UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ORANNA BUMGARNER FELTER, et al.,	)	
Plaintiffs,	)	
v.	)	No. 1:02 CV 2156 (RWR)
GALE NORTON, Secretary of the Interior, et al.	)	
Defendants.	)	

DEFENDANTS' CONSENTED MOTION FOR EXTENSION OF TIME TO RESPOND TO MR. GARDNER'S MOTION FOR LEAVE TO INTERVENE

Defendants Gale A. Norton, Secretary of the Interior; Aurene M. Martin, Principal Deputy Assistant Secretary - Indian Affairs; Ralph Nordwall, Director, Bureau of Indian Affairs, Southwestern Regional Office; and Chester Mills, Superintendent, Bureau of Indian Affairs, Uinta and Ouray Agency, respectfully move for an extension of time of fourteen days from March 19, 2004, until April 2, 2004, within which to the motion of Edson G. Gardner, pro se, to intervene.

Defendants set forth the following memorandum of points and authorities in support of this motion and include a proposed order, as follows:

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' CONSENTED MOTION FOR EXTENSION OF TIME TO RESPOND TO MR. GARDNER'S MOTION FOR LEAVE TO INTERVENE

1. According to the docket sheet for this case, on January 22, 2004, Edson G. Gardner, shown as attorney pro se, filed his own motion for leave to intervene. He certified that he served the undersigned with these papers on January 1, 2004. He did not actually file them with the Court at that time, however. Because the docket sheet in the first part of January did not indicate Mr. Gardner had filed his motion or briefs, on January 15, 2004, Defendants moved for an extension of time to respond to them. On January 20, the Court denied the extension request as moot because the Gardner documents had not been filed.

2. Defendants' attorney immediately spoke with Mr. Gardner to inform him of the failure to file and the Court's decision. Mr. Gardner said that he would take action to perfect the filing.

3. The undersigned checked the docket sheet at least twice a week from January 20 until the first week in March to learn when or whether the papers had been filed. No such filing had by then appeared on the docket sheet.

4. When the Court entered its Minute Order on March 8, 2004, giving the parties eleven days thereafter to respond to Mr. Gardner's motion to intervene, Defendants' attorney again checked the docket sheet and learned that the motion was shown as having been filed on January 22, 2004.

3. Mr. Gardner's belated filing notification has come at a particularly difficult time for undersigned counsel for defendants. Since the Court issued its March 8 Order, counsel's daughter has undergone serious surgery, his wife has been hospitalized for several days, and he

himself has been ill out of his office with the same slightly lesser version of his wife's malady, believed by the doctors to be food poisoning. These medical emergencies have also occurred at a time when undersigned counsel is handling seven different cases, all in active, demanding stages.

4. Both plaintiffs' attorney of record and Mr. Gardner have consented to this extension request.

5. This is defendants' first extension request with respect to the actual filings by Mr. Gardner.

CONCLUSION

For the foregoing reasons, defendants respectfully request that this extension of time be granted.

Dated this 17th day of March, 2004.

Respectfully submitted,

THOMAS L. SANSONETTI
Assistant Attorney General

By: _____

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CERTIFICATE OF SERVICE

I, R. Anthony Rogers, hereby certify on this 17th day of March, 2004, that I have caused the foregoing Defendants' Consented Motion for Extension of Time to Respond the Mr. Gardner's Motion for Leave to Intervene and Brief Seeking Declaratory Relief to be served upon Edson G. Gardner, pro se, by United States mail, first-class postage prepaid, at his address:

Mr. Edson G. Gardner
P. O. Box 472
Fort Duchesne, Utah 84026
Telephone: (435) 722-4762

in addition to the electronic service upon plaintiffs' attorney of record.

_____
R. Anthony Rogers