

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CALIFORNIA VALLEY MIWOK TRIBE,
et al.,

Plaintiffs,

v.

KEN SALAZAR, et al.,

Defendants.

Case No. 1:11-CV-00160-RWR

**AFFIDAVIT OF ROBERT A. ROSETTE IN SUPPORT OF PROPOSED INTERVENOR-
DEFENDANT’S MOTION TO EXPEDITE TIME TO RULE ON MOTION TO
INTERVENE**

I, Robert A. Rosette, hereby declare:

1. I am an attorney licensed to practice before all the courts of the District of Columbia and the United States District Court for the District of Columbia. I am the Managing Partner of the law firm Rosette & Associates, P.C., attorneys of record for the California Valley Miwok Tribe (“Tribe”), a federally-recognized Indian tribe and Proposed Intervenors in the above-captioned matter. I make this declaration in support of the Tribe’s Motion for Leave to Intervene as a Defendant in this action.

2. I have personal knowledge of the facts stated herein and would be competent to testify as to those facts if called upon to do so in a court of law.

3. The Tribe seeks to intervene in the action on the grounds that it is a real party in interest with a substantial stake in the outcome of this proceeding. The Tribe meets both the standards for mandatory intervention pursuant to Rules 24(a)(2) of the Federal Rules of Civil Procedure because it has timely moved to intervene, has a cognizable interest in this action, could

potentially be adversely affected or impaired by this litigation, and because representation in this action “may not” be adequate. The Tribe also meets the standard for permissive intervention into this action pursuant to Fed. R. Civ. P. Rule 24(b) because it has timely moved to intervene and because it has a clear common interest in law or fact.

4. Pursuant to the requirements of Local Civil Rule 7(m) of the Rules of the United States District Court for the District of Columbia, I contacted counsel to Plaintiffs, Christopher Loveland as well as counsel to Defendants, Kenneth Rooney telephonically to notify them of the Tribe’s intention to file its Motion for Leave to Intervene and to ascertain whether either party would oppose such a motion.

5. On March 15, 2011, I contacted Mr. Loveland telephonically and informed him of the Tribe’s intent to file its Motion for Leave to Intervene. I asked whether Plaintiffs would oppose such a motion. Mr. Loveland stated that he would confer with his client on this issue.

6. On March 16, 2011, I received an e-mail from Mr. Loveland informing me that he and his clients would not take a position in response to the motion.

7. On March 15, 2011, I contacted Mr. Rooney telephonically and informed him of the Tribe’s intent to file its Motion for Leave to Intervene and asked whether Defendants would oppose such a motion. Mr. Rooney stated that Defendants would not oppose the Tribe’s Motion for Leave to Intervene.

8. Pursuant to the requirements of Local Civil Rule 7(m) of the Rules of the United States District Court for the District of Columbia, I contacted counsel to Plaintiffs, Christopher Loveland as well as counsel to Defendants, Kenneth Rooney telephonically to notify them of the Tribe’s intention to file its Motion to Shorten Time and to ascertain whether either party would oppose such a motion.

9. On March 22, 2011, I contacted Mr. Rooney telephonically and informed him of the Tribe's intent to file its Motion to Expedite Time and asked whether Defendants would oppose such a motion. Mr. Rooney stated that Defendants would not take a position on the motion.

10. On March 22, 2011, I contacted Mr. Loveland telephonically and informed him of the Tribe's intent to file its Motion to Expedite time and asked whether Plaintiffs would oppose such a motion. Mr. Loveland stated that he was not the lead attorney on the case and he would confer with his co-counsel on the issue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of March, 2011.

By: /s/ Robert A. Rosette
Robert A. Rosette