

**Affidavit of Class Counsel Michael P. Gross
In Support of Application for Attorney's Fees and Costs
and Final Settlement Agreement**

Exhibit F

**Paul E. Frye
Curriculum Vitae and
Record of Services Performed on "CAPS" Issue**

FRYE LAW FIRM, P.C.

Attorneys at Law

Paul E. Frye

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RESUME OF PAUL E. FRYE

Education	Valparaiso (IN) High School (Valedictorian)	1966
	Cornell University, B.S. Industrial Engineering (<i>cum laude</i>)	1970
	Harvard Law School, Juris Doctor	1977
Honors	National Merit Scholar, Armington Scholar	
	Alpha Pi Mu (National Freshman Honorary)	1967
	Tau Beta Pi (National Engineering Honorary)	1969
	Varsity Basketball; Co-Captain (1969-70)	1967-1970
	Eastern Collegiate Athletic Conference Scholar-Athlete of the Year (Cornell)	1970
Employment	Industrial Engineer, Mead Packaging Co. (Atlanta)	1970-1974
	Director, Harvard Prison Legal Assistance Project	1977
	DNA-People's Legal Services, Acting Director of Litigation (1983)	1977-1983
	Navajo Nation Department of Justice	1983-1985
	Sole Practitioner, Albuquerque	1985-1987
	Partner, Nordhaus, Haltom, Taylor, Taradash & Frye	1987-2000
	Partner, Rothstein Donatelli	2000-2003
	FRYE LAW FIRM, P.C.	2003-Present
Associations	Vice-Chair, Indian Law Section, Federal Bar Ass'n	1992-2005
	Chair, Indian Law Section, N.M. State Bar Association	1996-1997
	Vice-Chair, Committee on Native American Natural Resources Law, American Bar Association	1991-1992
	Vice President, Navajo Nation Bar Association	1981-1983
Admissions	Navajo Nation (1977); New Mexico (1978); U.S. District Court for the District of New Mexico (1978); U.S. Court of Appeals for the Tenth Circuit (1980); U.S. Court of Appeals for the District of Columbia Circuit (1981); U.S. Supreme Court (1982); U.S. Court of Appeals for the Ninth Circuit (1985); U.S. Claims Court (1985); U.S. Court of Appeals for the Federal Circuit (1994); Colorado (1997); U.S. District Court for the District of Columbia (1999)	

Reported Cases

Litigated cases handled by Mr. Frye include those involving treaty rights, land and mineral rights, transportation issues, trust law, environmental law, and tribal regulatory authority. These include:

- *New Mexico Navajo Ranchers Ass'n v. I.C.C.*, 702 F.2d 227 (D.C. Cir. 1983) (revoking certificate of public convenience and necessity for proposed railroad in Eastern Navajo Agency), *opinion after remand*, 850 F.2d 729 (D.C. Cir. 1988) (imposing extraordinary conditions on permission to construct railroad in Eastern Navajo Agency to protect cultural values);

