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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

INTERIOR DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL EXCERPTS FROM TESTIMONY BEFORE SPECIAL MASTER TO PROVIDE ADDITIONAL INFORMATION RELEVANT TO INTERIOR DEFENDANTS' MOTION TO REVOKE THE APPOINTMENT OF JOSEPH S. KIEFFER, III, AND TO CLARIFY THE ROLE AND AUTHORITY OF A COURT MONITOR

Pursuant to Local Civil Rule 5.1(j), Interior Defendants respectfully move this Court for an Order permitting the filing under seal of excerpts from testimony taken by the Special Master during July 2002, pursuant to the Special Master's protective order dated May 9, 2002. A copy of the protective order is appended to this motion as Attachment A. Counsel for the Government discussed this motion with plaintiffs' counsel, Mr. Gingold, on August 1, 2002, and Mr. Gingold stated that this motion would not be opposed by plaintiffs.

The testimony excerpts referenced in this motion are from interviews conducted by the Special Master. The interviews are subject to the Special Master's protective order dated May 9, 2002, which provides that "[t]he Special Master has . . . determined that information may come to light during these interviews that is sensitive and confidential and should not be publicly disclosed." Attachment A (initial paragraph). The protective order further provides:

> Transcripts of the . . . interviews shall be distributed, upon written request, only to the deponent, counsel representing the deponent in

> his or her personal capacity, counsel representing the deponent in his or her official capacity, one official of the Department of the Interior who shall be designated in advance, plaintiffs' counsel and immediate staff and one named plaintiff who shall be designated in advance.

Attachment A, paragraph 1. Finally, the protective order provides that "[t]he content of the . . . interviews, in form or in substance, shall not be discussed with or revealed to any persons or entities not specifically designated in Paragraph 1 of this Order." Attachment A, paragraph 4.

The Interior Defendants have appended to this motion excerpts from testimony taken by the Special Master during July 2002, designated as Attachment B. In accordance with the May 9, 2002 protective order, Attachment B does not appear in the publicly filed version of this motion. The Interior Defendants seek to file these excerpts to provide the Court with additional information of relevance to matters advanced in the Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor (filed June 14, 2002).

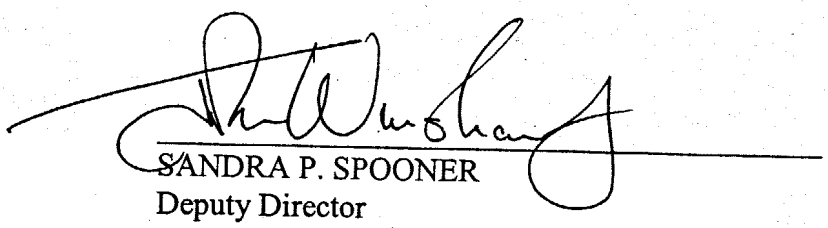
For the foregoing reasons, the Interior Defendants respectfully request that this Court grant Interior Defendants' Unopposed Motion to File Under Seal Excerpts From Testimony Before Special Master to Provide Additional Information Relevant to Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor.

Respectfully submitted,

ROBERT McCALLUM, JR.
Assistant Attorney General

STUART E. SCHIFFER
Deputy Assistant Attorney General

J. CHRISTOPHER KOHN
Director



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August 1, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

ORDER PERMITTING FILING UNDER SEAL

This matter coming before the Court on Interior Defendants' Unopposed Motion to File Under Seal Excerpts From Testimony Before Special Master to Provide Additional Information Relevant to Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor, and any responses thereto, the Court finds that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the Special Master testimony excerpts referenced in the Motion shall be filed under seal.

SO ORDERED this ___ day of _____, 2002.

ROYCE C. LAMBERTH
United States District Judge

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on August 1, 2002 I served the foregoing *Interior Defendants' Unopposed Motion to File under Seal Excerpts from Testimony Before Special Master to Provide Additional Information Relevant to Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor*, by hand upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976

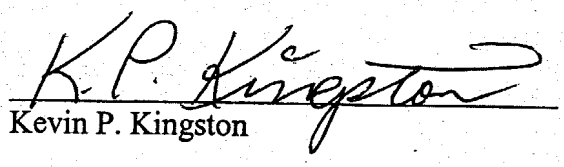
Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006

Joseph S. Kieffer, III
Court Monitor
420 - 7th Street, N.W.
Apartment 705
Washington, D.C. 20004

By U.S. Mail upon:

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



Kevin P. Kingston

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)
Plaintiffs,	)
v.	) Civil Action No. 1:96CV01285 (RCL)
GALE NORTON, Secretary of the Interior, et al.	)
Defendants.	)

ACKNOWLEDGMENT

The undersigned hereby acknowledges that I have reviewed and understand the attached Protective Order and agree to be subject to its requirements.

_____

DATE: _____

ATTACHMENT B –

NOT INCLUDED IN PUBLICLY FILED COPY OF MOTION

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:96CV01285 (RCL)
	)	
GALE NORTON, Secretary of the Interior, et al.	)	
	)	
Defendants.	)	
	)	

PROTECTIVE ORDER

The Special Master has determined that, as part of his investigation into the security of the Department of the Interior's computer systems housing individual Indian trust data, it will be necessary to interview members of the Trust Management Improvement Program Steering Committee ("TMIPSC"). The Special Master has also determined that information may come to light during these interviews that is sensitive and confidential and should not be publicly disclosed. Accordingly, it is hereby ORDERED that:

1. Transcripts of the TMIPSC interviews shall be distributed, upon written request, only to the deponent, counsel representing the deponent in his or her personal capacity, counsel representing the deponent in his or her official capacity, one official of the Department of the Interior who shall be designated in advance, plaintiffs' counsel and immediate staff and one named plaintiff who shall be designated in advance.

Attachment A
Interior Defendants' Unopposed Motion to File under S
Excerpts from Testimony Before Special Master to Prov
Additional Information Relevant to Interior Defendant
Motion to Revoke the Appointment of Joseph S. Kieffer,
and to Clarify the Role and Authority of a Court Monit

2. All persons designated in Paragraph 1, prior to receiving a copy of a TMIPSC interview transcript, shall sign an acknowledgment that he or she has read and understands this Protective Order and agrees to be bound by its requirements.

3. These transcripts shall not be duplicated without the prior written approval of the Special Master.

4. The content of the TMIPSC interviews, in form or in substance, shall not be discussed with or revealed to any persons or entities not specifically designated in Paragraph 1 of this Order.

5. Purposefully making or causing the unauthorized disclosure of the TMIPSC interview transcripts or information contained therein may subject the person or persons committing the same to punishment for contempt of Court.

6. At the conclusion of this litigation, all TMIPSC transcripts shall be turned over to the Special Master for disposal.

SO ORDERED.

May 9, 2002

ALAN L. BALARAN
Special Master

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)
Plaintiffs,	)
v.	) Civil Action No. 1:96CV01285 (RCL)
GALE NORTON, Secretary of the Interior, et al.	)
Defendants.	)

ACKNOWLEDGMENT

The undersigned hereby acknowledges that I have reviewed and understand the attached Protective Order and agree to be subject to its requirements.

_____

DATE: _____

ATTACHMENT B –

NOT INCLUDED IN PUBLICLY FILED COPY OF MOTION