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LOWITZ, PIRPLE, MORISSET  
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WILLIAM L. WEINER  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LILLIAN BLAKE PUZZ, et al., )

Plaintiffs, )

v. )

NO. C-80-2908 TEH

UNITED STATES DEPARTMENT OF )  
INTERIOR, BUREAU OF INDIAN )  
AFFAIRS, et al., )

ORDER

Defendants. )

And, )

ELSIE RICKLEFS, et al., )

Defendants, Counter- )  
Claimants, and )  
Cross-Claimants. )

\_\_\_\_\_ )

Plaintiffs move for leave to file their first amended complaint received by this Court on October 24, 1984. The Court, having heard the views of the parties on this matter by way of telephone conference on November 2, and December 7, 1984, and having considered the papers filed in connection with this motion, took the matter under submission without oral argument on December 10, 1984.

After careful consideration, and in light of the standard set forth in Federal Rule 15(a), the Court HEREBY GRANTS plaintiffs leave to amend their complaint as set forth in

1 the First Amended Complaint, received October 24, 1984, EXCEPT  
2 as set forth below:

3 1. The Court does not grant leave to file paragraphs  
4 2(d); 2(e); 2(g); that portion of paragraph 2(i) which states  
5 "nor may they receive advances in accordance with such  
6 designations"; that portion of paragraph 2(j) which states "nor  
7 may they approve advances of such income to the non-federal  
8 defendants to carry out these purposes", and the corresponding  
9 paragraph(s) or portions thereof, set forth under CLAIMS FOR  
10 RELIEF, ¶¶29-34.

11 2. The Court does not grant leave to file paragraphs  
12 3(d); that portion of 3(g) that states "including plaintiffs'  
13 right to the income from the unallotted trust lands of the  
14 Reservation"; that portion of 3(h) which states "including equal  
15 rights to the income for the unallotted trust lands of the  
16 Reservation", and the corresponding paragraph(s), or portions  
17 thereof, set forth under CLAIMS FOR RELIEF, ¶¶29-34.

18 3. The Court does not grant leave to file that portion  
19 of paragraph 4 which states "in advancing to the non-federal  
20 defendants income from the Reservation's unallotted trust lands"  
21 and which states "including the right to income from the  
22 unallotted trust lands of the Reservation", and the  
23 corresponding paragraph(s), or portions thereof, set forth under  
24 CLAIMS FOR RELIEF ¶¶29-34.

25 Under Federal Rule 15(a), leave to amend must be  
26 "freely given when justice so requires". The above sections of  
27 the proposed amended complaint concern the issue of distribution  
28 of monies from the unallotted trust lands of the Hoopa Valley

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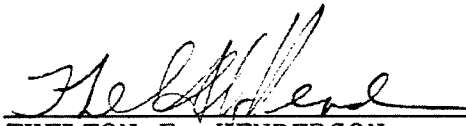
Reservation. Given that this issue is already the subject of extensive litigation in the Court of Claims, it appears that a second judgment on these issues, even in the form of injunctive or declaratory relief, is neither appropriate nor in the interest of justice at this time.

Accordingly, the Court HEREBY ORDERS that plaintiffs amended complaint, as modified herein, be filed as of December 28, 1984, and that defendants file an answer thereto within 30 days.

It is FURTHER ORDERED that the parties have 90 days from the close of pleading to complete discovery, and 60 days thereafter within which to file any dispositive motions.

IT IS SO ORDERED.

DATED: December 19, 1984

  
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THELTON E. HENDERSON  
United States District Judge