

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAMAH NAVAJO CHAPTER, et al. v. DIRK KEMPTHORNE, et al.
No. CIV 90-0957 LH/KBM

Exhibit 7

**In Support of
PLAINTIFFS' MEMORANDUM IN SUPPORT OF THE PARTIES'
THIRD PARTIAL SETTLEMENT
AND
COUNSEL'S MEMORANDUM IN SUPPORT OF THEIR
APPLICATION FOR AWARD OF ATTORNEYS' FEES AND
COSTS**

**DECLARATION OF CO-CLASS COUNSEL DANIEL H.
MACMEEKIN IN SUPPORT OF PSA III AND MOTION
FOR ATTORNEYS FEES**

**IN THE 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 persons
Similarly situated,

Plaintiffs,

v.

DIRK A. KEMPTHORNE, Secretary
of the United States Department of
Interior, *et al.*,

Defendants.

No. CIV 90-0957
LH/KBM ACE

DECLARATION OF DANIEL H. MACMEEKIN

I, Daniel H. MacMeekin, do hereby declare:

1. I am an attorney at law with offices in Washington, D.C.
2. I have been engaged by Michael P. Gross, Class Counsel in this action, to assist him in this litigation and, particularly, in the preparation and negotiation of the Third Partial Settlement Agreement (PSA III) and its appendices. I have done the latter work from January 2007 to June 2008.
3. I maintained contemporaneous records of the time I spent working on these matters. The summaries attached to this declaration were prepared from those contemporaneous records. I have spent 186

hours and 14 minutes working on the preparation and negotiation of PSA III and its appendices.

4. I did not identify my time worked based on whether it was related to the "other-agencies-in-the-base" rate calculation problems or the problems with carry-forward calculations, but I estimate that approximately half of my time was spent on each set of problems. Based on that estimate, I spent 93 hours and 7 minutes on the carry-forward problems in connection with this litigation from January 2007 to June 2008

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

June 20, 2008
Date:



**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
January 1 - January 31, 2007**

Date	Start	End	Total	Attention to:
19-Jan-07	1:23	1:32	0:09	Equitable relief settlement negotiations
	3:56	4:11	0:15	Same; telephone, M Gross, re same
22-Jan-07	6:19	6:52	0:33	Kellogg materials
				Telephone, M Gross, re negotiations; message to CB
23-Jan-07	10:25	10:56	0:31	Rogers re same; e-mail to L Miller re same
	12:16	12:54	0:38	Kellogg materials, Arizona v Thompson
	1:10	2:59	1:49	Same; telephone, M Gross, re same
	3:14	4:44	1:30	OASC-10, ASMB C-5+10
				Meeting, M Gross, M Kerkmans, CB Rogers re
	5:00	7:45	2:45	negotiations
24-Jan-07	8:10	8:25	0:15	Preparation for negotiations
	8:50	12:45	3:55	Negotiations with US + caucuses with co-counsel
	12:45	9:15	8:30	Same
25-Jan-07	7:55	8:10	0:15	Preparation for negotiations
	9:00	1:15	4:15	Negotiations with US + caucuses with co-counsel
	1:30	6:15	4:45	Same

Total time: 30 hours and 5 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
February 1 - February 28, 2007**

Date	Start	End	Total	Attention to:
05-Feb-07	2:04	3:14	1:10	Settlement negotiations summary
06-Feb-07	11:32	11:41	0:09	Letter to K Richardson re double-dipping
07-Feb-07	4:40	5:18	0:38	Same
	5:32	6:10	0:38	Same
08-Feb-07	5:43	6:07	0:24	Same
09-Feb-07	11:32	12:10	0:38	M Gross e-mail to M Osborne re settlement negotiations

Total time: 3 hours and 37 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
May 1 - May 31, 2007**

Date	Start	End	Total	Attention to:
08-May-07	11:37	12:25	0:48	Attorney fees for equitable relief; telephone, M Gross, re same
	4:50	5:25	0:35	Settlement negotiations
09-May-07	4:59	5:25	0:26	OIG + NBC
11-May-07	12:00	3:07	3:07	PSA III
15-May-07	10:20	10:54	0:34	Same
18-May-07	11:00	11:09	0:09	Telephone, M Gross, re settlement negotiations
20-May-07	11:57	12:07	0:10	PSA III
28-May-07	10:25	11:05	0:40	PSA III attorney fee provisions
30-May-07	4:50	5:45	0:55	Substitution of parties
31-May-07	1:26	1:40	0:14	K Richardson edits to PSA III draft
	2:20	2:43	0:23	PSA III
	6:20	6:27	0:07	Telephone, M Gross, re EAJA

