

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR EXPEDITED
CONSIDERATION OF PLAINTIFFS' MOTION TO COMPEL DEPOSITION
TESTIMONY OF ANSON BAKER AND REQUEST FOR SANCTIONS**

On March 15, 2004, in response to a motion for a protective order from Defendants and a motion to compel from Plaintiffs, the Court ordered that Anson Baker, an Interior employee, submit to a deposition. Order of March 15, 2004. The Court, however, placed limits on the scope of the deposition. See id. Mr. Baker's deposition began on March 31, 2004. A dispute arose concerning the limits on the scope of the deposition imposed by the Court, and counsel for Defendants instructed Mr. Baker not to answer certain questions. On April 26, 2004, this dispute prompted Plaintiffs to file a motion to compel answers from Mr. Baker. Although Plaintiffs waited nearly a month following the deposition to file their motion to compel, they also filed a motion to expedite consideration of that motion ("Motion to Expedite"). The Motion to Expedite should be denied.

The only reason supplied by Plaintiffs to support expedited consideration of their motion to compel is the vague assertion that: "Time is of the essence." Motion to Expedite at 2.5.¹

^{1/} The page of the Motion to Expedite on which this quoted language appears is actually unnumbered. It follows page two, but precedes page three. Therefore, to avoid confusion, we

Plaintiffs do not elaborate. Plaintiffs provide no connection between this assertion and the relief sought in their motion to compel. None exists and their motion should, therefore, be denied.

CONCLUSION

For these reasons, Plaintiffs' Motion to Expedite should be denied.

Dated: May 10, 2004

Respectfully submitted,

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have designated the unnumbered page as page "2.5" for purposes of citation.

CERTIFICATE OF SERVICE

I hereby certify that, on May 10, 2004 the foregoing *Defendants' Opposition to Plaintiffs' Motion for Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

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Plaintiffs,	)	
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v.	)	Case No. 1:96CV01285
	)	(Judge Lamberth)
GALE NORTON, Secretary of the Interior, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

ORDER

This matter comes before the Court on *Plaintiffs' Motion For Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker And Request For Sanctions* [Dkt. # 2563]. Upon consideration of the Motion, the responses thereto, and the record in this case, it is hereby

ORDERED that the Motion For Expedited Consideration is DENIED.

SO ORDERED.

Date: _____

ROYCE C. LAMBERTH
United States District Judge

cc:

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