

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

SEP 3 0 2002

ROBERT M. MARCH, Clerk
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/WWD ACE

GALE NORTON, Secretary of the
Interior, in her official capacity,
UNITED STATES DEPARTMENT OF
INTERIOR, NEIL McCALEB, Assistant
Secretary of Interior for Indian Affairs,
in his official capacity, EARL DEVANEY,
Inspector General, in his official capacity,
and UNITED STATES OF AMERICA,

Defendants

**AFFIDAVIT OF STEVEN L. TUCKER
IN SUPPORT OF APPLICATION FOR
AWARD OF ATTORNEY'S FEES AND COSTS**

State of New Mexico)
County of Santa Fe) ss.

I, Steven L. Tucker, after being first duly sworn upon my oath, do depose and state as follows:

1. This affidavit supplements the affidavit I filed in connection with the First Partial Settlement Agreement in September of 1998
2. My curriculum vitae was attached to the affidavit I filed in connection with the First Partial Settlement Agreement in September of 1998, and is incorporated herein by reference.
3. My role in connection with that portion of this action which resulted in the proposed Second Partial Settlement Agreement as consisted mainly of:

- a. legal research and drafting on issues relating to the merits of Plaintiffs' claims and defenses;
- b. legal research and drafting on the position papers;
- c. consulting with co-counsel for Plaintiffs on matters pertaining to the handling of the litigation and the settlement negotiations;
- d. attending the mediation sessions and consulting with co-counsel regarding those sessions;
- e. legal research and drafting of the proposed Second Partial Settlement Agreement and documents associated with obtaining court approval of the same.

4. Exhibit A to this Affidavit is a record of some of the services I performed for the benefit of the class since my first Affidavit filed in September of 1998 by date, service performed, and amount of time spent, exclusive of time spent in connection with any fee application.

5. Exhibit B to this Affidavit is a record of some of the costs I incurred for the benefit of the class since my first Affidavit filed in September of 1998, exclusive of costs incurred in connection with any fee application.

6. Due to the extraordinary nature and size of this case and the time required of a relatively small number of attorney's representing the Plaintiff Class, this case has required me to commit myself to being available on short notice as important issues or projects arose from time to time. This, in turn, has precluded my from committing myself to other employment in the number of matters or types of matters I would have otherwise undertaken. The commitment requirement in this case has also forced me to curtail my appellate practice, and my reputation and visibility in that area of the practice has correspondingly suffered from my inability to maintain the volume level I would have otherwise been able to maintain in my field of specialty.

FURTHER AFFIANT SAYETH NAUGHT.

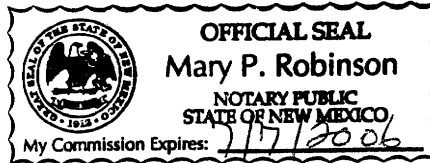
Steven L. Tucker

Steven L. Tucker

Subscribed and sworn to before me this 5th day of September, 2002, by
Steven L. Tucker.

Mary P. Robinson
NOTARY PUBLIC

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Ramah Navajo Chapter v. Norton, et al.
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 District of New Mexico
 No. CIV 90-0957 LH/WWD

Legal Services Rendered by
 Steven L. Tucker

Exhibit A to the Affidavit of
 Steven L. Tucker

DATE	SERVICES	HOURS
12/21/98	Conference, legal research and drafting on memorandum requested by the court	5.00
12/22/98	Conference, legal research and drafting on memorandum requested by the court	6.00
12/23/98	Conference and revising of memorandum requested by the court.	3.00
1/13/99	Conference and drafting re letter to counsel for Red Lake.	3.00
1/14/99	Revise letter to counsel for Red Lake.	1.00
1/19/99	Drafting on Response to Objectors' Objections to Plaintiff's Requested Findings of Fact and Conclusions of Law.	2.50
4/29/99	Conference and drafting re Stipulation as to Duties of Class Counsel	1.00
5/11/99	Status conference and meeting with co-counsel.	1.00
6/4/99	Attend meeting with Court Clerk regarding handling of judgment monies	3.50
6/8/99	Conference with Mr. Gross and others in preparation for oral argument of Oglala case	2.00
6/16/99	Conference with MPG and others re status and pending matters	2.00
7/14/99	Telephone conference with MPG re communications by defendants with class. Legal research on same.	3.00
8/13/99	Conference with MPG	0.50

