

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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,

v.

UNITED STATES OF AMERICA; RYAN
ZINKE, in his official capacity as Secretary of
the United States Department of the Interior;
BRYAN RICE, in his official capacity as Di-
rector of the Bureau of Indian Affairs; JOHN
TAHSUDA III, in his official capacity as Act-
ing Assistant Secretary for Indian Affairs; the
BUREAU OF INDIAN AFFAIRS; the
UNITED STATES DEPARTMENT OF THE
INTERIOR; ALEX AZAR, in his official ca-
pacity as Secretary of the United States De-
partment of Health and Human Services; and
the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants,

CHEROKEE NATION, et al.,

Intervenor-Defendants.

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

**INDIVIDUAL PLAINTIFFS' OPPOSED MOTION FOR LEAVE TO SUPPLEMENT
THE RECORD**

Plaintiffs Chad and Jennifer Brackeen, Frank and Heather Libretti, Altagracia Hernandez, and Jason and Danielle Clifford (together, the "Individual Plaintiffs") hereby file this Opposed Motion for Leave to Supplement the Record. The State Plaintiffs have consented to this motion;

the Defendants and the Intervenor-Defendants oppose the relief sought by this Motion. In support of this Motion, the Individual Plaintiffs respectfully rely on the following:

1. Memorandum in Support of Individual Plaintiffs' Opposed Motion to Supplement the Record, filed contemporaneously with this Motion;

2. Declaration of Matthew D. McGill, attached to this Motion, including the following attached exhibits:

A. Letter of September 10, 2018, by Matthew D. McGill, on behalf of the Brackeens, to Trevor Woodruff, Deputy Commissioner of the Texas DFPS, and Audrey Carmical, the General Counsel for the Texas DFPS, attached as thereto as "Exhibit A."

B. Letter of September 20, 2018, by Trevor Woodruff in response, attached thereto as "Exhibit B."

C. Letter of October 10, 2018, by Matthew D. McGill, in response to Mr. Woodruff's letter, attached thereto as "Exhibit C."

The Individual Plaintiffs respectfully submit that the documents attached to this Motion should be included in the record of this case and any record on appeal. A proposed order to that effect is also attached to this Motion.

CONCLUSION

For the foregoing reasons, Individual Plaintiffs respectfully request that the Court supplement the record of this case by filing these Exhibits.

Dated: October 10, 2018

Respectfully submitted,

/s/ Matthew D. McGill
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*Attorney for Frank and Heather Libretti, and
Jason and Danielle Clifford*

CERTIFICATE OF CONFERENCE

The undersigned attorney hereby certifies that, on October 10, 2018, he e-mailed counsel for State Plaintiffs, who reported that they consented to this motion, and counsel for Defendants and counsel for Defendant-Intervenors, who each have reported that they oppose this motion. Accordingly, this Motion is opposed.

/s/ Matthew D. McGill
Matthew D. McGill
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CERTIFICATE OF SERVICE

I hereby certify that, on October 10, 2018, I filed the foregoing document using the Court's ECF system. Service on all counsel of record for all parties was accomplished electronically using the Court's CM/ECF system.

/s/ Matthew D. McGill
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