- *Begay v. Albers*, 721 F.2d 1274 (10th Cir. 1983) (affirming judgment in favor of Navajo allottees who lost their land in exchanges by the BIA predicated on deeds forged in the 1940s);
- *The Navajo Tribe*, 82 IBLA 387 (1984) (rejecting federal Government's claims of mineral ownership in unallotted, unrestored lands described in Executive Order 1000 (Dec. 30, 1908));
- *McClanahan v. Hodel*, No. CIV 83-161-M, 14 Indian L. Rptr. 3113 (D.N.M. 1987) (invalidating uranium leases on Navajo allotments due to violation of federal trust duties), *vacated as moot*, Nos. 87-1186, 87-1234 (10th Cir. 1988) (co-counsel);
- *Star Lake R.R. v. Navajo Area Director, BIA*, 15 IBIA 220 (1987) (revoking right-of-way across Navajo Nation land in accordance with resolution of the Navajo Nation Council), *aff'd*, *Star Lake R.R. v. Lujan*, 737 F. Supp. 103 (D.D.C. 1990), *aff'd*, 925 F.2d 490 (D.C. Cir. 1991) (*per curiam*);
- *Star Lake R.R. v. Fourteen (14) Rights-of-Way Across Indian Allotments*, No. CIV 82-392 JB, 13 Indian L. Rptr. 3005 (D.N.M. 1985) (granting attorney fees to Navajo allottees after remand and dismissal of condemnation action);
- *Navajo Tribe v. United States Dep't of Interior*, 667 F. Supp. 747 (D.N.M. 1987) (remanding funding decision in Self-Determination Act context);
- *Chavez v. Tome*, 5 Nav. R. 183 (Nav. Sup. Ct. 1987) (affirming judgment in favor of Navajo Attorney General in libel and slander action);
- *New Mexico ex rel. Energy & Minerals Dep't v. United States Dep't of the Interior*, 820 F.2d 441 (D.C. Cir. 1987) (reversing dismissal of Navajo Nation's counterclaim against New Mexico and ordering transfer to New Mexico), *settlement approved after remand and transfer*, No. CIV 87-1108 JB, 19 Indian L. Rptr. 3119 (D.N.M. 1992) (limiting state's authority to regulate surface mining in Navajo Indian country);
- *Valencia Energy Co.*, 109 IBLA 40 (1989), *aff'd*, No. CIV 89-758-M (D.N.M. 1994) (holding that Navajo Nation fee lands in Eastern Navajo Agency are "Indian lands" under 1977 Surface Mining Act and not subject to State jurisdiction);
- *Pittsburg & Midway Coal Mining Co. v. Office of Surface Mining*, 115 IBLA 148 (1990), *aff'd*, No. CIV 90-730-JC (D.N.M. 1994) (holding that Navajo Nation fee lands within P&M South Mine are "Indian lands" under 1977 Surface Mining Act, and remanding for a hearing on whether Navajo allotments within the mine area are also "Indian lands" not subject to State jurisdiction);
- *United States v. Tsosie*, 849 F.Supp. 768 (D.N.M. 1994), *aff'd*, 92 F.3d 1037 (10th Cir. 1996) (requiring federal Government to exhaust Navajo Nation court remedies before bringing ejectment action against Navajo citizen living on disputed land in Eastern Navajo Agency);

