

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIRST MOTION FOR EXPEDITED
EXCLUSION OF CERTAIN CLASS MEMBERS FROM THE PRIOR NOTICE
REQUIREMENT OF THE SEPTEMBER 29, 2004 ORDER**

Defendants have no objection to the relief requested in *Plaintiffs' First Motion for Expedited Exclusion of Certain Class Members from the Prior Notice Requirement of the September 29, 2004 Order*.¹ Indeed, Defendants opposed Plaintiffs' request that class members be prevented from selling their land and continue to take the position that class members should not be required to await a notice from the Court or action by Plaintiffs' counsel before they can do so.

Dated: October 15, 2004

Respectfully submitted,

ROBERT D. McCALLUM, JR.
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Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General

¹Plaintiffs' counsel incorrectly state in footnote 1 of their motion that they "has met and conferred with counsel for defendants who states that defendants will oppose the relief sought herein." In fact, Defendants' counsel never stated that they would oppose this motion.

J. CHRISTOPHER KOHN
Director

/s/ Sandra P. Spooner
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CERTIFICATE OF SERVICE

I hereby certify that, on October 15, 2004 the foregoing *Defendants' Response to Plaintiffs' First Motion for Expedited Exclusion of Certain Class Members from the Prior Notice Requirement of the September 29, 2004 Order* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

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