

*The Honorable Ricardo S. Martinez*

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

**Case No. C70-9213  
Subproceeding: 17-03**

**STILLAGUAMISH TRIBE OF  
INDIANS' MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING STILLAGUAMISH  
TRIBE OF INDIANS' MOTION TO  
HOLD TULALIP TRIBES IN CIVIL  
CONTEMPT AND FOR SANCTIONS**

**NOTE ON MOTION CALENDAR:  
SEPTEMBER 6, 2018**

STILLAGUAMISH TRIBE OF INDIANS,

Petitioner(s),

v.

STATE OF WASHINGTON, *et al.*,

Respondent(s).

1 The Stillaguamish Tribe of Indians (“Stillaguamish”) respectfully files this motion for  
2 reconsideration of the Court’s Order Denying Stillaguamish Tribe of Indians’ Motion To Hold  
3 Tulalip Tribes in Civil Contempt and for Sanctions (Dkt. # 59, filed Sept. 5, 2018). The basis for  
4 reconsideration, pursuant to Local Civil Rule 7(h), is that Stillaguamish believes its reply to  
5 Tulalip’s response brief was inadvertently overlooked by the Court.

6 The Court’s Order states, in pertinent part:

7 Rather than respond to the arguments made by Tulalip – the target of the Stillaguamish  
8 motion – Stillaguamish focuses only on the Swinomish response. Dkt. #58. Stillaguamish  
9 argues at length that this Court should not be persuaded by any agreement between  
10 Swinomish and Tulalip, or any other of Swinomish’s arguments. *Id.* Stillaguamish provides  
11 no rebuttal to Tulalip’s arguments or evidence in opposition to its motion.

12 Order at 3. Citing only to Stillaguamish’s reply to Swinomish’s brief, the foregoing statement  
13 that Stillaguamish failed to provide rebuttal argument or evidence to Tulalip’s response brief is  
14 incorrect. Stillaguamish filed both a reply brief rebutting each of the legal arguments advanced  
15 by Tulalip and the declaration of Kathryn Konoski, Stillaguamish’s Harvest Management  
16 Biologist, specifically rebutting Tulalip’s evidentiary assertions. *See* Dkt. # 56 (Reply Brief,  
17 filed Aug. 3, 2018) and Dkt. # 57 (Declaration of Kathryn Konoski, filed Aug. 3, 2018). Neither  
18 filing is referenced or discussed in the Court’s Order.

19 For the foregoing reasons, Stillaguamish respectfully requests the Court reconsider its  
20 Order in light of the overlooked Stillaguamish reply brief and the declaration of Ms. Konoski,  
21 and issue a new order granting Stillaguamish’s motion to hold Tulalip in civil contempt for  
22 violation of the 1984 Settlement Agreement and 1985 Order.

23 DATED this 6<sup>th</sup> day of September, 2018.

24 By: /s/ Rob Roy Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2018, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system which will send notification of such filing to the parties registered in the Court's CM/ECF system.

DATED this 6th day of September, 2018.

**Kilpatrick Townsend & Stockton, LLP**

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*Attorneys for the Stillaguamish Tribe of Indians*