

BEFORE THE INDIAN CLAIMS COMMISSION

ABSENTEE DELAWARE TRIBE OF OKLAHOMA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 337
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: March 14, 1968

ADDITIONAL FINDINGS OF FACT RE: ATTORNEY FEES

The Commission makes the following findings of fact which are in addition and supplemental to findings of fact 1 through 12 previously entered herein:

13. The petitioners, Ralph W. Disney, executor of the last will and testament of Wesley E. Disney, deceased, and Ida J. Rogers, executrix of the last will and testament of Charles B. Rogers, deceased, filed a petition entitled, "Petition For Release of Certain Attorneys' Fees," dated March 4, 1968, in which they asked the Commission to award them the sum of \$56,953.56, as attorney fees due them for the successful prosecution of the claims asserted in this docket.

14. Under its prior order of March 18, 1965, this Commission awarded \$162,724.46, which amount is the sum total of the attorneys' fees earned in this docket. Of this amount 65% or \$105,770.90 was allocated to the law firm of Pritzker, Pritzker & Clinton. At the same time, the Commission ordered that disposition of the remaining 35%

of the fee, to wit, the sum of \$56,953.56, should be held in abeyance pending further order of the Commission.

14. As set forth in the Commission's findings of fact previously entered herein, a dispute arose between the present petitioners and the law firm of Pritzker, Pritzker & Clinton concerning their respective rights under certain approved attorney contracts relative to the percentage apportionment of the present fees and those fees yet to be earned. Not having been able to resolve their differences in an amicable fashion, the petitioners, Disney and Rogers, instituted a declaratory judgment action in the United States District Court for the Northern District of Illinois, Eastern Division, in which they sought a judicial determination of their rights under the disputed attorney contracts to the 35% balance of the attorneys' fees earned herein. On March 21, 1966, the United States District Court entered a declaratory judgment and decree awarding to the petitioners, Disney and Rogers, the balance of the attorney fees. On October 12, 1967, the United States Court of Appeals, Seventh Circuit, affirmed the decree of the lower court (Pet. Ex. 3), and said decree is now final in all respects.

15. The controversy between the petitioners, Disney and Rogers, and the law firm of Pritzker, Pritzker & Clinton, having finally been judicially determined in petitioners' favor, and, there being no

objection by the defendant, United States, to the petitioners' fee demands, the Commission will enter an appropriate order awarding to these petitioners the sum of \$56,953.56, which is the balance of the attorneys' fees earned herein.

Wm. M. Holt  
Wm. M. Holt, Commissioner

T. Harold Scott  
T. Harold Scott, Commissioner

Jerome K. Kuykendall, Commissioner

John T. Vance  
John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner