

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:99-cv-03375-TFH**

CAMPO BAND/MISSION, et al v. USA, et al  
Assigned to: Judge Thomas F. Hogan  
Demand: \$0  
Cause: 05:702 Administrative Procedure Act

Date Filed: 12/17/1999  
Date Terminated: 07/26/2001  
Jury Demand: None  
Nature of Suit: 290 Real Property:  
Other  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**CAMPO BAND OF MISSION INDIANS**

*On its Own  
Behalf and  
on Behalf  
of the  
Twelve  
Federally  
Recognized  
Tribes  
Comprised of  
Descendants  
of the  
Kumeyaay  
Nation*

represented by **John M. Peebles**  
MONTEAU & PEEBLES, LLP  
12100 West Center Road  
Suite 202  
Omaha , NE 68144  
(402) 333-4053  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

**Robert A. Rosette**  
565 West Chandler  
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*LEAD  
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**Anna S. Kimber**  
CROWELL LAW OFFICES  
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**Conly J. Schulte**  
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*ATTORNEY*  
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**Scott D. Crowell**  
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828-9070  
Fax: (AREA CODE) 425  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Plaintiff**

**KUMEYAAY TRIBAL COALITION**

*On its Own  
Behalf and  
on Behalf  
of the  
Twelve  
Federally  
Recognized  
Tribes  
Comprised of  
Descendants  
of the  
Kumeyaay  
Nation*

represented by **John M. Peebles**  
(See above for address)  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

**Robert A. Rosette**  
(See above for address)  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

**Anna S. Kimber**  
(See above for address)  
*ATTORNEY  
TO BE  
NOTICED*

**Conly J. Schulte**  
(See above for address)  
*ATTORNEY  
TO BE  
NOTICED*

**Scott D. Crowell**  
(See above for address)  
*ATTORNEY  
TO BE  
NOTICED*

V.

**Defendant**

**UNITED STATES OF AMERICA**

represented by **Caroline Meredith  
Blanco**  
NATIONAL SCIENCE  
FOUNDATION  
Office of the General  
Counsel  
4201 Wilson Boulevard  
Suite 1265  
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Email: cblanco@nsf.gov  
*LEAD*  
*ATTORNEY*  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Defendant**

**WILLIAM S. COHEN**

*in His  
Official  
Capacity as  
Secretary  
of Defense*

represented by **Caroline Meredith  
Blanco**  
(See above for address)  
*LEAD*  
*ATTORNEY*  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Defendant**

**DEPARTMENT OF DEFENSE**

represented by **Caroline Meredith  
Blanco**  
(See above for address)  
*LEAD*  
*ATTORNEY*  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Defendant**

**BRUCE H. BABBITT**

*in His  
Official  
Capacity as  
Secretary  
of the  
Interior*

**Defendant**

**DEPARTMENT OF INTERIOR**

represented by **Caroline Meredith  
Blanco**  
(See above for address)  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

**Defendant**

**CITY OF SAN DIEGO**

*in its Own  
Capacity as  
a Political  
Subdivision  
of the  
State of  
California,  
and in its  
Capacity as  
the Local  
Redevelopment  
Authority  
for  
Department  
of Defense*

represented by **Caroline Meredith  
Blanco**  
(See above for address)  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

represented by **Dennis J. Whelan**  
LAW OFFICE OF DENNIS J.  
WHELAN  
2222 Monument Avenue  
Richmond , VA 23220  
(804) 359-4123  
*LEAD  
ATTORNEY  
ATTORNEY  
TO BE  
NOTICED*

**Movant**

**MARCELA ESCOBAR-ECK**

**Movant**

**LOUIS GUASSAC**

**Movant**

**CORKY MCMILLIN COMPANIES**

represented by **John Gordon Kester**  
WILLIAMS & CONNOLLY  
Edward Bennett Williams  
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Washington , DC 20005  
(202) 434-5069  
Fax: (202) 434-5029  
Email: jkester@wc.com  
*LEAD*  
*ATTORNEY*  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Movant**

**WALTER HEIBERG**

**Amicus**

**MCMILLIN LAND DEVELOPMENT  
COMPANY (MCMILLIN)**

represented by **Gregory Bestor Craig**  
WILLIAMS & CONNOLLY  
Edward Bennett Williams  
Building  
725 12th Street, NW  
Washington , DC 20005  
(202) 434-5000  
Email: gcraig@wc.com  
*LEAD*  
*ATTORNEY*  
*ATTORNEY*  
*TO BE*  
*NOTICED*

**Defendant**

**CASEY GWINN**

*in his  
official  
capacity as  
City  
Attorney on  
behalf of  
the City of  
San Diego*

represented by **Dennis J. Whelan**  
(See above for address)  
**LEAD**  
**ATTORNEY**  
**ATTORNEY**  
**TO BE**  
**NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/17/1999	1	COMPLAINT filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL (kmk) (Entered: 12/20/1999)
12/17/1999		SUMMONS (3) issued to federal party(s) federal defendant WILLIAM S. COHEN, federal defendant DOD, federal defendant BRUCE H. BABBITT. (kmk) (Entered: 12/21/1999)
12/23/1999	2	AMENDED COMPLAINT by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL adding defendant CASEY GWINN, and amending complaint [1-1] . (dam) (Entered: 12/27/1999)
02/15/2000	3	MOTION (UNOPPOSED) filed by federal defendant USA, federal defendant WILLIAM S. COHEN, federal defendant DOD, federal defendant BRUCE H. BABBITT, federal defendant U.S. DOI to extend time to 3/7/00 to answer amended complaint complaint [2-1] (cjp) (Entered: 02/17/2000)
02/18/2000	<a href="#">4</a>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 3/7/00 to answer amended complaint complaint [2-1] [3-1] by federal defendants. (N) (gew) (Entered: 02/18/2000)
03/06/2000	5	MOTION filed by federal defendants to extend time to 3/31/00 to answer complaint [1-1] (ks) (Entered: 03/08/2000)
03/06/2000	6	ATTORNEY APPEARANCE for federal defendant by Caroline M. Blanco. (ks) (Entered: 03/08/2000)
03/07/2000	<a href="#">7</a>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 3/31/00 to answer complaint [1-1] [5-1] by federal defendants. (N) (gew) (Entered: 03/13/2000)

03/31/2000	8	ANSWER TO AMENDED COMPLAINT [2-1] by federal defendant USA, federal defendant WILLIAM S. COHEN, federal defendant DOD, federal defendant BRUCE H. BABBITT (cjp) (Entered: 04/03/2000)
04/18/2000	9	MOTION (UNOPPOSED) filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL to extend time to file meet and confer statement (bjsp) (Entered: 04/19/2000)
04/18/2000	<a href="#">10</a>	ORDER by Judge Thomas F. Hogan : granting motion to extend time until 05/15/00 to file meet and confer statement [9-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (N) (gew) (Entered: 04/24/2000)
05/04/2000	11	MOTION (UNOPPOSED) filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for ANNA S. KIMBER, to appear pro hac vice ( CROWELL LAW OFFICES, 311 FOURTH AVE, STE 501, SAN DIEGO, CA 92101, (619) 702-6689) (bjsp) Modified on 05/05/2000 (Entered: 05/05/2000)
05/05/2000	12	MOTION (UNOPPOSED) filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for ANNA S. KIMBER, to appear pro hac vice ( CROWELL LAW OFFICES, 311 FOURTH AVE, STE 501, SAN DIEGO, CA 92101, (619) 702-6689) (bjsp) Modified on 05/08/2000 (Entered: 05/08/2000)
05/05/2000	13	MOTION (UNOPPOSED) filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for SCOTT D. CROWELL, to appear pro hac vice ( CROWELL LAW OFFICES, 1670 TENTH STREET, WEST, KIRKLAND, WASHINGTON 98033, (425) 828 9070) (bjsp) Modified on 05/08/2000 (Entered: 05/08/2000)
05/08/2000	<a href="#">14</a>	ORDER by Judge Thomas F. Hogan : granting motion for ANNA S. KIMBER, to appear pro hac vice ( CROWELL LAW OFFICES, 311 FOURTH AVE, STE 501, SAN DIEGO, CA 92101, (619) 702-6689) [12-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (N) (gdf) (Entered: 05/08/2000)
05/09/2000	15	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for preliminary injunction ;declaration (1) (bjsp) (Entered: 05/10/2000)
05/09/2000	16	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for oral hearing on plaintiffs motion for preliminary injunction (bjsp) (Entered: 05/10/2000)



