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15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF ARIZONA**

17 Chris Heaton,  
18

19 Plaintiff,  
20

21 v.

22 Joseph R. Biden, Jr., et al.,  
23

24 Defendants.  
25

No. CV-24-08027-PHX-DLR

**TRIBAL NATIONS’ RULE 24  
MOTION TO INTERVENE**

26 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 24(a), or, in the  
27 alternative 24(b), the Havasupai Tribe (“Havasupai”), the Hopi Tribe (“Hopi”),  
28

1 and the Navajo Nation (collectively, “Tribal Nations”) respectfully move this  
2 court to intervene in the above captioned case. The Tribal Nations have a unique  
3 interest in this litigation and seek to intervene to protect that interest. Pursuant  
4 to FRCP 24 (c), an answer is attached to this Motion as Exhibit A.

5 The Tribal Nations fulfill all the criteria to intervene as a matter of right  
6 under Rule 24(a)(2) or, in the alternative, for permissive intervention under Rule  
7 24(b)(1). The Tribal Nations seek intervention in support of the Defendants,  
8 President Joseph R. Biden, Jr., et al. (“United States”) with respect to Plaintiff’s  
9 claims regarding Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints of the Grand  
10 Canyon National Monument (“Ancestral Footprints” or “the Monument”).

11 Counsel for the Tribal Nations conferred with counsel for the parties to  
12 determine their position on this motion. Mr. Heaton does not oppose this Motion  
13 to Intervene. The United States indicated that it would wait to see the filed motion  
14 before it takes a position on the Motion to Intervene.

#### 15 I. FACTUAL BACKGROUND

16 Ancestral Footprints receives its name from the Indigenous names given  
17 to the area by the Havasupai and Hopi. 88 Fed. Reg. 55331, 55331 (Aug. 15, 2023)  
18 (“Monument Proclamation”). Baaj nwaavjo (BAAHJ – NUH-WAAHV-JOH)  
19 means “where Indigenous peoples roam” in the Havasupai language, and i’tah  
20 kukveni (EE-TAH – KOOK-VENNY) means “our ancestral footprints” in the  
21 Hopi language. *Id.* At the center of this region is the Grand Canyon. *Id.* Since time  
22 immemorial, the Tribal Nations and several other sister tribal nations have called  
23 this region home. The area retains “profound historical, cultural, and religious  
24 significance” to the Tribal Nations. *Id.*

25 In the early years of the National Parks Service, Congress created Grand  
26 Canyon National Park (or “the Park”). Sadly, federal “conservation” of the Park  
27 was used to justify denying Indigenous Peoples, including the Tribal Nations and  
28

1 their members, access to their homelands. *Id.* The Tribal Nations continued their  
2 traditions on the boundaries of the park, still within their sacred homelands.  
3 Years later and after significant shifts in federal Indian policy, the Tribal Nations  
4 advocated for additional protections to the federal public lands in the region.  
5 These lands to the south, northeast, and northwest of the Park contain over “3,000  
6 known cultural and historic sites, including 12 properties listed on the National  
7 Register of Historic Places, and likely a great many more in areas not yet  
8 surveyed.” *Id.* at 55333. They contain numerous archaeological sites and are  
9 “havens for sensitive and endangered species – including the California condor,  
10 desert bighorn sheep, and endemic plant and animal species” – all of which are  
11 themselves “objects of independent historic or scientific interest.” *Id.* at 55332.  
12 They contain the markers of historic and continued use by Tribal Nations,  
13 including historic trail systems and evidence of ancient habitation. *Id.* at 55333-  
14 34. Their landscapes tell a geographic, hydraulic, and biological history that  
15 reaches back beyond even tribal historical memory. *Id.* at 55335.

16 In recognition of these unique resources, on August 8, 2023, President  
17 Biden established Ancestral Footprints National Monument. *See id.* at 55331.  
18 Within the Proclamation, President Biden sought to empower the Tribal Nations  
19 and several other sister tribal nations of the region to provide guidance and  
20 recommendations on the management of the Monument. To that end, the  
21 Proclamation established the Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints  
22 of the Grand Canyon Commission (“Commission”), a self-governing body made  
23 up of elected tribal officers from Indigenous Nations with cultural ties to the  
24 region, of which the Tribal Nations are members. *Id.* at 55340.

25 Plaintiff Heaton has now filed this suit seeking to overturn the Monument  
26 Proclamation. The Tribal Nations ask that this court grant them intervention in  
27 this matter as they have significant interests in the Monument Proclamation and  
28

1 Ancestral Footprints. Because the Tribal Nations will necessarily be impacted by  
2 the outcome of this litigation and are not adequately represented by the existing  
3 parties, the Tribal Nations are entitled to intervention here.

## 4 II. ARGUMENT

### 5 A. The Tribal Nations are Entitled to Intervene as a Matter of Right.

6 Intervention as of right is governed by FRCP 24(a), which provides, in  
7 relevant part:

8 On timely motion, the court must permit anyone to intervene who: . . .  
9 (2) claims an interest relating to the property or transaction that is the  
10 subject of the action, and is so situated that disposing of the action may  
11 as a practical matter impair or impede the movant's ability to protect  
12 its interest, unless existing parties adequately represent that interest.

11 Fed. R. Civ. P. 24(a).

12 The four-part test under Rule 24(a) requires:

13 (1) the applicant must file a timely motion; (2) the applicant must have  
14 a "significantly protectable" interest related to the subject matter of the  
15 action; (3) the disposition of the action may practically impair or  
16 impede the applicant's ability to protect that interest; and (4) that  
17 interest must not be adequately represented by the existing parties in  
18 the lawsuit.

18 *WildEarth Guardians v. Provencio*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252,  
19 at \*1 (D. Ariz. Aug. 11, 2016) (citing *Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d  
20 1173, 1177 (9th Cir. 2011)). In the Ninth Circuit, the requirements of Rule 24(a) are  
21 interpreted "broadly in favor of . . . intervention[.]" *United States v. Oregon*, 913  
22 F.2d 576, 587 (9th Cir. 1990), and the court's review is "guided primarily by  
23 practical and equitable considerations." *Donnelly v. Glickman*, 159 F.3d 405, 409  
24 (9th Cir. 1998). "When ruling on a motion to intervene as a matter of right, the  
25 court accepts all of the applicant's non-conclusory allegations as true." *WildEarth*  
26 *Guardians*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252, at \*1. The Tribal  
27 Nations satisfy all requirements for Rule 24(a) intervention as of right.

28

1                   **1. The Tribal Nations’ Motion to Intervene is Timely.**

2                   Timeliness is a “threshold requirement for intervention.” *Oregon*, 913 F.2d  
3 at 588. Timeliness is “determined by the totality of the circumstances” and hinges  
4 on “three primary factors:” (1) the stage of the proceeding at which the applicant  
5 seeks to intervene; (2) the prejudice the intervention would cause other parties;  
6 and (3) the reason for and length of any delay. *Smith v. Los Angeles Unified Sch.*  
7 *Dist.*, 830 F.3d 843, 854 (9th Cir. 2016). The Tribal Nations have filed this motion  
8 to intervene just 10 weeks after the case was originally filed, and before the  
9 United States has filed any responsive pleading. Granting intervention at this  
10 stage would not prejudice any party, as there has been no answer filed, no  
11 discovery conducted, and no scheduling conference. Nothing else about the  
12 Tribal Nations’ intervention would prejudice any party. And lastly, there has  
13 been no delay in the Tribal Nations’ intervention. Thus, the Tribal Nations’  
14 motion is timely.

15                   **2. The Tribal Nations have Significantly Protectable Interests in**  
16                   **the Present Litigation.**

17                   An applicant has a “significant protectable interest” in an action if “(1) it  
18 asserts an interest that is protected under some law, and (2) there is a  
19 ‘relationship’ between its legally protected interest and the plaintiff’s  
20 claims.” *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998) (citing *Nw. Forest*  
21 *Res. Council v. Glickman*, 82 F.3d 825, 837 (9th Cir. 1996)). In *United States v. City of*  
22 *Los Angeles, California*, the Ninth Circuit set out an analytical framework for the  
23 interest prong:

24                   The interest test is not a clear-cut or bright-line rule, because no  
25 specific legal or equitable interest need be established. Instead, the  
26 interest test directs courts to make a practical, threshold inquiry, . .  
27 . and is primarily a practical guide to disposing of lawsuits by  
28 involving as many apparently concerned persons as is compatible  
with efficiency and due process.

1 288 F.3d 391, 398 (9th Cir. 2002) (internal quotation marks, citations, and brackets  
2 omitted). As this Court has stated, a “party has a sufficient interest for  
3 intervention purposes if it will suffer a practical impairment of its interests as a  
4 result of the pending litigation.” *WildEarth Guardians*, No. CV-16-08010-PCT-  
5 SMM, 2016 WL 8738252, at \*2 (quoting *California ex rel. Lockyer v. United States*,  
6 450 F.3d 436, 441 (9th Cir. 2006)).

7 The importance of the Ancestral Footprints Monument to the Tribal  
8 Nations and their members, as the stewards of these lands from time  
9 immemorial, is centered in the lands’ role as “sacred components of the [Tribal  
10 Nations’] origin and history[.]” Monument Proclamation at 55333. The region is  
11 the Tribal Nations’ homeland, and within the three Monument areas are locations  
12 held sacred by the Tribal Nations and their members. *Id.* Indeed, the  
13 Proclamation details the history of how Ancestral Footprints were taken from the  
14 Tribal Nations, and their efforts to maintain a relationship with these lands. *Id.* at  
15 55331-55333.

16 As a result, the Tribal Nations were extensively involved in advocating for  
17 the designation of Ancestral Footprints Monument. As President Biden  
18 acknowledged in his remarks at the signing of the Monument Proclamation, the  
19 Tribal Nations “fought for decades to be able to return these lands, to protect  
20 these lands from mining and development, to clear them of contamination, [and]  
21 to preserve their shared legacy for future generations.” DCPD-202300677:  
22 Remarks on Signing a Proclamation Establishing the Baaj Nwaavjo I'tah Kukveni  
23 - Ancestral Footprints of the Grand Canyon National Monument Near Tusayan,  
24 Arizona, 2023 DAILY COMP. PRES. DOC. (Aug. 8, 2023).

25 The Tribal Nations are also members of the Grand Canyon Tribal  
26 Coalition, an intertribal coalition whose member tribal nations are each  
27 intimately connected to the region. In April of 2023, the Coalition formally  
28

1 launched an effort to call on President Biden to designate Ancestral Footprints as  
2 a national monument. House Natural Resources Committee Democrats, *Press*  
3 *Conference - Baaj Nwaavjo I'tah Kukoeni Grand Canyon National Monument*  
4 *Designation Effort*, YOUTUBE (April 20, 2023),  
5 <https://www.youtube.com/watch?v=spcVxJllzYo>. These efforts show that the  
6 Tribal Nations have a significantly protectable interest in the challenge to the  
7 Proclamation—a federal action the Tribal Nations supported and which protects  
8 these lands and sacred places for their members. *Idaho Farm Bureau Fed'n v. Babbitt*,  
9 58 F.3d 1392, 1397 (9th Cir. 1995) (a party has a significantly protectable interest  
10 “in an action challenging the legality of a measure it has supported.”); see *United*  
11 *States v. Carpenter*, 526 F.3d 1237, 1240 (9th Cir. 2008) (concluding a party can have  
12 an interest in preserving resources “for the use and enjoyment of their  
13 members.”).

14 The Presidential Proclamation at the heart of this case, standing alone, also  
15 establishes the Tribes’ personal stake as sovereigns in this litigation. The Tribal  
16 Nations have an interest in the monument Commission, established to ensure  
17 that the care and management of the monument reflect the Tribal Nations’  
18 expertise and values. Monument Proclamation at 55340. Through the  
19 Commission, the Tribal Nations, as sovereign nations with government-to-  
20 government relationships with the United States, are vested with authority to  
21 provide guidance and recommendations on management of their sacred  
22 ancestral lands within Ancestral Footprints. *Id.* This is a significant interest that  
23 may be impaired as a result of the pending litigation. *WildEarth Guardians*, No.  
24 CV-16-08010-PCT-SMM, 2016 WL 8738252, at \*2; *c.f. Massachusetts v. EPA*, 549  
25 U.S. 497, 519-20 (2007) (depriving a sovereign of a procedural right, even if it  
26 would not guarantee a substantive result, constitutes injury).

27 The Tribal Nations have several significantly protectable interests in  
28



1 Ancestral Footprints grounded in their historical relationship with the region,  
2 their history of advocacy to secure protections for it, and government-to-  
3 government relationship in managing the monument through the Commission.

4 **3. The Tribal Nations' Interests May, as a Practical Matter, Be**  
5 **Impaired by This Litigation.**

6 If a proposed intervenor "would be substantially affected in a practical  
7 sense by the determination made in an action, he should, as a general rule, be  
8 entitled to intervene." *Sw. Cntr. for Biological Diversity v. Berg*, 268 F.3d 810,  
9 822 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24 advisory committee's note to the  
10 1966 amendment). After "finding that a proposed intervenor has a significant  
11 protectable interest, courts have little difficulty concluding that the disposition of  
12 the case may affect it." *WildEarth Guardians*, No. CV-16-08010-PCT-SMM, 2016  
13 WL 8738252, at \*2 (citing *Lockyer*, 450 F.3d at 442).

14 The broad relief requested by the Plaintiff is that Ancestral Footprints be  
15 declared unlawful, enjoined, and set aside. Pl. Compl. at 19-20, ECF No. 1. Such  
16 relief would destroy the many practical and material protections that the Tribal  
17 Nations advocated so hard for.

18 This litigation may also impair the Tribal Nations' interests in the  
19 monument Commission. Plaintiff's challenge to the entire Proclamation  
20 establishing the Commission threatens the Tribal Nations' sovereign interests in  
21 its government-to-government functions. The existence of the Commission is  
22 immensely important for the Tribal Nations as it recognizes the importance of  
23 these lands to the Tribes' history, spirituality, and culture. The Commission is  
24 permitted to provide "guidance and recommendations," the Secretaries of  
25 Interior and Agriculture must "meaningfully engage the Commission," and the  
26 Secretaries must consider "integrating the Indigenous Knowledge and special  
27 expertise" of the Commission. Monument Proclamation at 55340.

28



1           The Commission builds upon the Executive’s fulfillment of its obligations  
2 to protect and preserve Native religious practices, Executive Order No. 13007, 61  
3 Fed. Reg. 26771 (May 29, 1996) [https://www.govinfo.gov/content/pkg/FR-](https://www.govinfo.gov/content/pkg/FR-1996-05-29/pdf/96-13597.pdf)  
4 [1996-05-29/pdf/96-13597.pdf](https://www.govinfo.gov/content/pkg/FR-1996-05-29/pdf/96-13597.pdf), as well as the United States’ policy to “protect and  
5 preserve for American Indians their inherent right of freedom to believe, express,  
6 and exercise” their traditional religions, “including but not limited to access to  
7 sites, use and possession of sacred objects, and the freedom to worship through  
8 ceremonials and traditional rites.” 42 U.S.C.A. § 1996.

9           The Proclamation recognizes the history of dispossession of these lands  
10 and the government-to-government relationship between the United States and  
11 Tribal Nations. The Tribal Nations’ sovereign right to participate in the  
12 management of their ancestral lands within Ancestral Footprints is therefore  
13 squarely at issue in this case, and the Court should have “little difficulty”  
14 concluding that the disposition of the case may affect the Tribal Nations’  
15 interests. *WildEarth Guardians*, No. CV-16-08010-PCT-SMM, 2016 WL 8738252, at  
16 \*2.

#### 17                           **4. The Existing Parties Do Not Adequately Represent the Tribal** 18                           **Nations’ Interests.**

19           The burden for showing inadequate representation is “minimal[,]” and is  
20 satisfied if proposed intervenors can demonstrate that representation of their  
21 interests “may be” inadequate. *Citizens for Balanced Use v. Mont. Wilderness Ass’n*,  
22 647 F.3d 893, 898 (9th Cir. 2011) (citations omitted); *WildEarth Guardians*, No. CV-  
23 16-08010-PCT-SMM, 2016 WL 8738252, at \*2.

24           To determine whether the applicant’s interests are adequately represented  
25 by existing parties, the Court considers:

- 26           (1) whether the interest of a present party is such that it will  
27 undoubtedly make all the intervenor’s arguments; (2) whether the  
28 present party is capable and willing to make such arguments; and  
          (3) whether the would-be intervenor would offer any necessary

1 elements to the proceedings that other parties would neglect.  
2 *Nw. Forest Res. Council*, 82 F.3d at 838 (citations omitted). The “most important  
3 factor” in assessing the adequacy of representation is “how the [applicants’]  
4 interest compares with the interests of existing parties.” *Arakaki v. Cayetano*, 324  
5 F.3d 1078, 1086 (9th Cir. 2003).

6 The Ninth Circuit has held that the United States cannot adequately  
7 represent Tribal Nations’ interests where the Tribal Nations hold sovereign  
8 interests in the outcome of the litigation not shared by the United States. *Diné*  
9 *Citizens Against Ruining Our Environment v. Bureau of Indian Affs*, 932 F.3d 843, 855  
10 (9th Cir. 2019) (distinguishing *Sw. Cntr. for Biological Diversity*, 268 F.3d 810, in  
11 which sovereignty and sovereign interests were not implicated). And even if  
12 parties’ interests are presently aligned, if they will “not necessarily remain  
13 aligned,” the proposed intervenor interest is not adequately represented. *Diné*  
14 *Citizens*, 932 F.3d at 854 (citing *White v. Univ. of Cal.*, 765 F.3d 1010, 1027 (9th Cir.  
15 2014)).

16 **(i) Because of Differing Interests, the United States is Not**  
17 **Necessarily Capable or Willing to “Undoubtedly” Make**  
18 **All the Tribal Nations’ Arguments.**

19 “Inadequate representation is most likely to be found when the applicant  
20 asserts a personal interest that does not belong to the general public.” 3B James  
21 W. Moore et al., *Moore's Federal Practice* ¶ 24.07[4], at 24–78 (2d ed. 1995). And  
22 where the United States’ “overriding interest . . . must be in complying with [the  
23 law],” rather than in the outcomes essential to tribal sovereignty and self-  
24 governance, the United States is an inadequate representative of Tribal Nations.  
25 *Klamath Irrigation Dis. v. United States Bureau of Reclamation*, 48 F. 4th 934, 944 (9th  
26 Cir. 2022). Here, the Tribal Nations’ interests are grounded in their ancestral  
27 relationship to the region and their decades-long efforts to protect these lands.

28 These interests include the need to protect irreplaceable sites, burials, and

1 resources critical to their cultural survival and the perpetuation of their ways of  
2 life. Equally as important, the Tribal Nations also have governmental interests in  
3 having a hand in the management of the lands within the Monument, via the  
4 Commission. The Tribal Nations have knowledge, understanding, and  
5 connection to Ancestral Footprints and its many places, intrinsically tied to their  
6 sovereign and cultural survival, that goes well beyond Federal Defendants'  
7 interests. The United States has far more generalized public interests underlying  
8 its efforts to defend and preserve Ancestral Footprints. This is in part because the  
9 United States' constituency reaches far beyond the Tribal Nations' constituencies,  
10 and because the United States does not enjoy the same cultural and ancestral  
11 connection to the lands as the Tribal Nations. And while the United States may  
12 have an interest in defending its actions, its "overriding interest . . . must be in  
13 complying with" applicable laws. *Id.* This interest "differs in a meaningful sense  
14 from [the Tribal Nations'] sovereign interest" in ensuring protections for and a  
15 governmental role in the management of their traditional homeland. *Id.* (citing  
16 *Diné Citizens*, 932 F.3d at 856-57) (internal brackets omitted). Even if the Tribal  
17 Nations and the federal government share similar goals and legal positions in  
18 this litigation, the United States cannot adequately represent the Tribal Nations'  
19 sovereign interests.

20       Even if it were the case that the Tribal Nations' and the United States'  
21 interests were currently aligned in this matter, there is a very real risk of a policy  
22 shift created by a change in presidential administration. Such a change raises the  
23 possibility of a later divergence of interest. *See City of Los Angeles, Cal.*, 288 F.3d  
24 at 403; *see also Western Energy All. v. Zinke*, 877 F.3d 1157, 1169 (10th Cir. 2017).  
25 The changing wishes of the administration are "by no means, wholly irrelevant."  
26 *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 529 (9th Cir. 1983). And this  
27 potential divergence is not speculative. Former President and presumptive 2024  
28

1 Republican presidential nominee Donald Trump has previously stated on the  
2 2020 campaign trail that he would consider abolishing national monuments.  
3 Steve Mistler, *Could Donald Trump Undo the Katahdin Woods and Waters National*  
4 *Monument?*, New Hampshire Public Radio (Nov. 17, 2016),  
5 [https://www.nhpr.org/2016-11-17/could-donald-trump-undo-the-katahdin-](https://www.nhpr.org/2016-11-17/could-donald-trump-undo-the-katahdin-woods-and-waters-national-monument)  
6 [woods-and-waters-national-monument](https://www.nhpr.org/2016-11-17/could-donald-trump-undo-the-katahdin-woods-and-waters-national-monument). And he did just that to Bears Ears  
7 National Monument—purporting to reduce its size from 1.35 to 0.20 million  
8 acres, stripping protections for tribal resources, and reducing the power of the  
9 tribal co-management Commission—and to Grand Staircase Escalante National  
10 Monument and the Northeast Canyons and Seamounts Marine National  
11 Monument. *See* Juliet Eilperin & Joshua Partlow, *Haaland urges Biden to fully*  
12 *protect three national monuments weakened by Donald Trump*, Washington Post (June  
13 14, 2021) [https://www.washingtonpost.com/climate-environment/2021/](https://www.washingtonpost.com/climate-environment/2021/06/14/haaland-biden-national-monuments/)  
14 [06/14/haaland-biden-national-monuments/](https://www.washingtonpost.com/climate-environment/2021/06/14/haaland-biden-national-monuments/). It is also equally as plausible that  
15 the United States may argue that the Commission aspect of the Proclamation is  
16 severable, should it find it strategic to do so. *See, e.g.* U.S. Reply in Support of  
17 Mot. to Dismiss at 18, ECF No. 166, *Garfield Cnty et al. v. Biden et al.*, Case No. 22-  
18 cv-00059 (D. Utah May 5, 2023) (arguing severability clause in Bears Ears  
19 National Monument Proclamation results in favor of President). The  
20 Proclamation here likewise contains a severability clause. Proclamation at 55342.

21 There is considerable doubt as to whether the United States will raise all of  
22 the Tribal Nations’ arguments, including considerable doubt as to whether the  
23 United States plans to and will continue to raise the Tribal Nations’ arguments.

24 **(ii) The Tribal Nations Offer Necessary Elements to the**  
25 **Proceedings Other Parties Would Neglect.**

26 As the traditional stewards of these lands, the Tribal Nations have  
27 “expertise apart from that of the [U.S. defendants]” and “offer[] a perspective  
28

1 which differs materially from that of the present parties to this litigation.”  
2 *Sagebrush Rebellion*, 713 F.2d at 528. For this reason and those mentioned above,  
3 the Tribal Nations are not adequately represented by the present parties to the  
4 litigation.

5 Accordingly, all four prongs of the test for intervention as of right are  
6 amply satisfied, and the Tribal Nations are entitled to intervention as of right.

7 **B. Alternatively, the Tribal Nations Meet the Requirements for**  
8 **Permissive Intervention.**

9 If this court finds that the Tribal Nations have not established the  
10 requirements for intervention as of right, the Tribal Nations respectfully request  
11 that this court allow permissive intervention under Federal Rule of Civil  
12 Procedure 24(b). “On timely motion, the court may permit anyone to intervene  
13 who [...] has a claim or defense that shares with the main action a common  
14 question of law or fact.” Fed. R. Civ. P. 24(b). “In exercising its discretion, the  
15 court must consider whether the intervention will unduly delay or prejudice the  
16 adjudication of the original parties’ rights.” *Id.*

17 The Tribal Nations seek to intervene in this case for the purpose of  
18 addressing the legal and factual issues raised by the Plaintiff regarding Ancestral  
19 Footprints, as well as addressing any potential remedy as a result of the court’s  
20 conclusion. Thus, Rule 24(b)’s common question requirement is met. The second  
21 half of the permissive intervention test looks to timeliness and prejudice to the  
22 parties. As stated previously, the Tribal Nations’ motion is timely, no prejudice  
23 will result from granting intervention, and the Tribal Nations bring a perspective  
24 to the litigation distinct from that of the other parties on the common questions  
25 of law and fact. *See Maverick Gaming LLC v. United States*, No. 3:22-CV-05325-  
26 DGE, 2022 WL 4547082, at \*2-4 (W.D. Wash. Sept. 29, 2022) (allowing Tribe to  
27 permissively intervene so that the court can consider the Tribe’s Rule 19 motion  
28

1 to dismiss on the merits).

2 **III. Conclusion**

3 For the reasons stated above, the Tribal Nations respectfully request that  
4 their *Motion for Intervention* be granted.

5 RESPECTFULLY SUBMITTED this 24th day of April 2024.

6 /s/ Paul Spruhan

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14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF ARIZONA**

17 Chris Heaton,

18  
19 Plaintiff,

20 v.

21 Joseph R. Biden, Jr., et al.,

22  
23 Defendants.  
24

No. 3:24-cv-08027-PCT-DLR

**TRIBAL NATIONS' ANSWER TO  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

25  
26 Proposed Intervenor-Defendants the Havasupai Tribe (“Havasupai”), the  
27 Hopi Tribe (“Hopi”), and the Navajo Nation, (collectively, “the Tribes”) through  
28



1 their undersigned counsel, submit this Answer to the Complaint for Declaratory  
2 and Injunctive Relief (“Complaint”) filed by Plaintiff Chris Heaton (or  
3 “Plaintiff”). Any use of the Complaint’s headings and numbered paragraphs in  
4 this Answer correspond to those set forth in the Complaint and do not constitute  
5 an admission by the Tribes of their relevancy or accuracy.

6 **GENERAL DENIAL**

7 The Tribes deny all allegations in the Complaint that have not otherwise  
8 been specifically admitted or denied herein.

- 9 1. The allegations in Paragraph 1 characterize the Complaint to which no  
10 response is required.
- 11 2. The Tribes are without knowledge or information sufficient to form a belief  
12 as to the truth of all or part of Paragraph 2. To the extent a response is  
13 required, Paragraph 2 is denied.
- 14 3. The Tribes admit that President Biden issued a proclamation under the  
15 Antiquities Act, and that the proclamation “established the Ancestral  
16 Footprints National Monument, which spans 917,618 acres.” The other  
17 allegations in Paragraph 3 constitute legal conclusions to which no  
18 response is required. To the extent a response is required, the other  
19 allegations in Paragraph 3 are denied.
- 20 4. The allegations in Paragraph 4 constitute a legal conclusion to which no  
21 response is required. To the extent a response is required, Paragraph 4 is  
22 denied.
- 23 5. The allegations in Paragraph 5 constitute a legal conclusion to which no  
24 response is required. To the extent a response is required, Paragraph 5 is  
25 denied.

- 1       6. The allegations in Paragraph 6 constitute a legal conclusion to which no  
2       response is required. To the extent a response is required, Paragraph 6 is  
3       denied.
- 4       7. The allegations in Paragraph 7 constitute a legal conclusion to which no  
5       response is required. To the extent a response is required, Paragraph 7 is  
6       denied.
- 7       8. Paragraph 8 asks the court to issue a declaratory judgment and injunction  
8       which constitutes a legal conclusion to which no response is required. To  
9       the extent a response is required, Paragraph 8 is denied.
- 10      9. The allegations in Paragraph 9 constitute a legal conclusion to which no  
11      response is required. To the extent a response is required, Paragraph 9 is  
12      denied.
- 13      10. The allegations in Paragraph 10 constitute a legal conclusion to which no  
14      response is required. To the extent a response is required, Paragraph 10 is  
15      denied.
- 16      11. The allegations in Paragraph 11 constitute a legal conclusion to which no  
17      response is required. The Tribes are also without knowledge or  
18      information sufficient to form a belief as to the truth of all or part of  
19      Paragraph 11. To the extent a response is required, Paragraph 11 is denied.
- 20      12. The last sentence of Paragraph 12 constitutes a legal conclusion to which  
21      no response is required. To the extent a response is required, the last  
22      sentence in Paragraph 12 is denied. The Tribes are also without knowledge  
23      or information sufficient to form a belief as to the truth of all or part of  
24      Paragraph 12. To the extent a response is required, Paragraph 12 is denied.
- 25      13. The allegations in Paragraph 13 are admitted.
- 26      14. The allegations in Paragraph 14 are admitted.
- 27      15. The allegations in Paragraph 15 are admitted.

28

- 1 16. The allegations in Paragraph 16 are admitted.
- 2 17. The allegations in Paragraph 17 constitute a legal conclusion to which no
- 3 response is required.
- 4 18. The Tribes are without knowledge or information sufficient to form a belief
- 5 as to the truth of all or part of Paragraph 18. To the extent a response is
- 6 required, Paragraph 18 is denied.
- 7 19. The allegations in the first part of Paragraph 19 constitute a legal
- 8 conclusion to which no response is required. The Tribes are without
- 9 knowledge or information sufficient to form a belief as to the truth of the
- 10 remainder of Paragraph 19. To the extent a response is required, Paragraph
- 11 19 is denied.
- 12 20. The Tribes are without knowledge or information sufficient to form a belief
- 13 as to the truth of all or part of Paragraph 20. To the extent a response is
- 14 required, Paragraph 20 is denied.
- 15 21. The allegations in Paragraph 21 are admitted.
- 16 22. The allegations in Paragraph 22 are too vague and ambiguous to admit or
- 17 deny. To the extent a response is required, Paragraph 22 is denied.
- 18 23. The Tribes are without knowledge or information sufficient to form a belief
- 19 as to the truth of all or part of Paragraph 23. To the extent a response is
- 20 required, Paragraph 23 is denied.
- 21 24. The Tribes are without knowledge or information sufficient to form a belief
- 22 as to the truth of all or part of Paragraph 24. To the extent a response is
- 23 required, Paragraph 24 is denied.
- 24 25. The Tribes are without knowledge or information sufficient to form a belief
- 25 as to the truth of all or part of Paragraph 25. In addition, the allegations in
- 26 Paragraph 25 are too ambiguous and therefore no response is required. To
- 27 the extent a response is required, Paragraph 25 is denied.
- 28

1 26. The Tribes are without knowledge or information sufficient to form a belief  
2 as to the truth of all or part of Paragraph 26. To the extent a response is  
3 required, Paragraph 26 is denied.

4 27. The Tribes are without knowledge or information sufficient to form a belief  
5 as to the truth of all or part of Paragraph 27. To the extent a response is  
6 required, Paragraph 27 is denied.

7 28. The Tribes are without knowledge or information sufficient to form a belief  
8 as to the truth of all or part of Paragraph 28. To the extent a response is  
9 required, Paragraph 28 is denied.

10 29. The Tribes are without knowledge or information sufficient to form a belief  
11 as to the truth of all or part of Paragraph 29. To the extent a response is  
12 required, Paragraph 29 is denied.

13 30. The allegations in Paragraph 30 constitute a legal conclusion to which no  
14 response is required. In addition, the allegations in Paragraph 30 are  
15 unduly vague. To the extent a response is required, Paragraph 30 is denied.

