
Associate Attorney General

PETER D. KEISLER
Assistant Attorney General

STUART E. SCHIFFER
Deputy Assistant Attorney General

MICHAEL F. HERTZ
Director



Dodge Wells
Senior Trial Counsel
D.C. Bar No. 425194
Tracy L. Hilmer
D.C. Bar No. 421219
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
(202) 307-0474

DATED: October 3, 2003

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
Plaintiffs,	)	Civil Action No. 96-CV-1285 (RCL)
v.	)	
GALE A. NORTON, et al.,	)	
Defendants.	)	

ORDER

Upon consideration of *Plaintiffs' Motion to Compel Michael Carr's Deposition and the Production of Documents Related Thereto* (filed Sept. 24, 2003), Interior Defendants' opposition thereto and the entire record in this case, it is this _____ day of _____, 2003, hereby

ORDERED that Plaintiffs' Motion be, and hereby is, DENIED.

_____
HON. ROYCE C. LAMBERTH
United States District Judge

CC:

Tracy Hilmer
Dodge Wells
Sandra Spooner
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
Fax (202) 514-9163
(202) 616-3085

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., NW
12th Floor
Washington, DC 20006
(202) 986-8477

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 822-0068
Counsel for Plaintiffs

Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
607 14th Street, N.W.
Box 6
Washington, D.C. 20005
(202) 318-2372
Counsel for Plaintiffs

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
Counsel for Plaintiffs

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
(406) 338-7530

Mary Lou Soller, Esq.
Adam Feinberg, Esq.
Miller & Chevalier
655 15th Street, N.W., Suite 900
Washington, D.C. 20005
By First Class Mail
Counsel for Chester Mills and Terence Virden

Earl J. Silbert, Esq.
Robert A. Salerno, Esq.
Adam Hoffinger, Esq.
Piper Rudnick LLP
1200 19th Street, N.W., 7th Floor,
Washington, D.C. 20036
Counsel for John Cruden, Jack Haugrud and Sarah Himmelhoch

David S. Krakoff, Esq.
Alessio D. Evangelista
Jamie Abrams
Christine Stroop
Beveridge & Diamond, P.C.
1350 I Street, N.W. Suite 700
Washington, D.C. 20005-3311
Counsel for Daryl White

Amy Berman Jackson, Esq.
Trout & Richards
1100 Connecticut Avenue, N.W.
Suite 730
Washington, D.C. 20036
Counsel for Edith Blackwell

William H. Briggs, Jr., Esq.
Marc E. Rindner, Esq.
Ross, Dixon & Bell
2001 K Street, N.W.
Washington, D.C. 20006-1040
Counsel for Phillip Brooks

Michael Bromwich, Esq.
Anne Perry, Esq.
Fried Frank Harris Shriver & Jacobson
1001 Pennsylvania Avenue, N.W.Suite 800
Washington, D.C. 20004-2505

B. Michael Rauh, Esq.
Julie Campbell, Esq.
Manatt, Phelps & Phillips, LLP
1501 M Street, N.W. Suite 700
Washington, D.C. 20005
Counsel for Neal McCaleb

Barry Boss, Esq.
Asbill, Junkin, Moffitt & Boss
1615 New Hampshire Ave., N.W. Suite 200
Washington, D.C. 20009

William Gardner, Esq.
Morgan, Lewis & Bockius
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Willa Perlmutter

Barbara Van Gelder, Esq.
Eric Lyttle, Esq.
Wiley, Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006-2304
and
Erika C. Birg, Esq.
Paul, Weiss, Rifkind, Wharton & Garrison
1615 L Street, NW, Suite 1300
Washington, DC 20036
Counsel for James Eichner

Roger Zuckerman, Esq.
Leslie Kiernan, Esq.
William Taylor, Esq.
Zuckerman, Spader, Goldstein, Taylor & Kolker, LLP
1201 Connecticut Avenue, N.W. Suite 700
Washington, D.C. 20036
Counsel for Robert Lamb and Hilda Manuel

Christopher Mead, Esq.
London & Mead
1225 19th Street, N.W. Suite 320
Washington, D.C. 20036
Counsel for Ken Rossman

Robert Luskin, Esq.
Patton Boggs
2550 M St., Suite 500
Washington, D.C. 20037-1350
Counsel for Edward Cohen, Bruce Babbitt and John Leshy

