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Attorney for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

WATER WHEEL CAMP)	
RECREATIONAL AREA, INC.,)	No. 2:08-CV-474-PHX-DGC
and ROBERT JOHNSON,)	
)	
Plaintiffs,)	DEFENDANTS' NOTICE OF APPEAL
)	
v.)	
)	
The Honorable GARY LARANCE, and)	
JOLENE MARSHALL,)	
)	
Defendants.)	
_____)	

Defendants Gary LaRance, Chief Judge of the Tribal Court of the Colorado River Indian Tribes (CRIT), and the Chief Clerk of the Tribal Court hereby notice their appeal to the United States Court of Appeal for the Ninth Circuit from that portion of the Order entered on September 23, 2009 [Docket # 83], which granted Plaintiffs' request for declaratory relief with respect to Plaintiff Robert Johnson, ruling that the CRIT Tribal Court lacks subject matter jurisdiction over Plaintiff Robert Johnson, ruling that the judgment against Mr. Johnson in Tribal Court Case No. CV-CO-2007-0100 is null and

void, and directing Defendants¹ to vacate the Tribal Court judgment and to cease any litigation concerning Robert Johnson personally.

Dated: October 22, 2009

Respectfully submitted,

_____/s/_____

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¹ The position of Chief Clerk of the CRIT Tribal Court is currently vacant, as Defendant Jolene Marshall recently resigned. An employee of the Tribal Court is currently serving in that capacity on an “Acting” basis. The Complaint sought relief against the Chief Clerk in her official capacity only, and Rule 25(d) automatically authorizes substitution of the successor of a resigning public officer. Defendants see no point in identifying the Acting Chief Clerk by name, as the employee acting in that role may change from time to time until a permanent replacement is named. The Court will be advised when a successor has been named to replace Ms. Marshall.

CERTIFICATE OF SERVICE

I, Tim Vollmann, hereby certify that on October 22, 2009, I electronically filed the foregoing Defendants' Notice of Appeal, using the CM/ECF system, which sent copies of the filing automatically to the following counsel for Plaintiffs and *amicus curiae* Colorado River Indian Tribes:

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