IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAYER-WHITTINGTON
CLERK

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

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' NOTICE
OF RULE 30(b)(6) DEPOSITION OF ELECTRONIC DATA SYSTEMS CORP.

The Secretary of the Interior, the Assistant Secretary - Indian Affairs, and the Secretary of the Treasury ("Defendants") submit the following objections to Plaintiffs' December 9, 2002, notice of Fed. R. Civ. P. 30(b)(6) deposition of Electronic Data Systems Corp. ("EDS"):

Rule 30(b)(6) requires the deposing party to "describe with reasonable particularity" the matters on which examination is required. Plaintiffs' Notice of Deposition does not do so. The Notice states:

> The subject area [sic] of this deposition are: (1) The nature and scope of EDS's involvement in trust reform activities related to the Individual Indian Money Trust, (2) the "As-Is" Project; (3) the "To-Be" Project and (4) any additional information regarding the IIM trust.

Because of the vague and general description of the matters to be examined, EDS is thereby inhibited in its ability to prepare sufficiently for the deposition.

In addition to each of the four enumerated "subject areas" of the deposition being objectionable for the reasons stated above, especially objectionable is subject area "4," which is "any additional information regarding the IIM trust," which is not only overly broad and vague, but ambiguous.

Defendants' designated witness, EDS employee James G. Pauli, is probably the most knowledgeable EDS employee concerning the general subject matters stated in the Notice of Deposition. However, given Plaintiffs' failure to comply with Rule 30(b)(6), Defendants object to being bound by Mr. Pauli's testimony, and further reserve the right to object to specific areas of questioning where the witness did not have sufficient notice of the subject matter to be able to prepare.

Finally, given the improperly described scope of the deposition and because Defendants did not serve the notice until after 6:00 p.m. on December 9, 2002 on the Department of Justice, Defendants further object to being bound by Mr. Pauli's testimony, and further reserve the right to object to specific areas of questioning where the witness did not have sufficient time to be able to prepare.

December 18, 2002

Respectfully submitted,

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

SANDRA P. SPOONER
D.C. Bar No. 261495
Deputy Director
JOHN T. STEMPLEWICZ
Senior Trial Counsel
JOHN R. KRESSE
Trial Attorney
D.C. Bar No. 430094
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on December 18, 2002, I served the foregoing *Defendants' Objections to Plaintiffs' Notice of Rule 30(b)(6) Deposition of Electronic Data Systems Corp.* by facsimile, in accordance with their written request of October 31, 2001 upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, NW
Washington, DC 20036-2976
202-822-0068

Dennis M Gingold, Esq.
Mark Brown, Esq.
1275 Pennsylvania Avenue, NW
Ninth Floor
Washington, DC 20004
202-318-2372

and by U.S. Mail upon:

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

and by U.S. Mail and by facsimile upon:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., NW
12th Floor
Washington, DC 20006
202-986-8477

and by hand delivery upon:

Joseph S. Kieffer, III, Esq.
Special Master-Monitor
420 7th Street, NW
Apt 705
Washington, DC 20004
202-478-1958

Sean P. Schmergel