

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

ELOUISE PEPION COBELL, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	No. 1:96CV01285
v.	)	(Judge Lamberth)
	)	
GALE A. NORTON, Secretary of	)	
the Interior, <u>et al.</u> ,	)	
	)	
Defendants.	)	

---

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR EXPEDITED  
CONSIDERATION OF PLAINTIFFS' MOTION TO COMPEL DEPOSITION  
TESTIMONY OF ANSON BAKER AND REQUEST FOR SANCTIONS**

On March 15, 2004, in response to a motion for a protective order from Defendants and a motion to compel from Plaintiffs, the Court ordered that Anson Baker, an Interior employee, submit to a deposition. Order of March 15, 2004. The Court, however, placed limits on the scope of the deposition. See id. Mr. Baker's deposition began on March 31, 2004. A dispute arose concerning the limits on the scope of the deposition imposed by the Court, and counsel for Defendants instructed Mr. Baker not to answer certain questions. On April 26, 2004, this dispute prompted Plaintiffs to file a motion to compel answers from Mr. Baker. Although Plaintiffs waited nearly a month following the deposition to file their motion to compel, they also filed a motion to expedite consideration of that motion ("Motion to Expedite"). The Motion to Expedite should be denied.

The only reason supplied by Plaintiffs to support expedited consideration of their motion to compel is the vague assertion that: "Time is of the essence." Motion to Expedite at 2.5.<sup>1</sup>

---

<sup>1</sup> The page of the Motion to Expedite on which this quoted language appears is actually unnumbered. It follows page two, but precedes page three. Therefore, to avoid confusion, we

Plaintiffs do not elaborate. Plaintiffs provide no connection between this assertion and the relief sought in their motion to compel. None exists and their motion should, therefore, be denied.

**CONCLUSION**

For these reasons, Plaintiffs' Motion to Expedite should be denied.

Dated: May 10, 2004

Respectfully submitted,

ROBERT D. McCALLUM, JR.  
Associate Attorney General  
PETER D. KEISLER  
Assistant Attorney General  
STUART E. SCHIFFER  
Deputy Assistant Attorney General  
J. CHRISTOPHER KOHN  
Director

/s/ John T. Stemplewicz  
SANDRA P. SPOONER  
D.C. Bar No. 261495  
Deputy Director  
JOHN T. STEMPLEWICZ  
Senior Trial Counsel  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875  
(202) 514-7194

---

have designated the unnumbered page as page "2.5" for purposes of citation.

CERTIFICATE OF SERVICE

I hereby certify that, on May 10, 2004 the foregoing *Defendants' Opposition to Plaintiffs' Motion for Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

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

/s/ Kevin P. Kingston  
Kevin P. Kingston

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Case No. 1:96CV01285  
(Judge Lamberth)

**ORDER**

This matter comes before the Court on *Plaintiffs' Motion For Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker And Request For Sanctions* [Dkt. # 2563]. Upon consideration of the Motion, the responses thereto, and the record in this case, it is hereby

ORDERED that the Motion For Expedited Consideration is DENIED.

SO ORDERED.

Date: \_\_\_\_\_

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

cc:

Sandra P. Spooner  
John T. Stemplewicz  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875  
Fax (202) 514-9163

Dennis M Gingold, Esq.  
Mark Kester Brown, Esq.  
607 - 14th Street, NW, Box 6  
Washington, DC 20005  
Fax (202) 318-2372

Keith Harper, Esq.  
Richard A. Guest, Esq.  
Native American Rights Fund  
1712 N Street, NW  
Washington, D.C. 20036-2976  
Fax (202) 822-0068

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

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

Rod Lewis, Esq.  
Davis, Wright & Tremaine, LLP  
1300 SW Fifth Avenue, Suite 2300  
Portland, Oregon 97201-5630  
(503) 778-5299