

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

CONFEDERATED SALISH AND
KOOTENAI TRIBES
P.O. Box 278
Pablo, MT 59855,

SANTA ROSA RANCHERIA
INDIAN COMMUNITY
P.O. Box 8
Lemoore, CA 93245

Plaintiffs,

v.

NATIONAL INDIAN GAMING COMMISSION
1441 L Street NW
Washington, DC 20005,

Civil Action No. 05-____()

PHILIP HOGEN, Chairman
NELSON WESTRIN, Vice-Chairman
CLOYCE CHONEY, Commissioner
National Indian Gaming Commission
1441 L Street NW
Washington, DC 20005,

Defendants.

TEMPORARY RESTRAINING ORDER

Upon consideration of the Plaintiffs' Application for a Temporary Restraining Order, the Verified Complaint and Memorandum submitted in support thereof, and after argument thereon, and notice having been given to Defendants National Indian Gaming

Commission (“NIGC”), Philip Hogen, Nelson Westrin and Cloyce Choney, and it appearing to the Court that Plaintiffs will suffer immediate and irreparable injury for which they will have no adequate remedy at law if a temporary restraining order is not issued, that Defendants will suffer no harm if the requested temporary restraining order is granted, that Plaintiffs will suffer substantially more harm if a temporary restraining order is not issued than Defendants will suffer if such an order is issued, that Plaintiffs have raised grave and serious questions in this proceeding, that Plaintiffs enjoy a substantial likelihood that they will prevail on the merits of their claims when the merits are fully and finally adjudicated, and that the public interest will be served by issuance of a temporary restraining order, it is, accordingly, by this Court on this _____ day of March, 2005:

ORDERED that Plaintiffs’ Application for Temporary Restraining Order be, and hereby is, granted; and it is further

ORDERED that Defendants National Indian Gaming Commission, Philip Hogen, Nelson Westrin and Cloyce Choney, and any agent, employee, or representative of them, or any other person or entity acting on behalf of or in concert with any of them, be, and hereby are, enjoined from: (a) holding meetings, promulgating or revising draft regulations or otherwise conducting any business of the Tribal Advisory Committee assembled by Defendants on or about March 4, 2004; (b) using any draft regulations or other work product created by or through said Tribal Advisory Committee in any future notice and comment rulemaking until such time as a new Advisory Committee has been created and has issued final recommendations to the NIGC, or until further Order of this Court; or (c) causing to be published in the Federal Register any notice, proposed or final

rule or regulation or any other document constituting – either in whole or in part – draft regulations, recommendations or any other work product of the Tribal Advisory Committee assembled on or about March 4, 2004; and is further

ORDERED that a hearing on Plaintiffs’ Motion for a Preliminary Injunction is set for the ____ day of _____, 2005 at _____ a.m. in Courtroom _____ before Judge _____.

JUDGE

Dated: _____

Time: _____

Copies to:

Allen V. Farber (D.C. Bar No. 912865)
Rebecca A. Hirselj (D.C. Bar No. 478239)
GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
Suite 900, East Tower
Washington, DC 20005-3317
Telephone: (202) 230-5000
Facsimile: (202) 230-5372

Daniel F. Decker
DECKER & DESJARLAIS, PLLC
P.O. Box 310
St. Ignatius, MT 59865
Telephone: (406) 745-0089
Facsimile: (406) 745-0091

COUNSEL FOR PLAINTIFFS

Penny Coleman, Esq.
Acting General Counsel
NATIONAL INDIAN GAMING COMMISSION
1441 L Street NW
Washington, DC 20005

COUNSEL FOR DEFENDANTS

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