

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,)	
)	
Plaintiffs,)	Civil Action No. 96-1285 (JR)
)	
v.)	
)	
DIRK KEMPTHORNE, Secretary of)	
the Department of the Interior,)	
<u>et al.</u> ,)	
)	
Defendants.)	

**DEFENDANTS' SUPPLEMENTAL RESPONSE TO PLAINTIFFS'
MAY 18, 2007 REQUEST FOR PRODUCTION**

In accordance with Rule 34 of the Federal Rules of Civil Procedure, Defendants hereby give notice that information has come to the attention of the Interior Defendants that requires correction of one of the responses to a specific document request. Plaintiffs' May 18, 2007 Request for Production contained the following request at Request No. 20, Appendix C, Item 7:

OIG's 1992 report regarding Palm Springs and OIG's responses to the recent congressional inquiries regarding Palm Springs referenced on page 10 of Quarterly Status Report No. 29.

Interior Defendants served their response to the entire Request on June 13, 2007, and in responding to Request No. 20, Appendix C, Item 7, they objected to that request in its entirety on several grounds, including an objection that "none of the requested material is relevant to the accounting for IIM funds or any topic likely to be considered by the Court at the October 10, 2007 hearing, nor is it reasonably calculated to lead to admissible evidence." Interior Defendants maintain this objection, but they hereby amend their Response to state correctly the

basis for the objection. The objection is warranted because the referenced 1992 OIG report and subsequent statements concerning the Palm Springs office concern asset management issues (both tribal and individual allottee), and it is law of the case that asset management matters lie outside the Court's limited jurisdiction, Cobell v. Norton, 226 F.R.D. 67, 76-79 (D.D.C. 2005). The original response incorrectly described the subject as "tribal account record-keeping and lease administration."

Dated: September 20, 2007

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General
MICHAEL F. HERTZ
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
Deputy Director
D.C. Bar No. 406635
MICHAEL J. QUINN
Trial Attorney
D.C. Bar No. 401376
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
Telephone: (202) 616-0328
Facsimile: (202) 514-9163

CERTIFICATE OF SERVICE

I hereby certify that, on September 20, 2007 the foregoing *Defendants' Supplemental Response to Plaintiffs' May 18, 2007 Request for Production* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
Fax (406) 338-7530

/s/ Kevin P. Kingston
Kevin P. Kingston