

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

MARILYN VANN, RONALD MOON,)
 HATTIE CULLERS, CHARLENE WHITE,)
 And RALPH THREAT,)

Plaintiffs,)

v.)

GALE A. NORTON, Secretary of the United)
 States Department of the Interior; UNITED)
 STATES DEPARTMENT OF THE)
 INTERIOR,)

CHEROKEE NATION OF OKLAHOMA)

CHADWICKE SMITH, Individually and in)
 His Official Capacity)

John Does, Individually and in their official)
 capacity)

Defendants,)

Case No.: 1:03cv01711 (HHK)

Judge: Henry H. Kennedy

**Docket Type: Civil Rights
(non-employment)**

Date Stamp: 08/11/03

MOTION FOR LEAVE TO FILE SURREPLY

Pursuant to Local Civil Rule 7, Plaintiffs for good cause and for the reasons hereinafter set forth, hereby move the Court for an order granting Plaintiffs leave to file a Surreply Memorandum to the Reply to Defendants' Response to Limited Intervenor Cherokee Nation's Motion to Dismiss ("Surreply"). A copy of the proposed Surreply, with Exhibits, is attached hereto as Exhibit 1.

As explained more fully in the attached Memorandum of Points and Authorities in Support of Plaintiffs Motion, granting Plaintiffs leave to file their Surreply is justified because Plaintiffs' civil rights will be threatened if the case at bar is dismissed and the need to present all issues associated with the just adjudication of these rights is sufficiently compelling that granting the requested relief is appropriate.

Pursuant to Local Civil Rule 7(m), counsel for Plaintiffs conferred with counsel for the United States and with Counsel for the Cherokee Nation in a good faith effort to determine whether either party opposed the requested relief. Counsel for the United States indicated that they did not oppose the request for relief. Counsel for the Cherokee Nation stated he would not consent to Plaintiffs filing of the Surreply.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to file their Surreply in the form attached hereto.

Dated: November 15, 2005

Respectfully submitted,

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