Total time: 8 hours and 08 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
June 1 - June 30, 2007**

Date	Start	End	Total	Attention to:
01-Jun-07	2:08	3:12	1:04	Motion to continue deadlines
	4:27	6:15	1:48	
02-Jun-07	4:02	4:34	0:32	Attorney fee provisions in PSA3; BIA DCSC policy
	12:54	2:09	1:15	
07-Jun-07	4:56	5:05	0:09	1999 DCA order
26-Jun-07	2:42	2:54	0:12	E-mail to L Miller + CB Rogers re NCAI letter

Total time: 5 hours and no minutes

Less non-PSA III time: 3 hours and 3 minutes

Adjusted time: 1 hour and 57 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
August 1 - August 31, 2007**

Date	Start	End	Total	Attention to:
03-Aug-07	3:58	4:09	0:11	PSA III
15-Aug-07	10:44	10:51	0:07	Same
	11:13	11:24	0:11	Same
	11:29	1:35	2:06	Same
	1:42	2:03	0:21	Same
	2:10	2:18	0:08	Same
	3:10	5:59	2:49	Same
16-Aug-07	10:45	3:40	4:25	
	3:37	3:46	0:09	Telephone, M Gross, re same
	4:50	5:00	0:10	E-mails to CB Rogers, L Miller re same
20-Aug-07	5:08	5:21	0:13	PSA III
	5:29	6:00	0:31	Same
21-Aug-07	10:45	10:57	0:12	Telephone, M Gross, re PSA III release + waiver provisions
	11:04	1:54	2:50	PSA III release + waiver provisions
	2:26	2:50	0:24	Same
22-Aug-07	11:10	12:00	0:50	Same
	12:12	1:07	0:55	Same
	1:24	1:56	0:32	Same
23-Aug-07	1:16	1:19	0:03	Telephone, M Gross, re PSA III
	5:12	5:27	0:15	Letter to NCAI; 2007 IHS shortfall report
27-Aug-07	3:04	3:30	0:38	
	4:25	4:40	0:15	
29-Aug-07	10:16	12:16	2:00	PSA III
	12:28	5:56	5:28	Same
30-Aug-07	10:34	1:38	3:04	Same
	2:33	2:50	0:17	Same
	3:01	6:26	3:25	Same
31-Aug-07	10:07	12:00	1:53	Same
	12:17	12:40	0:23	Same
	4:37	4:48	0:11	Same

Total time: 34 hours and 56 minutes
 Less non-PSA III time: 5 hours and 18 minutes
 Adjusted time: 29 hours and 38 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
September 1 - September 30, 2007**

Date	Start	End	Total	Attention to:
04-Sep-07	11:45	2:44	2:59	PSA 3
	3:00	3:10	0:10	Same--non-merger clause
	4:28	4:35	0:07	Same--non-merger clause
	4:58	5:03	0:05	Telephone, M Gross, re PSA 3
	5:32	6:23	0:51	PSA 3
05-Sep-07	10:20	10:34	0:14	Same
	10:39	1:04	2:25	Same
	1:10	1:25	0:15	Same
	3:02	3:48	0:46	Same; class action notice
	3:58	4:30	0:32	PSA 3
	4:44	5:00	0:16	Telephone, M Gross, re same
06-Sep-07	11:25	12:18	0:53	Class action notice
11-Sep-07	10:23	10:53	0:30	Same
	11:18	11:40	0:22	Telephone, M Gross, re reserved claims + release
	11:57	12:04	0:07	Exhaustion of remedies
	5:17	5:34	0:17	M Gross teleconference with K Richards, L Miller, CB Rogers
	6:24	6:33	0:09	Telephone, M Gross, re same
13-Sep-07	10:15	12:27	2:12	PSA 3
	3:57	4:55	0:58	Same
14-Sep-07	11:37	11:43	0:06	Telephone, M Gross, re same
16-Sep-07	11:52	12:29	0:37	PSA 3; definition of 'US'; released claims
	11:05	11:40	0:35	Telephone, M Gross, re reserved claims + release
17-Sep-07	12:37	12:56	0:19	Same
	10:18	11:46	1:28	PSA 3
19-Sep-07	1:11	2:13	1:02	Same
	2:01	2:44	0:43	Collateral estoppel
21-Sep-07	5:10	5:48	0:38	Telephone, M Gross + E Treisman, re K Richardson problems with PSA 3
	10:10	11:55	1:45	K Richardson problems with PSA 3
24-Sep-07	12:09	12:16	0:07	Telephone, M Gross, re same
	4:54	4:57	0:03	K Richardson problems with PSA 3
	5:15	5:20	0:05	Same
	10:53	10:57	0:04	Telephone, M Gross, re same
28-Sep-07	2:34	2:46	0:12	K Richardson problems with PSA 3

