

EXHIBIT D  
TRANSCRIPT OF SEPT. 23, 2015, HEARING

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW MEXICO

3

4 RAMAH NAVAJO CHAPTER,  
5 OGLALA SIOUX TRIBE,  
6 PUEBLO OF ZUNI, for themselves  
and on behalf of others  
similarly situated,

7 Plaintiffs,

8 vs. 1:90-CV-957-JAP-KBM

9 SALLY JEWELL, Secretary  
10 Of the Interior, et al.,

11 Defendants.

12 Transcript of Motion Hearing before The Honorable James  
13 A. Parker, Senior United States District Judge, held in  
14 Albuquerque, Bernalillo County, New Mexico, commencing on  
Wednesday, September 23, 2015, at 11:00 a.m., and concluding at  
12:44 p.m.

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16 For the Plaintiffs: Michael P. Gross, Esq.  
C. Bryant Rogers, Esq.  
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[Mr. C. Bryant Rogers:]

1 filed their claim forms, we can get their money out to them  
2 within 30 days. They don't have to wait for anybody else. So  
3 that is a major event.

4 Secondly, there is not a fixed deadline for submitting  
5 the form. We only had 327 tribes participate in PSA 2 because  
6 a lot of people didn't get their forms in. Either they didn't  
7 have the data or they didn't put it in on time. We're not  
8 going to have that problem here. After a period of time -- and  
9 we'll be conferring with the government, and then reporting to  
10 the court. After a period of time, if there is material  
11 unclaimed funds, we'll come back to you to get guidance. We  
12 might do a supplemental notice, one last chance, or see. But  
13 nobody should be cut off because they were too late without  
14 getting many chances, and everybody that gets a form in can get  
15 paid quickly.

16 These percentages that published took into account the  
17 20 percent class rep bump that we've asked for. They took into  
18 account the \$8,000 minimum. And they took into account the  
19 size of the program that was being operated. When you factor  
20 that in, that was done on an annual basis to reflect who was  
21 operating programs which year, all of those factors were  
22 amalgamated to produce this 1 percent that's stated in the  
23 table.

24 I'll say just a brief thing about sampling. You know,  
25 how do we end up with 108 samples? We actually tried to get a