

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,

Plaintiff

v.

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

Defendants.

No. 90-cv-957-JAP/KBM

**ORDER GRANTING PLAINTIFF CLASS'S UNOPPOSED MOTION FOR
APPROVAL OF THE RESERVE ACCOUNT AMOUNT, THE HOLDBACK
AMOUNT, THE PAYMENT OF COSTS AND FEES TO CLASS COUNSEL, AND
THE FINAL CLAIM FORM AND PAYMENT AMOUNTS FOR CLASS
MEMBERS**

Before the Court is the Plaintiff Class's Unopposed Motion for Approval of the Reserve Account Amount; the Holdback Amount, the Payment of Costs and Fees to Class Counsel; and the Final Claim Form and Payment Amounts for Class Members ("the Motion"). Now that the Class has received the settlement funds, Class Counsel have applied to this Court for authorization to begin the next phase of the settlement process. This includes funding the Reserve Account, approving the Claim Form and payment amounts for each Class Member, authorizing Claim Forms to be sent to Class Members, and making initial payments for attorneys' fees and litigation costs.

Having reviewed the Motion and supporting exhibits and noting that it is unopposed, the Court finds and concludes that the Motion is well taken, is in conformity to the requirements of the FSA, and is hereby granted.

WHEREFORE, the Court orders as follows:

- a. The Court approves the establishment of the Reserve Account in the amount of \$3,999,645.64, the reduced Reserve Account amount after the TOP offsets.
- b. The Court approves immediate payment to Class Counsel for costs in the amount of \$1,126,483.07.
- c. Pursuant to section IX.D of the FSA, \$1,000,000 shall be reserved from Class Counsel's fee. These funds will be released to Class Counsel upon completion of their duties to the Class and application to this Court, as provided by the FSA. FSA § IX.D.
- d. The Court approves immediate payment to Class Counsel of \$79,569,882.38.
- e. The final Claim Form amounts for each Class Member set forth in Exhibit B to the Motion are approved.
- f. As provided in Section VIII.D.4 of the FSA, the Settlement Administrator shall send individualized Claim Forms to each Class Member in the amount set forth for that Class Member in Exhibit B to the Motion, subject to the provisions of Section II.A.1 and VIII.E of the FSA for any Class Member that is no longer in existence or that has a leadership dispute.
- g. The final payment amounts for each Class Member set forth in Exhibit C to the Motion are approved.

- h. The Court at this time will not set a deadline by which Class Members must return properly executed Claim Forms to the Settlement Administrator.
- i. The Court directs Class Counsel to report to the Court seventy days after the last Claim Form is issued on the Claim form return rate and on Class Counsel's recommendation as to what deadline should then be set for the return of Claim Forms.
- j. The Court authorizes the payment of the payment amounts to Class Members as set out in Exhibit C without further order of the Court once all preconditions for payment have been satisfied.
- k. Any methods, procedures, or other details set out in the Motion and its Exhibits not specifically approved in this Order are hereby approved.



SENIOR UNITED STATES DISTRICT JUDGE