DATE	SERVICES	HOURS
8/25/99	Conference with MPG and ET	0.80
8/27/99	Conference with MPG, CBR, and ET	1.00
9/2/99	Draft notice to the class.	2.30
9/9/99	Conference with MPG and ET re notice and bid procedure	2.00
9/12/99	Conference with MPG, CBR, and ET re notice, status conference and other matters.	2.00
10/25/99	Conference with MPG, CBR and ET re CPA bids and motion for summary judgment. Drafting request for production and request for admission.	1.00
10/25/99	Conference with MPG, CBR and ET re motion for summary judgment. Drafting request for production and request for admission	2.00
10/30/99	Review CPA bids	2.00
10/31/99	Conference with MPG, CBR and ET re CPA bids.	1.50
10/31/99	Conference re OST case	0.50
11/3/99	Conference with MPG re amended complaint, Tucker Act, transfer between courts and relation back	1.00
11/4/99	Legal research on amended complaint.	2.00
11/10/99	Interviews with CPA firms in Albuquerque.	5.50
11/13/99	Review CPA materials. Conference with MPG, CBR, and ET on CPA	4.00
1/19/00	Review draft of cert petition and make proposed revisions. Legal research and review file.	3.00
1/20/00	Review draft of cert petition and make proposed revisions. Legal research and review file.	5.00
2/10/00	Revise motion for summary judgment	2.00
2/14/00	Review and edit draft of memorandum in support of motion for summary judgment	6.00
3/21/00	Review and revise position paper on settlement conference.	1.00

DATE	SERVICES	HOURS
3/22/00	Conference with MPG, CBR, and ET re position on settlement conference.	3.50
3/24/00	Plan trip to Washington. Telephone conference with MPG. Review documents for conference.	2.50
3/26/00	Travel to Washington. Conference with MPG, LBM, and CBR	10.00
3/27/00	Confer with co-counsel. Attend settlement conference.	8.00
3/28/00	Return to Santa Fe from Washington.	8.00
4/6/00	Conference in Albuquerque with MPG, LBM, CBR and ET.	5.50
4/10/00	Review and revise draft of position paper.	1.00
4/30/00	Revise government's response to petition for cert., review file, legal research and make suggestions for reply	3.00
5/1/00	Revise reply	1.00
5/2/00	Revise reply	0.50
6/21/00	Travel to Washington for meeting with government counsel	8.00
6/22/00	Conference with government counsel. Return to Santa Fe.	11.00
7/6/00	Conference with MPG re notice and finalization of distribution list.	1.00
7/7/00	Work on notice, finalization of class distribution list. Meet with Mr. Zavitz in Albuquerque.	6.00
7/11/00	Work on class list.	0.75
7/12/00	Work on class list.	1.00
7/13/00	Legal research on CDA and fax to MPG in Washington	2.00
11/20/00	Travel to Washington for settlement conference	8.00
11/21/00	Conference with co-counsel. Attend mediation session.	8.00
11/22/00	Return to Santa Fe.	8.00
12/6/00	Travel to Washington for settlement conference	8.00
12/7/00	Attend mediation session.	8.00

DATE	SERVICES	HOURS
12/8/00	Return to Santa Fe	8.00
12/15/00	Teleconference with co-counsel. Work on DCS briefing paper.	1.00
1/16/01	Conference with CPA. Status conference.	4.00
1/25/01	Teleconference with co-counsel, government counsel and Sen. Mitchell	0.50
1/30/01	Travel to Washington for settlement conference	8.00
1/31/01	Attend mediation session.	8.00
2/1/01	Return to Santa Fe	8.00
4/16/01	Conference with MPG re pending matters	1.00
6/19/01	Conference with MPG, ET, and Dr. Fisher in preparation for settlement conference. Create spreadsheet documents to reflect principal and interest calculations.	4.50
6/20/01	Conference with Dr. Fisher re spreadsheet. Travel to Los Angeles for settlement conference. Conference with government counsel and Mr. Prothro. Conference with co-counsel to prepare for mediation session.	11.00
6/21/01	Attend mediation session and prepare for next session.	11.00
6/22/01	Prepare for and attend mediation session.	9.00
6/23/01	Return to Santa Fe.	5.00
7/9/01	Drafting on Second Partial Settlement Agreement ("2PSA")	7.00
7/10/01	Drafting on 2PSA	8.00
7/11/01	Complete first draft of 2PSA and fax to co-counsel for review	6.00
8/16/01	Review comments from co-counsel on draft. Conference with MPG re draft. Redraft 2PSA	6.00
8/17/01	Redrafting on 2PSA and fax to co-counsel.	4.00
8/24/01	Conference with MPG and LBM re settlement agreement. Revise 2PSA	7.00
8/29/01	Redrafting settlement agreement	3.00
8/30/01	Redraft 2PSA. Legal research on interest issue	7.00

