

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SARA JUMPING EAGLE; LADONNA BRAVE BULL ALLARD;
VIRGIL TAKEN ALIVE; CHEYENNE GARCIA;
WILLIAM WILD BILL LEFT HAND;
MAXINE BRINGS HIM BACK-JANIS,
KATHY WILLCUTS, CRYSTAL COLE,
RUSSELL VAZQUEZ, THOMAS E. BARBER, SR.,
TATELOWAN GARCIA, CHANI PHILLIPS,
WASTEWIN YOUNG,

Intervenor-Plaintiffs,

v.

DONALD TRUMP, Individually and in His Official
Capacity as President; U.S. ARMY CORPS OF ENGINEERS;
and DAKOTA ACCESS, LLP,

Defendants on Intervenor Complaint.

**MOTION OF
PROPOSED
INTERVENORS**

Case No. 1:16-cv-1534-JEB

COME NOW INTERVENORS Sara Jumping Eagle, Ladonna Brave Bull Allard, Virgil Taken Alive, Cheyenne Garcia, William Wild Bill Left Hand, Maxine Brings Him Back-Janis, Kathy Willcuts, Crystal Cole, Russell Vazquez, Thomas E. Barber, Sr., Tateolowan Garcia, Chani Phillips, Wastewin Young to move this Court for entry of Intervenor's Complaint (Exhibit A annexed) in this action;

Proposed Intervenor's are registered Tribal Members of the Standing Rock, Cheyenne River, Oglala Sioux and/or Pine Ridge Sioux Nations and own, live on or stand to inherit lands that will be impacted adversely by the Dakota Access pipeline at issue in this matter.

Proposed Intervenor's submit certain declarations (Exhibit B and B-1, annexed) as evidence of the interest of the Intervenor's specifically and in toto. Not all Intervenor's could

submit declarations in time for this submission but all share the common legal and factual nexus to this action as set forth in the Complaint and the Declarations (See Exhibits B and B-1).

Proposed Intervenorors have a direct constitutional and personal interest in this matter as they practice the Lakota faith that will be substantially burdened by the pipeline at issue in this litigation for reasons substantially the same as asserted by Intervenor-Plaintiff Cheyenne River Sioux Nation and as set forth on the annexed certifications.

Proposed Intervenorors' interests are substantially related to or affected by adjudication of this matter: they are personally affected by the pipeline, and its easement and permitting, and by the environmental impact to their water supply. Intervenorors have a close nexus to the issues to be adjudicated and would be prejudiced if the the pending cases are adjudicated in their absence.

Proposed Intervenorors as individual Tribal Members have unique standing as to certain issues raised by the Cheyenne and Standing Rock Nations. As individuals, these Intervenorors are affected personally by the burden to their religious rights posed by the pipeline. In the event the Plaintiff Tribal governments in their sovereign capacity should, *arguendo*, be found to lack standing as to any issue, including but not limited to free exercise issues, the individual Intervenor-Plaintiffs will likely have standing as they are personally burdened in their religious practices and are directly affected by the threat to the water supply they consume as individuals.

Intervenor status should be granted to avoid duplicative separate litigations and it is respectfully submitted that the within motion be granted and the Complaint of Intervenor-Plaintiffs marked as Exhibit A to this motion be deemed filed.

No party is prejudiced by the requested relief. To the contrary, all parties will benefit from the explication of issues that uniquely apply to the individual Tribal Members but arise

from the common factual nucleus found in the pending actions. Moreover, as Intervenor can file and prosecute a separate action, it is a matter of sound judicial economy for their Complaint to be joined with the pending actions and avoid duplicative multiple proceedings.

Accordingly, it is respectfully requested that the Motion to Intervene be granted.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February, 2017, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

Respectfully

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