

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

TRANSMITTAL SHEET
(Notice of Appellate Action)

Date Notice filed: 4-28-2011

Style of Case: Cora Jean Jech et al v. Department of Interior et al

Appellant: Joanna Barbara; Joe Hall; Cora Jean Jech; John Johnson; Charles Tillman; Cody Tucker; Dudley Whitehorn; R. E. Yarbrough

District Court No: 09-CV-818-TCK-TLW

Tenth Circuit Case No:

Amended NOA

Cross Appeal

Interlocutory Appeal

Successive Petition (2254 or 2255) (no fee)

Notice of appeal is enclosed to all parties (except to appellant in civil cases); Notice of Appeal, docket entries and district court order are enclosed to 10th Circuit Court of Appeals:

District Court Judge: Terence Kern, U.S. District Judge

APPEAL FILED BY PRO SE

Appeal Fee Paid

Motion for IFP on Appeal Form Mailed/Given

Motion for IFP on Appeal Filed

APPEAL FILED BY COUNSEL

Appeal Fee Paid

Motion for IFP on Appeal Form Made Available

Motion for IFP on Appeal Filed

Court Appointed Counsel

USA

Signature of: T. Calico, Deputy Clerk

April 29, 2011

Phone: (918) 699-4700

APPEAL, CLOSED, DISCREP, LC-2

U.S. District Court
U.S. District Court for the Northern District of Oklahoma (Tulsa)
CIVIL DOCKET FOR CASE #: 4:09-cv-00818-TCK -TLW

Jech et al v. Department of Interior et al
Assigned to: Judge Terence Kern
Referred to: Magistrate Judge T Lane Wilson
Related Case: 4:02-cv-00427-GKF -PJC
Cause: 05:702 Administrative Procedure Act

Date Filed: 12/30/2009
Date Terminated: 03/31/2011
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Cora Jean Jech
an individual

represented by **Cori Dawn Powell**
Barrow &Grimm PC
110 W 7TH ST STE 900
TULSA, OK 74119-1044
918-584-1600
Fax: 918-585-2444
Email: c.powell@barrowgrimm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
Barrow &Grimm PC
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LEAD ATTORNEY
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Plaintiff

Charles Tillman
an individual

represented by **Cori Dawn Powell**
(See above for address)
LEAD ATTORNEY
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William Robert Grimm
(See above for address)
LEAD ATTORNEY
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Plaintiff

Dudley Whitehorn
an individual

represented by **Cori Dawn Powell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Joe Hall
an individual

represented by **Cori Dawn Powell**
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LEAD ATTORNEY
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William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Joanna Barbara
an individual

represented by **Cori Dawn Powell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

R E Yarbrough
an individual

represented by **Cori Dawn Powell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Cody Tucker
an individual

represented by **Cori Dawn Powell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

John Johnson
an individual

represented by **Cori Dawn Powell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Robert Grimm
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Interior
United States of America, The

represented by **Barbara M R Marvin**
US Department of Justice (Envrmtl
& Natural 601)
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WASHINGTON, DC 20004-0663
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Phil E Pinnell
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110 W 7TH ST STE 300
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918-382-2716
Fax: 918-560-7948
Email: phil.pinnell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ken Salazar
Secretary of the Interior

represented by **Barbara M R Marvin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phil E Pinnell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Bureau of Indian Affairs

represented by **Barbara M R Marvin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phil E Pinnell
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Larry Echohawk
Assistant Secretary, Indian Affairs

represented by **Barbara M R Marvin**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phil E Pinnell
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States of America

represented by **Barbara M R Marvin**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phil E Pinnell
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
12/30/2009	<u>1</u>		CIVIL COVER SHEET by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Grimm, William) (Entered: 12/30/2009)
12/30/2009	<u>2</u>		COMPLAINT against all defendants (paid \$350 filing fee; receipt number 1085000000000646723) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Grimm, William) (Entered: 12/30/2009)
01/04/2010	<u>3</u>		SUMMONS Issued by Court Clerk as to Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk (sjm, Dpty Clk) (Entered: 01/04/2010)
01/06/2010	<u>4</u>		ATTORNEY APPEARANCE by William Robert Grimm on behalf of R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Grimm, William) (Entered: 01/06/2010)
01/06/2010	<u>5</u>		ATTORNEY APPEARANCE by Cori Dawn Powell on behalf of R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 01/06/2010)

