

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**DEFENDANTS' CONDITIONAL MOTION
TO WITHDRAW MOTION TO STRIKE AND
REQUEST FOR PROTECTIVE ORDER**

On February 24, 2004, Defendants moved for an order striking Plaintiffs' "Motion for an Order to Show Cause Why the Department of Interior, Interior Secretary Gale Norton, Her Senior Managers and Counsel, Should Not Be Held in Civil and Criminal Contempt for Violating Court Orders, Including the Temporary Restraining Order and Preliminary Injunction Entered to Protect Trust Data and Assets" (January 13, 2004) ("Motion to Show Cause") as it pertains to government officials and employees in their individual capacity, and Plaintiffs' motions to treat as conceded Plaintiffs' motion to show cause ("Motions to Treat as Conceded") in its entirety. In the alternative, the Defendants also sought a protective order that, if granted, would preclude the Plaintiffs from serving the Motion to Show Cause and/or Motions to Treat as Conceded upon government officials in their individual capacity ("Request for Protective Order").

In view of Plaintiffs' motion, filed today, to withdraw, without prejudice, their Motion to Show Cause and all related pleadings, including the various Motions to Treat as Conceded, ("Motion to Withdraw"), Defendants hereby conditionally move to withdraw their Motion to Strike and Request for Protective Order without prejudice. In particular, if the Court grants

Plaintiffs' Motion to Withdraw, Defendants request that the Court, in turn, permit them to withdraw their Motion to Strike and Request for Protective Order. Plaintiffs' counsel have authorized Defendants to represent that they consent to this motion.

A proposed order is attached hereto.

Respectfully submitted,

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Assistant Attorney General

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/s/ Dodge Wells
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DATED: March 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that, on March 3, 2004 the foregoing *Defendants' Motion to Withdraw Motion to Strike and Request for Protective 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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/s/ Kevin P. Kingston
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Defendants.)	
_____)	

ORDER

Upon consideration of *Defendants' Motion to Withdraw Motion to Strike and Request for Protective Order*, the entire record in this case, and in view of the Court's order granting Plaintiffs' motion to withdraw their Motion to Show Cause and the various motions to treat as conceded, it is this _____ day of _____, 2004, hereby

ORDERED that Defendants' Motion to Withdraw Motion to Strike and Request for Protective order be, and hereby is, GRANTED without prejudice.

SO ORDERED

Honorable Royce C. Lamberth
United States District Judge

cc:

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