Total time: 21 hours and 52 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
October 1 - October 31, 2007**

Date	Start	End	Total	Attention to:
02-Oct-07	12:20	12:56	0:36	Telephone, M Gross, re PSA III, NBC + Tunica
	2:22	2:31	0:09	CDA-FWCF double-recovery; telephone, M
03-Oct-07				Gross, re same
	2:42	4:06	1:24	Review CB Rogers-M Kerkmans exchange re
				same
	4:27	4:38	0:11	Same
04-Oct-07	10:50	11:29	0:39	Telephone, M Gross + CB Rogers, re same
11-Oct-07	10:41	11:17	0:36	PSA III release of equitable claims
15-Oct-07	1:10	4:48	3:38	PSA III, NBC + Tunica
	6:40	7:05	0:25	Discuss CDA-FWCF double-recovery with M
16-Oct-07				Gross
17-Oct-07	11:20	12:15	0:55	CDA-FWCF double-recovery
	1:00	5:10	4:10	Same
18-Oct-07	9:51	10:13	0:22	Same
	10:25	3:20	4:55	Meetings, M Gross, E Treisman, CB Rogers, M
				Kerkmans, re same
26-Oct-07	11:28	12:08	0:40	Letter, M Gross to K Richardson re same
	12:15	12:25	0:10	Same

Total time: 18 hours and 50 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
November 1 - November 30, 2007**

Date	Start	End	Total	Attention to:
09-Nov-07	10:47	11:24	0:37	Telephone, M Gross + E Treisman, re PSA III release provision
	1:45	2:27	0:42	Same; PSA III release provision
	5:08	5:21	0:13	PSA III release porvision
13-Nov-07	5:10	5:21	0:11	Telephone, M Gross, re PSA III negotiations, US counterproposal
28-Nov-07	12:31	12:36	0:05	E-mail from M Gross to K Richardson re next draft, meeting
	4:10	4:19	0:09	Notes re PSA III
30-Nov-07	3:46	5:12	1:26	K Richardson PSA III draft #15
	12:15	12:25	0:10	Same

Total time: 3 hours and 23 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
December 1 - December 31, 2007**

Date	Start	End	Total	Attention to:
10-Dec-07	11:53	12:21	0:28	PSA 3 draft 15
11-Dec-07	3:16	3:22	0:06	Telephone, M Gross, re same
	3:25	5:48	2:23	PSA 3 draft 15
12-Dec-07	9:49	10:06	0:17	Same
	12:00	8:00	8:00	Negotiations w K Richardson, CB Rogers, M Gross, + caucuses re same
13-Dec-07	9:00	11:20	2:20	Same (w-o CB Rogers)
	2:11	2:25	0:14	PSA 3 draft 17
	2:32	3:18	0:46	Same
	3:30	4:38	1:08	Same
	4:50	5:32	0:42	Same
14-Dec-07	9:57	10:00	0:03	Same
	1:31	1:41	0:10	Same
	5:10	5:35	0:25	Same
17-Dec-07	10:51	12:35	1:44	Same
	1:20	2:50	1:30	Same
	4:10	4:51	0:41	Same
	5:00	6:22	1:22	Same
18-Dec-07	10:12	10:24	0:12	Same
	10:38	3:47	5:09	Same
	4:21	4:24	0:03	Same
20-Dec-07	10:38	10:44	0:06	Same
28-Dec-07	2:02	2:51	0:49	Same
	3:02	4:10	1:08	Same
	5:26	5:30	0:04	Telephone, M Gross, re same
	5:34	5:40	0:06	Same

Total time: 29 hours and 56 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
January 1 - January 31, 2008**

Date	Start	End	Total	Attention to:
02-Jan-08	1:20	1:55	0:35	L Miller comments on PSA 3
03-Jan-08	11:05	11:12	0:07	PSA 3 revisions
	11:26	11:41	0:15	Same
	11:58	2:45	2:47	Same
	2:59	3:20	0:21	Same
	3:29	3:33	0:04	Same
08-Jan-08	11:04	11:50	0:46	Same
11-Jan-08	4:17	4:24	0:07	Joint scheduling motion + order
15-Jan-08	10:28	11:55	1:27	
	2:22	6:06	3:44	
16-Jan-08	10:50	2:00	3:10	
17-Jan-08	11:35	11:46	0:11	
	1:24	1:55	0:34	
	2:08	2:18	0:10	
	2:38	3:03	0:25	
	3:18	4:55	1:37	
18-Jan-08	10:47	10:56	0:09	
	11:03	11:14	0:11	
	12:49	12:57	0:08	
	1:05	1:09	0:04	
	2:13	3:36	1:23	
	3:50	4:46	0:56	
21-Jan-08	11:21	11:26	0:05	
	11:26	1:35	2:09	
	2:33	4:22	1:49	
	6:02	6:06	0:04	
22-Jan-08	11:00	11:13	0:13	
25-Jan-08	4:39	5:24	0:45	
28-Jan-08	11:05	11:12	0:07	Telephone, M Gross, re PSA 3
	12:42	3:20	2:38	PSA 3 exhibits
	4:02	4:50	0:48	Same
29-Jan-08	11:15	11:25	0:10	Telephone, M Gross, re same
31-Jan-08	6:17	6:45	0:28	Discussion, M Gross, CB Rogers, re PSA 3 negotiations