01/20/2010	<u>6</u>	SUMMONS Issued by Court Clerk to USA, US Attorney's Office (sjm, Dpty Clk) (Entered: 01/21/2010)
02/12/2010	<u>7</u>	SUMMONS Returned Executed re: United States of America (Re: <u>2</u> Complaint) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 02/12/2010)
02/12/2010	<u>8</u>	SUMMONS Returned Executed re: Department of Interior (Re: <u>2</u> Complaint) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 02/12/2010)
02/12/2010	<u>9</u>	SUMMONS Returned Executed re: Ken Salazar (Re: <u>2</u> Complaint) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 02/12/2010)
02/12/2010	<u>10</u>	SUMMONS Returned Executed re: Bureau of Indian Affairs (Re: <u>2</u> Complaint) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 02/12/2010)
02/12/2010	<u>11</u>	SUMMONS Returned Executed re: Larry Echohawk (Re: <u>2</u> Complaint) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) (Entered: 02/12/2010)
03/23/2010	<u>12</u>	MOTION for Extension of Time to Answer (Re: <u>2</u> Complaint) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Pinnell, Phil) (Entered: 03/23/2010)
03/25/2010	13	MINUTE ORDER by Judge Terence Kern <i>Defendants have until March 29, 2010 to answer or otherwise respond to Complaint</i> ; granting <u>12</u> Motion for Extension of Time to Answer (Re: <u>2</u> Complaint) (vah, Chambers) (Entered: 03/25/2010)
03/26/2010	<u>14</u>	ATTORNEY APPEARANCE by Phil E Pinnell on behalf of Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Pinnell, Phil) (Entered: 03/26/2010)
03/29/2010	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Pinnell, Phil) (Entered: 03/29/2010)
03/29/2010	<u>16</u>	BRIEF in Support of Motion (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America ; (Pinnell, Phil) (Entered: 03/29/2010)
03/30/2010	<u>17</u>	ATTORNEY APPEARANCE by Barbara Marvin Marvin on behalf of Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Marvin, Barbara) (Entered: 03/30/2010)
04/08/2010	<u>18</u>	ORDER by Judge Terence Kern, directing parties to file joint status report(Status Report due by 5/10/2010) (cds, Dpty Clk) (Entered: 04/08/2010)

