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Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

MDEWAKANTON SIOUX INDIANS )  
OF MINNESOTA, *et al.*, )  
 )  
Plaintiffs )  
 )  
v. )  
 )  
HAUGRUD, *et al.*, )  
 )  
Defendants. )  
 )  
 )  
\_\_\_\_\_ )

Case No. 1:16-cv-02323-RC

**FEDERAL DEFENDANTS' REQUEST FOR JUDICIAL NOTICE**

Federal Defendants K. Jack Haugrud, Acting Secretary of the Interior, and U.S. Department of the Interior submit this Request for Judicial Notice pursuant to Fed. R. Evid. 201. Federal Defendants respectfully request that the Court take judicial notice of a court filing submitted by Plaintiffs' counsel in litigation in the District of Minnesota, which is directly relevant to issues raised by Plaintiffs in this case.

A court may properly take notice of pleadings filed in another case. *Rothman v. Gregor*, 220 F.3d 81, 92 (2d Cir. 2000). In their opposition to the motions to dismiss in *Wolfchild v. Redwood County*, 0:14-cv-01597-MJD-FLN, ECF No. 185, at 7 n.7, Plaintiffs affirmed that they trace their roots back to the Sioux Indians identified in the 1886 censuses. The Court may judicially notice that pleading and the position taken by Plaintiffs in the cited footnote. Plaintiffs should be held to that position under the doctrine of judicial estoppel. *See Kopff v. World Research Grp., LLC*, 568 F. Supp.2d 39, 42–43 (D.D.C. 2008) (doctrine of judicial estoppel designed to prevent litigants from taking positions in a case that are inconsistent with those taken in an earlier case); *Moses v. Howard Univ. Hosp.*, 567 F. Supp.2d 62, 66–67 (D.D.C. 2008) (same).

The pleading whose judicial notice is sought is attached hereto as Exhibit 1.

Dated: February 21, 2017

Respectfully Submitted,

JEFFREY H. WOOD  
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/s/ David B. Glazer  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 21, 2017, I filed the foregoing electronically through the Court's CM/ECF system, which caused counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Dated: February 21, 2017

/s/ David B. Glazer  
David B. Glazer