- *Mescal v. United States*, 161 F.R.D. 450 (D.N.M. 1995) (holding that United States intentionally obstructed justice in class action brought by Navajo allottees seeking mineral rights; suit later settled by Government issuing supplemental trust patents relinquishing mineral estate to several thousand individual Navajo allotment owners);
- *Navajo Nation v. Lujan*, No. CIV 89-2066 JGP, 22 Indian L. Rptr. 3235 (D.D.C. 1995) (requiring new “Indian lands” rulemaking under 1977 Surface Mining Act);
- *Thermal Energy Co.*, 135 IBLA 291 (1996) (requiring BLM to consider Navajo Indian allottees’ and occupants’ rights prior to coal leasing decision in Eastern Navajo Agency);
- *Ark Land Co.*, 139 IBLA 196 (1997) (same);
- *The Navajo Nation*, 150 IBLA 83 (1999) (reversing BLM determination that non-Indian coal lease applicant was entitled to lease in Eastern Navajo Agency);
- *The Navajo Nation, et al.*, 152 IBLA 227 (2000) (same);
- *Thermal Energy Company*, 183 IBLA 126 (2012) (affirming denial of federal coal lease applications in Eastern Navajo Agency);
- *Texaco, Inc. v. Zah*, 5 F.3d 1374 (10th Cir. 1993) (remanding for additional findings in case challenging Navajo taxes); *opinion after remand, Texaco, Inc. v. Hale*, 81 F.3d 934 (10th Cir. 1996) (affirming dismissal of Texaco’s case pending exhaustion of tribal remedies; case settled by Navajo Nation Department of Justice for taxes to be paid for activities on Navajo trust land);
- *Pittsburg & Midway Coal Mining Co. v. Yazzie*, 909 F.2d 1387 (10th Cir.) (holding that Executive Order reservation was diminished pursuant to 1908 Act of Congress and remanding for a determination if the P&M South Mine is otherwise in Navajo Indian country for tax purposes), *cert. denied*, 498 U.S. 1012 (1990); *opinion after remand, Pittsburg & Midway Coal Mining Co. v. Watchman*, 52 F.3d 1531 (10th Cir. 1995) (holding that P&M was required to exhaust Navajo administrative and court remedies in challenge to Navajo taxes; case settled by Frye when P&M agreed to pay all past, present and future taxes for entire mine);
- *HRI, Inc. v. EPA*, 198 F.3d 1224 (10th Cir. 2000) (upholding EPA’s determination that tribal trust land in Eastern Navajo Agency are Navajo Reservation lands for Safe Drinking Water Act purposes and not subject to State jurisdiction, and that the jurisdictional status as “Indian country” of an isolated tract of non-Indian fee land there was properly deemed in dispute by EPA), *opinion after remand*, 562 F.3d 1249 (10th Circuit 2009) (off-reservation fee land in Eastern Navajo Agency is “Indian Country”), *rev’d on reh’g*, 608 F.3d 1131 (10th Circuit 2010) (*en banc*);
- *Navajo Nation v. United States*, 46 Fed. Cl. 217 (2000) (finding that United States had breached its trust duties in Peabody coal leasing but holding that court had no jurisdiction to award damages under Indian Tucker Act), *rev’d*, 263 F.3d 1325 (Fed. Cir. 2001) (reversing on jurisdiction and remanding for determination of damages), *rev’d*, 537 U.S. 488 (2003) (reversing on jurisdiction and remanding for further proceedings), *on remand*, 347 F.3d 1327 (Fed. Cir. 2003) (remanding for

additional proceedings), *on remand*, 68 Fed. Cl. 805 (2005) (adhering to original jurisdictional holding); *rev'd*, 501 F.3d 1327 (Fed. Cir. 2007) (holding that the United States breached compensable trust duties in colluding with coal company to minimize Navajo coal royalties), *rev'd*, 556 U.S. 287 (2009);

- *EEOC v. Peabody Western Coal Co. and Navajo Nation*, 2006 WL 2816603 (D. Ariz. Sept. 30, 2006) (rejecting on the basis of Navajo Nation sovereign immunity EEOC's challenge to Navajo Preference in Employment Act), *rev'd and remanded*, 610 F.3d 1070 (9th Cir. 2010), *cert. denied*, 132 S.Ct. 91 (2011), *on remand*, 2012 WL 5034276 (D. Ariz. Oct. 18, 2012) (upholding Navajo employment preference lease provisions against challenge by the EEOC), *aff'd*, 773 F.3d 977 (9th Cir. 2014);

- *Toro Packing Co. of New Mexico v. Navajo Agricultural Products Industry*, No. SC-CV-02-07 (Nav. Sup. Ct. Mar. 1, 2007) (granting NAPI's request for writ of superintending control requiring District Court to dismiss suit against NAPI);

- *Kayenta Township Comm'n v. Ward*, No. SC-CV-29-07 (Nav. Sup. Ct. Feb. 25, 2011) (holding that Township possesses authority to evict businesses operating on expired lease) (co-counsel);

- *Denetchee v. Kayenta Township Commission*, No. SC-CV-38-13 (Nav. Sup. Ct. Dec. 19, 2013) (ordering dismissal of complaint against Township for plaintiffs' failure to comply with Navajo Sovereign Immunity Act);

- *Navajo Nation Oil and Gas Company v. Window Rock District Court*, No. SC-CV-25-14 (Nav. Sup. Ct. June 20, 2014) (holding that certain members of the Board of Directors were not validly removed or suspended by certain Navajo Nation Council delegates);

- *Navajo Health Foundation-Sage Memorial Hospital, Inc. v. Burwell, et al.*, 2015 WL 711072 (D.N.M. Feb. 5, 2015) (in a case of first impression, ruling that the Sage Hospital properly brought suit against several Indian Health Service officials in New Mexico based on the domicile of one of those officials);