04/14/2010	<u>19</u>	RESPONSE in Opposition to Motion (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara ; (Grimm, William) (Entered: 04/14/2010)
04/30/2010	<u>20</u>	Unopposed MOTION for Leave to Exceed Page Limitation <i>for Federal Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Complaint</i> by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Marvin, Barbara) (Entered: 04/30/2010)
04/30/2010	21	MINUTE ORDER by Judge Terence Kern ; granting <u>20</u> Motion for Leave to Exceed Page Limitation (vah, Chambers) (Entered: 04/30/2010)
05/03/2010	<u>22</u>	REPLY to Response to Motion (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America ; (With attachments) (Marvin, Barbara) (Entered: 05/03/2010)
05/04/2010	<u>23</u>	Joint MOTION to Accelerate/Extend/Reset Hearing(s)/Deadline(s) <i>re Deadline for Filing Joint Status Report</i> (Re: <u>18</u> Order, Directing Parties to File Joint Status Report) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara, R E Yarbrough, Cody Tucker, John Johnson (Marvin, Barbara) Modified on 5/5/2010 to add filers (tjc, Dpty Clk). (Entered: 05/04/2010)
05/05/2010	24	MINUTE ORDER by Judge Terence Kern ; setting/resetting deadline(s)/hearing(s): (Status Report due by 5/17/2010); granting <u>23</u> Motion to Accelerate/Extend/Reset Hearing(s)/Deadline(s) (vah, Chambers) (Entered: 05/05/2010)
05/05/2010		NOTICE of Docket Entry Modification; Error: Not all filers were selected when filed; Correction: Edited docket text to add filers (Re: <u>23</u> Joint MOTION to Accelerate/Extend/Reset Hearing(s)/Deadline(s) <i>re Deadline for Filing Joint Status Report</i> Joint MOTION to Accelerate/Extend/Reset Hearing(s)/Deadline(s) <i>re Deadline for Filing Joint Status Report</i>) (tjc, Dpty Clk) (Entered: 05/05/2010)
05/17/2010	<u>25</u>	JOINT STATUS REPORT by R E Yarbrough, Cody Tucker, John Johnson, Department of Interior, Ken Salazar, Bureau of Indian Affairs, Cora Jean Jech, Larry Echohawk, Charles Tillman, United States of America, Dudley Whitehorn, Joe Hall, Joanna Barbara (Marvin, Barbara) (Entered: 05/17/2010)
05/19/2010	26	MINUTE ORDER by Judge Terence Kern <i>Federal Defendants' Motion to Dismiss Plaintiffs' Complaint (Doc. 15) is referred to Magistrate Judge T. Lane Wilson for Report and Recommendation. The matter is also referred to Judge Wilson for a scheduling conference.</i> , referring motion(s) to Magistrate Judge Wilson (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (vah, Chambers) (Entered: 05/19/2010)
05/21/2010	27	MINUTE ORDER by Magistrate Judge T Lane Wilson, setting/resetting deadline(s)/hearing(s): (<i>Magistrate Courtroom No. 1, Third Floor</i>) (Motion Hearing set for 6/29/2010 at 09:30 AM before Magistrate Judge T Lane Wilson, Scheduling Conference set for 6/29/2010 at 09:30 AM before Magistrate Judge T Lane Wilson) (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty

			Clk) (Entered: 05/21/2010)
05/21/2010	<u>28</u>		MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Marvin, Barbara) Modified on 5/24/2010; this is a two-part motion of which only one part was efiled – see 29 for alternate Motion to Stay (sac, Dpty Clk). (Entered: 05/21/2010)
05/21/2010	29		MOTION to Stay (<i>submitted as part of 28</i>) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (sac, Dpty Clk) (Entered: 05/24/2010)
05/24/2010			NOTICE of Docket Entry Modification; Error: this document is a two-part motion of which only one part was efiled; this document also has a proposed order attached Correction: efiled Motion to Stay – see 29 ; notified counsel regarding proper submission of proposed orders (Re: <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i>) (sac, Dpty Clk) Modified on 5/24/10 to delete any reference to personal identifiers – that reference was made in error (Entered: 05/24/2010)
05/24/2010			NOTICE of Docket Entry Modification; Error: the previous Notice of Docket Entry Modification made reference to personal identifiers, that reference was made in error; Correction: deleted text regarding personal identifiers (Re: Notice of Docket Entry Modification,) (sac, Dpty Clk) (Entered: 05/24/2010)
06/01/2010	30		MINUTE ORDER by Judge Terence Kern, referring motion(s) to Magistrate Judge Wilson (Re: 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i>) (vah, Chambers) (Entered: 06/01/2010)
06/11/2010	<u>31</u>		MOTION for Extension of Time to Respond to Motion (Re: <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , 29 MOTION to Stay) by R E Yarbrough, Cody Tucker, John Johnson, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara (Powell, Cori) Modified on 6/14/2010 to correct event and add link to Doc # 29 (tjc, Dpty Clk). (Entered: 06/11/2010)
06/14/2010			NOTICE of Docket Entry Modification; Error: This was filed using the incorrect event (Motion to Accelerate/Extend/Reset Hearing(s)/Deadline(s)); Correction: Edited docket text to reflect the correct event (Re: <u>31</u> MOTION for Extension of Time to Respond to Motion) (tjc, Dpty Clk) (Entered: 06/14/2010)
06/17/2010	32		MINUTE ORDER by Magistrate Judge T Lane Wilson <i>due to Court conflict, the Motion Hearing and Scheduling Conference scheduled for 6/29/10 is rescheduled for 7/7/10 at 9:30 a.m.</i> , setting/resetting deadline(s)/hearing(s): (Magistrate Courtroom No. 1, Third Floor) (Motion Hearing set for 7/7/2010 at 09:30 AM before Magistrate Judge T Lane Wilson, Scheduling Conference set for 7/7/2010 at 09:30 AM before Magistrate Judge T Lane Wilson) (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty Clk) (Entered: 06/17/2010)
06/21/2010	33		MINUTE ORDER by Magistrate Judge T Lane Wilson (<i>CHANGING COURTROOM ONLY</i>). <i>The hearing scheduled for 7/7/10 will be held in Magistrate Courtroom No. 2, Third Floor.</i> (Re: 32 Minute Order,, Setting/Resetting Deadline(s)/Hearing(s), Setting/Resetting

