

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff and  
Counter Defendant,

Case No. 3:23-cv-00355-wmc

v.

TOWN OF LAC DU FLAMBEAU,

Defendant and  
Counter Claimant,

and

GORDON ANDERSON et al.,

Intervenor Defendants and  
Intervenor Counter Claimants.

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**MOTION TO VACATE MARCH 3, 2025,  
HEARING TO SHOW CAUSE**

Plaintiff and Counter Defendant United States of America respectfully moves the Court to vacate the March 3, 2025, Hearing to Show Cause. *See* Feb. 21, 2025, Minute Entry & Hearing Set. In support of this request, the United States asserts:

1. On January 31, 2025, Intervenor Defendants and Intervenor Counter Claimants (“Homeowners”) filed a Motion To Show Cause Or, In The Alternative, For

Clarification Of The Amended Preliminary Injunction. Dkt. 187. The United States responded to that Motion on February 12, 2025. Dkt. 199.

2. The Court held a status conference on February 21, 2025, at which counsel for the United States, counsel for Defendant and Counter Claimant Town of Lac Du Flambeau (“Town”), and counsel for the Homeowners were present. The Court and counsel for the parties discussed the Homeowners’ Motion to Show Cause (Dkt. 187), and the United States’ response thereto (Dkt. 199).

3. Specifically, the Court and the parties discussed a January 17, 2025, press release issued by the Lac du Flambeau Band of Lake Superior Indians of the Lac du Flambeau Reservation of Wisconsin (“Band”), which stated that the Band would begin issuing trespass citations to users of the roadways at issue in this litigation (the “Roads”). The United States responded immediately to the January 17, 2025, press release by working with the Band to confirm that it would not issue trespass citations to users of the Roads during the pendency of the litigation, and communicated this information to the Town, the Homeowners, and the Court. However, the Court has expressed concern that the Band’s assurances had been made privately through the United States and not publicly to the Town, the Homeowners, or the Court.

4. At the February 21 status conference, the Court scheduled an in-person Hearing to Show Cause for March 3, 2025. The Court stated, however, that the March 3, 2025, Hearing to Show Cause could be avoided if the Band gave public assurance that the Band will not issue trespass citations to users of the Roads during the pendency of

the litigation, and that the Band will not use data gathered from its cameras during the pendency of this litigation to retroactively impose penalties against users of the Roads.

5. On February 25, 2025, the Band sent a letter to the Court, via overnight mail, acknowledging that the Band “agrees that it will not issue citations to users of the Four Roads during the pendency of this litigation, nor will it use previously collected data to impose any retroactive penalties against users of the Four Roads during the pendency of this litigation.” **Attachment A**. The Band also “agrees to keep the Four Roads open during the pendency of this litigation.” *Id.*

6. The Band’s letter to the Court has been shared with the counsel for the Town and Homeowners, and the Band’s letter has been made public by virtue of it being attached to this public court filing.

7. Counsel for the Homeowners have indicated that they do not oppose this motion vacate, provided that the Band’s letter to the Court be made public. Counsel for the Town did not indicate their position on this motion to vacate by the time of filing.

WHEREFORE, the United States respectfully requests that the Court enter an Order vacating the March 3, 2025, Hearing to Show Cause.

DATED: February 25, 2025

Respectfully submitted,

TIMOTHY M. O'SHEA, United States Attorney  
Western District of Wisconsin

LISA LYNNE RUSSELL,  
Deputy Assistant Attorney General  
Environment and Natural Resources Div.

/s/ Hillary K. Hoffman  
Hillary K. Hoffman, Trial Attorney  
Minnesota Bar No. 0402027  
Indian Resources Section  
Environment and Natural Resources Div.  
United States Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044  
T: (202) 598-3147  
F: (202) 305-0275  
hillary.hoffman@usdoj.gov

/s/ Samuel D. Gollis  
Samuel D. Gollis, Trial Attorney  
Massachusetts BBO No. 561439  
Indian Resources Section  
Environment and Natural Resources Div.  
United States Department of Justice  
999 18th Street, South Terrace, Suite 370  
Denver, CO 80202  
T: (303) 844-1351  
F: (304) 844-1350  
samuel.gollis@usdoj.gov

*Attorneys for the United States of America*

OF COUNSEL:

KARA G. PFISTER, Senior Attorney  
Office of the Solicitor – Northeast Region  
United States Department of the Interior

ANDREW S. CAULUM, Senior Attorney  
Office of the Solicitor – Division of Indian Affairs  
United States Department of the Interior