

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

CONFEDERATED TRIBES OF SILETZ  
INDIANS OF OREGON; SMOKEY POINT  
HARDWOOD, INC.,

*Plaintiffs,*

and

ROSS-SIMMONS HARDWOOD LUMBER  
COMPANY, INC.,

*Plaintiff-Appellee,*

v.

WEYERHAEUSER COMPANY,

*Defendant-Appellant.*

Nos. 03-35669  
03-35984

D.C. No.  
CV-00-01693-OMP  
ORDER

On Remand From The United States Supreme Court

Filed April 11, 2007

Before: Thomas G. Nelson and Johnnie B. Rawlinson,  
Circuit Judges, and William W Schwarzer,\*  
Senior District Judge.

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**COUNSEL**

Stephen V. Bomse, M. Laurence Popofsky and Heather N. Leal, Heller Ehrman White & McAuliffe LLP, San Francisco, California, for the appellant.

Michael E. Haglund, Haglund, Kelley, Horngren & Jones,

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\*The Honorable William W Schwarzer, Senior United States District Judge for the Northern District of California, sitting by designation.

LLP, and Roy Pulvers, Lindsay, Hart, Neil & Weigler, LLP, Portland, Oregon, for the appellee.

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**ORDER**

The judgment of the district court is vacated and the case is remanded to the district court for further proceedings consistent with the decision of the Supreme Court of the United States in *Weyerhaeuser Co. v. Ross-Simmons*, 127 S.Ct. 1069 (2007).

In fulfilling this mandate, the district court may hold such hearings and enter such orders as it deems appropriate.

IT IS SO ORDERED.



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