

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAC DU FLAMBEAU BAND OF
LAKE SUPERIOR CHIPPEWA
INDIANS and BAD RIVER BAND
OF LAKE SUPERIOR CHIPPEWA
INDIANS,

Plaintiffs,

v.

GAIL NORTON and UNITED
STATES DEPARTMENT OF
INTERIOR,

Defendants,

HO-CHUNK NATION,

Intervenor.

ORDER

03-C-588-C

Presently before the court are two matters: the motion of plaintiffs Lac Du Flambeau Band of Lake Superior Chippewa Indians and Bad River Band of Lake Superior Chippewa Indians to amend their complaint and intervenor Ho-Chunk Nation's request for judicial notice of certain documents.

The motion to amend is unopposed. Therefore, it is GRANTED. Plaintiffs' amended

complaint will be deemed served and filed as of today.

Shortly after intervenor Ho-Chunk Nation filed its request for judicial notice, defendants wrote to ask the court to refrain from taking judicial notice of the exhibits attached to the application for intervention on the ground that the parties had learned that the copy labeled Exhibit C appeared to be an earlier draft of the second amendment referred to in the Federal Register, rather than the final draft. Since then, intervenor Ho-Chunk Nation has filed the declaration of George T. Skibine, to which is attached a copy of the second amendment that was considered approved by the Secretary of the Interior and is the one referred to in the Federal Register. I assume from this filing and the identification of the proper draft of the second amendment, that defendants withdraw their objection to the taking of judicial notice of this amendment.

ORDER

IT IS ORDERED that the motion of plaintiffs Lac Du Flambeau Band of Lake Superior Chippewa Indians and Bad River Band of Lake Superior Chippewa Indians to amend their complaint is GRANTED. Further, IT IS ORDERED that intervenor Ho-Chunk Nation's request for judicial notice is GRANTED, on the understanding that the second

amendment shown in intervenor's Exhibit C is superseded by the second amendment attached to the Skibine declaration.

Entered this 5th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge