

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

**RAMAH NAVAJO CHAPTER,
OGLALA SIOUX TRIBE, and PUEBLO
OF ZUNI**, for themselves, and on behalf of
a Class of others similarly situated,

Plaintiffs

v.

SALLY JEWELL, Secretary of the
Interior, *et al.*,

Defendants.

No. 90-cv-957-JAP/KBM

**ORDER SUSTAINING IN PART AND OVERRULING IN PART
THE OBJECTION BY UNITED SOUTH AND EASTERN TRIBES, INC. AND
DIRECTING NOTICE TO BE SENT TO 26 NEWLY-IDENTIFIED CLASS MEMBERS**

On November 19, 2015 the United South and Eastern Tribes, Inc. (USET) filed its NOTICE OF INTENTION TO APPEAR AND OBJECT TO FINAL SETTLEMENT AGREEMENT (Doc. No. 1324) (USET's Objection). On December 11, 2015, counsel for the parties sent to the Court an email request for a telephone status conference as early as December 17, 2015 regarding USET's Objection. On December 16, 2015, the Plaintiffs and the Defendants filed JOINT MEMORANDUM IN RESPONSE TO OBJECTION BY UNITED SOUTH AND EASTERN TRIBES, INC. (Doc. No. 1328). The Court held a telephonic conference hearing on December 17, 2015 in which the participants were:

Michael P. Gross, C. Bryant Rogers, Dan MacMeekin, Lloyd B. Miller, Donald J. Simon, Lia Carpeneti, counsel for the Plaintiffs.

James D. Todd, Jr. and Ryan B. Parker, Jr., counsel for the Defendants.

Christopher Z. Cantrell, counsel for USET.

During the hearing, counsel for USET agreed that USET's distribution should be calculated based on BIA data that shows USET received payments for BIA ISDA contracts for ten years, instead of 13 years as claimed in USET's Objection.

IT IS ORDERED THAT:

1. USET's Objection is SUSTAINED IN PART and OVERRULED IN PART;
2. USET, along with 54 similarly-situated Tribes and tribal organizations, all of which are identified in Exhibit A to the parties' Joint Response, are Class Members;
3. The Parties' recalculated Distribution Percentage to each of the 699 Class Members, attached as Exhibit B to the Joint Response, is APPROVED;
4. USET's Distribution Percentage will be calculated based on BIA data that shows USET received payments for BIA ISDA contracts for ten years;
5. The newly-identified Class Members have been afforded sufficient opportunity to object to the proposed settlement; and
6. Class Counsel are DIRECTED to send to the 26 newly-identified Class Members that have not previously been afforded an opportunity to request exclusion, identified in Exhibit C to the Joint Response, the NOTICE OF FINAL SETTLEMENT, presented in draft form as Exhibit D to the parties' Response.



SENIOR UNITED STATES DISTRICT JUDGE