

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PUEBLO OF ZUNI, on behalf of itself  
and all others similarly situated,

Plaintiff,

Case No. CV 01-1046 WJ/WPL

v.

UNITED STATES OF AMERICA; et al.,

Defendants.

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF  
MEMORANDUM OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO  
DISMISS CERTAIN CLAIMS (Dkt. No. 330)**

Pursuant to Fed.R.Civ.P. 59(e) and this Court's inherent power to amend its interlocutory orders, the Pueblo of Zuni respectfully moves this honorable Court for limited reconsideration of those portions of the Court's Memorandum Opinion and Order Granting Defendants' Motion to Dismiss Certain Claims (Mem. Op.) (Dkt. No. 330), which dismiss the Plaintiff's statutory claims for money damages for lack of jurisdiction.

As explained in the accompanying Memorandum, the Pueblo of Zuni respectfully submits that the Court's construction of 25 U.S.C. § 450m-1(a) so as to conflate statutory causes of action with contract causes of action, and thus to subject both of these independent actions (rather than only the latter) to the exhaustion requirements of the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, is mistaken as that construction is contrary to the terms of the statute, the controlling rules of statutory construction, and the provision's legislative history.

In support of this Motion the Court is respectfully referred to the Memorandum filed simultaneously herewith.

Undersigned counsel has conferred with counsel for Defendants and is authorized to state that Defendants oppose this Motion.

Respectfully submitted this 25th day of October 2006.

SONOSKY, CHAMBERS, SACHSE,  
ENDRESON & MIELKE, LLP

*/s/ Lloyd B. Miller*

By: \_\_\_\_\_

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CERTIFICATE OF SERVICE

I hereby certify that I served, or caused to be served by means as set forth below, a true and correct copy of the foregoing to the following attorneys this 25th day of October, 2006:

Via electronic service on the following:

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*/s/ Lindy O. Bockhorst*

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Lindy O. Bockhorst