

**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  
(consolidated with 98-5451)**

**APPELLANTS BERNALILLO COUNTY'S & SANDIA  
MOUNTAIN COALITION'S AMENDED CERTIFICATE OF COUNSEL**

Consistent with Circuit Rule 28(a)(1), Appellants Bernalillo County, New Mexico, and the Sandia Mountain Coalition, herewith respectfully submit their amended certificate of counsel. (This supercedes the earlier version filed September 21, 1998).

(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 property owners 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-Claire 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-Claire 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; its appeal was assigned Dkt. No. 98-5451, which was, by order dated September 18, 1998, consolidated with Dkt. No. 5428. 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)

Dated: September 25, 1998

Of Counsel:

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

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

## CERTIFICATE OF SERVICE

The undersigned herewith certifies that on September 25, 1998, he caused the foregoing Appellants' Amended Certificate of Counsel to be served by first class United States Mail, postage prepaid, on the following:

Marta Hoilman  
U.S. Department of Justice  
Environment & Natural Resources Div.  
Appellate Section  
P.O. Box 23795  
L'Enfant Plaza Station  
Washington, D.C. 20026

Peter T. Grossi, Jr.  
James M. Rosenthal  
Arnold & Porter  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1202



Thomas R. Bartman