		Deadline(s)/Hearing(s), Setting/Resetting Deadline(s)/Hearing(s)) (crp, Dpty Clk) (Entered: 06/21/2010)
06/22/2010	34	MINUTE ORDER by Judge Terence Kern, referring motion(s) to Magistrate Judge Wilson (Re: <u>31</u> MOTION for Extension of Time to Respond to Motion) (vah, Chambers) (Entered: 06/22/2010)
06/24/2010	35	MINUTE ORDER by Magistrate Judge T Lane Wilson ; granting <u>31</u> Motion for Extension of Time to Respond to Motion (Re: 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty Clk) (Entered: 06/24/2010)
07/07/2010	<u>36</u>	MINUTES of Proceedings – held before Magistrate Judge T Lane Wilson: Motion Hearing held on 7/7/2010, Scheduling Conference held on 7/7/2010, striking/terminating deadline(s)/Hearing(s) (Re: <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (Court Reporter: C1) (crp, Dpty Clk) (Entered: 07/08/2010)
07/14/2010	37	MINUTE ORDER by Magistrate Judge Paul J Cleary <i>setting a Telephone Conference regarding the setting of a Settlement Conference. Plaintiffs' counsel will arrange the conference call and notify the parties and court of the call—in number;</i> , setting/resetting deadline(s)/hearing(s): (Miscellaneous Hearing set for 7/15/2010 at 03:30 PM before Magistrate Judge Paul J Cleary) (kjp, Dpty Clk) (Entered: 07/14/2010)
07/15/2010	<u>38</u>	MINUTES of Proceedings – held before Magistrate Judge Paul J Cleary: Status Hearing held on 7/15/2010 (<i>Phone Conference</i>), striking/terminating deadline(s)/Hearing(s) (Court Reporter: 10–PJC–03) (kjp, Dpty Clk) (Entered: 07/16/2010)
07/19/2010	<u>39</u>	NOTICE Concerning Submission of Administrative Record (Re: <u>36</u> Minutes of Motion Hearing, Minutes of Scheduling Conference, Striking/Terminating Deadline(s)/Hearing(s),, Striking/Terminating Deadline(s)/Hearing(s)) by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Marvin, Barbara) (Entered: 07/19/2010)
07/19/2010	<u>40</u>	MOTION to Defer Submission of Administrative Record <i>Pending Ruling on Federal Defendants' Motion to Dismiss</i> by Department of Interior, Ken Salazar, Bureau of Indian Affairs, Larry Echohawk, United States of America (Marvin, Barbara) (Entered: 07/19/2010)
07/20/2010	41	MINUTE ORDER by Judge Terence Kern, referring motion(s) to Magistrate Judge Wilson (Re: <u>40</u> MOTION to Defer Submission of Administrative Record <i>Pending Ruling on Federal Defendants' Motion to Dismiss</i>) (vah, Chambers) (Entered: 07/20/2010)
07/20/2010	<u>42</u>	ORDER by Magistrate Judge T Lane Wilson ; denying <u>40</u> Motion for Miscellaneous Relief (Re: 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty Clk) (Entered: 07/20/2010)
09/30/2010	<u>43</u>	SETTLEMENT CONFERENCE ORDER by Magistrate Judge Paul J Cleary, setting/resetting deadline(s)/hearing(s): (Settlement Conference set for

