

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CHAD EVERET BRACKEEN, §  
JENNIFER KAY BRACKEEN, FRANK §  
NICHOLAS LIBRETTI, HEATHER LYNN §  
LIBRETTI, ALTAGRACIA SOCORRO §  
HERNANDEZ, JASON CLIFFORD, and §  
DANIELLE CLIFFORD, §

and §

STATE OF TEXAS, §  
STATE OF LOUISIANA, and §  
STATE OF INDIANA, §

Plaintiffs, §

Civil Action No. 4:17-cv-868-O

v. §

RYAN ZINKE, in his official capacity as §  
Secretary of the United States Department §  
of the Interior; BRYAN RICE, in his official §  
capacity as Director of the Bureau of Indian §  
Affairs; JOHN TAHSUDA III, in his official §  
capacity as Acting Assistant Secretary for §  
Indian Affairs; the BUREAU OF INDIAN §  
AFFAIRS; and the UNITED STATES §  
DEPARTMENT OF THE INTERIOR, §

Defendants. §

**MOTION OF CHEROKEE NATION, ONEIDA NATION, QUINAULT INDIAN  
NATION, AND MORONGO BAND OF MISSION INDIANS  
TO INTERVENE AS DEFENDANTS**

The Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians (“the Tribes”), pursuant to Federal Rule of Civil Procedure 24, move to intervene as defendants in the above-captioned action. The Tribes seek intervention of right pursuant to Rule 24(a)(2) and, alternatively, permissive intervention pursuant to Rule 24(b)(1)(B). Plaintiffs consent to the Tribes’ permissive intervention; Defendants consent to the Tribes’ of-right and permissive intervention. In support of this motion, the Tribes rely on their Brief in Support filed

simultaneously herewith. The Tribes' proposed Motion to Dismiss is attached hereto as Exhibit A. The Tribes' proposed Order granting their Motion to Intervene as Defendants is also attached.

For the reasons stated herein and in their Brief, the Tribes respectfully request that the Court grant their Motion to Intervene as Defendants.

Dated: March 26, 2018

Respectfully submitted,

By: /s/ Adam H. Charnes

**Adam H. Charnes**

State Bar No. 24090629

acharnes@kilpatricktownsend.com

**Christin J. Jones**

State Bar No. 24070017

cjones@kilpatricktownsend.com

**KILPATRICK TOWNSEND & STOCKTON LLP**

2001 Ross Avenue, Suite 4400

Dallas, Texas 75201

Telephone: (214) 922-7100

Telecopier: (214) 922-9277

**Keith M. Harper** (Application for Admission to be filed)

D.C. Bar No. 451956

kharper@kilpatricktownsend.com

**Venus Prince** (*Pro Hac Vice* to be filed)

D.C. Bar No. 985717

vprince@kilpatricktownsend.com

**KILPATRICK TOWNSEND & STOCKTON LLP**

607 14<sup>th</sup> Street, N.W.

Washington, DC 20005

Telephone: (202) 508-5800

Telecopier: (202) 315-3241

**COUNSEL FOR CHEROKEE NATION,  
ONEIDA NATION, QUINAULT INDIAN  
NATION, AND MORONGO BAND OF  
MISSION INDIANS**

**CERTIFICATE OF CONFERENCE**

Counsel for the Tribes communicated with counsel for Plaintiffs about this intervention motion by email on several occasions, including February 16, February 23, March 1, March 5, March 7, March 9, and March 16, 2018, and by telephone on February 22, 2018. Counsel for Plaintiffs consented to permissive intervention. Counsel for the Tribes communicated with counsel for Defendants by email on February 20, February 21, and March 7, 2018, and by telephone on February 20, 2018. Counsel for Defendants consented to both permissive and of-right intervention.

*/s/ Adam H. Charnes*

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Adam H. Charnes

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been forwarded to the following via CM/ECF on this 26th day of March, 2018.