- *Navajo Health Foundation-Sage Memorial Hospital, Inc. v. Burwell, et al.*, 2015 WL 1906107 (D.N.M. April 9, 2015) (granting the Sage Hospital preliminary injunctive relief, requiring the Indian Health Service ("IHS") to fund Sage at pre-dispute levels pending the conclusion of the litigation, and agreeing with Sage that the IHS violated its regulations in refusing to renew Sage's Self-Determination Act contract, that Sage would suffer irreparable harm without the injunction, and Sage was not required to post a bond in connection with the injunction);

- *Navajo Health Foundation-Sage Memorial Hospital, Inc. v. Burwell, et al.*, 2015 WL 3862952 (D.N.M. June 17, 2015) (ruling on a matter of first impression, the District Court ruled that Sage Hospital is entitled to summary judgment on its claim that the Indian Health Service violated the Indian Self-Determination and Education Assistance Act and the federal Contract Disputes Act in failing to commit to decide Sage's five-year Contract Support Cost claim within a reasonable time); and

- *Navajo Health Foundation-Sage Memorial Hospital, Inc. v. Burwell, et al.*, 2015 WL _____ (D.N.M. August 31, 2015) (granting summary judgment to Sage Hospital and holding that IHS must award and fully fund Sage's contract proposals through September 30, 2017).

Significant Projects

- Mr. Frye led the Navajo Nation effort in fashioning a land exchange and consolidation effort among the Navajo Nation, the Bureau of Indian Affairs, and the Bureau of Land Management. The tri-party agreement resulted in advantageous land exchanges for the Navajo Nation and protection for individual Navajo citizens who live on public lands and protection of invaluable archaeological and wilderness areas.

- Mr. Frye was instrumental in forming the Navajo Nation Oil and Gas Company with the Navajo Nation Division of Economic Development as a federal corporation organized under section 17 of the Indian Reorganization Act, as amended. Mr. Frye has provided legal services and advice to NNOGC since its formation, and the net worth of NNOGC has risen from an initial investment of \$500,000 to over \$500 million.

- When NNOGC began to bring in tax-free fuel into the reservation pursuant to NNOGC's business and legal planning (and into another reservation in Arizona), the State of Arizona sought a tax-sharing agreement with the Navajo Nation. Mr. Frye was selected by the Navajo Nation Attorney General Herb Yazzie as the Navajo Nation's principal representative in those negotiations. The negotiations resulted in a tax-sharing agreement approved by the Intergovernmental Relations Committee of the Navajo Nation Council, under which the Navajo Nation receives 96.5% of the gasoline excise taxes that formerly were claimed by Arizona, approximately \$12 million per year into the Navajo Nation treasury.

- The most basic treaty-based rights of the Navajo Nation were attacked by the El Paso Natural Gas Company ("EPNG") in 2005. EPNG, joined by other companies doing business in Indian country, sought a ruling by the Department of the Interior and congressional legislation to allow pipeline companies and other utilities to obtain rights-of-way through the Navajo Reservation without the consent of the Nation. After the Minerals Department recommended outside counsel, Mr. Frye was selected to defend the Nation's inherent and treaty-based rights as sovereign and, after several hearings conducted by the Departments of Energy and Interior, submission of briefs and position papers to the Interior Solicitor, and collaboration with other tribal organizations, the Government determined that the rules and legislation sought by EPNG should not be enacted. See Paul E. Frye, *Section 1813 of the Energy Policy Act of 2005: Implications for Tribal Sovereignty and Self Sufficiency*, 42 U. Tulsa L. Rev. 75, 85-101 (2006). EPNG, which had initially offered the Nation a very small annual sum for renewal of its easements, is now paying over \$20 million per year to the Navajo for these easements.

