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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO SA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO 02 FEB 19 AM 10:12

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. )

*Robert M. ...*  
CLERK OF DISTRICT COURT

No. CIV 90-0957 LH/WWD

STIPULATED ORDER APPROVING DISTRIBUTION  
OF PORTION OF REMAINING RESERVE ACCOUNT FUNDS

The parties by and through their respective legal counsel, Michael P. Gross and C. Bryant Rogers for Plaintiffs and Karen K. Richardson and Jan Mitchell for Defendants, stipulate to entry of the following order under 17(a), 18 and 19 of Appendix D to the Partial Settlement Agreement ("PSA") approved by Order entered May 14, 1999 (Docket Nos. 284 and 286):

Class Counsel and the Independent CPA REDW LLC, have satisfactorily completed all phases of the distribution process under ¶¶ 1-16 of Appendix D to the Partial Settlement Agreement, except for disposition of one class member check as shown in Class Counsel's Monthly Status Report regarding funds in Wells Fargo Bank New Mexico (for the period ending 1/31/02) (Docket 611), and Class Counsel, together with the Independent CPA, have reported that (1)

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\$4,908,776.55 remains in the CRIS Reserve Account (Sub-Account 1:90-CV-0957-02) as shown in the Monthly Status Report regarding funds in CRIS accounts (for period ending 1/30/02) (Docket 610), (2) \$95,844.60 remains in the Wells Fargo account (of which \$46.45 consists of one outstanding check which has not cleared as of 1/30/02), leaving \$95,798.15 available for further distribution for a total reserve of \$5,004,574.70 before making provision for further costs of distribution and for the cost of the evaluation of the "benchmarking" system and carry forward issues as approved by the Court's Order on equitable relief of June 1, 2001 (Docket No. 557), and the Court being otherwise advised in the premises, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT

1. \$750,000.00 (plus any interest accruals on the balances in the CRIS account from and after 1/30/02) shall be retained in the CRIS Reserve Account (Sub Account 1:90-CV-0957-02) to cover further cost of distribution and to conduct the study of the "benchmarking" system, which "benchmarking" system was previously approved by the Court (Docket No. 557), including any cost for the Independent CPA and the Class Monitor and further out-of-pocket cost of Class Counsel in connection with completion of the said distribution and the said "benchmarking" study (including cost incurred for experts or in discovery regarding the carry forward issue noted in the Court's Order of June 1, 2001 (Docket No. 557)). This leaves \$4,254,574.70 to be distributed to and among the Class,

to and among the four (4) opt-out tribes, to and among the DCA tribes and to the Red Lake Band of Chippewa Indians, all in accordance with the prior orders of the Court, as shown by the Affidavit of Edward R. Street dated February 18, 2002, and the Exhibits attached thereto, which Affidavit and Exhibits are incorporated herein by reference. As shown by the Street Affidavit the distributions shall be in the following amounts:

\$ 4,099,271.14	-	to the Class
85,847.82	-	to the four opt-out tribes
52,091.79	-	to the DCA tribes
17,363.93	-	to the Red Lake Bank of Chippewa Indians
<u>                    </u>	-	.02 Rounding error
\$ 4,254,574.70		

2. The \$4,099,271.14 shall be distributed to the Class Members identified in the Court's Order of January 16, 2001 (Docket No. 505) using the same methodology as approved by the Court for the original distribution (allocating the \$4,099,271.14 among the five settlement years as follows: 15% to 1989, 17% to 1990, 19% to 1991, 23% to 1992, and 26% to 1993 per ¶¶ 1 and 18 of Appendix D to the PSA). To said sums for the years 1990 - 1993 shall be applied the same class member share percentages as approved by the Court's Order of January 12, 2001 (Docket No. 498), after an upward

adjustment of the individual share percentages previously used for the year 1989 to reflect the subsequent disclaimer for FY 1989 by the Shakopee Mdewakanton Sioux Community of their share of the net common fund allocated under the First Partial Settlement Agreement, as more fully shown on Exhibits to the Street Affidavit. Exhibits C1 - C5 show the detailed allocations to the Class separately for each of the five (5) original settlement years. Exhibit B shows the total amount to be distributed to each Class member for all five (5) years combined, both in descending order by amount (Exhibit B1) and in alphabetical order (Exhibit B2).

3. The \$85,847.82 shall be allocated among and paid to the four (4) original opt-out tribes in the amounts shown on Exhibits A1 and A2 to this Order, which amounts were calculated in accordance with the prior orders of the Court regarding the said four opt-out tribes (Docket Nos. 462, 467, 486 and 522 (for Navajo); Nos. 250, 292, 486 and 520 (for White Mountain); Nos. 198, 300, 468, 486, 487 and 519 (for Eastern Shoshone); and Nos. 247, 290, 466, 486 and 521 (for Siletz)).

4. The \$52,091.79 shall be allocated among and paid to the DCA tribes in the amounts shown on Exhibits A1, A2 and B1 to the Street Affidavit, which amounts were calculated in accordance with the prior orders of the Court regarding the said DCA tribes (Docket Nos. 346, 454, and 506).

5. The \$17,363.93 shall be allocated and paid to the Red Lake Band of Chippewa Indians, as shown on Exhibits A1, A2, and B1 to the Street Affidavit, which amount was calculated in accordance with the prior orders of the Court regarding said tribe (Docket Nos. 274 and 506).

6. Notwithstanding the foregoing, distribution of the Reserve Account amounts as shown on Exhibit A1 to the four opt-out tribes shall not be carried out until one of the following conditions shall have been satisfied:

- a. Legal counsel for that tribe has filed with the Clerk a Certificate of Approval unconditionally agreeing to this order and to the net payment amount for that tribe as shown on Exhibit A1; or
- b. The Court has entered a further order approving the above for a different payment amount for that tribe after further notice and hearing or by agreement of counsel of record for the parties and for that tribe.

In the event that the payment amount for any opt-out tribe finally determined per this order is greater than the amount shown for that tribe on Exhibit A1, the difference shall be withdrawn from any further interest earnings which may accrue in the Wells Fargo account or from the \$750,000.00 retained in the Reserve Account. In the event that the final payment amount for any opt-out tribe finally determined per this order is less than the amount

shown for that tribe on Exhibit A1, any excess shall be retained in the Wells Fargo account until further order of the Court.

7. The Clerk, Class Counsel, REDW LLC, the independent CPA, Kenton Keckler, P.C., CPA, the Class Monitor, and the Defendants shall be and hereby are authorized and directed to complete their respective obligations in the distribution process as called for under ¶¶ 17(a), 18 and 19 of Appendix D of the PSA in accordance with this Order and pursuant to the same banking arrangements with the Wells Fargo Bank as have been heretofore approved by the Court per Stipulated Orders of January 16, 2001 and February 8, 2001 (Docket Nos. 505 and 515).

8. The Clerk and Class Counsel are hereby authorized and directed to secure the deposit of all required collateral in the Federal Reserve Bank book entry sub-account as called for in said Stipulated Orders but in an amount sufficient to fully collateralize the sum of \$4,254,574.70 pursuant to said Orders and are to use their best efforts to ensure that this has been done on or before the close of business on March 15, 2002.

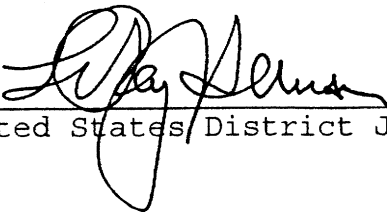
9. The Clerk and Class Counsel shall then promptly verify and then certify to the Court that the said collateral has been duly posted in the said book entry Federal Reserve Account, and once they are satisfied that this has been done, shall then apply for an Order of this Court, (1) authorizing and directing the Clerk of this Court to draw down the sum of \$4,158,776.55 from CRIS sub-

account No. 1:90-CV-0957-02, (2) directing the Clerk, Southern District of Texas to release that sum from said CRIS sub-account upon the request of the Clerk, District of New Mexico, and, (3) authorizing and directing the Office of the Clerk, District of New Mexico, to then prepare a Treasury check in the amount of \$4,158,776.55 made payable for deposit only to the Ramah Navajo Chapter Class Action Settlement Fund account No. 1352220320, and to cause the said check to be duly deposited into said Wells Fargo Bank account on the same day the said check has been duly issued.

10. Class Counsel and Defendants Counsel shall also cause the amounts distributed to the Class (plus to the four original opt-out tribes) per this Order and Exhibits A1, A2 and B1 hereto to be promptly published on the Class's Internet website and in the Federal Register, pursuant to ¶ 16(c) of the said Appendix D.

11. Once all the foregoing collateral arrangements are completed and the \$4,158,776.55 has been duly transferred to the Wells Fargo Bank, REDW LLC, and the Class Monitor are further authorized and directed to promptly prepare individual checks payable to each class member and the four opt-out tribes in the amounts shown on Exhibits A1 and B1 to the Street Affidavit and to mail each check to the individual class members and the four opt-out tribes by United States Mail, certified - return receipt requested, first class postage prepaid.

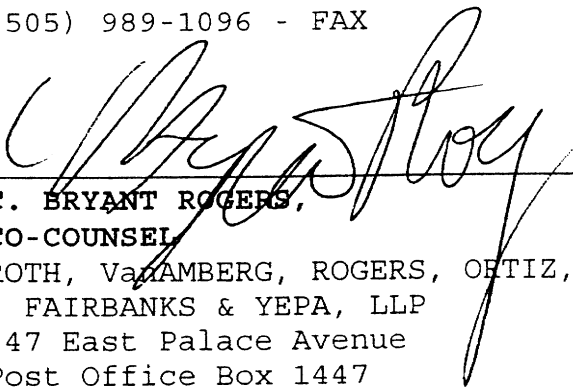
12. Class Counsel shall likewise continue filing the monthly reports to the Court regarding the status of the Wells Fargo account and the CRIS account as previously ordered.

  
United States District Judge

SUBMITTED:

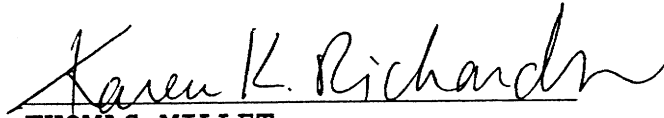


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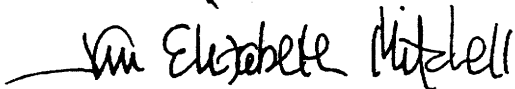
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