U.S. DISTRICT COURT
D.C.
2002 SEP 10 PM 7:15
NANCY M.
MAYER-WHITTINGTON
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DEFENDANTS' REPLY IN SUPPORT OF MOTION TO COMPEL APPEARANCE AND TESTIMONY OF PLAINTIFF ELOUISE COBELL AT DEPOSITION

The Secretary of the Interior and the Assistant Secretary - Indian Affairs ("Interior Defendants") state the following as their Reply to Plaintiffs' Opposition ("Plaintiffs' Opposition") to Defendants' Motion to Compel Appearance and Testimony of Plaintiff Elouise Cobell at Deposition.

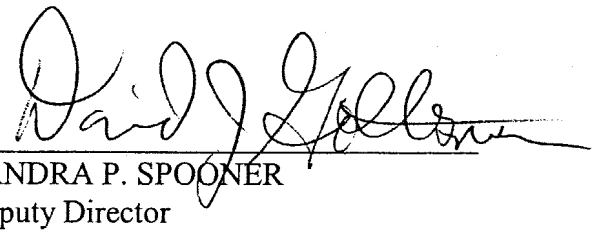
Plaintiffs' Opposition contains no new arguments, but merely incorporates by reference *Plaintiffs' Motion for Protective Order Seeking: (1) Stay of Plaintiffs' Obligation to Respond to Interior Defendants' Request for the Production of Documents, Dated June 5, 2002; (2) Stay of Threatened Depositions of the Five Named Plaintiffs; and (3) Stay of Rule 11 Motion With Respect to Court-Ordered Attorney's Fees* (the "Motion to Stay"), which Plaintiffs filed on or about July 5, 2002, and Plaintiffs further incorporate by reference their July 24, 2002, reply in support of that Motion to Stay.

Accordingly, as their reply to Plaintiffs' Opposition, Interior Defendants hereby

incorporate by reference their opposition to the Plaintiffs' Motion to Stay, which Interior Defendants filed on July 16, 2002.

Respectfully submitted,

ROBERT D. McCALLUM
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director



SANDRA P. SPOONER
Deputy Director
JOHN T. STEMPLEWICZ
Senior Trial Attorney
DAVID J. GOTTESMAN
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

Dated: September 10, 2002

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on September 10, 2002 I served the foregoing *Defendants' Reply in Support of Motion to Compel Appearance and Testimony of Plaintiff Elouise Cobell at Deposition* by facsimile upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 822-0068

Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
(202) 318-2372

and by U.S. Mail upon:

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

Copy by Facsimile and U.S. Mail upon:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006
(202) 986-8477

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

K.P. Kingston

Kevin P. Kingston