Rebekah Perry Ricketts  
Gibson Dunn & Crutcher LLP  
2100 McKinney Avenue  
Dallas, TX 75201  
rricketts@gibsondunn.com

Steven Edward Miskinis  
U.S. Dept. of Justice, Environment Div.  
P.O. Box 7611  
Washington, DC 20044  
steven.miskinis@usdoj.gov

Matthew D. McGill  
Lochlan F. Shelfer  
Gibson Dunn & Crutcher LLP  
1050 Connecticut Ave NW, Ste 300  
Washington, DC 20036  
lshelfer@gibsondunn.com  
mmcgill@gibsondunn.com

David Jonathan Hacker  
Office of the Texas Attorney General  
209 W 14th Street  
PDB Ground Floor  
Austin, TX 78701  
david.hacker@oag.texas.gov

JoAnn Kintz  
United States Department of Justice  
PO Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611  
joann.kintz@usdoj.gov

*/s/ Adam H. Charnes*

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Adam H. Charnes

# **EXHIBIT A**

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 FORT WORTH DIVISION

CHAD EVERET BRACKEEN, §  
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 Secretary of the United States Department §  
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 AFFAIRS; and the UNITED STATES §  
 DEPARTMENT OF THE INTERIOR, §

Defendants. §

**MOTION OF CHEROKEE NATION, ONEIDA NATION, QUINAULT INDIAN  
 NATION, AND MORONGO BAND OF MISSION INDIANS TO DISMISS**

Intervenor-Defendants the Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians (“the Tribes”), pursuant to Federal Rule of Civil Procedure 12(b)(6), move to dismiss Plaintiffs’ First Amended Complaint (Dkt. 22).

In support of this motion, the Tribes rely on, and incorporate by reference as if fully set forth herein, Defendants’ Motion to Dismiss (Dkt. 27) and Memorandum in Support of Defendants’ Motion to Dismiss (Dkt. 28).

For the reasons stated herein, the Tribes respectfully request that the Court grant their Motion to Dismiss.

Dated: March 26, 2018

Respectfully submitted,

By: /s/ Adam H. Charnes

**Adam H. Charnes**

State Bar No. 24090629

acharnes@kilpatricktownsend.com

**Christin J. Jones**

State Bar No. 24070017

cjones@kilpatricktownsend.com

**KILPATRICK TOWNSEND & STOCKTON LLP**

2001 Ross Avenue, Suite 4400

Dallas, Texas 75201

Telephone: (214) 922-7100

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D.C. Bar No. 451956

kharper@kilpatricktownsend.com

**Venus Prince** (*Pro Hac Vice* to be filed)

D.C. Bar No. 985717

vprince@kilpatricktownsend.com

**KILPATRICK TOWNSEND & STOCKTON LLP**

607 14<sup>th</sup> Street, N.W.

Washington, DC 20005

Telephone: (202) 508-5800

Telecopier: (202) 315-3241

**COUNSEL FOR CHEROKEE NATION,  
ONEIDA NATION, QUINAULT INDIAN  
NATION, AND MORONGO BAND OF  
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**CERTIFICATE OF SERVICE**

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rricketts@gibsondunn.com

Steven Edward Miskinis  
U.S. Dept. of Justice, Environment Div.  
P.O. Box 7611  
Washington, DC 20044  
steven.miskinis@usdoj.gov

Matthew D. McGill  
Lochlan F. Shelfer  
Gibson Dunn & Crutcher LLP  
1050 Connecticut Ave NW, Ste 300  
Washington, DC 20036  
lshelfer@gibsondunn.com  
mmcgill@gibsondunn.com

David Jonathan Hacker  
Office of the Texas Attorney General  
209 W 14th Street  
PDB Ground Floor  
Austin, TX 78701  
david.hacker@oag.texas.gov

JoAnn Kintz  
United States Department of Justice  
PO Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611  
joann.kintz@usdoj.gov

/s/ Adam H. Charnes  
Adam H. Charnes

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CHAD EVERET BRACKEEN, et al.,

Plaintiffs,

v.

RYAN ZINKE, et al.,

Defendants.

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Civil Action No. 4:17-cv-868-O

**[PROPOSED] ORDER**

Before the Court is the Motion of Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians to Intervene as Defendants (ECF No. \_\_\_\_), as well as their brief in support of that motion (ECF No. \_\_\_\_). The Court finds that the putative intervenors, Cherokee Nation, Oneida Nation, Quinault Indian Nation, and Morongo Band of Mission Indians, are entitled to intervene as defendants of right and permissively pursuant to Fed. R. Civ. P. 24(a)(2) and (b)(1)(B). Accordingly, the motion is well-taken and should be and is hereby **GRANTED**. The clerk shall **FILE** the intervenors’ motion to dismiss, attached as Exhibit A to their motion.

**SO ORDERED** on this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Hon. Reed O’Connor  
UNITED STATES DISTRICT JUDGE