Total time: 28 hours and 27 minutes

Less non-PSA III time: 19 hours and 14 minutes

Adjusted time: 9 hours and 13 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
February 1 - February 29, 2008**

Date	Start	End	Total	Attention to:
01-Feb-08	10:55	11:00	0:05	Telephone, M Gross, re PSA 3 appendices to K Richardson
	11:05	11:18	0:13	Same
	12:00	13:55	1:55	Meeting, M Gross + K Richardson, re PSA 3
06-Feb-08	4:09	4:20	0:11	Telephone, M Gross, re OMB circulars + APA
07-Feb-08	10:35	11:06	0:31	Telephone, M Gross + E Treisman, re OMB circulars + APA
	2:36	3:41	1:05	CB Rogers draft on OMB circulars
	3:58	4:21	0:23	PSA 3 Appx B
08-Feb-08	3:45	3:53	0:08	Telephone, M Gross, re same
11-Feb-08	10:25	10:31	0:06	PSA 3 Appxs A + B
	11:08	11:26	0:18	Same
13-Feb-08	12:00	12:05	0:05	BIA CSC policy
	12:10	13:40	1:30	Same; BIA tribal consultation policy
	2:30	3:35	1:05	OMB circulars + APA
25-Feb-08	10:38	10:42	0:04	Motion for extension
	10:58	11:02	0:04	Same

Total time: 7 hours and 43 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
March 1 - March 31, 2008**

Date	Start	End	Total	Attention to:
04-Mar-08	11:40	1:32	1:52	PSA 3 Appx A + B changes
	1:50	2:26	0:36	Same
	3:16	3:24	0:08	Same
	4:20	4:30	0:10	Telephone, M Gross, re PSA 3
05-Mar-08	10:50	10:57	0:07	Same
	12:05	3:14	3:09	PSA 3 #26
06-Mar-08	10:46	10:58	0:12	Same
	11:25	11:36	0:11	Same
11-Mar-08	11:12	12:50	1:38	PSA 3 #27
12-Mar-08	11:28	11:38	0:10	PSA 3 #28
	11:44	11:54	0:10	Same
	12:15	12:44	0:29	Telephone, M Gross, CB Rogers, re same
	1:48	1:55	0:07	Telephone, M Gross, re same
	3:30	4:27	0:57	PSA 3 #29; telephone, M Gross, E Treisman, re same
	4:32	5:35	1:03	PSA 3 #29
13-Mar-08	12:50	1:27	0:37	Same
14-Mar-08	10:40	10:44	0:04	Send BIA CSC policy to K Richardson
31-Mar-08	11:01	12:40	1:39	PSA 3 #30
	12:50	1:40	0:50	Same
	3:07	5:24	2:17	Same
	5:37	5:50	0:13	Same

Total time: 16 hours and 39 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
May 1 - May 31, 2008**

Date	Start	End	Total	Attention to:
15-May-08	12:43	2:46	2:03	Motion for preliminary approval of PSA III
	3:45	4:08	0:23	Same; telephone, CB Rogers, re same
	5:12	5:16	0:04	Telephone, CB Rogers, re same
16-May-08	10:46	10:51	0:05	Motion for preliminary approval of PSA III
	11:04	11:23	0:19	Same
21-May-08	10:42	11:59	1:17	Common benefit attorneys' fees; telephone, M Gross, re same
	12:30	12:51	0:21	Common benefit attorneys' fees
26-May-08	5:45	6:07	0:22	Brief for settlement approval + attorneys' fees

Total time: 4 hours and 54 minutes

**Ramah Navajo Chapter, Oglala Sioux Tribe and Pueblo of Zuni
v. Kempthorne
Time Record - Dan MacMeekin
June 1 – June 15, 2008**

Date	Start	End	Total	Attention to:
2-Jun-08	11:37	11:56	0:19	Brief for settlement approval + attorneys' fees

Total time: 0 hours and 19 minutes