		1/13/2011 at 09:30 AM before Magistrate Judge Paul J Cleary) (kjp, Dpty Clk) (Entered: 09/30/2010)
11/05/2010	44	MINUTE ORDER by Magistrate Judge Paul J Cleary <i>setting Telephone Conference regarding Settlement Conference set for 1/13/11.</i> , setting/resetting deadline(s)/hearing(s): <i>counsel is directed to contact Judge Cleary's courtroom deputy with a phone number for the court to initiate the conference call</i> (Miscellaneous Hearing set for 11/10/2010 at 03:30 PM before Magistrate Judge Paul J Cleary) (kjp, Dpty Clk) (Entered: 11/05/2010)
11/10/2010	<u>45</u>	MINUTES of Proceedings – held before Magistrate Judge Paul J Cleary: Miscellaneous Hearing held on 11/10/2010 (<i>Telephone Conference</i>), setting/resetting deadline(s)/hearing(s): (Miscellaneous Deadline set for 12/10/2010) (Court Reporter: 10–PJC–03–B) (kjp, Dpty Clk) (Entered: 11/10/2010)
12/06/2010	46	MINUTE ORDER by Magistrate Judge T Lane Wilson <i>as to the Motion to Limit Review of the Administrative Record (dkt. # 28), the response deadline is 1/20/11, the reply deadline is 1/31/11. These dates are firm and will not be reset even if the 1/13/11 settlement conference is postponed</i> , setting/resetting deadline(s)/hearing(s): (<i>Magistrate Courtroom No. 2, Third Floor</i>) (Motion Hearing set for 2/8/2011 at 09:30 AM before Magistrate Judge T Lane Wilson) (Re: <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty Clk) (Entered: 12/06/2010)
12/09/2010	<u>47</u>	NOTICE Notice of Production by Bureau of Indian Affairs, Department of Interior, Larry Echohawk, Ken Salazar, United States of America (With attachments) (Marvin, Barbara) (Entered: 12/09/2010)
01/03/2011	<u>48</u>	MOTION to Proceed With a Representative With Limited Authority (Re: <u>43</u> Settlement Conference Order, Setting/Resetting Deadline(s)/Hearing(s)) by Bureau of Indian Affairs, Department of Interior, Larry Echohawk, Ken Salazar, United States of America (Pinnell, Phil) (Entered: 01/03/2011)
01/04/2011		***Motion(s) Referred to Magistrate Judge Cleary (Re: <u>48</u> MOTION to Proceed With a Representative With Limited Authority) (kjp, Dpty Clk) (Entered: 01/04/2011)
01/04/2011	<u>49</u>	ORDER by Magistrate Judge Paul J Cleary <i>granting leave to proceed at Settlement Conference with a representative</i> ; granting <u>48</u> Motion for Miscellaneous Relief (kjp, Dpty Clk) (Entered: 01/04/2011)
01/13/2011	<u>50</u>	SETTLEMENT CONFERENCE REPORT by Magistrate Judge Paul J Cleary <i>advising litigation was not settled</i> , striking/terminating deadline(s)/Hearing(s) (kjp, Dpty Clk) (Entered: 01/13/2011)
01/19/2011	<u>51</u>	MOTION To Require Federal Defendants to Supplement Administrative Record by Joanna Barbara, Joe Hall, Cora Jean Jech, John Johnson, Charles Tillman, Cody Tucker, Dudley Whitehorn, R E Yarbrough (Powell, Cori) (Entered: 01/19/2011)
01/19/2011	<u>52</u>	RESPONSE in Opposition to Motion (Re: <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i>) by Joanna Barbara, Joe

