

Hon. Ronald B. Leighton

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDERSON & MIDDLETON COMPANY, a  
Washington corporation,

Plaintiff,

v.

HON. KEN SALAZAR, in his official capacity  
as Secretary, United States Department of the  
Interior; HON. CARL ALTMAN, in his official  
capacity as Assistant Secretary, Indian Affairs,  
United States Department of the Interior;  
STANLEY M. SPEAKS, in his official capacity  
as Regional Director, Bureau of Indian Affairs,  
United States Department of the Interior; and  
John Does 1 through 20;<sup>1</sup>

Defendants.

No. C09-05033-RBL

STIPULATION AND ORDER HOLDING  
CASE IN ABEYANCE

JOINT STIPULATION

On February 27, 2009, the Bureau of Indian Affairs (“BIA”) informed plaintiff Anderson & Middleton (“A&M”) that because the Quinault Indian Nation had failed to timely submit payment for the twenty-parcels of Indian-owned trust land at issue in this action, and barring judicial intervention in *Quinault Indian Nation v. Salazar, et al.*, Case No. C09-5064-RBL, A&M may now purchase the allotments by submitting its balance of \$3,951,923.40 to the BIA within thirty days of receipt of the notice. Because A&M’s purchase of the land would render

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<sup>1</sup> It should be noted that the Hon. Carl Altman is no longer the Assistant Secretary, Indian Affairs, United States Department of the Interior, although his replacement has not yet been named. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, any such replacement will automatically be substituted as a party defendant.

1 its claims moot, the parties to this action hereby STIPULATE, AGREE, and JOINTLY  
2 REQUEST that the Court hold this action in abeyance until the earliest of the following three  
3 events has occurred: (1) A&M's purchase of the allotments is finalized; (2) the time period for  
4 A&M to submit payment to the BIA has expired, with no payment made; or (3) the case of  
5 *Quinault Indian Nation v. Salazar, et al.*, Case No. C09-5064-RBL, a related action, has been  
6 resolved.<sup>2</sup>

7  
8 DATED this 2nd day of March, 2009.

9 JEFFREY C SULLIVAN  
10 United States Attorney

SMYTH & MASON PLLC

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28 <sup>2</sup> Defendants have moved to consolidate the Quinault case with this action.

1 **ORDER**

2 The parties having so stipulated and agreed, it is hereby **SO ORDERED**. This action is hereby  
3 held in abeyance until the earliest of the following three events has occurred: (1) A&M's  
4 purchase of the allotments is finalized; (2) the time period for A&M to submit payment to the  
5 BIA has expired, with no payment made; or (3) the case of *Quinault Indian Nation v. Salazar, et*  
6 *al.*, Case No. C09-5064-RBL, has been resolved. The parties shall promptly inform the Court as  
7 soon as the abeyance period has come to a conclusion and, at that time, shall file a stipulated order of  
8 dismissal or a joint status report advising the Court as to what issues, if any, remain outstanding. The  
9 Clerk is directed to send copies of this Order to all counsel of record.

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11 DATED this 3<sup>rd</sup> day of March, 2009.

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14 RONALD B. LEIGHTON  
15 UNITED STATES DISTRICT JUDGE  
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1 Presented by:

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3 United States Attorney

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