

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

**BERNALILLO COUNTY, NEW MEXICO,
SANDIA MOUNTAIN COALITION, et al.**

Appellants,

v.

Pueblo of Sandia

Appellee.

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DKT. NO. 98-5428

APPELLANTS' CERTIFICATE OF COUNSEL

Consistent with Circuit Rule 28(a)(1), Appellants Bernalillo County, New Mexico, and the Sandia Mountain Coalition, herewith respectfully submit their certificate of counsel.

(A) Parties and Amici-- The parties that appeared before the District Court in this matter were the Pueblo of Sandia (Plaintiff) ("the Pueblo"); the United States (including the Departments of Agriculture and Interior) (original Defendant); Bernalillo County, New Mexico ("the County") (intervenor as defendant); and the Sandia Mountain Coalition ("the Coalition") and individual Coalition members and residents Anita P. & Ned A. Miller; James D. Davis; Robert G. Heiser (individually and as General Partner of Cibola Canyon, Ltd.); Jim Clark & Connie A. Clark; Shyam H. Gurbaxani & Shannon Gurbaxani; David W. McCarty; Lynne K. Behnfield; Louis Sanders & Teresa Sanders; Christian von Hoyningen-Huene & Anne-Clair von Hoyningen-Huene; and William P. Kiely, Jr. (intervening as defendants). The Sandia Mountain Tram Company filed a statement as amicus.

Appearing before the Court of Appeals in this matter are the County and the Coalition (including its individual members Anita P. & Ned A. Miller; Jim Clark & Connie

A. Clark; Shyam H. Gurbaxani & Shannon Gurbaxani; David W. McCarty; Louis Sanders & Teresa Sanders; Christian von Hoyningen-Huene & Anne-Clair von Hoyningen-Huene, and William P. Kiely, Jr.) (Appellants) and the Pueblo (Appellee). The United States filed a Notice of Appeal from the same underlying decision on September 15, 1998, but it appears that its appeal will initially be assigned a separate case number. The City of Albuquerque, New Mexico, is expected to appear as amicus.

(B) Rulings Under Review-- The rulings under review are Judge Harold H. Greene's denial of the United States' Motion to Dismiss (Opinion filed Dec. 10, 1996) and his grant of summary judgment to the Pueblo in a Memorandum and Order filed July 20, 1998. At this early stage of the proceeding, a citation to the appendix is not available.

(C) Related Cases-- This case has not previously been before this Court. There are no related cases (except the separately-numbered appeal of the United States from the same district court proceeding as mentioned supra).

Respectfully submitted,



Thomas R. Bartman
Shapiro, Lifschitz and Schram, P.C.
Suite 1050
1101 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 347-4111 (tel.)
(202) 347-8341 (fax)

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Of Counsel:

Tito D. Chavez
County Attorney
Bernalillo County Legal Department
1 Civic Plaza, 10th Floor
Albuquerque, NM 87102

Anita P. Miller
Attorney at Law
3500 Comanche Rd., NE
Building A, Suite 5
Albuquerque, NM 87107