

RUSING LOPEZ & LIZARDI, P.L.L.C.

6363 North Swan Road, Suite 151

Tucson, AZ 85718

Telephone: (520) 792-4800

Facsimile: (520) 529-4262

Michael J. Rusing, Esq.

mrusing@rusingandlopez.com

State Bar No. 006617

Todd H. Hardy

thardy@rusingandlopez.com

State Bar No. 0023675

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

1875 Pennsylvania Avenue, N.W.

Washington, D.C. 20006

Telephone: (202) 663-6000

Seth P. Waxman (*Pro hac vice*)

seth.waxman@wilmerhale.com

Danielle Spinelli (*Pro hac vice*)

danielle.spinelli@wilmerhale.com

Shivaprasad Nagaraj (*Pro hac vice*)

shiva.nagaraj@wilmerhale.com

TOHONO O'ODHAM NATION

Office of the Attorney General

P.O. Box 830

Sells, AZ 85634

Telephone: (520) 383-3410

Jonathan Jantzen,

jonathan.jantzen@tonation-nsn.gov

State Bar No. 016220

Samuel Daughety,

samuel.dauthety@tonation-nsn.gov

State Bar No. 023170

Attorneys for Defendant The Tohono O'odham Nation

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

The State of Arizona; The Gila River
Indian Community; and The Salt River
Pima –Maricopa Indian Community,

Plaintiffs,

v.

The Tohono O'odham Nation,

Defendant.

Case No. 2:11-cv-296-DGC

**THE TOHONO O'ODHAM NATION'S
MOTION FOR ATTORNEYS' FEES
AND RELATED NON-TAXABLE
EXPENSES AGAINST THE STATE OF
ARIZONA**

(Hon. David G. Campbell)

///

Defendant Tohono O’odham Nation, pursuant to Rule 54(d)(2) of the Federal Rules of Civil Procedure and Rule 54.2(b)(1) of the Local Rules of Civil Procedure, respectfully moves for an award of attorneys’ fees and related non-taxable expenses against Plaintiff State of Arizona.

A. APPLICABLE JUDGMENT

Attorneys’ fees and related non-taxable expenses are being sought in connection with the June 25, 2013 final judgment in this action, which was awarded on the merits and in favor of the Nation.

B. STATUTORY AUTHORITY

This motion is brought pursuant to A.R.S. § 12-348(A)(1), which provides that a court shall award attorneys’ fees and other expenses to a party which prevails in a civil action brought against that party by the State.

C. ATTORNEYS’ FEES AND COSTS

A fair estimate of the amount of attorneys’ fees being sought by the Nation is \$4,024,000.00, and a fair estimate of non-taxable expenses is \$246,267.00.

CONCLUSION

The Nation respectfully requests that this Court enter a judgment against Plaintiff State of Arizona in the amounts set forth above.

DATED this 9th day of July, 2013.

RUSING LOPEZ & LIZARDI, P.L.L.C.

/s/ Michael J. Rusing

Michael J. Rusing

Todd M. Hardy

Co-counsel for The Tohono O’odham Nation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 9th day of July, 2013, on the following parties, via Notice of Electronic Filing, generated and transmitted by the ECF system of the District of Arizona to:

Thomas C. Horne (#002951)
Attorney General
Michael Tryon (#003109)
Evan Hiller (#028214)
Assistant Attorneys General
1275 West Washington Street
Phoenix, Arizona 85007-2926
(602) 542-5025
tom.horne@azag.gov
michael.tryon@azag.gov
evan.hiller@azag.gov
Attorneys for Plaintiff the State of Arizona

Linus Everling, General Counsel (# 019760)
GILA RIVER INDIAN COMMUNITY
525 W. Gu u Ki
P.O. Box 97
Sacaton, Arizona 85247
(520) 562-9763
Linus.Everling@gric.nsn.us
Attorneys for Plaintiff Gila River Indian Community

James P. Tuite (Pro Hac Vice)
Merrill C. Godfrey (Pro Hac Vice)
Jason T. Hauter (# 022188)
AKIN GUMP STRAUSS HAUER &
FELD LLP
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036-1564
(202) 887-4000
jtuite@akingump.com
mgodfrey@akingump.com
jhauter@akingump.com
Attorneys for Plaintiff Gila River Indian Community

///

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Rd., Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Rd., Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

1 Brian J. Schulman (# 015286)
2 GREENBERG TRAURIG LLP
3 2375 E. Camelback Road, Suite 700
4 Phoenix, AZ 85016
5 602-445-8000
6 schulmanb@gtlaw.com
7 *Attorneys for Plaintiff Gila River Indian Community*

8 Mary R. O'Grady (#011434)
9 Shane M. Ham (#027753)
10 OSBORN MALEDON
11 2929 North Central Avenue
12 Suite 2100
13 Phoenix, Arizona 85012
14 (602) 640-9352
15 mogrady@omlaw.com
16 sham@omlaw.com
17 *Attorneys for Plaintiff Salt River Pima- Maricopa Indian Community*

18
19
20
21
22
23
24
25
26
By /s/ Sharon Waller