UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION, et al. Plaintiffs, v. STEVEN MNUCHIN, SECRETARY, UNITED STATES DEPARTMENT OF THE TREASURY Defendant.	Case No.: 1:20-cv-01002-APM
CHEYENNE RIVER SIOUX TRIBE, et al. Plaintiffs, v. STEVEN MNUCHIN, SECRETARY, UNITED STATES DEPARTMENT OF THE TREASURY Defendant.	Case No. 1:20-cv-01059-APM
UTE TRIBE OF THE UINTAH AND OURAY RESERVATION Plaintiff, v. STEVEN MNUCHIN, SECRETARY, UNITED STATES DEPARTMENT OF THE TREASURY Defendant.	Case No. 1:20-cv-01070-APM

CONFEDERATED TRIBES PLAINTIFFS' AND CHEYENNE RIVER SIOUX PLAINTIFFS' JOINT NOTICE REGARDING MOTIONS TO INTERVENE

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Pursuant to the Court's Minute Orders dated May 7, 2020, and May 9, 2020, Plaintiffs in case number 1:20-cv-01002-APM, the Confederated Tribes of the Chehalis Reservation, Tulalip Tribes, Houlton Band of Maliseet Indians, Akiak Native Community, Asa'carsarmiut Tribe, Aleut Community of St. Paul Island, Navajo Nation, Quinault Indian Nation, Pueblo of Picuris, Elk Valley Rancheria, California, and San Carlos Apache Tribe, and Plaintiffs in case number 1:20-cv-01059-APM, Cheyenne River Sioux, Rosebud Sioux Tribe, Oglala Sioux Tribe, Nondalton Tribal Council, Arctic Village Council, and Native Village of Venetie Tribal Government (collectively, "Plaintiff Tribes" or "Plaintiffs"), submit this joint notice regarding the motions to intervene filed by Ahtna, Inc., Doc. 43; Alaska Native Village Corporation Association, Inc. and Association of ANCSA Regional Corporation Presidents/CEOs, Inc. ("the Associations"), Doc. 45; and Calista Corporation, et al., Doc. 46 (the "Calista Intervenors") (collectively, "ANC Intervenors").

The Plaintiff Tribes appreciate the opportunity provided by the Court to address the motions to intervene in an expedited manner so as to avoid any unnecessary delay in reaching a final decision on the merits in this action. Time is of the utmost importance to the Tribes, their citizens, and their communities, and in the interest of expediency, Plaintiffs do not oppose permissive intervention. This non-opposition, however, should not be construed as agreement by the Plaintiffs to any of the factual assertions or legal arguments in the ANC Intervenors' motions. It is the Tribes' firm position that ANCs, including the ANC Intervenors, are not entitled to and have no legal interest in any share of CARES Act Title V funds appropriated by Congress for federally recognized Tribal governments.

Plaintiffs have also conferred with counsel for the ANC Intervenors regarding measures to ensure that intervention does not engender delay, inefficiency, or undue burdens on the Court or existing parties. The Plaintiff Tribes and ANC Intervenors have agreed as follows:

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- Plaintiffs agree not to oppose the ANC Intervenors' motions for intervention.
- The ANC Intervenors agree not to raise any counterclaims or cross-claims in this action.
- Absent the Secretary of the U.S. Treasury's appeal of the Court's preliminary injunction order, the ANC Intervenors agree not to appeal that order if the Court proceeds on an expedited case schedule, which strives for final decision on the merits by the end of June 2020. Plaintiffs agree not to argue that the fact of this agreement and the ANC Intervenors' non-appeal of the preliminary injunction order evidences the lack of any irreparable injury alleged by the ANC Intervenors.
- Ahtna, Inc. and the Calista Intervenors agree to jointly file a single set of briefs on cross-motions for summary judgment. The Associations will also file a single set of briefs.
- The ANC Intervenors agree to meet and confer prior to filing briefs and to avoid duplication where practicable.
- At this time, and without having reviewed the forthcoming administrative record, and reserving all rights following such review, Plaintiffs and the ANC Intervenors do not anticipate that there are any disputed issues of material fact that would preclude summary judgment in this action. This is not, and should not be construed as, an agreement by Plaintiffs and the ANC Intervenors not to dispute factual representations made in their respective briefs and declarations, or as a waiver of the right to dispute such representations.
- Plaintiffs and the ANC Intervenors[1] propose the following expedited case schedule:

[1] In agreeing to this proposed schedule, the ANC Intervenors note the tentative briefing schedule for the motions to intervene set by the Court at the May 7, 2020 scheduling conference, i.e., that any response in opposition to the motions to intervene would be filed by May 13, 2020, and that any reply would be filed by May 18, 2020.

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- Secretary's production of administrative record: May 22, 2020
- All parties' cross-motions for summary judgment: May 29, 2020
- Combined responses/replies on cross-motions: June 9, 2020
- Oral argument on cross-motions: June 12, 2020

Plaintiffs provided notice of this agreement and proposed case schedule to counsel for the Secretary prior to filing. Given the shortness of time, Plaintiffs are unable to make any representation regarding the Secretary's position, who intends to file a response to this notice.

Respectfully submitted this 12th day of May, 2020.

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