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Lead Counsel\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

D. JEANETTE FINICUM; THARA  
TENNEY; TIERRA COLIER; ROBERT  
FINICUM; TAWNY CRANE; ARIANNA  
BROWN; BRITTNEY BECK; MITCH  
FINICUM; THOMAS KINNE; CHALLICE  
FINCH; JAMES FINICUM; DANIELLE  
FINICUM; TEAN FINICUM and the  
ESTATE OF ROBERT LAVOY FINICUM

*Plaintiffs,*

Case No. 2:18-CV-00160-SU

**PLAINTIFFS' RESPONSE TO  
THIS COURT'S ORDER TO  
SHOW CAUSE**

v.

BUREAU OF LAND MANAGEMENT;  
DANIEL P. LOVE; SALVATORE  
LAURO; W. JOSEPH ASTARITA;  
SPECIAL AGENT BM; MICHAEL  
FERRARI; STATE OF OREGON;  
OREGON STATE POLICE; KATHERINE  
BROWN; HARNEY COUNTY; CENTER  
FOR BIOLOGICAL DIVERSITY, and the  
UNITED STATES

*Defendants.*

Now come the Plaintiffs, by and through their counsel, respectfully request that this Court render its Order to Show Cause, signed on 11/17/2021, moot. Plaintiffs present the following:

- 1) This response complies with Local Rule 41-2(a), as Plaintiffs are appearing, in writing, within the ten-day constraint that this Court mandated;
- 2) Plaintiffs filed a motion for leave to amend;
- 3) Plaintiffs filed an amended complaint pursuant to Fed. R. Civ. P. 15(a)(1);
- 4) Defendants are aware of both, the motion to amend and the amended complaint, as they have seen the amended complaint and commented on it per the conferral requirement under LR- 7-1;
- 5) The causes of action are pleaded anew, per this Court's comments;
- 6) And, the new cause of action, i.e. R.I.C.O. claim, ties all prior causes of action together, bringing all Defendants, dismissed and current, before this Court for adjudication of liability.

DATED: November 19, 2021

/s/ J. Morgan Philpot  
J. Morgan Philpot, Esq. OSB  
#144811 Attorney for Plaintiffs

/s/John M. Pierce  
John M. Pierce, Esq.  
(PHV Admission Forthcoming)

/s/Ryan Joseph-Gene Marshall  
Ryan Joseph-Gene Marshall, Esq.  
(PHV Admission Pending)

*Attorney for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Morgan Philpot, hereby certify that on this day, November 19, 2021, 2021, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ J. Morgan Philpot  
J. Morgan Philpot