05/09/2000	17	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for temporary restraining order , and for hearing on TRO motion ; declarations (2); ; exhibits (51) (bjsp) (Entered: 05/10/2000)
05/10/2000	<a href="#">18</a>	ORDER by Judge Thomas F. Hogan : granting motion for SCOTT D. CROWELL, to appear pro hac vice ( CROWELL LAW OFFICES, 1670 TENTH STREET, WEST, KIRKLAND, WASHINGTON 98033, (425) 828 9070) [13-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (N) (lin) (Entered: 05/11/2000)
05/10/2000	19	ATTORNEY APPEARANCE for plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL by Conly J. Schulte (bjsp) (Entered: 05/11/2000)
05/10/2000	20	MEMORANDUM by defendant CITY OF SAN DIEGO, defendant CASEY GWINN in opposition to motion for temporary restraining order [17-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION ; exhibits (12); affidavit (1) (bjsp) Modified on 05/11/2000 (Entered: 05/11/2000)
05/10/2000	<a href="#">26</a>	ORDER by Judge Thomas F. Hogan : granting motion for ANNA S. KIMBER, to appear pro hac vice ( CROWELL LAW OFFICES, 311 FOURTH AVE, STE 501, SAN DIEGO, CA 92101, (619) 702-6689) [12-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (N) (gew) (Entered: 05/18/2000)
05/11/2000		MOTION HEARING for Temporary Restraining Order before Judge Thomas F. Hogan, heard and granted by KUMEYAAY TRIBAL, Tribal, CAMPO BAND/MISSION; \$100,000 Security bond set by the court; continued to May 23, 2000 at 10:30 am for Preliminary Injunction Hearing. [17-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION Reporter: Patricia J. Yerkes (gew) Modified on 05/11/2000 (Entered: 05/11/2000)
05/11/2000	21	MEMORANDUM by federal defendant in opposition to motion for temporary restraining order [17-1] and motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (bjsp) (Entered: 05/12/2000)
05/11/2000	22	MOTION filed by defendant CITY OF SAN DIEGO, defendant CASEY GWINN to dismiss amended complaint for lack of personal jurisdiction and improper venue [2-1] ; exhibits (11); affidavit (1) (bjsp) (Entered: 05/12/2000)

