

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

MAY 19 2 59 PM '03

ELOUISE PEPION COBELL, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 GALE NORTON, Secretary of the Interior, et al., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

Case No. 1:96CV01285  
(Judge Lamberth)

RECEIVED

**INTERIOR DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR  
ENLARGEMENT OF TIME TO FILE OPPOSITION TO INTERIOR DEFENDANTS'  
MOTION AND MEMORANDUM TO REQUIRE PLAINTIFFS' COMPLIANCE  
WITH COURT'S ORDERS CONCERNING "ATTACHMENT C"**

Plaintiffs' Motion for Enlargement of Time to File Opposition to Interior Defendants' Motion and Memorandum to Require Plaintiffs [sic] Compliance with Court's Orders Concerning "Attachment C" ("Plaintiffs' Motion") should be denied. Plaintiffs' Motion, if granted, would allow Plaintiffs to continue flouting the Court's orders protecting the seal on Attachment C, which the Court held is protected by the deliberative process privilege. Interior Defendants' motion seeks an order directing Plaintiffs to remove from their website privileged material that the Court has already ordered stricken from the record.

Contrary to Plaintiffs' bald contention, the First Amendment is not implicated by their wrongful publication of a sealed, privileged document. They brazenly urge the Court to give them more time because the web-posted documents referencing Attachment C are "in the public domain." Plaintiffs' Motion at 1. The documents are in the public domain because Plaintiffs' blatantly and repeatedly have refused to protect the seal on Attachment C, first in violation of the Court's October 18, 2002 Order

and now in violation of the Court's Memorandum Opinion and separate Order of April 11, 2003.

Plaintiffs should not be rewarded for their improper actions.

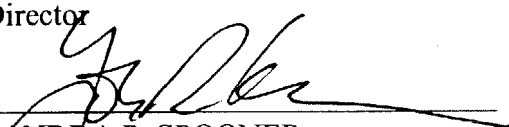
Finally, Plaintiffs argue that they should be given more time to oppose Interior Defendants' motion because they "are engaged fully in prosecuting Trial 1.5." Plaintiffs' Motion at 1. Interior Defendants are also fully engaged in Trial 1.5. More importantly, for every day Plaintiffs keep these references to Attachment C on their website, the harm to Interior Defendants increases because the protection of the seal on Attachment C becomes less meaningful.

For the reasons set forth above, the Court should deny Plaintiffs' Motion.

May 19, 2003

Respectfully submitted,

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**ORDER**

This matter comes before the Court on Plaintiffs' Motion for Enlargement of Time to File Opposition to Interior Defendants' Motion and Memorandum to Require Plaintiffs Compliance with Court's Orders Concerning "Attachment C" and any responses thereto. The Court finds that the Motion should be DENIED.

IT IS THEREFORE ORDERED THAT Plaintiffs' Motion for Enlargement is denied.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
ROYCE C. LAMBERTH  
United States District Judge

cc:

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CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on May 19, 2003 I served the foregoing *Interior Defendants' Opposition to Plaintiffs' Motion for Enlargement of Time to File Opposition to Interior Defendants' Motion and Memorandum to Require Plaintiffs' Compliance With Court's Orders Concerning "Attachment C"* by hand upon:

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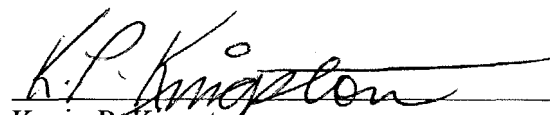
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Per the Court's Order of April 17, 2003,  
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