

## BEFORE THE INDIAN CLAIMS COMMISSION

THE OMAHA TRIBE OF NEBRASKA, AND AMOS LAMSON,	)	
CHARLES J. SPRINGER, JOHN F. TURNER AND	)	
HENRY F. FREEMONT, EX REL. OMAHA TRIBE OF	)	
NEBRASKA, OMAHA TRIBE AND NATION INCLUDING	)	
ALL GROUPS, BANDS AND MEMBERS OF SAID OMAHA	)	
TRIBE AND NATION,	)	
	)	
	)	Dockets No. 225-A,
	)	No. 225-B, No. 225-C
v.	)	No. 225-D, to be known
	)	as No. 225 Consolidated.
THE UNITED STATES OF AMERICA,	)	
	)	
	)	
Defendant.	)	

ORDER ALLOWING ATTORNEY FEES AND EXPENSES

Upon consideration of the petition for an allowance of attorneys fees, the defendant having had notice and not objecting thereto, and it appearing to the Commission that the attorneys who are petitioners herein, namely Jay H. Hoag and Clarence G. Lindquist, and David Cobb, I. S. Weissbrodt and Abe W. Weissbrodt, have a contract with the Omaha Tribe of Nebraska to represent it and prosecute its claims against the United States, which contract was duly approved by the Commissioner of Indian Affairs as required by law; and that said contract superseded an earlier contract between said Indian tribe and one James E. Curry which was approved by the Commissioner of Indian Affairs and held jointly by said James E. Curry and these petitioning attorneys, which contract further superseded a still earlier contract with said tribe in the name of James E. Curry and Felix J. Cohen; that pursuant to said contracts the attorneys prepared and filed claims against the United States which have been assigned this Commission's Docket numbers 225-A, 225-B, 225-C, and 225-D; that in final satisfaction and settlement of said four claims the final judgment of \$2,900,000 is this day entered of record and that under said contracts of employment the attorneys are entitled to fees for services rendered said Indian Tribe of 8 percent of said award, or \$232,000.00; and it further appearing to the Commission that there has heretofore been paid under the above contracts attorneys fees totaling \$14,099.75, the said attorneys are entitled to an award of \$217,900.25.

The application of said attorneys for an order allowing expenses incurred in connection with the prosecution of the claims of said Omaha Tribe of Nebraska having been also taken under advisement, and the Commission being now fully advised in the premises, finds the said contract of employment provides for reimbursement of all reasonable expenses incurred by said attorneys in the prosecution of said claims, including

the employment of expert, technical or stenographic assistance; that the attorneys Jay H. Hoag and Clarence G. Lindquist have incurred and paid reasonable expenses in the aggregate sum of \$1,379.03 for which they should be reimbursed; that the attorneys David Cobb, I. S. Weissbrodt and Abe W. Weissbrodt have incurred and paid reasonable expenses in the aggregate sum of \$6,201.34 for which they should be reimbursed; that said attorneys procured the services of one Dr. John L. Champe whose statement ~~in the~~ sum of \$2,000 for services rendered is reasonable and should be paid. That said attorneys procured the services of one W. D. Davis whose statement for services and expenses include an interest charge of \$1,926.05 upon fees earned and expenses accrued as of varying dates, which item the Commission deems unreasonable and improper; that the statement of the said W. D. Davis should be allowed and paid in the aggregate sum of \$17,313.96. That there is, therefore, a total expense of \$25,515.30 paid or incurred by said attorneys David Cobb, I. S. Weissbrodt and Abe W. Weissbrodt which should be allowed.

IT IS THEREFORE ORDERED AND ADJUDGED that the attorney petitioners Jay H. Hoag, and Clarence G. Lindquist and David Cobb, I. S. Weissbrodt and Abe W. Weissbrodt be and they are hereby allowed the sum of \$217,900.25 which shall be in full compensation for all services rendered by them or any other attorney or attorneys under the several contracts between The Omaha Tribe of Nebraska and said attorneys or between said tribe and James E. Curry or Felix J. Cohen.

IT IS FURTHER ORDERED AND ADJUDGED, pursuant to Section 15 or the Act of August 13, 1946, 10 Stat. 1049, and the approved contracts of employment between the Omaha Tribe of Nebraska and petitioner attorneys, and the findings of this Commission, that Jay H. Hoag and Clarence G. Lindquist are hereby allowed the sum of \$1,379.03 as reimbursable expense incurred in the prosecution of claims of said Omaha Tribe of Nebraska against the United States, and David Cobb, I. S. Weissbrodt and Abe W. Weissbrodt are allowed the sum of \$25,515.30 as reimbursable expense incurred by them in the prosecution of said claims.

IT IS FURTHER ORDERED AND ADJUDGED that said award of \$217,900.25 as attorneys fees and the awards of \$1,379.03 and \$25,515.30 should each be paid out of the final award to said Omaha Tribe of Nebraska as made by this Commission on this 11th day of February, 1960.

Dated at Washington D. C., this 11th day of February, 1960.

Edgar E. Witt  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

Arthur V. Watkins  
Associate Commissioner

BEFORE THE INDIAN CLAIMS COMMISSION

THE OMAHA TRIBE OF NEBRASKA, AND AMOS LAMSON,	)	
CHARLES J. SPRINGER, JOHN F. TURNER AND	)	
HENRY F. FREEMONT, EX REL. OMAHA TRIBE OF	)	
NEBRASKA, OMAHA TRIBE AND NATION INCLUDING	)	
ALL GROUPS, BANDS AND MEMBERS OF SAID OMAHA	)	
TRIBE AND NATION,	)	
	)	Dockets No. 225-A, No.
Plaintiffs,	)	225-B, No. 225-C, No.
	)	225-D, to be known as
V.	)	No. 225 Consolidated.
	)	
THE UNITED STATES OF AMERICA	)	
	)	
Defendant.	)	

FINAL JUDGMENT OR FINAL DETERMINATION

Upon the joint motion of the parties for entry of final determination or judgment in the above numbered dockets, pursuant to the stipulation of settlement filed herein on December 22, 1959, which stipulation is hereby incorporated by reference into and made a part of this judgment or final determination; and it appearing that appeal by the defendant from the final judgment or determination made in Docket No. 225-A by the Commission on May 6, 1959, having been dismissed by the United States Court of Claims, and the Commission having on the 13th day of January, 1960, held a hearing on said motion; and evidence both oral and written in support of said motion having been received and considered; and findings of fact and an opinion having been made and entered in said matter; and it further appearing that said settlement was held to be fair and just to the parties, and that judgment or final determination should be entered herein in accordance with said stipulation, and findings of fact and said opinion, now therefore;

IT IS ORDERED AND ADJUDGED, that the joint motion of the parties for judgment or final determination pursuant to their stipulation be allowed; that Docket Nos. 225-A, 225-B, 225-C and 225-D be and the same are hereby consolidated for all purposes under Docket No. 225 Consolidated; that the final judgment or final determination of the Commission entered in Docket No. 225-A on the 6th day of May, 1959, be set aside; and that final judgment be entered for the Omaha Tribe of Nebraska in the net amount of \$2,900,000.00 in Docket No. 225 (Consolidated, and that the Omaha Tribe of Nebraska do have and recover from the defendant the said sum of \$2,900,000.00.

Dated at Washington, D. C., this 11th day of February, 1960.

Edgar E. Witt  
Chief Commissioner

Arthur V. Watkins  
Associate Commissioner

Wm. M. Holt  
Associate Commissioner