

**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,

vs.

No. CIV 90-0957 **LH/KBM ACE**

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

Defendants.

**ORDER GRANTING PRELIMINARY APPROVAL OF
THIRD PARTIAL SETTLEMENT AGREEMENT
AND DIRECTING NOTICE TO THE CLASS**

THIS MATTER comes before the Court on the parties' joint motion for preliminary approval of the parties' Third Partial Settlement Agreement settling all claims for equitable relief, and for an order directing that notice be sent to the Class under FED.R.CIV.P. 23.

After reviewing the motion and attachments and being apprized in the premises, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The Joint Motion for Preliminary and Final Approval of Third Partial Settlement Agreement and for an Order that Notice be Sent to the Class (Docket No. 1138), dated May 19, 2008, is **granted**, to the extent that it grants preliminary approval only of the Third Partial Settlement Agreement ("PSA III").


2. The evidentiary hearing to consider final approval of the Third Partial Settlement Agreement will be conducted on Tuesday, August 26, 2008, at 10 o'clock a.m., in the Sixth Floor Courtroom at the United States Courthouse, 421 Gold Ave., S.W., Albuquerque, New Mexico,

before the Honorable C. LeRoy Hansen, Senior United States District Judge. Class members who wish to attend or appear at the hearing are advised to confirm the date, time and place of the hearing prior to this date by calling the Clerk of the Court.

3. Class Counsel are directed to send notice to the Class of this preliminary approval and the essential terms and conditions of the Third Partial Settlement Agreement substantially in the form attached to the Third Partial Settlement Agreement as Appendix F. The notice to the Class shall be published and sent to class members by the means and in the manner set forth in the Third Partial Settlement Agreement.

4. Class Counsel may file an application for fees and expenses for obtaining this settlement no later than the date on which notice is sent to the Class.

5. Following the hearing, the court will issue an Order either approving or declining to approve the Third Partial Settlement Agreement and will rule on Class Counsel's application for fees and expenses.



SENIOR UNITED STATES DISTRICT JUDGE