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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FLORENCE BEAVER, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 SECRETARY OF THE DEPARTMENT )  
 OF INTERIOR, et al., )  
 )  
 Defendants. )

NO. C-79-2925-SW

*139*

J U D G M E N T

This Court entered its preliminary injunction on October 30, 1979 permitting defendants to continue to conduct the election procedures established by 25 C.F.R. Part 55A to elect an "Interim Yurok Governing Committee," but enjoining the opening and counting of the ballots received without the Court first ruling on the issue as to whether a valid election could take place without there first being a referendum to determine whether any governing body was desired.

The defendants have filed their declaration on behalf of the Secretary of Interior and have represented to the Court through its counsel that:

(1) defendants will destroy the ballots described above without opening or counting them, and

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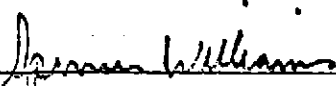
(2) in the event defendants propose to conduct an election to elect a temporary or permanent governing committee, a constitutional drafting committee, or any other body purporting to be representative of the voters identified in 25 C.F.R. Part 55 no such election will be held without first conducting a referendum in accordance with law in which the voters approve of such an election taking place.

Because the defendants have agreed to destroy the ballots in their possession without opening or tallying them and have agreed to first conduct a referendum on the issue of whether a representative body should be created before conducting any future elections to create such a body, and because all issues raised by the complaint are thereby moot,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

- (1) The case is hereby dismissed without prejudice; and
- (2) Defendants shall pay plaintiffs' costs of \$82.60.

Dated: February 11, 1980.

  
UNITED STATES DISTRICT JUDGE