

6-22-1972

## **Docket Entry 148 - Filed and Entered Order of first Pretrial Conference Counsel notified by card**

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FILED IN THE  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JUN 22 1972

CHARLES A. SCHAAF, CLERK  
By                      Deputy

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,  
10  
Plaintiff,  
11  
v.  
12 STATE OF WASHINGTON,  
13  
Defendant.

CIVIL NO. 9 2 1 3  
ORDER OF THE FIRST PRETRIAL  
CONFERENCE

14 This case having come on for the first pretrial hearing  
15 in open court on May 25, 1972, arguments and suggestions having  
16 been presented on pending motions and matters, and being  
17 fully advised in the premises, it is hereby

18 ORDERED:

- 19 1. The motion of the Upper Skagit River Tribe to  
20 intervene, filed October 23, 1971, is granted.  
21  
22 2. The motion of The Committee to Save Our Fish for  
23 reconsideration of its motion to intervene is denied and its  
24 status as an amicus curiae remains unchanged.  
25  
26 3. The motion of the Washington Reef Net Owners  
27 Association to intervene, filed December 30, 1971, is  
28 granted.  
29  
30 4. The motion of the State of Idaho Fish and Game  
31 Department to participate as amicus curiae, to file briefs  
32 and to argue is granted.  
33  
34 5. The motion of Alvin Bridges, Hank Adams, et al.,  
to intervene, filed in January 1971, is denied.

ORDER OF THE FIRST  
PRETRIAL CONFERENCE - 1

204

1           6. The motion of Billy Frank, Jr. and Ramona Bennett to  
2 intervene, filed December 28, 1970, is denied.

3           7. The request of Mr. Coniff for permission to file a  
4 motion for summary judgment is granted. Parties are now free to  
5 file any pretrial motions which properly conform to the rules  
6 governing practice before this Court, and the defendants are free  
7 as well to file any prepleading motions postponed by this Court's  
8 "Order re Filing of Complaints and Answers" dated July 26, 1971.

9           8. Upon the voluntary motion of the State of Washington  
10 and the Department of Game, the Counterclaim included in their  
11 answers of September 13, 1971, is dismissed and stricken.

12           9. The State of Washington and Department of Game shall  
13 submit memoranda in opposition to the motions of the plaintiff  
14 and plaintiff-intervenor tribes for striking the three affirmative  
15 defenses, and oral argument on those motions will then be heard.

16           10. The two parties permitted intervention by this order  
17 shall file their pleadings in intervention by June 26, 1972; all  
18 pleadings in response thereto shall be filed by July 17, 1972.

19           11. Representatives of the United States shall convey  
20 to the tribal councils of the Puyallup Tribe and the Nisqually  
21 Tribe the Court's disposition that, should either tribe desire  
22 to intervene in this case through independent counsel, the Court  
23 will grant such intervention.

24           12. By August 1, 1972, the plaintiff and plaintiff-  
25 intervenors will report to the Court and the defendants on the  
26 status of their discovery and other pretrial preparation.

27           13. By September 1, 1972, the defendant and defendant-  
28 intervenors will report to the Court and the plaintiffs on the  
29 status of their discovery and other pretrial preparation.

30           14. On November 1, 1972, all discovery will be closed;  
31 the Court will then hold another pretrial conference to consider,  
32 among other things, setting a trial date.