Plato Cacheris, Esq.
John F. Hundley, Esq.
Sydney J. Hoffmann, Esq.
Baker & McKenzie
815 Connecticut Avenue, N.W.
Washington, D.C. 20006
Counsel for John Berry and Glen Schumaker

R. Christopher Cook, Esq.
Jones Day Reaves & Pogue
51 Louisiana Ave, N.W.
Washington, D.C. 20001-2113
Counsel for Michael Carr

Kathleen E. Voelker, Esq.
1101 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036
Counsel for James Douglas

Martha Rogers, Esq.
Leon Rodriguez, Esq.
Ober, Kaler, Grimes & Shriver
1410 H Street, N.W., Suite 500
Washington, D.C. 20005
Counsel for Timothy Elliott

Herbert Fenster, Esq.
Jane Ann Neiswender, Esq.
Daniel G. Jarcho, Esq.
McKenna, Long & Aldridge, LLP
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
Counsel for Gale Norton

James Johnson, Esq.
Jamie Levitt, Esq.
Morrison & Foerster
1290 Sixth Avenue
New York, NY 10104
Counsel for Sabrina McCarthy

E. Lawrence Barcella, Jr.
Scharn Robinson, Esq.
Paul, Hastings, Janofsky & Walker LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
Counsel for William Myers

Stephen M. Byers, Esq.
Miguel Rodriguez, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
Counsel for Dominic Nessi

Elizabeth Wallace Fleming, Esq.
Trout & Richards PLLC
1100 Connecticut Ave. NW, Suite 730
Washington, DC 20036
Counsel for Michael Rossetti

Jeffrey D. Robinson, Esq.
Dwight Bostwick, Esq.
Melissa McNiven, Esq.
Baach, Robinson & Lewis
One Thomas Circle, Suite 200
Washington, D.C. 20005
Counsel for Lois Schiffer and Anne Shields

Steven J. Roman, Esq.
John A. Gibbons, Esq.
Dickstein, Shapiro, Morin & Oshinshy
2101 L Street NW
Washington, DC 20037-1526
Counsel for David Shilton and John Bryson

Michael Goodstein, Esq.
Deanna Chang, Esq.
Resolution Law Group, P.C.
5335 Wisconsin Avenue, Suite 350
Washington, D.C. 20015
Counsel for Tom Clark

Stanley Brand, Esq.
Andrew D. Herman, Esq.
Brand & Frulla
923 Fifteenth Street, N.W.
Washington, D.C. 20005
Counsel for Peter Coppelman

Hamilton P. Fox III, Esq.
Kathleen M. Devereaux, Esq.
Gregory S. Smith, Esq.
Sutherland, Asbill & Brennan LLP
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2415
Counsel for Charles Findlay

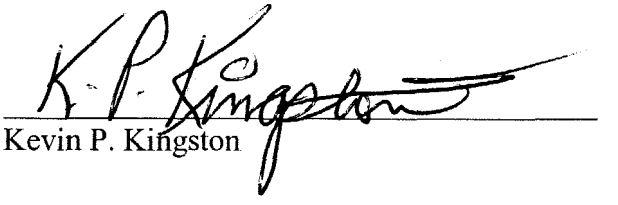
Thomas E. Wilson, Esq.
John A. Ordway, Esq.
Berliner, Corcoran & Rowe, LLP
1101 17th Street, N.W., Suite 1100
Washington, D.C. 20036
Counsel for John Most

Larry A. Nathans, Esq.
Robert W. Biddle, Esq.
Bennett & Nathans, LLP
210 East Lexington Street, Suite 301
Baltimore, MD 21202
Counsel for David Shuey

Eugene R. Fidell, Esq.
Matthew S. Freedus, Esq.
Feldesman, Tucker, Leifur, Fidell & Bank
LLP
2001 L Street, N.W., 2nd Floor
Washington, D.C. 20036
Counsel for James Simon

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on October 3, 2003, I served the foregoing *Interior Defendants' Reply in Support of Their Motion for Protective Order and Motion to Quash Plaintiffs' Notice of Deposition and Request for Production of Documents Directed to Non-Party Michael Carr and Defendants;* and *Opposition to Plaintiffs' Motion to Compel Michael Carr's Deposition and the Production of Documents Related Thereto* in the manner stated upon the persons listed on the attached service list.