05/11/2000	23	ADMINISTRATIVE RECORD (PARTIAL) by federal defendants; volumes (5) (bjsp) (Entered: 05/12/2000)
05/11/2000	<a href="#">27</a>	ORDER by Judge Thomas F. Hogan : granting motion for temporary restraining order [17-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION preliminary injunction hearing set for 10:30 5/23/00 ; Plaintiffs' reply to defendants' oppositions to plaintiffs' motion for a preliminary injunction to filed by 05/20/00; directing plaintiffs to file with the Clerk of the Court, in a timely fashion, a security bond in a form acceptable to the Clerk of this Court of \$100,000 for the term of this injunction. due 5/17/00 ; response to motion due 5/20/00 ; (N) (gew) (Entered: 05/18/2000)
05/15/2000	28	RESPONSE (OPPOSITIONS) by Non Party MARCELA ESCOBAR-ECK to motion for temporary restraining order [17-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (FIAT) HOGAN, J. (bjsp) (Entered: 05/19/2000)
05/15/2000	29	MEMORANDUM by Non Party LOUIS GUASSAC in support of plaintiffs' application for tro (FIAT) HOGAN, J.; exhibit (1) (bjsp) (Entered: 05/19/2000)
05/15/2000	30	MEMORANDUM by Non Party CORKY MCMILLIN CO to the Court RE: the filing of a supplemental declaration of Walter Heiberg with attached map; attachments (FIAT) HOGAN, J. (bjsp) (Entered: 05/19/2000)
05/15/2000	31	RESPONSE (DECLARATION) by Non Party WALTER HEIBERG in opposition to motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION ; (FIAT) HOGAN, J. (bjsp) (Entered: 05/19/2000)
05/17/2000	24	MOTION (UNOPPOSED) filed by defendant CITY OF SAN DIEGO, defendant CASEY GWINN for JOHN P. MULLEN, to appear pro hac vice ( 1200 THIRD AVENUE, SUITE 1100, SAN DIEGO, CA, (619) 533-5800 , ) (bjsp) Modified on 05/18/2000 (Entered: 05/18/2000)
05/17/2000	25	MOTION (UNOPPOSED) filed by defendant CITY OF SAN DIEGO, defendant CASEY GWINN for RICHARD DUVERNAY, to appear pro hac vice ( 1200 THIRD AVENUE, SUITE 1100, SAN DIEGO, CA (619) 533-5800, ) (bjsp) (Entered: 05/18/2000)
05/19/2000	32	SUPPLEMENTAL MEMORANDUM by Non Party CORKY MCMILLIN CO to the Court RE: issues with this case (bjsp) (Entered: 05/22/2000)

05/19/2000	33	MEMORANDUM by defendant CITY OF SAN DIEGO, defendant CASEY GWINN in opposition to motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION ; exhibits (3) (bjsp) (Entered: 05/22/2000)
05/22/2000	34	ADMINISTRATIVE RECORD (PARTIAL) (NOTICE OF FILING INDEX) filed by federal defendants ; attachments (bjsp) (Entered: 05/22/2000)
05/22/2000	35	SUPPLEMENTAL BRIEF by plaintiffs in support of their motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (bjsp) (Entered: 05/23/2000)
05/22/2000	36	MEMORANDUM (DECLARATION OF SCOTT D. CROWELL) on behalf of plaintiffs in support of their motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION ; exhibits (2) (bjsp) (Entered: 05/23/2000)
05/23/2000	37	SURREPLY by federal defendants to motion for preliminary injunction [15-1] and TRO by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (FIAT) HOGAN, J. (bjsp) (Entered: 05/23/2000)
05/23/2000		MOTION HEARING for PRELIMINARY INJUNCTION, heard and denied before Judge Thomas F. Hogan Reporter: Patricia J. Yerkes (gew) (Entered: 05/25/2000)
05/24/2000	38	ERRATA by plaintiffs to the Court RE: the filing of a supplemental brief RE: application in support of plaintiff's motion for preliminary injunction in which the motion for preliminary injunction was filed on 5/22/00; attachments (bjsp) (Entered: 05/25/2000)
05/25/2000	<a href="#">39</a>	MEMORIALIZING OPINION by Judge Thomas F. Hogan (N) (gew) (Entered: 05/25/2000)
05/25/2000	<a href="#">40</a>	ORDER by Judge Thomas F. Hogan : denying motion for preliminary injunction [15-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (N) (gew) (Entered: 05/25/2000)
05/30/2000	<a href="#">41</a>	ORDER by Judge Thomas F. Hogan : granting motion for RICHARD DUVERNAY, to appear pro hac vice ( 1200 THIRD AVENUE, SUITE 1100, SAN DIEGO, CA (619) 533-5800, ) [25-1] by CASEY GWINN, CITY OF SAN DIEGO (N) (gew) (Entered: 05/31/2000)

