

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION OR TRIBE OF INDIANS,))	
)	
Petitioner,))	
)	
v.))	Docket No. 173
)	
THE UNITED STATES OF AMERICA,))	
)	
Defendant.))	

ORDER ALLOWING ATTORNEYS' FEES

In compliance with the decision of the United States Court of Claims in the matter of The Cherokee Nation, and its Attorneys, Paul M. Niebell, Earl Boyd Pierce, George E. Norvell, and Dennis W. Bushyhead v. The United States, 174 Ct. Cl. 131, 355, F. 2d 945 (1966), and upon consideration of the motion for supplemental award of attorney fees filed herein on February 3, 1967, and no objections to the motion having been filed and after a hearing before the Commission held on March 18, 1968, and the Commission being fully advised in the premises finds:

1. That all matters concerning the attorneys' contracts and the services rendered in the prosecution of the subject claims are fully set forth in our Findings of Fact Nos. 1 through 48, entered herein on March 26, 1964, and, to the extent that said findings relate to those matters, they are now reaffirmed,
2. That Dennis W. Bushyhead died on March 10, 1966, and that letters of administration have been issued by the County Court of Rogers County, Oklahoma, appointing Christine Bushyhead, Administratrix of the Estate of Dennis W. Bushyhead, deceased, and
3. That the attorneys for petitioner have earned and are entitled to the full sum allowed by their contracts with petitioner, namely, ten percentum (10%) of \$14,364,476.15 or \$1,436,447.61,
4. That the said attorneys having been previously awarded fees in the total sum of \$1,000,000.00, there remains a balance of the attorneys' fee of \$436,447.61 which sum should now be allowed,
5. That a power of attorney has been executed by Earl Boyd Pierce, George E. Norvell, individually and as sole heir and distributee of the Estate of Woodson E. Norvell, deceased, and Christine Bushyhead, Administratrix of the Estate of Dennis W. Bushyhead, deceased, authorizing Paul M. Niebell to receive payment of any fees to be paid, the said Paul M. Niebell being responsible for distribution of the amounts due each of the said attorneys,

6. That by a settlement agreement approved by the County Court of Cherokee County, State of Oklahoma, payment has been made to John Teehee, Administrator of the Estate of Houston B. Teehee, deceased, in full, complete and final settlement of any and all claims and demands which may have accrued to the said Houston B. Teehee in his lifetime, or thereafter to his estate, to share in the attorneys' fee awarded herein.

IT IS THEREFORE ORDERED AND ADJUDGED that George E. Norvell; Earl Boyd Pierce; Paul M. Niebell; George E. Norvell, as the sole heir and distributee of the Estate of Woodson E. Norvell, deceased; John Teehee, as Administrator of the Estate of Houston B. Teehee, deceased; and Christine Bushyhead, Administratrix of the Estate of Dennis W. Bushyhead, deceased, are entitled to an attorneys' fee of \$1,436,447.61, which sum shall be in full compensation for services rendered the Cherokee Nation in the prosecution of its claim in Docket No. 173.

IT IS FURTHER ORDERED AND ADJUDGED that said attorneys having been previously awarded fees in the total sum of \$1,000,000.00, the sum of \$436,447.61 shall now be paid as the balance of the attorneys' fee due for services rendered in this case, said payment to be made to Paul M. Niebell, for distribution of the amounts due each of the participating attorneys.

Dated at Washington, D. C., this 27th day of March, 1968.

/s/ John T. Vance
John T. Vance, Chairman

/s/ T. Harold Scott
T. Harold Scott, Commissioner

/s/ Jerome K. Kuykendall
Jerome K. Kuykendall, Commissioner

/s/ Richard W. Yarborough
Richard W. Yarborough, Commissioner