

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PAUL GRONDAL, a Washington
resident; and THE MILL BAY
MEMBERS ASSOCIATION, INC., a
Washington Non-Profit Corporation,

Plaintiffs,

vs.

UNITED STATES OF AMERICA;
US DEPARTMENT OF INTERIOR;
BUREAU OF INDIAN AFFAIRS, et.
al.,

Defendants.

NO. CV-09-0018-JLQ

**ORDER DIRECTING
SUPPLEMENTAL BRIEFING**

On January 10, 2013, the court heard oral argument on the United States’ Motion for Summary Judgment Re: Ejectment (ECF No. 231) and the Confederated Tribes of the Colville Reservation’s (“the Tribe”) Motion to Dismiss (ECF No. 274). Participating in the hearing were the following: Pamela DeRusha on behalf of the United States (along with Colleen Kelley, agency counsel for the U.S. Department of Interior); Dana Cleveland and Timothy Woolsey on behalf of the Tribe; James Danielson and Kristin Ferrera for Plaintiffs; Bruce Johnston and Dale Foreman on behalf of Wapato Heritage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Both pending motions raise the following closely related, but distinct, questions regarding the portion of MA-8 at issue in this case: 1) whether the trust period has expired and/or whether the Act of June 15, 1935 applies to MA-8; 2) whether MA-8 remains land held in trust by the United States; 3) if the trust period is expired, whether this court would have authority to direct the issuance of fee patents; and 4) whether any of these issues require and/or merit the appointment of counsel for the individually named *pro se* and/or defaulted Defendant landowners.

The parties are directed to file *supplemental* briefing no more than ten (10) pages in length (including attachments) by no later than January 21, 2013 on these issues concerning MA-8's trust status. The purpose of supplemental briefing is to *add* meaningful analysis, facts, or information to the record, not simply reiterate what has already been set forth.

IT IS SO ORDERED. The Clerk shall enter this Order and provide copies to counsel and the *pro se* parties.

Dated January 10, 2013.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE