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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA, et al., No. 3:68-cv-0513-MO

Plaintiffs,

v.

STATE OF OREGON, et al.,

Defendants.

JOINT MOTION TO
RECONSIDER, ALTER, OR
AMEND THIS COURT'S MARCH
19, 2018 ORDERS PURSUANT TO
Fed. R. Civ. P. 59(e) AND 60(b)(6)

ORAL ARGUMENT REQUESTED

Pursuant to Fed. R. Civ. P. 59(e) and 60(b)(6), the undersigned parties move this Court to reconsider and amend paragraph 3 of its *Order Approving 2018-2027 United States v. Oregon Management Agreement* (ECF 2614) and to reconsider and

provide relief from its *Order Dismissing Case Without Prejudice* (ECF 2615) in light of the following information and the memoranda, filed separately.¹

**LCR 7.1 Certification of Pre-Filing Conferral and Summary of
Responding Party Positions**

In accordance with Local Rule 7.1, all parties to this case have conferred on this motion, and all parties support the relief requested. More specifically, the non-moving parties have authorized the moving parties to represent the non-moving parties' positions as follows:

The States of Idaho, Washington, and Oregon support the relief requested, but for reasons that may not be the same as the moving parties. Accordingly, these States reserve the right to respond to the motion, and to the points and authorities submitted by the moving parties in support of the motion, to present their own perspective on the basis for granting the relief requested.

Motion

Through this motion, the undersigned parties respectfully request that this Court:

A. Amend paragraph 3 of the *Order Approving 2018-2027 United States v. Oregon Management Agreement* (ECF 2614) to state:

3. In the event a dispute arises concerning the Management Agreement, the Parties shall follow the dispute resolution provisions in

¹ Counsel respectfully requests to be excused from the requirement of Local Rule 7.1(b) to combine the motion and memorandum because the parties are writing separately to provide the Court with their respective positions.

the Agreement, and in the event a Party or Parties seek judicial review they shall file a timely motion with this Court. This Court's Judgment of October 10, 1969 as amended May 10, 1974 retaining jurisdiction, shall remain in effect, unless expressly modified by this Court.

B. The Parties jointly request relief from the *Order Dismissing Case Without Prejudice* (ECF 2615) to confirm that there continues to be a judicial forum for civil resolution of the disputes that arise affecting the Treaty fishing rights that are subject matter of case 68-513.

Dated: April 16, 2018.

JEFFREY H. WOOD
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was today served via the Court's CM/ECF system on all counsel of record.

/s/ Coby Howell
COBY HOWELL