

10-19-98

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Nos. 98-5428, 98-5451 (consolidated)

PUEBLO OF SANDIA,

Plaintiff-Appellee

v.

BRUCE BABBITT, et al.,

Defendants-Appellants,

SANDIA MOUNTAIN COALITION and COUNTY OF BERNALILLO, NEW MEXICO,

Intervenor-Defendants-Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**JOINT MOTION TO HOLD CONSOLIDATED APPEALS IN ABEYANCE
PENDING SETTLEMENT NEGOTIATIONS**

The parties to these consolidated appeals are Secretary of the Interior Bruce Babbitt and Secretary of Agriculture Dan Glickman^{1/} (the federal defendants-appellants); the Sandia Mountain Coalition and the County of Bernalillo, New Mexico (the intervenor-defendants-appellants); and the Pueblo of Sandia (the plaintiff-appellee). These parties hereby jointly move this Court to order these consolidated appeals held in abeyance pending settlement

^{1/}Pursuant to Fed. R. App. P. 43(c), Dan Glickman is hereby substituted for former Secretary of Agriculture Mike Espy.

negotiations that, if successful, would lead to voluntary dismissal of the appeals. Briefly, the reasons for this motion are as follows:

1. The parties and their counsel are currently commencing negotiations that could lead to a settlement of this dispute. To that end, the parties are currently discussing whether to engage the services of an experienced local mediator to facilitate the discussions, which will be held primarily in Albuquerque, New Mexico. Although negotiations are now only in the initial stages, all parties are sincere in their efforts to reach an acceptable accommodation.

2. The parties will require considerable time to explore and, ideally, to reach an agreement on the matters at issue. In order to conserve the resources of the parties, counsel, and the Court, the parties believe that the consolidated appeals should be stayed temporarily to allow the parties and their counsel to concentrate on a possible settlement.

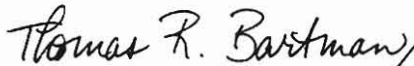
3. Accordingly, the parties request that the consolidated appeals be held in abeyance until February 15, 1999. On that date, the parties propose to submit a status report to the Court, outlining the progress of the negotiations and the prospects for settlement. At that time, the parties either may request any additional time required to conclude a settlement, or may inform the Court that further negotiations appear futile. In the latter case, the parties would request that the Court cease to hold the appeals in abeyance and proceed to enter an order setting a briefing schedule.

WHEREFORE, the parties request that the Court hold consolidated appeals Nos. 98-5428 and 98-5451 in abeyance until February 15, 1999, and that the Court direct the parties to submit a status report at that time.

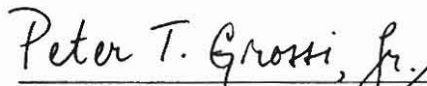
Respectfully submitted,



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