Law Review Articles; Professional presentations

Mr. Frye is the author of the following articles:

- *Section 1813 of the Energy Policy Act of 2005: Implications for Tribal Sovereignty and*

Self-Sufficiency, 42 U. Tulsa L. Rev. 75 (2007);

- *Lender Recourse in Indian Country: A Navajo Case Study*, 21 N.M. L. Rev. 275 (1991);
- “Leases and Permits on Indian Lands,” *Natural Resources Development on Indian Lands*, Paper No. 2 (American Bar Ass’n 1990); and
- “Defining the Contours of the Sovereign Immunity of Indian Nations,” 1 Indian L. J. 17 (1988).
- “Developing Energy Projects on Federal Lands: Tribal Rights, Roles, Consultation, and Other Interests (A Tribal Perspective),” *Energy Development: Access, Siting, Permitting, and Delivery on Public Lands*, Paper No. 15B (Rocky Mt. Min. L. Fdn. 2009)

In addition, Mr. Frye has presented papers at conferences sponsored by the Navajo Nation Bar Association, by the State Bar of New Mexico in 1988 (“Diminishment Litigation and Aboriginal Occupancy Rights: Overlooked Sources of Indian Property Interests”), by the New Mexico Indian Bar Association in 1987 and 1989 (“Jurisdiction over ‘Indian country’” and “Eastern Navajo Land Litigation,” respectively), and, in 1989, by the New Mexico Office of Indian Affairs (“Tribal-State Relations: Strategies for the 1990s – Jurisdiction”).

He moderated in 1989 a panel presentation for the annual Indian Law Conference of the Federal Bar Association (“FBA”) on “Tribal Governments in the Business World,” moderated a panel for the FBA’s 1994 Indian Law Conference on “Taxation and Economic Development: Tribal Responses to *Cotton Petroleum*,” and participated as a speaker in two programs of the New Mexico State Bar in 1994 on jurisdiction in Indian country. He was a speaker on the panel on “Indian Country Defined” at the FBA’s 1998 Indian Law Conference, and moderated a program on choice of law principles at a 1998 program cosponsored by the University of New Mexico School of Law and the Indian Law Section of the New Mexico State Bar entitled “Jurisdictional Conflicts: A Focus on Domestic Relations Issues in Indian Country.” In 2013, Mr. Frye was a speaker on the panel discussing “The Shifting Vitality of Tribal Sovereign Immunity Under Rule 19” at the annual Indian Law Conference of the Federal Bar Association.

In 1999 Mr. Frye spoke at a joint program of the Rocky Mountain Mineral Law Foundation and the American Bar Association on mineral leasing issues in Indian country. In April 2000, he spoke at the 25th Annual Indian Law Conference of the FBA and presented a paper entitled *Indian Tribal Self-Determination and the Performance of Federal Trust Duties*. In 2002, Mr. Frye was a panelist on Native American Law at the Tenth Circuit Judicial Conference. *See Current Issues in Native American Law*, 51 U. Kan. L. Rev. 249 (2003). Mr. Frye was a speaker on the Federal Trust Responsibility at the Navajo Nation Bar Association Annual Convention in June 2003, and in 2006, he was a speaker at the FBA’s annual Indian Law Conference and presented a paper entitled “Checkerboards, Ribbons, or Consolidation? Section 1813 of the Energy Policy Act of 2005: Implications for Tribal Sovereignty, Territorial Management, and Economic Self-Sufficiency.” Mr. Frye was a panelist at a CLE in 2007 sponsored by the New Mexico Bar Association on “Natural Resources in Indian Country. In 2009, Mr. Frye was a speaker on tribal perspectives on project development on federal lands at the Rocky Mountain Mineral Law Foundation. Mr. Frye gave a

presentation at the 2012 New Mexico Tribal Infrastructure Conference regarding Public-Private Funding of Critical Infrastructure Projects and also was a moderator of a panel on Trial and Appellate Litigation: Perspectives from the Bench at the Navajo Nation Bar Annual Conference. In 2015, Mr. Frye presented *Tribal Employment Preferences and Job Creation in Indian Country* at a Law Seminars International Conference regarding Tribal Economic Development in the Southwest.

