

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**DEFENDANTS' RESPONSE TO PLAINTIFFS' SECOND MOTION FOR EXPEDITED  
EXCLUSION OF CERTAIN CLASS MEMBERS FROM THE PRIOR NOTICE  
REQUIREMENT OF THE SEPTEMBER 29, 2004 ORDER**

Defendants have no objection to the relief requested in *Plaintiffs' Second Motion for Expedited Exclusion of Certain Class Members from the Prior Notice Requirement of the September 29, 2004 Order*. Indeed, Defendants opposed Plaintiffs' request that class members be prevented from selling their land and continue to take the position that class members should not be required to await a notice from the Court or action by Plaintiffs' counsel before they can do so.

Dated: October 15, 2004

Respectfully submitted,

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

/s/ Sandra P. Spooner

SANDRA P. SPOONER

D.C. Bar No. 261495

Deputy Director

JOHN T. STEMPLEWICZ

Senior Trial Counsel

Commercial Litigation Branch

Civil Division

P.O. Box 875

Ben Franklin Station

Washington, D.C. 20044-0875

(202) 514-7194

CERTIFICATE OF SERVICE

I hereby certify that, on October 15, 2004 the foregoing *Defendants' Response to Plaintiffs' Second Motion for Expedited Exclusion of Certain Class Members from the Prior Notice Requirement of the September 29, 2004 Order* 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