

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

RAMONA TWO SHIELDS, et al.)	
)	
Plaintiffs,)	No. 11-531L
)	
v.)	Hon. Lawrence J. Block
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

MOTION TO DISMISS

The United States moves to dismiss Plaintiffs' complaint for lack of subject-matter jurisdiction because Plaintiffs' claims herein are currently pending before the United States District Court for the District of Columbia in Cobell, et al. v. Salazar, et al., No. 96-cv-1285 and the United States Court of Appeals for the District of Columbia, Nos. 11-5205 and 11-5229. Plaintiffs are members of the certified "Trust Administration Class" in Cobell and have not opted-out of that certified class. The class plaintiffs in Cobell allege, among other things, that the United States mismanaged non-monetary trust assets, including oil and gas resources. Plaintiffs here allege the United States mismanaged their non-monetary trust assets, namely that the United States breached its fiduciary obligations to Plaintiffs by entering into certain oil and gas leases on allotted land within the Fort Berthold Indian Reservation between 2006 and 2009. This Court lacks subject-matter jurisdiction over Plaintiffs' claims because they are for or in respect to claims pending before another court. This motion is made pursuant to rule 12(b)(1) of the Rules of the United States Court of Federal Claims and 28 U.S.C. § 1500.

This motion is supported by, and incorporates herein by reference, the concurrently filed Memorandum of Points and Authorities, the concurrently filed Appendix of Exhibits, any

additional arguments or evidence that may be presented in reply, at argument, and/or with leave of Court, as well as any additional matters that may be judicially noticed.

Dated: October 20, 2011

Respectfully submitted,

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