Mr. Frye has been selected annually by his peers as a “Southwest Super Lawyer” since 2007. The Frye Law Firm has been recognized by U.S. News and World Reports as one of the “Best Firms” in the United States for 2013-2015 and Mr. Frye as one of the “Best Lawyers” in the country since 2012. Mr. Frye has a “Preeminent AV” rating with Martindale Hubbell, recognizing the highest reputation for excellence in legal competence and ethics.

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Ramah Class Action
 Michael Gross Esq.

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 09/01/2015
 Account No: 2001-00M
 Statement No: 1

Draft Statement

*Payments received after 09/01/2015
 are not included on this statement.*

Fees

			Hours
10/29/2014	NJK	Research re intangible damages in contract claims	2.30
10/30/2014	NJK	Research re: class actions and decertification of class	0.80
10/31/2014	NJK	Review Brief and begin research re: citations needed	3.40
11/02/2014	PEF	read and edit draft mediation statement; emails M. Gross re same	0.80
11/03/2014	PEF	meet with M. Gross; conference calls with plaintiff counsel team and with statistician	2.20
	TEA	Attend meeting with Michael Gross and Paul Frye regarding strategy; teleconferences with other plaintiffs' class counsel regarding same, teleconference with defendants' counsel regarding settlement negotiations.	3 00
	NJK	Attend conference with M. Gross and T. Albright	1.30
11/04/2014	PEF	research class action, tolling, Indian canon in 638 cases, etc. for edits and inserts to draft mediation statement	5.30
11/05/2014	PEF	research and draft inserts for mediation statement; read earlier briefs on class certification provided by Dan M.; send proposed edits to Dan and M. Gross with email	3 80
	NJK	Research re: mediation brief	2.10
11/06/2014	PEF	emails Dan M. and M. Gross re intangible damages and other matters for mediation statement	0.30
11/07/2014	PEF	telecon and emails M. Gross and Dan M re changes to mediation statement, particularly emphasis to be placed on intangible damages	0.60

			Hours
11/12/2014	PEF	email M. Gross and Dan M. re revisions to draft mediation statement; read Dan's latest changes to same	0.30
11/13/2014	PEF	review latest edits (primarily removing references to "damages") and respond re same	0.20
11/14/2014	PEF	read portion of brief in Zuni case and class action ruling in same; participate in conference call with class counsel and statistician; skim draft 7 of mediation statement	1.30
11/17/2014	PEF	skim draft settlement agreement and provide comments to M. Gross and Dan M.	0.40
11/23/2014	PEF	read and edit draft mediation report	0.70
11/24/2014	PEF	draft insert for and finalize edits to mediation report re direct and indirect CSCs; emails team re same and strategy for approaching settlement conference	1.80
11/26/2014	PEF	various emails with plaintiff team re mediation and computational issues	0.40
11/29/2014	PEF	conference calls re Jorgensen study and approaches and research for mediation	1.70
12/01/2014	PEF	read census reports highlighted by NJK; email team re Navajo demographic shifts	0.70
12/04/2014	PEF	participate in conference calls with federal and class counsel and statisticians and with class counsel and experts	3.10
12/07/2014	PEF	telecons and emails M. Gross re settlement dynamics and related matters	1.40
12/14/2014	PEF	meet with class counsel and class representatives to prepare for settlement conference	5.00
12/15/2014	PEF	participate in mediation, resulting in settlement of main damages figure	10.40
12/20/2014	PEF	read draft motion for preliminary approval of settlement; email M. Gross re same	0.40
12/22/2014	PEF	read and comment on second draft of motion for preliminary approval of settlement; telecon and email M. Gross re same	0.30
12/26/2014	LME	provide comments on version 3 of motion for approval of FSA; telecon M. Gross (1.6 hours - 0.6 hours NO CHARGE = 1.0 hours)	1.00
12/30/2014	PEF	telecons M. Gross, Dan M. and B. Rogers; draft LIBOR-based interest provision for bank agreement, emails same with disclaimer; brief conversation with B. Rogers re permissible investments	2.70
12/31/2014	PEF	review and annotate L. Miller draft settlement documents	1.40