			Hall, Cora Jean Jech, John Johnson, Charles Tillman, Cody Tucker, Dudley Whitehorn, R E Yarbrough ; (Powell, Cori) (Entered: 01/19/2011)
01/24/2011	<u>53</u>		MINUTE ORDER by Judge Terence Kern, referring motion(s) to Magistrate Judge Wilson (Re: <u>51</u> MOTION To Require Federal Defendants to Supplement Administrative Record) (vah, Chambers) (Entered: 01/24/2011)
01/31/2011	<u>54</u>		REPLY to Response to Motion (Re: <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i>) by Bureau of Indian Affairs, Department of Interior, Larry Echohawk, Ken Salazar, United States of America ; (Marvin, Barbara) (Entered: 01/31/2011)
02/08/2011	<u>55</u>		MINUTES of Proceedings – held before Magistrate Judge T Lane Wilson: Motion Hearing held on 2/8/2011, striking/terminating deadline(s)/Hearing(s) (Re: 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (Court Reporter: C2) (crp, Dpty Clk) (Entered: 02/08/2011)
02/10/2011	<u>56</u>		RESPONSE in Opposition to Motion (Re: <u>51</u> MOTION To Require Federal Defendants to Supplement Administrative Record) by Bureau of Indian Affairs, Department of Interior, Larry Echohawk, Ken Salazar, United States of America ; (Marvin, Barbara) (Entered: 02/10/2011)
02/28/2011	<u>57</u>		REPORT AND RECOMMENDATION by Magistrate Judge T Lane Wilson (Re: <u>36</u> Minutes of Motion Hearing,, Minutes of Scheduling Conference,, Striking/Terminating Deadline(s)/Hearing(s), Striking/Terminating Deadline(s)/Hearing(s), 29 MOTION to Stay (<i>submitted as part of 28</i>), <u>22</u> Reply to Response to Motion, <u>55</u> Minutes of Motion Hearing,, Striking/Terminating Deadline(s)/Hearing(s), Striking/Terminating Deadline(s)/Hearing(s), <u>28</u> MOTION to Limit Review to the Administrative Record <i>and Memorandum in Support</i> , <u>51</u> MOTION To Require Federal Defendants to Supplement Administrative Record, <u>19</u> Response in Opposition to Motion, <u>15</u> MOTION to Dismiss for Lack of Jurisdiction) (crp, Dpty Clk) (Entered: 02/28/2011)
03/14/2011	<u>58</u>		OBJECTION to Report and Recommendation (Re: <u>57</u> REPORT AND RECOMMENDATION by Magistrate Judge T Lane Wilson) by Joanna Barbara, Joe Hall, Cora Jean Jech, John Johnson, Charles Tillman, Cody Tucker, Dudley Whitehorn, R E Yarbrough (With attachments) (Powell, Cori) (Entered: 03/14/2011)
03/31/2011	<u>59</u>		RESPONSE (Re: <u>58</u> Objection to Report and Recommendation, <u>57</u> REPORT AND RECOMMENDATION by Magistrate Judge T Lane Wilson) by Bureau of Indian Affairs, Department of Interior, Larry Echohawk, Ken Salazar (Marvin, Barbara) (Entered: 03/31/2011)
03/31/2011	<u>60</u>	15	ORDER by Judge Terence Kern ; dismissing/terminating case (terminates case) ; finding as moot <u>28</u> Motion for Miscellaneous Relief; finding as moot 29 Motion to Stay; finding as moot <u>51</u> Motion for Miscellaneous Relief; accepting <u>57</u> Report and Recommendation; granting <u>15</u> Motion to Dismiss for Lack of Jurisdiction (vah, Chambers) (Entered: 03/31/2011)
03/31/2011	<u>61</u>	14	JUDGMENT by Judge Terence Kern <i>Judgment of Dismissal</i> , entering judgment (terminates case) (vah, Chambers) (Entered: 03/31/2011)

