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

MASHPEE WAMPANOAG TRIBE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:18-cv-02242-PLF
)	
RYAN ZINKE, in his official capacity as Secretary of the Interior, <i>et ano.</i> ,)	Oral Argument Requested on the Motion for Preliminary Injunction
)	
Defendants.)	
)	

**PLAINTIFF MASHPEE WAMPANOAG TRIBE’S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Mashpee Wampanoag Tribe respectfully moves this Court on an emergency basis for a temporary restraining order and a preliminary injunction against defendants David Bernhardt, the Secretary of the Interior, and the Department of the Interior, pursuant to Federal Rule of Civil Procedure 65. On a conference call that occurred at 4:00 p.m. last Friday, March 27, with no prior warning, Bureau of Indian Affairs Director Darryl LaCounte informed Plaintiff that Secretary Bernhardt had ordered him to take the Tribe’s reservation lands “out of trust” and revoke the Tribe’s reservation proclamation and that such actions would happen “soon,” despite the pendency of this action and *sub judice* cross motions for summary judgment. The Solicitor’s Office emailed a copy of the Secretary’s order to the undersigned Plaintiff’s counsel earlier this afternoon.

Plaintiff therefor makes this motion to preserve the *status quo* during the pendency of this action. Plaintiff moves for a preliminary injunction prohibiting the Secretary of the Interior and the Department of the Interior and their employees, agents, servants, attorneys and all other persons in active concert or participation with them from taking any steps to alter the status quo ante with respect to the approximately 170 acres in the Town of Mashpee, Massachusetts and the approximately 151 acres in the Town of Taunton, Massachusetts, that were taken into trust by the Department of the Interior for the benefit of the Mashpee Wampanoag Tribe on November 10, 2015 (the “Trust Land”), including (a) taking any steps or initiating any procedures to take the Trust Land out of trust or attempt to return the Trust Land to fee ownership status, including without limitation any steps to change, alter or re-record the title to the Trust Land, whether in the Indian Lands Title Records Office or in Barnstable or Bristol Counties, Massachusetts or elsewhere, or (b) rescinding, revoking, withdrawing, vacating or otherwise terminating the proclamation that the Trust Land is the Tribe’s Reservation (see 81 Fed. Reg. 948 (Jan. 8, 2016)) or making any proclamation or announcement to the contrary, until such time as judgment is entered in this civil action and all appeals of such judgment are complete or the time for appeal has expired.

Plaintiff also moves for a temporary restraining order, pending the hearing on its motion for a preliminary injunction, prohibiting the Secretary of the Interior and the Department of the Interior and their employees, agents, servants, attorneys and all other persons in active concert or participation with them are hereby temporarily restrained and enjoined from taking any steps to alter the status quo ante with respect to the Trust Land, including (a) taking any steps or initiating any procedures to take the Trust Land out of trust or attempt to return the Trust Land to fee ownership status, including without limitation any steps to change, alter or re-record title to the Trust land, whether in the Indian Lands Title Records Office or in Barnstable or Bristol Counties, Massachusetts or elsewhere, or (b) rescinding, revoking, withdrawing, vacating or otherwise

terminating the proclamation that the Trust Land is the Tribe's Reservation (see 81 Fed. Reg. 948 (Jan. 8, 2016)), or making any proclamation or announcement to the contrary.

The grounds for this Motion are set forth in the accompanying Memorandum of Points and Authorities in Support of Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction and the Declaration of the Honorable Cedric Cromwell in support.

Plaintiff respectfully requests the Court to grant the motion in accordance with the attached Proposed Order.

Dated: March 30, 2020

Respectfully submitted,

/s/ Kenneth J. Pfahler

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2020, I electronically filed the foregoing Emergency Motion for Temporary Restraining Order and Preliminary Injunction and supporting papers with the Clerk of the Court of the U.S. District Court for the District of Columbia by using the Court's CM/ECF system. All participants in this case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Kenneth J. Pfahler

Kenneth J. Pfahler