

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

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

RAMAH NAVAJO CHAPTER,
and OGLALA SIOUX TRIBE, for
themselves and on behalf of a
Class of persons similarly situated,

Plaintiffs,

vs.

GALE NORTON, Secretary of the
Interior, et al.,

Defendants.

DEC - 6 2002

Robert M. ...
CLERK

No. CIV 90-0957 LH/WWD ACE

**UNOPPOSED ORDER APPROVING PAYMENT TO CLASS COUNSEL AND CO-
CLASS COUNSEL FOR REIMBURSEMENT OF COSTS INCURRED
TO IMPLEMENT THE FIRST PARTIAL SETTLEMENT AGREEMENT**

CAME ON before the Court the unopposed applications of Class Counsel and Co-Class Counsel that the Court approve payment in the amount of \$10,839.30 for the period of July 1, 2000 - September 30, 2002 to said Counsel for out-of-pocket costs incurred in implementing the First Partial Settlement Agreement (hereinafter "First PSA"), which applications have been submitted pursuant to ¶ 10 a. of said First PSA (filed as Exhibit to Docket No. 195) approved by the Court in May 1999 (Docket Nos. 284 and 286), which ¶ 10 a. provides as follows:

Upon application and subject to approval of the Court, Class Counsel shall be awarded, allocated and paid from the Gross Common Fund their reasonable fees and expenses incurred in achieving this Partial Settlement and for services anticipated to be rendered through the distribution of the Net Common Fund hereunder. Allowable expenses include, but are not necessarily limited to filing fees, deposition costs, reasonable travel costs at government rates and per diem at government rates, long distance telephone expenses, facsimile costs, computerized legal research, expert witness fees, consultant fees, mediation expenses,

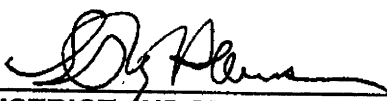
photocopying costs at ten cents per page, extraordinary clerical costs, paralegal expenses, and New Mexico gross receipts tax on fees, if applicable.

The said Counsel have previously been reimbursed for a portion of these costs as incurred through June 30, 2000 pursuant to this Court's Order of July 18, 2000 (Docket No. 453). The costs set forth in Exhibit 1 have not yet been reimbursed.

The said Counsel have documented said costs in their applications for reimbursements (Docket Nos. 717 & 718) and certified that those costs were reasonably and actually incurred to carry out said work by separate filing, and no objection to said reimbursement has been made by defendants' counsel herein.

Counsel have further indicated that they will reduce the amount of their cost bill submitted in connection with the Second Partial Settlement Agreement now pending before the Court to the extent of any duplication.

WHEREFORE, the Court finds and concludes that said costs were reasonably incurred by Class Counsel and Co-Class Counsel in implementing the First PSA and are eligible for reimbursement pursuant to ¶ 10 a. thereof, and the Court hereby approves the said applications for reimbursement and orders the Clerk of the Court to promptly draw down the sum of \$10,839.30 from the reserve account (Sub-account No. 1:90-CV-0957) within the Court Registry Investment System for this case, and forward the same to Class Counsel, Michael P. Gross, 460 St. Michael's Drive, #300, Santa Fe, New Mexico 87505-7602, for distribution pursuant to said applications.


DISTRICT JUDGE

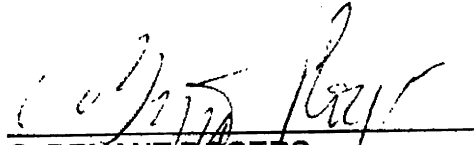
SUBMITTED:



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APPROVED AS TO FORM:



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