			Hours
01/05/2015	PEF	redline draft FSA and circulate it to team; telecons M. Gross, Dan M. and B. Rogers re method for estimating per-tribe damages	2.60
01/12/2015	PEF	read and comment on proposed edits to Motion to approve FSA	0.20
01/13/2015	PEF	review redline of FSA and provide comments to team	0.40
01/15/2015	PEF	conference call with attorney team re FSA and Motion; email M. Gross re one item of conversation	3.00
01/16/2015	PEF	read and annotate various draft settlement documents	1.60
01/17/2015	PEF	redline various draft settlement documents; email class counsel team re same	2.50
01/19/2015	PEF	read new redlines of FSA; email team re same; telecon and email to M. Gross re Mescal settlement and attorney fees	1.30
	PEF	conference call with Class counsel re settlement communications and documents; propose revisions to introductory paragraphs in fee letter to DOJ and fax same to M. Gross	3.40
01/20/2015	PEF	reviews and emails re request to DOJ for agreement on fee request	1.10
	PEF	telecon M. Gross re fee memo; emails to team re same	0.40
01/21/2015	PEF	review Mescal file; conference call with class counsel team re fee letter; emails re same	1.50
	PEF	review draft distribution notice and fee letter; emails re same	0.50
01/22/2015	PEF	telecon M. Gross re fee letter and upcoming meeting with DOJ	0.30
01/23/2015	PEF	read various emails re fee request	0.30
01/26/2015	PEF	emails J. Todd and Dan M. re phone attendance at tomorrow's meeting; email team re Alaska fix	0.20
01/30/2015	PEF	emails M> Gross and L. Miller re carve-out message	0.10
02/02/2015	PEF	read edits to FSA and provide comments to M. Gross	0.40
02/04/2015	PEF	read new draft FSA and comment on BIA vs PFSA references; telecon M. Gross re same; read revised version and comment to team re multiple definitions of BIA ISDA contract	1.00
02/05/2015	PEF	telecon M. Gross re recap of DC meetings; conference call with team and J. Todd re computation and other issues	0.60
02/11/2015	PEF	review and highlight tables for Navajo-related organizations, skim communications re REDW conflict issue	1.00

			Hours
02/26/2015	PEF	various emails re Alaska and Rancheria issues in settlement	0.30
	PEF	telecons L. Miller and M. Gross; conference call with plaintiff and federal teams	1.30
03/08/2015	PEF	email team re Alaska and California adjustments; telecon M. Gross re same	0.30
	PEF	conference call with legal team on Alaska and California adjustments	1.20
03/10/2015	PEF	telecon M. Gross; emails re Treasury issue on set-offs	1.20
03/11/2015	PEF	telecon and emails M. Gross and team re Treasury issue, skim decisions citing section 450j-1(f)	0.40
03/23/2015	PEF	telecon M. Gross re last conference call; emails J. Todd re communications; read emails concerning distribution	0.30
03/25/2015	PEF	email M. Gross; telecon M. Gross and Dan M. re distribution appendix; email proposed sentence for same	1.40
04/01/2015	PEF	conference call with team re offset issue and approach	1.20
04/03/2015	PEF	conference call with team on setoff issue	0.90
04/06/2015	PEF	conference call with team; telecons M. Gross and Dan M.	1.90
04/07/2015	PEF	telecon M. Gross and Dan M. re upcoming call with US and court; conference call with all counsel	1.50
	PEF	conference call with all counsel and Judge Molsen	0.60
04/08/2015	PEF	telecon team re distribution issues	0.50
04/17/2015	PEF	skim proposed changes in FSA by J. Todd	0.30
04/20/2015	PEF	internal conference call with class team; conference call with same and federal counsel on FSA issues	2.00
04/22/2015	PEF	internal and all hands telecons re FSA	1.30
04/28/2015	PEF	telecon Dan M. and M. Gross re ambiguities in FSA; participate in part of later conference call with rest of team	0.90
05/06/2015	PEF	telecon M. Gross and Dan M. re fee proposal; telecon with other class counsel re same	1.00
05/07/2015	PEF	conference call with Magistrate Judge and all counsel	0.40
05/15/2015	PEF	conference call with class team on status of settlement documents	0.90
05/18/2015	PEF	read and edit draft class notice and statement of duties of settlement administrator; emails M. Gross re timing of notices to class members	0.70