Kevin P. Kingston

By Hand Delivery and by facsimile:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., NW
12th Floor
Washington, DC 20006
(202) 986-8477

By facsimile, pursuant to written agreement:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 822-0068
Counsel for Plaintiffs

Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
607 - 14th Street, NW
Box 6
Washington, D.C. 20005
(202) 318-2372
Counsel for Plaintiffs

and by U.S. Mail upon:

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
Counsel for Plaintiffs

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
(406) 338-7530

By first-class mail, postage prepaid, and/or by facsimile or email pursuant to written agreement:

Mary Lou Soller, Esq.
Adam Feinberg, Esq.
Miller & Chevalier
655 15th Street, N.W., Suite 900
Washington, D.C. 20005
By First Class Mail
Counsel for Chester Mills and Terence Virden

Earl J. Silbert, Esq.
Robert A. Salerno, Esq.
Adam Hoffinger, Esq.
Piper Rudnick LLP
1200 19th Street, N.W., 7th Floor,
Washington, D.C. 20036
By Email to: earl.silbert@piperrudnick.com
By Email to:
robert.salerno@piperrudnick.com
By Email to:
adam.hoffinger@piperrudnick.com
Counsel for John Cruden, Jack Haugrud and Sarah Himmelhoch

David S. Krakoff, Esq.
Alessio D. Evangelista
Jamie Abrams
Christine Stroop
Beveridge & Diamond, P.C.
1350 I Street, N.W.
Suite 700
Washington, D.C. 20005-3311
By Email to: dkrakoff@bdlaw.com
By Email to: aevangelista@bdlaw.com
By Email to: jabrams@bdlaw.com
By Email to: cstroop@bdlaw.com
Counsel for Daryl White

Amy Berman Jackson, Esq.
Trout & Richards
1350 Connecticut Avenue, N.W.
Suite 1220
Washington, D.C. 20036
By Email to: abj@troutrichards.com
Counsel for Edith Blackwell

Michael Bromwich, Esq.
Anne Perry, Esq.
Fried Frank Harris Shriver & Jacobson
1001 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20004-2505
By Email to:
Michael_Bromwich@ffhsj.com
By Email to: perryan@ffhsj.com
Counsel for Sharon Blackwell

B. Michael Rauh, Esq.
Manatt, Phelps & Phillips, LLP
1501 M Street, N.W.
Suite 700
Washington, D.C. 20005
By Email to: mrauh@manatt.com
Counsel for Neal McCaleb

Barry Boss, Esq.
Asbill, Junkin, Moffitt & Boss
1615 New Hampshire Ave., N.W.
Suite 200
Washington, D.C. 20009
By Fax: 202-332-6480
Counsel for Stephen Swanson

William Gardner, Esq.
Morgan, Lewis & Bockius
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
By Fax: 202-739-3001
Counsel for Willa Perlmutter

William H. Briggs, Jr., Esq.
Marc E. Rindner, Esq.
Ross, Dixon & Bell
2001 K Street, N.W.
Washington, D.C. 20006-1040
By Email to: bbriggs@rdblaw.com
By Email to: mrindner@rdblaw.com
Counsel for Phillip Brooks

Barbara Van Gelder, Esq.
Eric Lyttle, Esq.
Wiley, Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006-2304
By Fax: 202-719-7049
and
Erika C. Birg, Esq.
Paul, Weiss, Rifkind, Wharton & Garrison
1615 L Street, NW, Suite 1300
Washington, DC 20036
By Email to: ebirg@paulweiss.com
Counsel for James Eichner

Roger Zuckerman, Esq.
Leslie Kiernan, Esq.
William Taylor, Esq.
Zuckerman, Spader, Goldstein, Taylor & Kolker, LLP
1201 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036
By First Class Mail
Counsel for Robert Lamb and Hilda Manuel

Christopher Mead, Esq.
London & Mead
1225 19th Street, N.W.
Suite 320
Washington, D.C. 20036
By Fax: 202-785-4280
Counsel for Ken Rossman

Robert Luskin, Esq.
Patton Boggs
2550 M St., Suite 500
Washington, D.C. 20037-1350
By Email to: RLuskin@PattonBoggs.com
Counsel for Edward Cohen, Bruce Babbitt and John Leshy

Plato Cacheris, Esq.
John F. Hundley, Esq.
Sydney J. Hoffmann, Esq.
Baker & McKenzie
815 Connecticut Avenue, N.W.
Washington, D.C. 20006
By Email to:
carolyn.j.coffman@bakernet.com
By Email to: sydneyhoffman@aol.com
Counsel for John Berry and Glen Schumaker

