

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,)	
)	
Plaintiffs,)	No. 1:96CV01285
v.)	(Judge Robertson)
)	
DIRK KEMPTHORNE, Secretary of)	
the Interior, <u>et al.</u> ,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO RESOLVE PENDING MATTERS PERTINENT TO
THE EVIDENTIARY HEARING THAT BEGAN ON OCTOBER 10, 2007**

On October 25, 2007, the Court invited the parties to file a motion identifying pending matters relevant to the evidentiary hearing on the historical accounting. Tr. 2185:5-13.

Defendants have identified the following such unresolved matters:¹

- *Defendants' Motion to Rescind Or, in the Alternative, to Amend the Class Communication Orders* (June 22, 2007) (Dkt. No. 3348);
- *Defendants' Third Submission in Compliance with May 28, 2004 Memorandum and Order Regarding Historical Statements of Account* (May 24, 2005) (Dkt. No. 2914);
- *Defendants' Fourth Submission in Compliance with May 28, 2004 Memorandum and Order Regarding Historical Statements of Account* (March 9, 2006) (Dkt. No. 3240); and

^{1/} Plaintiffs' counsel has indicated that, while Plaintiffs continue to oppose the identified filings on the merits, they take no position on this motion.

- *Defendants' Fifth Submission in Compliance with May 28, 2004 Memorandum and Order Regarding Historical Statements of Account (January 26, 2007)*
(Dkt. No. 3288).

Dated: December 4, 2007

Respectfully submitted,

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General
MICHAEL F. HERTZ
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
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CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2007 the foregoing *Defendants' Motion to Resolve Pending Matters Pertinent to the Evidentiary Hearing That Began on October 10, 2007* 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*)
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/s/ Kevin P. Kingston
Kevin P. Kingston