			Hours
05/19/2015	PEF	telecon M. Gross and Dan M. re forms of notice; read J. Todd redline of FSA	0.50
05/21/2015	PEF	conference calls with Dan M. and M. Gross, and with Sonosky team; emails team re scheduling of conference calls and nature of proposed edits to FSA	1.70
05/22/2015	PEF	telecon M. Gross and Dan M. re FSA edits and issues	0.50
06/01/2015	PEF	read various emails; respond to email re content of class notice; telecon M. Gross re Menominee case	1.00
06/02/2015	PEF	telecons M. Gross re joint motion for preliminary approval; conference call with legal team re same; read various drafts of same	0.50
06/03/2015	PEF	propose edits to joint motion by email to team	0.40
06/08/2015	PEF	review distribution appendix; research status of Ramah Chapter for bank purposes; conference call re appendix and status	1.50
06/11/2015	PEF	telecon with mediation judge; follow-up call with M. Gross and team	0.90
06/18/2015	PEF	read memo prepared by M. Gross re collateral issue; telecon Mike re same	0.40
06/23/2015	PEF	skim proposed edits to settlement documents and emails M. Gross re same; conference call on government's edits to settlement documents with class team	1.10
06/24/2015	PEF	conference call with all counsel; Rule 23 research; emails to team re same; send Mescal notice to M. Gross for comparison	2.60
07/02/2015	PEF	conference call with all counsel and follow-up call with class counsel re settlement issues and progress	1.40
07/06/2015	PEF	participate in conference call among plaintiffs' counsel re motion for preliminary approval of FSA	0.60
07/08/2015	PEF	participate in conference call re final edits to settlement documents	1.80
07/09/2015	PEF	telecons class counsel and with all counsel; follow up call with Bryant	1.00
07/14/2015	PEF	telecon M. Gross re settlement status	0.40
07/23/2015	PEF	read and comment on draft attorney fee motion	0.70
07/24/2015	PEF	telecon Dan M. re fee application	0.10
07/26/2015	PEF	propose edits to attorney fee memo and email Gross team re same	0.70
08/10/2015	PEF	telecon Dan M. and M. Gross	0.60
08/17/2015	PEF	telecon M. Gross re status and plans; redraft press release	1.00

		Hours
08/26/2015	PEF research self-determination history; modify declaration in support of FSA and fee application per M. Gross suggestion	1.20
	For Current Services Rendered	<u>122.60</u>
<u>Expenses</u>		
11/25/2014	Westlaw charges (October 2014)	107.59
12/30/2014	Westlaw charges (November 2014)	281.21
01/29/2015	Photocopy costs	84.00
01/29/2015	Westlaw charges (December 2014)	24.65
02/24/2015	Westlaw charges (January 2015)	8.49
02/24/2015	Photocopy charges	8.60
03/30/2015	Photocopy costs	8.80
03/30/2015	Westlaw charges (February 2015)	8.82
04/30/2015	Westlaw charges (March 2015)	5.88
06/29/2015	Photocopy charges	5.80
06/29/2015	Westlaw charges (May 2015)	0.96
07/31/2015	Westlaw charges (June 2015)	19.08
08/31/2015	Photocopy charges	3.40
	Total Expenses	<u>567.28</u>
	Sales Tax on Expenses	40.77
	Total Current Work	608.05
	Balance Due	<u>\$608.05</u>

A finance charge of 1% per month will be assessed on all accounts past due 30 days.