R. Christopher Cook, Esq.
Jones Day Reaves & Pogue
51 Louisiana Ave, N.W.
Washington, D.C. 20001-2113
By Email to:
christophercook@JonesDay.com
Counsel for Michael Carr

Kathleen E. Voelker, Esq.
1101 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036
By Email to: kathleenvoelker@aol.com
Counsel for James Douglas

Martha Rogers, Esq.
Leon Rodriguez, Esq.
Ober, Kaler, Grimes & Shriver
1410 H Street, N.W., Suite 500
Washington, D.C. 20005
By Email to: mprogers@ober.com
By Email to: lrodriguez@ober.com
Counsel for Timothy Elliott

Herbert Fenster, Esq.
Jane Ann Neiswender, Esq.
Daniel G. Jarcho, Esq.
McKenna, Long & Aldridge, LLP
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
By Email to: hfenster@mckennalong.com
By Email to:
jneiswender@mckennalong.com
By Email to: djarcho@mckennalong.com
Counsel for Gale Norton

James Johnson, Esq.
Jamie Levitt, Esq.
Morrison & Foerster
1290 Sixth Avenue
New York, NY 10104
By Email to: jamesjohnson@mofo.com
By Email to: jlevitt@mofo.com
Counsel for Sabrina McCarthy

E. Lawrence Barcella, Jr.
Scharn Robinson, Esq.
Paul, Hastings, Janofsky & Walker LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
By Fax: 202-508-9700
Counsel for William Myers

Stephen M. Byers, Esq.
Miguel Rodriguez, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
By Email to: sbyers@crowell.com
By Email to: mrodriguez@crowell.com
Counsel for Dominic Nessi

Elizabeth Wallace Fleming, Esq.
Trout & Richards PLLC
1350 Connecticut Ave. NW, Suite 1220
Washington, DC 20036
By First Class Mail
Counsel for Michael Rossetti

Jeffrey D. Robinson, Esq.
Dwight Bostwick, Esq.
Melissa McNiven, Esq.
Baach, Robinson & Lewis
One Thomas Circle, Suite 200
Washington, D.C. 20005
By Email to: jeffrey.robinson@baachrobinson.com
By Email to: dwightbostwich@baachrobinson.com
By Email to: melissa.mcniven@baachrobinson.com
Counsel for Lois Schiffer and Anne Shields

Steven J. Roman, Esq.
John A. Gibbons, Esq.
Dickstein, Shapiro, Morin & Oshinshy
2101 L Street NW
Washington, DC 20037-1526
By Email to: romanS@dsmo.com
By Email to: gibbonsj@dsmo.com
Counsel for David Shilton and John Bryson

Michael Goodstein, Esq.
Deanna Chang, Esq.
Resolution Law Group, P.C.
5335 Wisconsin Avenue, Suite 350
Washington, D.C. 20015
By Fax: 202-686-4843
Counsel for Tom Clark

Stanley Brand, Esq.
Andrew D. Herman, Esq.
Brand & Frulla
923 Fifteenth Street, N.W.
Washington, D.C. 20005
By First Class Mail
Counsel for Peter Coppelman

Hamilton P. Fox III, Esq.
Kathleen M. Devereaux, Esq.
Gregory S. Smith, Esq.
Sutherland, Asbill & Brennan LLP
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2415
By Fax: 202-637-3593
Counsel for Charles Findlay

Thomas E. Wilson, Esq.
John A. Ordway, Esq.
Berliner, Corcoran & Rowe, LLP
1101 17th Street, N.W., Suite 1100
Washington, D.C. 20036
By Email to: bjones@bcr-dc.com
By Email to: jao@bcr-dc.com
Counsel for John Most

Larry A. Nathans, Esq.
Robert W. Biddle, Esq.
Bennett & Nathans, LLP
210 East Lexington Street, Suite 301
Baltimore, MD 21202
By First Class Mail
Counsel for David Shuey

Eugene R. Fidell, Esq.
Matthew S. Freedus, Esq.
Feldesman, Tucker, Leifur, Fidell & Bank LLP
2001 L Street, N.W., 2nd Floor
Washington, D.C. 20036
By Email to: efidell@feldesmantucker.com
By Email to:
mfreedus@feldesmantucker.com
Counsel for James Simon