

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOSEPH A. PAKOOTAS, an individual
and enrolled member of the
Confederated Tribes of the
Colville Reservation and DONALD
R. MICHEL, an individual and
enrolled member of the
Confederated Tribes of the Coville
Reservation,

Plaintiffs-Appellants,

STATE OF WASHINGTON,
Petitioner-Intervenor-Appellant,

and

CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION,

Plaintiff,

v.

TECK COMINCO METALS, LTD., a
Canadian corporation,

Defendant-Appellee.

No. 08-35951

D.C. No.
2:04-cv-00256-LRS
Eastern District of
Washington,
Spokane

JOSEPH A. PAKOOTAS, an individual
and enrolled member of the
Confederated Tribes of the
Colville Reservation; DONALD R.
MICHEL, an individual and enrolled
member of the Confederated
Tribes of the Coville Reservation;
CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION,
Plaintiffs-Appellees,
STATE OF WASHINGTON,
Plaintiff-Intervenor-Appellee,
v.
TECK COMINCO METALS, LTD., a
Canadian corporation,
Defendant-Appellant.

No. 10-35045
D.C. No.
2:04-cv-00256-LRS
Eastern District of
Washington,
Spokane
ORDER

Filed July 1, 2011

Before: Arthur L. Alarcón, Andrew J. Kleinfeld, and
Richard R. Clifton, Circuit Judges.

ORDER

The opinion filed on June 1, 2011 is amended to include only No. 08-35951 on the caption. *Pakootas v. Teck Cominco Metals*, No. 10-35045 should be removed from the caption.

The amended opinion is filed concurrently with this order.

No petitions for rehearing or petitions for rehearing en banc will be entertained.