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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UTE INDIAN TRIBE OF THE UINTAH &
OURAY RESERVATION, UTAH,

Plaintiff,

v.

THE STATE OF UTAH, DUCHESNE
COUNTY, a political subdivision of the
State of Utah, ROOSEVELT CITY, a
municipal Corporation, DUCHESNE CITY,
a municipal corporation, MYTON, a
municipal corporation, and UINTAH
COUNTY, a political subdivision of the
State of Utah

Defendants.

**REPLY TO UINTAH COUNTY'S
OPPOSITION TO PLAINTIFF'S
MOTION TO DISMISS DEFENDANT
UINTAH COUNTY'S COUNTERCLAIM**

Consolidated Action

Civil Nos.
2:75-cv-00408-BSJ & 2:13-cv-00276-TS

Senior Judge Bruce S. Jenkins

The Ute Indian Tribe filed a motion to dismiss Uintah County's original counterclaim (Dkt. 162) on May 29, 2013. Dkt. 222.

Thereafter, Uintah County filed both (1) an amended counterclaim, Dkt. 248, and (2) a response to the Tribe's motion to dismiss, Dkt. 249—both filed on June 19, 2013.

Because Uintah County filed its amended counterclaim within the time allowed under Rule 15(a)(1)(B), the County's amended counterclaim supersedes the original counterclaim and it obviates the need for the Tribe to file a reply on its original motion to dismiss.

Today the Tribe has filed a motion to dismiss the amended counterclaim, Dkt. 278. To the extent that a reply is necessary on the Tribe's original motion to dismiss, the Tribe hereby incorporates by reference the legal arguments and authorities that are contained in its motion to dismiss the amended counterclaim, Dkt. 278, together with the arguments and authorities that will be contained in a reply on the Tribe's motion to dismiss the amended counterclaim.

DATED this 26th day of July, 2013.

FREDERICKS PEEBLES & MORGAN LLP

/s/ Frances C. Bassett

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2013, I electronically filed the foregoing **REPLY TO UTAH COUNTY'S OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS DEFENDANT UTAH COUNTY'S COUNTERCLAIM** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all parties of record as follows:

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