05/30/2000	<a href="#">42</a>	ORDER by Judge Thomas F. Hogan : granting motion for JOHN P. MULLEN, to appear pro hac vice ( 1200 THIRD AVENUE, SUITE 1100, SAN DIEGO, CA, (619) 533-5800 , ) [24-1] by CASEY GWINN, CITY OF SAN DIEGO (N) (gew) (Entered: 05/31/2000)
05/30/2000	43	TRANSCRIPT filed for date(s) of 05/23/00. Reporter: Patricia Yerkes (tb) (Entered: 05/31/2000)
05/30/2000	44	TRANSCRIPT filed for date(s) of 05/11/00. Reporter: Patricia Yerkes (tb) (Entered: 05/31/2000)
07/07/2000	<a href="#">45</a>	ORDER by Judge Thomas F. Hogan : granting motion to dismiss amended complaint for lack of personal jurisdiction and improper venue [2-1] [22-1] by CASEY GWINN, CITY OF SAN DIEGO (N) (gew) (Entered: 07/10/2000)
03/15/2001	<a href="#">46</a>	ORDER by Judge Thomas F. Hogan : status hearing set for 10:30 4/17/01 ; (N) (jf) (Entered: 03/15/2001)
04/12/2001	47	JOINT STATUS REPORT by plaintiffs, federal defendants. (jdm) (Entered: 04/13/2001)
04/30/2001	48	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL to withdraw Anna S. Kimber as attorney CAMPO BAND/MISSION, KUMEYAAY TRIBAL (jdm) (Entered: 05/04/2001)
05/07/2001	49	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for summary judgment (bjsp) (Entered: 05/11/2001)
05/07/2001	50	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for oral hearing on motion for summary judgment (bjsp) (Entered: 05/11/2001)
05/25/2001	51	NOTICE OF FILING by plaintiff, federal defendant, defendant, Non Party of Joint Stipulation; Let this be filed (JUDGE HOGAN) (ag) (Entered: 06/01/2001)
06/07/2001	52	MEMORANDUM by plaintiffs CAMPO BAND/MISSION, and KUMEYAAY TRIBAL in support of motion for summary judgment [49-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION; ORAL ARUMENT REQUESTED (ag) (Entered: 06/08/2001)
06/21/2001	53	CROSS MOTIONS by federal defendant for summary judgment (jf) (Entered: 06/25/2001)

06/21/2001	54	RESPONSE by amicus MCMILLIN LAND DEVEL to motion for summary judgment [49-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (cjp) (Entered: 07/13/2001)
07/26/2001	<a href="#">55</a>	MEMORANDUM OPINION by Chief Judge Thomas F. Hogan (N) (jf) (Entered: 07/26/2001)
07/26/2001	<a href="#">56</a>	ORDER by Chief Judge Thomas F. Hogan : granting cross motion for summary judgment [53-1] by DOI, BRUCE H. DOD, WILLIAM S. COHEN, USA; dismissing amended complaint [2-1] with prejudice (N) (jf) (Entered: 07/26/2001)
09/24/2001	57	NOTICE OF APPEAL by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL from the order granting defendants' cross-motion for summary judgment and dismissing amended complaint [2-1] with prejudice [56-1], order [56-2] , entered on: 7/26/01; \$5.00 filing fee and \$100.00 docketing fee paid to the US Treasury; Copies to be mailed to counsel. 7/26/01. (cas) (Entered: 09/25/2001)
09/24/2001		TRANSMITTED PRELIMINARY RECORD on appeal [57-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION to U.S. Court of Appeals (cas) (Entered: 09/25/2001)
09/24/2001	58	MOTION filed by plaintiff CAMPO BAND/MISSION, plaintiff KUMEYAAY TRIBAL for transcript (cas) (Entered: 09/25/2001)
09/27/2001		USCA # 01-5332 assigned for appeal [57-1] by KUMEYAAY TRIBAL, CAMPO BAND/MISSION (cas) (Entered: 09/28/2001)
07/25/2002	59	CERTIFIED COPY of order filed in USCA dated 7/25/02, on appeal [57-1] , dismissing appeal . USCA # 01-5332 (cp) (Entered: 07/29/2002)
09/05/2002		ADMINISTRATIVE RECORD [34-1], [23-1] filed by federal defendant USA, federal defendant WILLIAM S. COHEN, federal defendant DOD, federal defendant BRUCE H. BABBITT, federal defendant DOI returned by Clerk. (cjp) (Entered: 10/18/2002)

## PACER Service Center

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