

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ELOUISE PEPION COBELL, et al.,** )  
**on her own behalf and on behalf of** )  
**all those similarly situated,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**GALE A. NORTON,** )  
**United States Secretary of the Interior,** )  
**et al.,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**Civil Action No. 96-1285 (RCL)**

**ORDER**

In accordance with the Memorandum Opinion issued this date, and in light of the United States Court of Appeals for the District of Columbia Circuit's two opinions, Cobell v. Norton, No. 03-5262, slip op. (D.C. Cir. Dec. 3, 2004), and Cobell v. Norton, No. 03-5314, slip op. (D.C. Cir. Dec. 10, 2004), it is hereby

ORDERED that the Court's Order [2662], issued September 2, 2004, is VACATED to the extent that it places limits upon the plaintiffs' discovery rights different from or in addition to those imposed by Federal Rule of Civil Procedure 26 as set forth in the Memorandum Opinion issued this date.

In accordance with the Memorandum Opinion issued this date; and upon consideration of the plaintiffs' *Motion [2562] to Compel Deposition Testimony of Anson Baker and Request for Sanctions*, the opposition thereto, the reply, the applicable law, and the entire record herein, it is

hereby

ORDERED the plaintiffs' *Motion [2562] to Compel Deposition Testimony of Anson Baker and Request for Sanctions* is GRANTED IN PART AND DENIED IN PART; and it is further

ORDERED that Anson Baker shall at a time and place of the plaintiffs' choosing submit to deposition; and it is further

ORDERED that at the deposition ordered herein Anson Baker shall answer the plaintiffs' questions in conformity with Sections II(C) and II(D) of this Opinion.

In accordance with the Memorandum Opinion issued this date; and upon consideration of the plaintiffs' *Motion [2653] for Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions*, the opposition thereto, the reply, the applicable law, and the entire record herein; it is hereby

ORDERED that the plaintiffs' *Motion [2653] for Expedited Consideration of Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions* is DENIED AS MOOT.

In accordance with the Memorandum Opinion issued this date; and upon consideration of the defendants' *Motion [2573] for Leave to File a Surreply in Opposition to Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions*, opposition thereto, the reply, the applicable law, and the entire record herein, it is hereby

ORDERED that the defendants' *Motion [2573] for Leave to File a Surreply in Opposition to Plaintiffs' Motion to Compel Deposition Testimony of Anson Baker and Request for Sanctions* is DENIED.

In accordance with the Memorandum Opinion issued this date; and upon consideration of: (1) the defendants' *Motion [2811] for a Protective Order Regarding Plaintiffs' Notices of Deposition of Howard Tipton, Brian Burns, Pat Moloney [sic], Thao Le, and John Messano*; (2) the defendants' *Motion [2816] for a Protective Order Regarding Plaintiffs' Notices of Deposition of James Cason, Mark Limbaugh, Jeffrey Jarrett, Timothy Vigotsky, Kathryn Clement, Steven Williams, Donald Murphy, Mary Kendall Adler, William Ragsdale, Francis Cherry, Jr., Robert Doyle, Norma Campbell, Regina Lawrence, Ethel Abeita, Thomas Kerstetter, and Wendall Galvan*; and (3) the defendants' *Motion [2818] for a Protective Order Regarding Plaintiffs' Notice of Deposition of Donnie McClure*, the oppositions thereto, the applicable law, and the entire record herein; and in accordance with the foregoing, it is hereby

ORDERED that the defendants' *Motion [2811] for a Protective Order Regarding Plaintiffs' Notices of Deposition of Howard Tipton, Brian Burns, Pat Moloney [sic], Thao Le, and John Messano* is DENIED; and it is further

ORDERED that the defendants' *Motion [2816] for a Protective Order Regarding Plaintiffs' Notices of Deposition of James Cason, Mark Limbaugh, Jeffrey Jarrett, Timothy Vigotsky, Kathryn Clement, Steven Williams, Donald Murphy, Mary Kendall Adler, William Ragsdale, Francis Cherry, Jr., Robert Doyle, Norma Campbell, Regina Lawrence, Ethel Abeita, Thomas Kerstetter, and Wendall Galvan* is DENIED; and it is further

ORDERED that the defendants' *Motion [2818] for a Protective Order Regarding Plaintiffs' Notice of Deposition of Donnie McClure* is DENIED.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, February 8, 2005.