DATE	SERVICES	HOURS
9/1/01	Redraft 2PSA	2.00
9/7/01	Redraft 2PSA	4.00
9/19/01	Conference with MPG. Legal research	2.00
10/3/01	Search files for documents and notes for amicus brief. Fax to Mr. Gross.	1.00
11/8/01	Review drafts of 2PSA. Conference with co-counsel. Legal research	6.50
11/9/01	Memo to co-counsel with legal research pertaining to 2PSA	1.50
12/15/01	Conference with MPG and teleconference with CBR and LBM in preparation for meeting in Washington	2.00
12/17/01	Travel to Washington for meeting.	9.00
12/18/01	Preparation for meeting and meeting with representatives from the Defendants. Revise draft of 2PSA.	17.00
12/19/01	Return to Santa Fe from Washington.	9.00
12/26/01	Meet with MPG, CPR, and ET to revise 2PSA, motion, orders, and other documents.	3.00
1/15/02	Status conference. Work on 2PSA and other documents.	2.50
1/16/02	Revise Final Judgment and 2PSA.	2.00
1/17/02	Revise 2PSA.	3.00
1/21/02	Revise Notice to Class. Meet with MPG and CBR re documents. Redraft Order and Final Judgment.	3.25
2/22/02	Review Notice to Class	0.75
7/17/02	Legal research on enforcement of settlement agreement	3.00
7/18/02	Legal research on enforcement of settlement agreement	4.00
8/29/02	Legal research on tolling of statute of limitations for opt-outs	2.00
	Total	393.35

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Costs Incurred by Steven L. Tucker

Exhibit B to the Affidavit of
 Steven L. Tucker

MILEAGE

12/17/98	\$35.40	
12/18/98	\$35.40	
6/4/99	\$35.40	
11/10/99	\$35.40	
3/26/00	\$35.40	
4/6/00	\$35.40	
6/22/00	\$35.40	
7/7/00	\$35.40	
11/22/00	\$35.40	
12/6/00	\$35.40	
1/16/01	\$35.40	
1/31/01	\$35.40	
6/20/01	\$35.40	
12/17/01	\$35.40	
SUBTOTAL	\$424.80	\$424.80

HOTEL/MEALS ON TRAVEL

3/26/00	\$200.00	
6/21/00	\$250.00	
11/22/00	\$344.00	

12/07/00	\$242.00	
1/30/01	\$410.00	
6/20/01	\$511.00	
12/17/01	\$242.14	
SUBTOTAL	\$2,199.14	\$2,199.14

AIRFARE

3/26/00	\$426.00	
6/22/00	\$426.00	
11/22/00	\$569.00	
12/07/00	\$462.00	
1/31/01	\$426.00	
6/20/01	\$139.00	
12/17/01	\$569.00	
SUBTOTAL	\$3,017.00	\$3,017.00

COMPUTERIZED LEGAL RESEARCH

5/1/99	\$7.00	
7/1/99	\$80.00	
8/1/99	\$120.00	
11/1/99	\$390.00	
2/1/00	\$100.00	
4/1/00	\$24.00	
8/1/00	\$12.00	
11/1/00	\$136.00	
5/4/01	\$36.00	
8/6/01	\$20.00	

7/17/02	\$80.00	
7/18/02	\$50.00	
8/29/02	\$120.00	
SUBTOTAL	\$1,175.00	\$1,175.00

TOTAL
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\$6,815.94