16 31. The first sentence in Paragraph 31 constitutes a legal conclusion to which  
17 no response is required. To the extent a response is required, the first  
18 sentence in Paragraph 31 is denied. Tribes are without knowledge or  
19 information sufficient to form a belief as to the truth of all or part of the  
20 remaining allegations in Paragraph 31. To the extent a response is required,  
21 the remaining allegations in Paragraph 31 are denied.

22 32. The Tribes are without knowledge or information sufficient to form a belief  
23 as to the truth of all or part of Paragraph 32. To the extent a response is  
24 required, Paragraph 32 is denied.

25 33. The Tribes are without knowledge or information sufficient to form a belief  
26 as to the truth of all or part of Paragraph 33. To the extent a response is  
27 required, Paragraph 33 is denied.

28

1 34. The allegations in Paragraph 34 constitute a legal conclusion to which no  
2 response is required. To the extent a response is required, Paragraph 34 is  
3 denied.

4 35. The allegations in Paragraph 35 constitute a legal conclusion to which no  
5 response is required. To the extent a response is required, Paragraph 35 is  
6 denied.

7 36. The allegations in Paragraph 36 constitute a legal conclusion to which no  
8 response is required. To the extent a response is required, Paragraph 36 is  
9 denied.

10 37. The allegations in Paragraph 37 constitute a legal conclusion to which no  
11 response is required. The allegations in Paragraph 37 are also unduly  
12 vague and ambiguous, particularly the use of the word “reservation,” and  
13 therefore no response is required. To the extent a response is required,  
14 Paragraph 37 is denied.

15 38. The allegations in Paragraph 38 constitute a legal conclusion to which no  
16 response is required. To the extent a response is required, Paragraph 38 is  
17 denied.

18 39. The Tribes admit that President Biden proclaimed 917,618 acres as the  
19 Ancestral Footprints Monument. The remaining allegations in Paragraph  
20 39 constitute either a legal conclusion to which no response is required or  
21 allegations about which the Tribes are without knowledge or information  
22 sufficient to form a belief as to the truth of all or part of Paragraph 39. To  
23 the extent a response is required, Paragraph 39 is denied.

24 40. The allegations in Paragraph 40 constitute a legal conclusion to which no  
25 response is required. To the extent a response is required, Paragraph 40 is  
26 denied.

27 41. The Tribes admit the allegations in Paragraph 41.  
28

1 42. The Tribes are without knowledge or information sufficient to form a belief  
2 as to the truth of all or part of Paragraph 42. To the extent a response is  
3 required, Paragraph 42 is denied.

4 43. The Tribes admit the allegations in Paragraph 43.

5 44. The allegations in the first sentence of Paragraph 44 constitute a legal  
6 conclusion to which no response is required. To the extent a response is  
7 required, Paragraph 44 is denied. The second sentence in Paragraph 44 is  
8 admitted.

9 45. The allegation in Paragraph 45 constitutes a legal conclusion to which no  
10 response is required. To the extent a response is required, Paragraph 45 is  
11 denied.

12 46. The Tribes admit the allegations in Paragraph 46.

13 47. The allegation in Paragraph 47 constitutes a legal conclusion to which no  
14 response is required. To the extent a response is required, Paragraph 47 is  
15 denied.

16 48. The allegations in Paragraph 48 constitute a legal conclusion to which no  
17 response is required. To the extent a response is required, Paragraph 48 is  
18 denied.

19 49. The allegations in Paragraph 49 constitute a legal conclusion to which no  
20 response is required. To the extent a response is required, Paragraph 49 is  
21 denied.

22 50. The Tribes admit the allegations in Paragraph 50.

23 51. The allegations in Paragraph 51 constitute a legal conclusion to which no  
24 response is required. To the extent a response is required, Paragraph 51 is  
25 denied.

26 52. The Tribes are without knowledge or information sufficient to form a belief  
27 as to the truth of all or part of Paragraph 52. The allegations in Paragraph  
28

1           52 are also unduly vague and ambiguous and therefore no response is  
2           required. To the extent a response is required, Paragraph 52 is denied.

3           53. The Tribes are without knowledge or information sufficient to form a belief  
4           as to the truth of all or part of Paragraph 53. To the extent a response is  
5           required, Paragraph 53 is denied.

6           54. The Tribes are without knowledge or information sufficient to form a belief  
7           as to the truth of all or part of Paragraph 54. To the extent a response is  
8           required, Paragraph 54 is denied.

9           55. The Tribes are without knowledge or information sufficient to form a belief  
10          as to the truth of all or part of Paragraph 55. To the extent a response is  
11          required, Paragraph 55 is denied.

12          56. The Tribes are without knowledge or information sufficient to form a belief  
13          as to the truth of all or part of Paragraph 56. To the extent a response is  
14          required, Paragraph 56 is denied.

15          57. The Tribes are without knowledge or information sufficient to form a belief  
16          as to the truth of all or part of Paragraph 57. To the extent a response is  
17          required, Paragraph 57 is denied.

18          58. The Tribes are without knowledge or information sufficient to form a belief  
19          as to the truth of all or part of Paragraph 58. To the extent a response is  
20          required, Paragraph 58 is denied.

21          59. The Tribes are without knowledge or information sufficient to form a belief  
22          as to the truth of all or part of Paragraph 59. To the extent a response is  
23          required, Paragraph 59 is denied.

24          60. The Tribes are without knowledge or information sufficient to form a belief  
25          as to the truth of all or part of Paragraph 60. To the extent a response is  
26          required, Paragraph 60 is denied.

27  
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- 1       61. The Tribes are without knowledge or information sufficient to form a belief
- 2           as to the truth of all or part of Paragraph 61. To the extent a response is
- 3           required, Paragraph 61 is denied.
- 4       62. The Tribes are without knowledge or information sufficient to form a belief
- 5           as to the truth of all or part of Paragraph 62. To the extent a response is
- 6           required, Paragraph 62 is denied.
- 7       63. The Tribes are without knowledge or information sufficient to form a belief
- 8           as to the truth of all or part of Paragraph 63. To the extent a response is
- 9           required, Paragraph 63 is denied.
- 10       64. The Tribes are without knowledge or information sufficient to form a belief
- 11           as to the truth of all or part of Paragraph 64. To the extent a response is
- 12           required, Paragraph 64 is denied.
- 13       65. The Tribes are without knowledge or information sufficient to form a belief
- 14           as to the truth of all or part of Paragraph 65. To the extent a response is
- 15           required, Paragraph 65 is denied.
- 16       66. The Tribes are without knowledge or information sufficient to form a belief
- 17           as to the truth of all or part of Paragraph 66. To the extent a response is
- 18           required, Paragraph 66 is denied.
- 19       67. The Tribes are without knowledge or information sufficient to form a belief
- 20           as to the truth of all or part of Paragraph 67. To the extent a response is
- 21           required, Paragraph 67 is denied.
- 22       68. The allegations in Paragraph 68 constitute a legal conclusion to which no
- 23           response is required. The Tribes are also without knowledge or
- 24           information sufficient to form a belief as to the truth of all or part of
- 25           Paragraph 68. To the extent a response is required, Paragraph 68 is denied.
- 26       69. The allegations in Paragraph 69 constitute a legal conclusion to which no
- 27           response is required. The allegations of Paragraph 69 are also ambiguous
- 28

1 and therefore no response is required. To the extent a response is required,  
2 Paragraph 69 is denied.

