

## Robin Silver

---

**From:** Michael V. Nixon <michaelvnixon@yahoo.com>  
**Sent:** Friday, January 15, 2021 5:52 PM  
**To:** Robin Silver  
**Subject:** Fw: Apache Stronghold v. United States - Timeline for Land Exchange  
**Attachments:** Judge Logan Order Granting Motion for PI Denying TRO.pdf

FYI. This is a regular business communication record of the US DOJ, of correspondence with opposing counsel in an open public lawsuit. As such, it is an exception to any hearsay rule and is good evidence. It is quite regular.

And it is in the government's interest that this be well known, especially as the judge in the case noted in his Order of January 14, 2021:

*The Court recognizes the anxiety that having one's sacred land taken from them, and used for purposes that run counter to their spiritual beliefs, might cause.*

Order at p.4. Copy attached.

Michael

----- Forwarded Message -----

**From:** Michael V. Nixon <michaelvnixon@yahoo.com>  
**To:** Alexander, Tyler (ENRD) <tyler.alexander@usdoj.gov>  
**Sent:** Friday, January 15, 2021, 04:18:23 PM MST  
**Subject:** Re: Apache Stronghold v. United States - Timeline for Land Exchange

Likewise, Tyler.

My clients are now sharing that info update to all of those similarly concerned, which will go a long ways in keeping the anxiety that Judge Logan acknowledged from increasing during this interim.

So, we deeply appreciate this thoughtful and gracious act by you and your clients.

You may get calls or inquiries once the news reporters who have been covering this saga over the years hear of it -- they're always such an independent variable in these matters -- so I also wanted you and your clients to be aware of that and have an opportunity to anticipate press contacts on this.

Much obliged,

Michael

.....  
**Michael V. Nixon**  
Lawyer\* | Strategist | Consultant  
503.522.4257

WESTERN OFFICE:  
101 SW Madison Street #9325  
Portland OR 97207

EASTERN OFFICE:  
700 Washington Avenue #312  
Bridgeville PA 15017

.....  
\* Admitted to practice in:  
the State of Oregon, the U.S. District  
Court of Oregon, U.S. Western District  
of Pennsylvania, U.S. District of Columbia  
& the U.S. Court of Appeals for the Ninth  
Circuit, only.  
.....

On Friday, January 15, 2021, 02:50:38 PM MST, Alexander, Tyler (ENRD)  
<tyler.alexander@usdoj.gov> wrote:

No problem Michael. Have a nice weekend.

Best regards,

Tyler

---

**From:** Michael V. Nixon <michaelvnixon@yahoo.com>  
**Sent:** Friday, January 15, 2021 4:45 PM  
**To:** Alexander, Tyler (ENRD) <TAlexander@ENRD.USDOJ.GOV>  
**Cc:** Schiffman, Reuben (ENRD) <RSchifman@ENRD.USDOJ.GOV>; Cliff Levenson <cliff449@hotmail.com>  
**Subject:** Re: Apache Stronghold v. United States - Timeline for Land Exchange

Thank you for this update, Tyler. Very much appreciated that you and your team were able to provide this so promptly. And thanks again for your callback to me last night after regular working hours.

Sincerely,

Michael

----- Message -----

**From:** Alexander, Tyler (ENRD) <tyler.alexander@usdoj.gov>

**To:** michaelvnixon@yahoo.com <michaelvnixon@yahoo.com>; cliff449@hotmail.com <cliff449@hotmail.com>  
**Cc:** Schiffman, Reuben (ENRD) <reuben.schifman@usdoj.gov>  
**Sent:** Friday, January 15, 2021, 02:38:19 PM MST  
**Subject:** Apache Stronghold v. United States - Timeline for Land Exchange

Counsel,

Per Mr. Nixon's request, I have conferred with the Forest Service and they confirmed that the land exchange is not imminent and will not happen sooner than 55 days from today. We intend to include this information in our response on the 21st.

Best regards,

Tyler

Tyler M. Alexander, Trial Attorney

Natural Resources Section | Environment and Natural Resources Division | United States Department of Justice

Phone | office 202.305.0238 | cell 202.598.3314 | fax 202.305.0506

U.S. Mail | P.O. Box 7611 | Washington, DC 20044

Overnight and Hand Delivery | 150 M Street, NE | Room 2.900 | Washington, DC 20002