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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CONFEDERATED TRIBES OF THE CHEHALIS
RESERVATION

TULALIP TRIBES

HOULTON BAND OF MALISEET INDIANS

AKIAK NATIVE COMMUNITY

ASA’CARSARMIUT TRIBE

ALEUT COMMUNITY OF ST. PAUL ISLAND

Plaintiffs,

v.

STEVEN MNUCHIN, SECRETARY, UNITED
STATES DEPARTMENT OF THE TREASURY

Defendant.

Case No.: 01:20-cv-01002-APM

SECOND DECLARATION OF RIYAZ A. KANJI
IN SUPPORT OF PLAINTIFFS’ MOTION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

I, Riyaz A. Kanji, counsel for Plaintiffs herein, certify as follows:

1. Plaintiffs’ Motion for Temporary Restraining Order (TRO) and Preliminary Injunction
was electronically filed with the court the 20th day of April, 2020, at or about 5:45 A.M., Eastern
Daylight Time.

SECOND DECLARATION OF RIYAZ A.
KANJI IN SUPPORT OF PLAINTIFFS’
MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION

Kanji & Katzen, P.L.L.C.
811 1st Ave., Suite 630
Seattle, WA 98104
206-344-8100

1 2. Plaintiffs through undersigned counsel have made or caused to be made multiple efforts
2 to give the Secretary of the Treasury actual notice at the time of making of the Motion for TRO
3 and preliminary injunction. These efforts include the following:

4 a. Counsel's legal assistant, Ann Fieldhack, sent an email, contemporaneously with
5 filing of the Motion to Mr. Alex Haas, Director of the Federal Programs Branch of Federal
6 Programs, Department of Justice, informing him that the Motion has been filed, and attaching
7 copies of the Motion and all supporting papers to it. Counsel was previously informed by
8 knowledgeable former Department of Justice officials that the Federal Programs Branch would
9 be the Department of Justice Branch responsible for responding on behalf of the Secretary.

10 b. Counsel's legal assistant spoke by telephone with Mr. Haas on April 16 and
11 informed him that Plaintiffs would be filing their Complaint in this matter and wished to know to
12 whom in the Department of Justice a copy might be emailed to assure notice reached appropriate
13 officials in Justice and Treasury. Mr. Haas responded by requesting that a copy be emailed to
14 him and stated that he would see that it reached the correct recipients. A copy of the Complaint
15 was emailed to him at or about 3:15 A.M., Eastern Daylight Time on April 17.

16 c. Counsel has directed his legal assistant that, on Monday April 20, she is to send
17 copies of the Motion and all supporting papers and a cover letter stating the time of filing of the
18 Motion by overnight mail to:

19 Department of Justice, Federal Programs Branch, Deputy Assistant Attorney
20 General David Morrell, 950 Pennsylvania Avenue, N.W., Washington, D.C.
21 20530;

22 Department of Justice, Federal Programs Branch, Director, Alex Haas, 950
23 Pennsylvania Avenue, N.W., Washington, D.C. 20530; and

1 Department of the Treasury Office of General Counsel, Brian Callanan, 1500
2 Pennsylvania Avenue, NW, Washington, D.C. 20220

3 d. Counsel's legal assistant made repeated efforts on April 16 and 17 to identify an
4 email address for the Secretary, or for General Counsel to the Department of Treasury, or for
5 another responsible official within the Department of the Treasury to whom, in the absence of an
6 appearance by defense counsel, Plaintiffs might email or otherwise provide notice of the filing of
7 the Complaint and of the Motion, including the following specific efforts:

8 i. Counsel's legal assistant made extensive internet searches at multiple websites,
9 starting with that of the Department of the Treasury, and lasting two hours or more, in an
10 attempt to locate an email address for the Secretary's office or a legal official at the
11 Department of the Treasury.

12 ii. The legal assistant made several telephone calls to the Department of the
13 Treasury phone number (202-622-2000) published on the Department website but was
14 unable to exit the automated menus to reach a live person. After being on hold for a long
15 period, the hold period ended giving her the option to leave a voicemail message or end
16 the call and she left her name and phone number and the message that the firm was
17 seeking to speak with a person to obtain an email address for anyone at the department
18 whom the firm could contact regarding an official legal matter. To date, there has been
19 no response to that message.

20 iii. The legal assistant made unsuccessful inquiries to the Native American Rights
21 Fund, a non-profit which has been active in helping Indian Tribes obtain federal
22 assistance in the pandemic, seeking assistance in locating an appropriate email address.
23
24

1 3. The legal assistant to undersigned counsel informed a Civil Case Administrator of this
2 Court by email on Friday, April 17, that Plaintiffs intended to file the Motion outside regular
3 business hours over the weekend of April 18 and 19, and received an email informing Plaintiffs
4 that chambers would be automatically notified upon filing of the TRO, that the Civil Case
5 Administrator had informed Judge Mehta's courtroom deputy that the Motion might be filed
6 over the weekend, and directing Plaintiffs to attach to their filing a list of contact information for
7 all persons who might be associated with a hearing on the Motion, so the Court could contact
8 them for a telephone hearing if appropriate.

9 4. Attached to this Declaration as an Addendum is a list of persons whom Plaintiffs believe
10 would be appropriate to notify in connection with a possible hearing on the Motion, consistent
11 with the instructions received from the Office of the Clerk described in Paragraph 3 above.

12 I declare the above to be true under penalty of perjury of the laws of the United States this 20th
13 day of April, 2020 at Ann Arbor, Michigan.

14
15 /s/ Riyaz A. Kanji

16 Riyaz A. Kanji, D.C. Bar # 455165
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22 *Chehalis Reservation and the Tulalip Tribes*

23 *Counsel for the Houlton Band of Maliseet Indians,*
24 *Akiak Native Community, Asa'carsarmiut Tribe*
25 *and Aleut Community of St. Paul Island*

SECOND DECLARATION OF RIYAZ A.
KANJI IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING
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Contact Information for Parties Associated with the TRO

Case No. 1:20-cv-01002

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION et al v. MNUCHIN

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