

10-13-1971

Docket Entry 95 - Filed Motion of Plaintiff-Intervenors to Strike Affirmative Defenses; and to Dismiss Counterclaim of Defendants and Defendant-Intervenors

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13 UNITED STATES DISTRICT COURT
14 WESTERN DISTRICT OF WASHINGTON

15 UNITED STATES OF AMERICA,
16 Plaintiff,

Civil No. 9213

17 MUCKLESHOOT INDIAN TRIBE; SQUAXIN
ISLAND TRIBE OF INDIANS; SAUK-
18 SUIATTLE INDIAN TRIBE; SKOKOMISH
INDIAN TRIBE; STILLAGUAMISH TRIBE;
19 QUINALT TRIBE OF INDIANS on its
own behalf and on behalf of the
20 QUEETS BAND OF INDIANS; MAKAH
INDIAN TRIBE; LUMMI INDIAN TRIBE;
21 QUILEUTE INDIAN TRIBE; UPPER SKAGIT
RIVER TRIBE; HOH TRIBE OF INDIANS;
22 and CONFEDERATED TRIBES AND BANDS
OF THE YAKIMA INDIAN NATION;
23

24 Plaintiff-Intervenors,

25 v.
26 STATE OF WASHINGTON,

27 Defendant,

28 THOR C. TOLLEFSON, Director,
Washington State Department of
29 Fisheries; CARL CROUSE, Director,
Washington Department of Game;
30 and WASHINGTON STATE GAME
COMMISSION,
31

32 Defendant-Intervenors.

FILED IN THE
UNITED STATES DISTRICT COURT
Western District of Washington

OCT 13 1971

By Charles A. SchAAF, Clerk
Deputy

MOTION OF PLAINTIFF-
INTERVENORS:
1) TO STRIKE AFFIRMATIVE
DEFENSES, and
2) TO DISMISS COUNTERCLAIM
OF DEFENDANT AND
DEFENDANT-INTERVENORS

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Plaintiff-Intervenors, Muckleshoot Indian Tribe, Squaxin Island Tribe of Indians, Sauk-Suiattle Indian Tribe, Skokomish Indian Tribe, Stillaguamish Tribe, Quinault Tribe of Indians on its own behalf and on behalf of the Queets Band of Indians, Makah Indian Tribe, Lummi Indian Tribe, Quileute Indian Tribe, Hoh Tribe of Indians, and Upper Skagit River Tribe through their respective counsel move this Court under Rule 12(f) of the Federal Rules of Civil Procedure to strike as insufficient each of the three affirmative defenses set out in the Answer of Defendant State of Washington and Defendant-Intervenors Carl Crouse, Director of the Department of Game, and the Washington State Game Commission.

These Plaintiff-Intervenors further move to dismiss the counterclaim of the Defendant-Intervenors under Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure for lack of jurisdiction and failure to state a claim upon which relief can be granted.

Respectfully submitted,
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Makah Indian Tribe; Lummi Indian Tribe;
and Quileute Indian Tribe.

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David H. Getches

John H. Sennhauser
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Each envelope was then, on October 12, 1971, sealed
and deposited in the United States mail at Boulder, Colorado,

1 in the county in which I am employed with first class postage—
2 fully prepaid.

3 Executed at Boulder, Colorado on October 12, 1971.
4

5
6 Frieda Wagner
7 Frieda Wagner

8
9 Subscribed and sworn to before
10 me this 12th day of October, 1971.

11 Paul Cascales
12 Notary Public in and for said
13 County and State

14 My Commission Expires July 27, 1973
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