

Appeal Nos. 02-35994 & 02-35996 (Companion Appeals)

IN THE UNITED STATES COURT OF APPEALS
NINTH CIRCUIT

ROBSON BONNICHSEN, ET AL.,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants-Appellants,

and

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, ET AL.

Defendants-Intervenors-Appellants.

Appeal from the U.S. District Court for the District of Oregon, District
Court No. 96-1481JE (D. Or.)

**MOTION FOR AN EXTENSION OF TIME TO FILE AMICUS CURIAE BRIEF OF
THE SOCIETY FOR AMERICAN ARCHAEOLOGY**

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**Attorneys for the
Society for American Archaeology**

The Society for American Archaeology, which has filed a motion to participate in the proceedings as *amicus curiae*, requests an extension of time to, and including, June 12, 2003, to file an *amicus curiae* brief that would otherwise have been due on May 28, 2003. The reasons supporting this request are set forth in the attached declaration of counsel.

DATED this 2nd day of June 2003.

Respectfully submitted,

/s/ Michael J. Fanelli

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DECLARATION OF COUNSEL IN SUPPORT OF MOTION
FOR EXTENSION OF TIME

1. I am one of the attorneys representing the Society for American Archaeology (“SAA”). The SAA was granted leave to participate as *amicus curiae* in the related district court proceedings (DC 96-1481JE (D. Or.)) and has filed a motion to participate as *amicus curiae* in support of the appellees in these proceedings.

2. If its motion to participate as *amicus curiae* is granted, SAA requests a 15 day extension of time to, and including, June 12, 2003, to file its *amicus curiae* brief.

3. The reasons supporting the SAA’s request are as follows. On April 30, 2003, this Court ordered a June 5, 2003 filing date for the appellees’ answering brief in light of an extension of time granted by the Court to the Haudenosaunee Standing Committee to file its *amicus* brief. Subsequently, the appellees filed their answering brief early on May 21, 2003. SAA neither was served with nor received notice that appellees had filed their brief. On June 2, 2003, the SAA and its counsel first learned that appellees’ answering brief had been filed. An extension of time is needed to allow sufficient time for the SAA to prepare its brief. Consequently, SAA requests that it be granted leave to file its brief on June 12, 2003, which is seven days after the original June 5 date set by the court for the appellees to file their answering brief.

4. The defendant-intervenor-appellants, Confederated Tribes of the Colville Reservation, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes and Bands of the Yakama Nation, and the defendant-appellant, United States, have sought leave of the court to file their reply briefs on July 1, 2003. Consequently, should the Court grant those motions for an extension of time, granting SAA’s motion should not interfere with the Court’s briefing schedule.

5. I will exercise diligence to ensure that the SAA's brief will be filed within the additional time requested.

DATED this 2nd day of June 2003.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by U.S. priority mail the foregoing Motion for an Extension of Time to File *Amicus Curiae* Brief of the Society for American Archaeology, this 2nd day of June, 2003, to the following:

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