3 70. The Tribes admit the allegations in Paragraph 70.

4 71. The Tribes admit the allegations in Paragraph 71.

5 72. The allegations in Paragraph 72 constitute a legal conclusion to which no  
6 response is required. The allegations of Paragraph 72 are also ambiguous.  
7 To the extent a response is required, Paragraph 72 is denied.

8 73. The allegations in Paragraph 73 constitute a legal conclusion to which no  
9 response is required. The allegations of Paragraph 73 are also highly  
10 speculative, unduly vague, and ambiguous and therefore no response is  
11 required. To the extent a response is required, Paragraph 73 is denied.

12 74. The Tribes are without knowledge or information sufficient to form a belief  
13 as to the truth of the first sentence of Paragraph 74. To the extent a response  
14 is required, the first sentence of Paragraph 74 is denied. The remaining  
15 allegations in Paragraph 74 constitute a legal conclusion to which no  
16 response is required. To the extent a response is required, the remaining  
17 allegations of Paragraph 74 are denied.

18 75. The Tribes are without knowledge or information sufficient to form a  
19 belief as to the truth of the first sentence of Paragraph 75. To the extent a  
20 response is required, the first sentence of Paragraph 75 is denied. The  
21 second sentence in Paragraph 75 constitutes a legal conclusion to which no  
22 response is required. To the extent a response is required, the second  
23 sentence of Paragraph 75 is denied.

24 76. The allegations in Paragraph 76 constitute a legal conclusion to which no  
25 response is required. The Tribes are also without knowledge or  
26 information sufficient to form a belief as to the truth of all or part of  
27 Paragraph 76. To the extent a response is required, Paragraph 76 is denied.

28

- 1 77. The allegations in Paragraph 77 constitute a legal conclusion to which no  
2 response is required. The Tribes are also without knowledge or  
3 information sufficient to form a belief as to the truth of all or part of  
4 Paragraph 77. To the extent a response is required, Paragraph 77 is denied.
- 5 78. The allegations in Paragraph 78 constitute a legal conclusion to which no  
6 response is required. The Tribes are also without knowledge or  
7 information sufficient to form a belief as to the truth of all or part of  
8 Paragraph 78. To the extent a response is required, Paragraph 78 is denied.
- 9 79. The allegations in Paragraph 79 constitute a legal conclusion to which no  
10 response is required. The Tribes are also without knowledge or  
11 information sufficient to form a belief as to the truth of all or part of  
12 Paragraph 79. To the extent a response is required, Paragraph 79 is denied.
- 13 80. The allegations in Paragraph 80 constitute a legal conclusion to which no  
14 response is required. The Tribes are also without knowledge or  
15 information sufficient to form a belief as to the truth of all or part of  
16 Paragraph 80. To the extent a response is required, Paragraph 80 is denied.
- 17 81. The Tribes are without knowledge or information sufficient to form a belief  
18 as to the truth of the first sentence of Paragraph 81. The allegations in the  
19 second sentence of Paragraph 81 constitute a legal conclusion to which no  
20 response is required. The allegations of Paragraph 81 are also highly  
21 speculative, unduly vague, and ambiguous and therefore no response is  
22 required. To the extent a response is required, Paragraph 81 is denied.
- 23 82. The Tribes admit the allegations in the first sentence of Paragraph 82. The  
24 second sentence in Paragraph 82 constitutes a legal conclusion to which no  
25 response is required. To the extent a response is required, the second  
26 sentence in Paragraph 82 is denied.
- 27  
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1 83. The allegations in Paragraph 83 constitute a legal conclusion to which no  
2 response is required. The allegations of Paragraph 83 are also highly  
3 speculative, unduly vague, and ambiguous and therefore no response is  
4 required. To the extent a response is required, Paragraph 83 is denied.

5 84. The allegations in Paragraph 84 constitute a legal conclusion to which no  
6 response is required. The allegations of Paragraph 84 are also highly  
7 speculative, unduly vague, and ambiguous and therefore no response is  
8 required. To the extent a response is required, Paragraph 84 is denied.

9 85. The allegations in Paragraph 85 constitute a legal conclusion to which no  
10 response is required. To the extent a response is required, Paragraph 85 is  
11 denied.

12 86. The allegations in Paragraph 86 constitute a legal conclusion to which no  
13 response is required. The allegations of Paragraph 86 are also highly  
14 speculative, unduly vague, and ambiguous and therefore no response is  
15 required. To the extent a response is required, Paragraph 86 is denied.

16 87. The allegations in Paragraph 87 constitute a legal conclusion to which no  
17 response is required. The allegations of Paragraph 87 are also highly  
18 speculative, unduly vague, and ambiguous and therefore no response is  
19 required. To the extent a response is required, Paragraph 87 is denied.

20 88. The allegations in Paragraph 88 constitute a legal conclusion to which no  
21 response is required. To the extent a response is required, Paragraph 88 is  
22 denied.

23 89. The allegations in Paragraph 89 constitute a legal conclusion to which no  
24 response is required. The allegations of Paragraph 89 are also highly  
25 speculative, unduly vague, and ambiguous and therefore no response is  
26 required. To the extent a response is required, Paragraph 89 is denied.

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1 90. The allegations in Paragraph 90 constitute a legal conclusion to which no  
2 response is required. To the extent a response is required, Paragraph 90 is  
3 denied.

4 91. The allegations in Paragraph 91 constitute a legal conclusion to which no  
5 response is required. To the extent a response is required, Paragraph 91 is  
6 denied.

7 92. Paragraph 92 characterizes Plaintiff's Count I, to which no response is  
8 required.

9 93. The allegations in Paragraph 93 constitute a legal conclusion to which no  
10 response is required.