03/31/2011			***Civil Case Terminated (see document number <u>61</u>) (lml, Dpty Clk) (Entered: 04/01/2011)
04/28/2011	<u>62</u>	12	NOTICE OF APPEAL to Circuit Court (paid \$455 appeal fee; receipt number 1085-848726) (Re: <u>60</u> Order,, Dismissing/Terminating Case,, Ruling on Motion for Miscellaneous Relief,, Ruling on Motion to Stay,,, Ruling on Report and Recommendation,, Ruling on Motion to Dismiss for Lack of Jurisdiction, <u>61</u> Judgment, Entering Judgment) by Joanna Barbara, Joe Hall, Cora Jean Jech, John Johnson, Charles Tillman, Cody Tucker, Dudley Whitehorn, R E Yarbrough (Powell, Cori) (Entered: 04/28/2011)

8261.000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CORA JEAN JECH, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
THE UNITED STATES OF AMERICA,)	
et al.,)	
)	Case No. 09-CV-818-TCK-TLW
Defendants.)	

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiffs, Cora Jean Jech, Charles Tillman, Dudley Whitehorn, Joe Hall, Joanna Barbara, R. E. Yarbrough, Cody Tucker and John Johnson in the above-referenced case, hereby appeal to the Tenth Circuit Court of Appeals from the Order of the District Court, the Honorable Terence C. Kern, filed herein on March 31, 2011 [Doc. No. 60], adopting the Report and Recommendation of Magistrate Judge T. Lane Wilson [Doc. No. 57], which granted Defendants' Motion to Dismiss and denied all other pending motions as moot, and the Judgment of Dismissal, dismissing Plaintiffs' claims [Doc. No. 61].

Respectfully submitted,

BARROW & GRIMM, P.C.

By: s/Cori D. Powell
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 28 day of April, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

- **Barbara M R Marvin**
barbara.marvin@usdoj.gov
- **Phil E Pinnell**
phil.pinnell@usdoj.gov,
- libbi.felty@usdoj.gov ,
- connie.sullivent@usdoj.gov

I further certify that on the ___ day of April, 2011, I served a true and correct copy of the above and foregoing instrument by first class mail, with proper postage fully prepaid thereon, on the following, who is/are not (a) registered participant(s) of the ECF System:

No manual recipients

s/Cori D. Powell
Cori D. Powell



IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CORA JEAN JECH, et al.,)	
)	
Plaintiffs,)	
v.)	Case No. 09-CV-818-TCK-TLW
)	
THE UNITED STATES OF)	
AMERICA, et al.,)	
)	
Defendants.)	

JUDGMENT OF DISMISSAL

By Order entered this date, the Court dismissed Plaintiffs' claims. (See Doc. 60).

Accordingly, a judgment of dismissal is hereby entered.

SO ORDERED this 31st day of March, 2011.

TERENCE C. KERN
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CORA JEAN JECH, et al.,)	
)	
Plaintiffs,)	
v.)	Case No. 09-CV-818-TCK-TLW
)	
THE UNITED STATES OF)	
AMERICA, et al.,)	
)	
Defendant.)	

ORDER

On February 28, 2011, Magistrate Judge T. Lane Wilson filed a Report and Recommendation (“Report”) wherein he recommended that Defendants’ motion to dismiss (Doc. 15) be granted and that all other pending motions (Docs. 28, 29, and 51) be denied as moot. Now before the Court is Plaintiffs’ objection to the Report (Doc. 58) and Defendants’ response thereto (Doc. 59).

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the record *de novo*. After thorough consideration of both it and Plaintiffs’ objection, the Court finds no reason either in law or in fact to depart from the recommendation set forth in the Report. Therefore, Plaintiffs’ objection (Doc. 58) is overruled, and the Report (Doc. 57) is affirmed and adopted as the Order of the Court. Defendants’ motion to dismiss (Doc. 15) is GRANTED. All other pending motions (Docs. 28, 29, 51) are DENIED as moot.

SO ORDERED this 31st day of March, 2011.



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE