1		Hon. Ronald B. Leighton
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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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9	ANDERSON & MIDDLETON COMPANY, a	
10	Washington corporation,	
11	Plaintiff,	No. C09-05033-RBL
12	v.	
13	HON. KEN SALAZAR, in his official capacity	
14	as Secretary, United States Department of the Interior; HON. CARL ALTMAN, in his official capacity as Assistant Secretary, Indian Affairs,	
15	United States Department of the Interior; STANLEY M. SPEAKS, in his official capacity	
16	as Regional Director, Bureau of Indian Affairs, United States Department of the Interior; and	
17	John Does 1 through 20;	
18	Defendants.	
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20	QUINAULT INDIAN NATION,	Consolidated Case No. C09-05033-RBL
21	Plaintiff,	Original Case No. C09-5064-RBL
22		STIPULATION AND ORDER RE: SALE OF SIX PARCELS
23	HON. KEN SALAZAR, in his official capacity as Secretary, United States Department of the	
24	Interior; HON. CARL ARTMAN, in his official capacity as Assistant Secretary, Indian Affairs,	
25	United States Department of the Interior; STANLEY M. SPEAKS, in his official capacity	
26	as Regional Director, Bureau of Indian Affairs,	
27	Defendants.	
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JOINT STIPULATION

This action arises from a sealed bidding process conducted by the Bureau of Indian Affairs ("BIA") for the purchase of twenty-six parcels of Indian-owned trust land. The BIA concluded that the Quinault Indian Nation ("QIN") was the high bidder for six of the parcels, that the Anderson & Middleton Company ("A&M") was the high bidder for the other twenty parcels, and that pursuant to 25 U.S.C. § 2216(f), QIN would have an opportunity to match the high bid submitted by A&M for those twenty parcels. Because QIN indicated its intent to match A&M's bid, the BIA initially awarded the sale of all twenty-six parcels to QIN. Both QIN and A&M filed administrative appeals over the BIA's determination, and the Interior Board of Indian Appeals affirmed the underlying agency action.

A&M subsequently filed suit in the United States District Court for the Western District of Washington challenging the Board's decision over its administrative appeal (the "A&M Action"). A&M's Complaint sought to enjoin the BIA from providing QIN an opportunity to match A&M's bid over the twenty parcels of Indian-owned timber trust land.

On February 27, 2009, the BIA informed A&M that because QIN had failed to timely submit payment for the twenty-parcels of Indian-owned trust land, and barring judicial intervention, 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. Accordingly, on March 3, 2009, and at the request of the parties, the A&M Action was held in abeyance until the earliest of the following three events has occurred: "(1) A&M's purchase of the allotments is finalized; (2) the time period for A&M to submit payment to the BIA has expired, with no payment made; or (3) the case of *Quinault Indian Nation v. Salazar, et al.*, Case No. C09-5064-RBL, a related action, has been resolved." Dkt. No. 12.

In *Quinault Indian Nation v. Salazar*, et al., Former Case No. C09-5064-RBL (the "Quinault Action"), QIN raised its own challenge to the BIA's actions with respect to the sale.

It is undisputed that A&M did not submit a bid for the six parcels on which QIN was declared the high bidder. On or about March 16, 2009, QIN submitted the additional

ORDER 1 2 The parties having so stipulated and agreed, it is hereby **SO ORDERED**. The Clerk is directed to 3 send copies of this Order to all counsel of record. 4 5 DATED this 23rd day of March, 2009. 6 7 8 RONALD B. LEIGHTON UNITED STATES DISTRICT JUDGE 9 10 Presented by: 11 JEFFREY C. SULLIVAN 12 **United States Attorney** 13 /s/ Rebecca S. Cohen REBECCA S. COHEN 14 **Assistant United States Attorney** 15 Attorney for Respondents U.S. Attorney's Office 16 Western District of Washington 700 Stewart Street, Suite 5220 17 (206) 553-7970 rebecca.cohen@usoj.gov 18 19 QUINAULT INDIAN NATION 20 21 /s/Naomi Stacy NAOMI STACY , WSBA No. 29434 Office of Reservation Attorney PO Box 189/136 Cuitan Street Taholah, WA 98587 22 23 nstacy@quinault.org 260-276-8215 ext. 264 24 25 26 27

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