

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

CALIFORNIA VALLEY MIWOK
TRIBE, et al.,

Plaintiffs,

v.

KEN SALAZAR, et al.,

Defendants.

NO. 1:10-cv-00160-RWR

**DEFENDANTS' CONSENT MOTION FOR TWO ADDITIONAL DAYS
IN WHICH TO FILE THEIR RESPONSE TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. Pro. 6(b), Defendants Kenneth L. Salazar, Secretary of the Interior, Larry Echo Hawk, Assistant Secretary of Indian Affairs of the Interior, and Michael Black, Director of the Bureau of Indian Affairs(Defendants) move for a two day enlargement of time -- until Tuesday April 5, 2011-- to file their response to Plaintiffs' Motion for Preliminary Injunction. This is the Defendants' first request for an extension of time to respond to the Motion for Preliminary Injunction. Plaintiffs have conditionally consented to this request, provided that Defendants agree (as they have) not to seek an additional extension of time to respond to the Motion for Preliminary Injunction, and that Plaintiffs have seven days to submit their reply brief in support of their Motion.

In support of this motion, Defendants set forth the following:

1. On January 24, 2011, Plaintiffs California Valley Miwok Tribe, the Tribal Council, Yakima Dixie, Velma Whitebear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo (Plaintiffs) filed their Complaint in this matter. Docket Number (Dkt. No. 1). On February 3, 2011, Plaintiffs' Complaint was served on the United States Attorney's Office

of the District of Columbia. On March 16, 2011, Plaintiffs filed their Motion for Preliminary Injunction, Dkt. No. 8, and this Court ordered that the Defendants file their opposition by April 1, 2011.

2. Defendants are currently working on their response, however, the Department of Interior requires additional time to prepare its response to Plaintiffs' motion. An additional two days will afford Defendants the time necessary to evaluate Plaintiffs' motion and formulate a comprehensive response.

3. Defendants believe that the requested extension will not unduly delay the proceedings in this matter.

4. As set forth above, Plaintiffs have agreed to conditionally consent to the extension request, provided that no further requests for extension will be sought by Defendants, and that Plaintiffs will still have seven days to submit their reply brief.

Based on the aforementioned, Defendants respectfully request that the Court issue an order which extends the deadline for Defendants' response to Plaintiffs' Motion for a Preliminary Injunction from April 1, 2011 to April 5, 2011, and similarly extend Plaintiffs' deadline for their Reply to April 12, 2011.

Respectfully submitted this 31st Day of March, 2011.

IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural Resources Division

s/ Kenneth Rooney
KENNETH D. ROONEY
NM Bar No. 128670
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663
Washington, D.C. 20044-0663
Phone: (202) 514-9269
Fax: (202) 305-0506

E-mail: kenneth.rooney@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that, on March 31, 2011, I electronically transmitted the foregoing document to the Clerk of the Court, using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

M. Roy Goldberg
1300 I Street, NW
11th Floor East
Washington, DC 20005-3314
(202) 775-5313
Fax: (202) 218-0020
Email: rgoldberg@sheppardmullin.com
Counsel for Plaintiffs

Christopher Loveland
1300 I Street, NW
11th Floor East
Washington, DC 20005-3314
(202) 775-5313
Fax: (202) 218-0020
Email: cloveland@sheppardmullin.com
Counsel for Plaintiffs

Robert J. Uram
Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
(Pro Hac Vice Pending)
Counsel for Plaintiffs

Robert A. Rosette
ROSETTE & ASSOCIATES, PC
565 W. Chandler Boulevard, Suite 212
Chandler, Arizona 85225
Tel: (480) 889-8990
Fax: (480) 889-8997
rosette@rosettelaw.com
Counsel for Petitioner

s/ Kenneth Rooney
KENNETH D. ROONEY
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 663

Washington, D.C. 20044-0663
Phone: (202) 514-9269
Fax: (202) 305-0506
E-mail: kenneth.rooney@usdoj.gov