

**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,

APPENDIX G

Plaintiffs,

vs.

No. CIV 90-0957 LH/WWD ACE

**DIRK KEMPTHORNE, Secretary of the
Interior, et al.,**

Defendants.

**ORDER APPROVING PARTIAL SETTLEMENT III
AND ENTERING RULE 54 FINAL JUDGMENT**

THIS MATTER comes before the Court on the Joint Motion for Preliminary and Final Approval of the Parties' Third Partial Settlement Agreement And For Order Authorizing Class Notice and the Application of Class Counsel for an award of Attorneys' Fees and Costs.

Having considered the relevant pleadings, the arguments of counsel, all filed objections, all other matters of record, and the applicable law, and after having conducted a fairness hearing upon notice to all Class Members on _____, the Court finds that the Third Partial Settlement Agreement is in the best interests of the Class and is hereby approved.

The Court further finds that the application of Class Counsel for an award of attorneys' fees and costs in the amount of \$_____ to be paid from the Reserve Account is well taken and justified. The Court therefore approves the application and

awards \$ _____ to Class Counsel as fees for achieving this settlement and awards \$ _____ in costs to them, each amount to be paid from the Reserve Account.

IT IS, THEREFORE, ORDERED that the Third Partial Settlement Agreement is approved and incorporated herein as the Judgment of the Court.

IT IS FURTHER ORDERED that Judgment Approving the Third Partial Settlement Agreement, under which the United States and the other Defendants agree to change some of their indirect cost rate-making practices, and pursuant to which the Parties have agreed that claims for equitable (declaratory and injunctive) relief are to be dismissed with prejudice, subject to the Court's inherent jurisdiction to enforce this settlement, is hereby **ENTERED**.

IT IS FURTHER ORDERED that the Clerk shall pay from the Reserve Account(s) Nos. _____ and _____, the amount of \$ _____ to Class Counsel as fees for obtaining this settlement and shall pay the further amount of \$ _____ to Class Counsel as costs.

IT IS FURTHER ORDERED that the Clerk shall retain control of the balance of the Reserve Account(s) subject to disposition by order of the Court to carry out the remaining undertakings of the Parties regarding training.

IT IS FURTHER ORDERED that the Clerk of the Court is authorized to continue charging and deducting a Registry Fee, not to exceed two and one-half percent (2-1/2%) of the total amount of all interest earned on the invested funds in the Reserve Account(s) contained in the Registry, pursuant to the policy of the Judicial Conference and the Administrative Office of the United States Courts. See ADMINISTRATIVE

OFFICE OF THE U.S. COURTS, THE GUIDE TO JUDICIARY POLICY AND PROCEDURES, vol. 1, chap. VII, pt. J(6)(A0, at 430-434 (1997).

IT IS FURTHER ORDERED that the “Settled Claims” as defined in the Third Partial Settlement Agreement are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the Third Partial Settlement Agreement constitutes a contract of the Parties for the benefit of Class Members which shall survive this litigation and be enforceable as such.

IT IS FURTHER ORDERED that by this Order the Court has disposed of all claims and defenses brought before the Court and therefore this Order shall be deemed and shall act as the **FINAL JUDGMENT** of the Court under Rule 54 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED THIS ____ DAY OF _____ 2008.

United States District Judge