

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAD EVERET BRACKEEN,
JENNIFER KAY BRACKEEN, FRANK
NICHOLAS LIBRETTI, HEATHER LYNN
LIBRETTI, ALTAGRACIA SOCORRO
HERNANDEZ, JASON CLIFFORD and
DANIELLE CLIFFORD,

and

TEXAS, LOUISIANA, and INDIANA

Plaintiffs,

v.

UNITED STATES OF AMERICA; RYAN
ZINKE, in his official capacity as Secretary
of the United States Department of the
Interior; BRYAN RICE, in his official
capacity as Director of the Bureau of Indian
Affairs; JOHN TAHSUDA III, in his official
capacity as Acting Assistant Secretary for
Indian Affairs; the BUREAU OF INDIAN
AFFAIRS; and the UNITED STATES
DEPARTMENT OF THE INTERIOR;
ALEX AZAR, in his official capacity as
Secretary of the United States Department of
Health and Human Services; and the
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants,

CHEROKEE NATION, et al.,

Intervenor-Defendants.

Civil Action No. 4:17-cv-868-O

**MOTION OF THE NAVAJO NATION TO INTERVENE
AS DEFENDANT FOR PURPOSES OF APPEAL**

The Navajo Nation (the “Nation”) moves pursuant to Federal Rule of Civil Procedure 24 to intervene as defendant in the above-captioned action for the purposes of filing an appeal of the Court’s Final Judgment dated October 4, 2018. Dkt. 167. The Nation seeks intervention of right pursuant to Rule 24(a)(2), or in the alternative, permissive intervention pursuant to Rule 24(b)(1).

For the reasons stated in its Brief in Support of the Navajo Nation’s Motion to Intervene as Defendant for Purposes of Appeal, filed concurrently with this Motion, the Nation respectfully requests that the Court grant its intervention for the purposes of filing an appeal of the Court’s Final Judgment dated October 4, 2018.

Dated: November 2, 2018

Respectfully submitted,

By: /s/ Maria Wyckoff Boyce
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Counsel for the Navajo Nation

CERTIFICATE OF CONFERENCE

On November 2, 2018, counsel for the Navajo Nation conferred with the following counsel:

- Matthew McGill, counsel for the individual Plaintiffs, who indicated that the individual Plaintiffs oppose this motion;
- David Hacker, counsel for the state Plaintiffs, who indicated that the state Plaintiffs oppose this motion;
- JoAnn Kintz, counsel for the federal Defendants, who indicated that the federal Defendants do not oppose this motion; and
- Keith Harper, counsel for the tribal intervenor-defendants, who indicated that the tribal intervenor-defendants do not oppose this motion.

/s/ Maria Wyckoff Boyce
Maria Wyckoff Boyce

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2018, I electronically filed the foregoing motion with the Clerk of the court for the U.S. District Court, Northern District of Texas. Notice of this filing will be sent electronically to counsel of record using the Court's electronic notification system.

/s/ Maria Wyckoff Boyce

Maria Wyckoff Boyce