11 94. The allegations in Paragraph 94 constitute a legal conclusion to which no  
12 response is required. To the extent a response is required, Paragraph 94 is  
13 denied.

14 95. The allegations in Paragraph 95 constitute a legal conclusion to which no  
15 response is required. To the extent a response is required, Paragraph 95 is  
16 denied.

17 96. The allegations in Paragraph 96 constitute a legal conclusion to which no  
18 response is required. To the extent a response is required, Paragraph 96 is  
19 denied.

20 97. The allegations in Paragraph 97 constitute a legal conclusion to which no  
21 response is required. To the extent a response is required, Paragraph 97 is  
22 denied.

23 98. The allegations in Paragraph 98 constitute a legal conclusion to which no  
24 response is required. To the extent a response is required, Paragraph 98 is  
25 denied.

26 99. Paragraph 99 characterizes Plaintiff's Count II, to which no response is  
27 required.

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1 100. The allegations in Paragraph 100 constitute a legal conclusion to which no  
2 response is required. To the extent a response is required, Paragraph 100  
3 is denied.

4 101. The allegations in Paragraph 101 constitute a legal conclusion to which no  
5 response is required. To the extent a response is required, Paragraph 101  
6 is denied.

7 102. The allegations in Paragraph 102 constitute a legal conclusion to which no  
8 response is required. The allegations of Paragraph 102 are also ambiguous  
9 and therefore no response is required. To the extent a response is required,  
10 Paragraph 102 is denied.

11 103. The allegations in Paragraph 103 constitute a legal conclusion to which no  
12 response is required. To the extent a response is required, Paragraph 103  
13 is denied.

14 104. Paragraph 104 characterizes Plaintiff's Count III to which no response is  
15 required.

16 105. The allegations in Paragraph 105 constitute a legal conclusion to which no  
17 response is required. The allegations of Paragraph 105 are also ambiguous  
18 and therefore no response is required. To the extent a response is required,  
19 Paragraph 105 is denied.

20 106. The allegations in Paragraph 106 constitute a legal conclusion to which no  
21 response is required. To the extent a response is required, Paragraph 106  
22 is denied.

23 107. The allegations in Paragraph 107 are comprised of personal opinions and  
24 legal conclusions to which no response is required. To the extent a response  
25 is required, Paragraph 107 is denied.

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1 108. The allegations in Paragraph 108 are comprised of personal opinions and  
2 legal conclusions to which no response is required. To the extent a response  
3 is required, Paragraph 108 is denied.

4 109. The allegations in Paragraph 109 constitute a legal conclusion to which no  
5 response is required. The Tribes are also without knowledge or  
6 information sufficient to form a belief as to the truth of all or part of  
7 Paragraph 109. The allegations of Paragraph 109 are also unduly vague  
8 and ambiguous, particularly the use of the word "reservation," and  
9 therefore no response is required. To the extent, a response is required,  
10 Paragraph 109 is denied.

11 110. The allegations in Paragraph 110 constitute a legal conclusion to which no  
12 response is required. To the extent a response is required, Paragraph 110  
13 is denied.

14 111. Paragraph 111 characterizes Plaintiff's Count IV to which no response is  
15 required.

16 112. The allegations in Paragraph 112 constitute a legal conclusion to which no  
17 response is required. The allegations of Paragraph 112 are also ambiguous  
18 and therefore no response is required. To the extent a response is required,  
19 Paragraph 112 is denied.

20 113. The allegations in Paragraph 113 constitute a legal conclusion to which no  
21 response is required. To the extent a response is required, Paragraph 113  
22 is denied.

23 114. The allegations in Paragraph 114 constitute a legal conclusion to which no  
24 response is required. To the extent a response is required, Paragraph 114  
25 is denied.

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1 115. The allegations in Paragraph 115 constitute a legal conclusion to which no  
2 response is required. To the extent a response is required, Paragraph 115  
3 is denied.

4 116. The allegations in Paragraph 116 constitute a legal conclusion to which no  
5 response is required. To the extent a response is required, Paragraph 116  
6 is denied.

7 117. The allegations in Paragraph 117 constitute a legal conclusion to which no  
8 response is required. To the extent a response is required, Paragraph 117  
9 is denied.

10 118. The allegations in Paragraph 118 constitute a legal conclusion to which no  
11 response is required. To the extent a response is required, Paragraph 118  
12 is denied.

13 119. The allegations in Paragraph 119 constitute a legal conclusion to which no  
14 response is required. To the extent a response is required, Paragraph 119  
15 is denied.

16 120. The allegations in Paragraph 120 constitute a legal conclusion to which no  
17 response is required. To the extent a response is required, Paragraph 120  
18 is denied.

19 **REQUESTED RELIEF**

20 121. The remainder of the Complaint outlines the Plaintiff’s requested relief in  
21 paragraphs 1 through 4. The allegations in those Paragraphs constitute  
22 legal conclusions to which no response is required. The Tribes are also  
23 without knowledge or information sufficient to form a belief as to the truth  
24 of all or part of Paragraphs 1 through 4 under “Requested Relief.” To the  
25 extent a response is required, Paragraphs 1 through 4 under “Requested  
26 Relief” are denied.

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**AFFIRMATIVE DEFENSES**

1. Plaintiff lacks Article III standing to establish subject-matter jurisdiction.
2. Plaintiff fails to establish this Court’s subject-matter jurisdiction to award Plaintiff some or all of the relief requested in his Complaint.
3. Plaintiff has failed to state any claim on which relief can be granted.

RESPECTFULLY SUBMITTED this 24th day of April 2024.

/s/ Paul Spruhan

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Louis Mallette, N.M. No. 149453\*  
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Counsel for the Havasupai Tribe  
\*Motion for Pro Hac Vice forthcoming  
\*\*Motion for Admission pending

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Arizona State Legislature, et al.,  
Plaintiffs,  
v.  
Joseph R. Biden, Jr., et al.,  
Defendants.

No. 3:24-cv-08026-PCT-SMM

**ORDER GRANTING TRIBAL  
NATIONS' MOTION TO INTERVENE  
FOR LIMITED PURPOSE**

IT IS ORDERED that the Tribal Nations' Motion to Intervene for Limited Purpose is GRANTED.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to file the Tribal Nations' Rule 12(b)(7) Motion to Dismiss.

IT IS FURTHER ORDERED that the parties shall brief the Tribal Nations' Motion to Dismiss according to the deadlines set forth in LRCiv 7.2.