

Date: March 26, 2018  
From: Gary Rentrop, ECLA President  
RE: Odawa Lawsuit

The parties are in the middle of discovery, with extensive expert depositions currently underway. Twelve experts have been retained in this case and they have submitted thousands of pages of documents in support of their positions. The attorneys are busy reviewing expert reports and historical documents; attending depositions, which are being held in Minnesota, Michigan, Illinois, and Kentucky; engaging in discovery disputes, including motion practice; and continuing to conduct laborious negotiations over discovery disagreements.

To date, the discovery process has involved significant discovery requests, requiring many hours of attorney time dedicated to responding to such requests, responding to discovery motions, and drafting motions and briefs. Next week, the federal court in Grand Rapids will hear arguments regarding the Tribe's motion regarding a discovery dispute. It is entirely plausible that ongoing disputes will lead to additional motions being filed with and heard by the court.

Although lay witnesses' depositions have yet to occur, *six* expert witnesses have already been deposed in this case, including a linguist named by the Tribe as an expert in and fluent speaker of Ojibwe, the Tribe's native language; an expert, retained by the Tribe, to opine on the handling (or mishandling, according to the Tribe) of the Holy Childhood discovery in Harbor Springs; the State's primary historian; and *two* other historians retained by the Tribe. This week, a *third* historian retained by the Tribe will be deposed in Minneapolis/St. Paul. Still to come are the depositions of the State's anthropologist; the historian testifying on behalf of the cities, townships, and counties which are parties in the case; the historian testifying on behalf of ECLA and the PORA; and the State's demographer and geologist.

As the level of ongoing activity demonstrates, the case is demanding significant resources. As we have moved into the meat of the discovery process, the Tribe has continued to add lawyers, drawing upon the Tribe's in-house and regular counsel, an Indian-law specialty firm from Minneapolis, and an Indian-law professor from the Hamline Law School. All told, the Tribe's legal team now numbers twelve attorneys, with up to five tribal attorneys in attendance at each deposition.

I continue to stress the importance of this litigation. The Tribe is asking the court to recognize it as a sovereign nation, not subject to any state law or local ordinance. We have had tremendous financial support but, as you can see, the litigation is very expensive and we continue to incur substantial legal and expert witness bills. Your continued financial help is needed and appreciated.