

**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-BJR

Hon. Barbara Jacobs Rothstein

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**MOTION TO EXPEDITE CONSIDERATION OF INTERVENOR-DEFENDANT'S  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

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Pursuant to 28 U.S.C. § 1657, Intervenor-Defendant, the California Valley Miwok Tribe ("Tribe"), a federally-recognized Indian tribe, respectfully moves to expedite consideration of the Tribe's Motion to Dismiss Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief ("Motion to Dismiss"), filed over eighteen (18) months ago on March 26, 2012 (Dkt. No. 56) and fully briefed as of April 27, 2012 (Dkt. No. 64). Expedited determination of the Tribe's Motion to Dismiss is both necessary and appropriate in this instance because such action is well within this Court's discretion upon the Tribe's showing of good cause and because the Court may promptly consider the Tribe's Motion in the interests of judicial economy and to prevent the Tribe from suffering further hardships and irreparable harm.

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Good cause exists pursuant to 28 U.S.C. § 1657, to warrant expedited relief in this matter for two distinct and compelling reasons. First, the federal government and all three of its branches – including the judiciary – owe a trust responsibility to all federally-recognized Indian tribes – including the California Valley Miwok – to ensure that the government to government relationship between the United States and Indian tribes are properly maintained, through providing federal benefits and otherwise. Second, Congress has codified such rights afforded to Indian tribes pursuant to Title 25 of the United States Code. While this matter remains pending, the federal government is unable to fulfill its trust obligations to the Tribe. As a result, the Tribe is unable to access federal or state funds – funds upon which it relies almost exclusively for the operation of its government and the provision of vital benefits to its members. The Tribe has suffered – and continues to suffer – devastating and debilitating, irreparable harm.

This motion is based on the accompanying Statement of Points and Authorities; the Declaration of Silvia Burley in Support of Intervenor-Defendant’s Motion to Expedite Consideration of its Motion to Dismiss Plaintiffs’ Amended Complaint; the Declaration of Saba Bazzazieh in Support of Intervenor-Defendant’s Motion to Expedite Consideration of its Motion to Dismiss Plaintiffs’ First Amended Complaint; a proposed Order granting the Tribe’s Motion to Expedite; any oral argument at permitted by the Court at a hearing on this matter; all pleadings and records heretofore filed in this action; and all relevant matters subject to judicial notice.

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Based on the foregoing, the Intervenor-Defendant respectfully requests – and implores – this Court to expedite consideration of its Motion to Dismiss.

Dated: July 5, 2013

Respectfully submitted,

By: /s/ Robert A. Rosette  
Robert A. Rosette  
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Attorneys for the Intervenor-Defendant,  
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**CERTIFICATE OF SERVICE**

I certify that on July 5, 2013, I caused a true and correct copy of the foregoing Motion To Expedite Consideration of the Intervenor-Defendant's Motion To Dismiss Plaintiffs' First Amended Complaint For Declaratory and Injunctive Relief, the Supporting Statement of Points and Authorities, the Declaration of Saba Bazzazieh in Support Thereof, the Declaration of Silvia Burley in Support Thereof, and a proposed Order to be served on the following counsel via electronic filing:

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*/s/ Robert A. Rosette*