U.S. DISTRICT COURT
DISTRICT OF COLUMBIA
2002 DEC -9 PM 6:37
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
	)	(Judge Lamberth)
GALE NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	
	)	

INTERIOR DEFENDANTS' RESPONSE AND OBJECTIONS TO THE "REPORT AND RECOMMENDATION OF THE SPECIAL MASTER-MONITOR ON THE 'UNOPPOSED MOTION BY INTERIOR DEFENDANTS FOR ORDER ADOPTING SPECIAL MASTER-MONITOR'S RECOMMENDATION REGARDING PLAINTIFFS' PRODUCTION OF DOCUMENTS, AND ORDERING PLAINTIFFS' IMMEDIATE PRODUCTION OF DOCUMENTS'"

The Secretary of the Interior and the Assistant Secretary - Indian Affairs ("Interior Defendants") submit the following response and objections to the Special Master-Monitor's November 20, 2002 Report and Recommendation:

The Court should adopt those portions of the Special Master-Monitor recommendation in which he recommends that the Court give expeditious consideration to "Defendant's Production Motion," for the reasons previously set forth in both "Interior Defendants' Unopposed Motion by Interior Defendants For Order Adopting Special Master-Monitor's Recommendations Regarding Plaintiffs' Production Of Documents, And Ordering Plaintiffs' Immediate Production Of Documents" and "Interior Defendants' Motion For Expedited Consideration" of that motion, both filed with the

Court on November 20, 2002 and which are both hereby incorporated by reference.[1]

The Court should reject the Special Master-Monitor's recommendation that the Court consider and issue an order clarifying the authority of the Special Master-Monitor to regulate all Phase 1.5 discovery proceedings, for the reasons previously set forth in "Interior Defendant's Response and Objections To The 'Report And Recommendation Of The Special Master-Monitor On The Extent Of Authority Of The Special Master-Monitor To Regulate All Phase 1.5 Trial Discovery Proceedings And The Need For Clarification Of The September 17, 2002 Order Appointing The Special Master-Monitor,' " filed with the Court on December 6, 2002 and which is hereby incorporated by reference.[2]

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[1] Subsequent to the filing of these motions, Plaintiffs produced some documents pertaining to Named Plaintiff Elouise Cobell on December 3, 2002.

[2] The Special Master-Monitor made the same recommendation in Reports and Recommendations served on November 18, 2002 and November 21, 2002.

Dated: December 9, 2002

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Assistant Attorney General
STUART E. SCHIFFER
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CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on December 9, 2002 I served the foregoing *Interior Defendants' Response and Objections to the "Report and Recommendation of the Special Master-Monitor on the 'Unopposed Motion by Interior Defendants for Order Adopting Special Master-Monitor's Recommendation Regarding Plaintiffs' Production of Documents, and Ordering Plaintiffs' Immediate Production of Documents'"* by facsimile in accordance with their written request of October 31, 2001 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.
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(202) 318-2372

By U.S. Mail upon:

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

By facsimile and U.S. Mail upon:

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

Joseph S. Kieffer, III
Special Master Monitor
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K. P. Kingston

Kevin P. Kingston