

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. Marshall*  
CLERK

No. CIV 90-0957 LH/WWD ACE

**UNOPPOSED ORDER APPROVING PAYMENT  
TO CLASS COUNSEL AND CO-CLASS COUNSEL FOR  
REIMBURSEMENT OF COSTS INCURRED FOR  
WORK ON EQUITABLE RELIEF**

**CAME ON** before the Court the unopposed applications of Class Counsel and Co-Class Counsel that the Court approve payment in the amount of \$49,074.95 for the period of December 1, 1999 - September 30, 2002 to said Counsel for out-of-pocket costs incurred in work on equitable relief in this action, which applications have been submitted pursuant to ¶ 9 of this Court's Order of June 1, 2001 (Docket No. 557), which approved the "benchmarking" adjustment to the A-87 indirect cost rate calculation methodology as equitable relief in this action. ¶ 9 of said Order provides as follows:

"Plaintiffs shall, through Class counsel, secure an independent consultant to study the benchmarking methodology approved by this Order to objectively determine whether the benchmarking approved by the Order reasonably reflects the cost of operating the Pub. L. 93-638 programs contracted with the BIA under ISDA. This analysis shall reasonably consider economies of scale and the extent of inelasticity of indirect cost pools in relation to BIA and other federal agency funds in the direct cost base. The Court hereby approves use of monies from the reserve account now held in CRIS sub-account NO. 1:90-CB0957-02 to pay Plaintiff's costs in obtaining this reform

and to pay for this study upon submission of a proposed contract for undertaking the study (including agreed protocols and specifications) reviewed by all parties, such costs to be specifically approved by further order of the Court upon application by Plaintiffs.

The said Counsel have documented said costs in their applications for reimbursement (Docket Nos. 719 and 720 ) and have certified that those costs were reasonably and actually incurred to carry out said work 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**, premises considered,

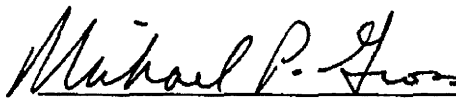
1. The Court finds and concludes that said costs were reasonably incurred by Class Counsel and Co-Class Counsel for work undertaken to secure equitable relief in this action and that said costs are eligible for reimbursement pursuant to ¶ 9 of this Court's June 1, 2001 Order, and the Court hereby approves the said applications for reimbursement and orders the Clerk of the Court to promptly draw down the sum of \$49,074.95 from the reserve account (Sub-account No. 1:90-CV-0957-02) within the Court Registry Investment System for this case, and forward same to Class Counsel, Michael P. Gross, 460 St. Michael's Drive, #300, Santa Fe, NM 87505-7602, for distribution pursuant to said application; and

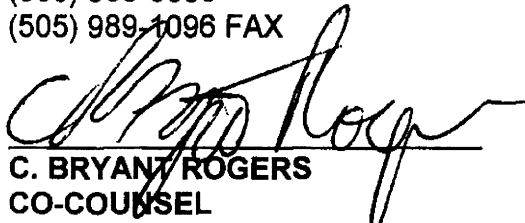
2. The Court further finds and concludes that in the future Class Counsel's request for reimbursement for work undertaken by their consultant, Marcel Kerkmans, in regard to equitable relief may be submitted to the Court in the form of a proposed

Agreed Order which has been reviewed and approved by Defendant's counsel in the same manner as these costs are now reimbursed for the Independent CPS and the Class Monitor under the First PSA.

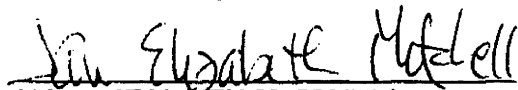
  
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DISTRICT JUDGE

SUBMITTED:

  
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**MICHAEL P. GROSS**  
**CLASS COUNSEL**  
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APPROVED AS TO FORM:

  
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