

BEFORE THE INDIAN CLAIMS COMMISSION

THE QUECHAN TRIBE OF THE FORT)	
YUMA RESERVATION, CALIFORNIA,)	
)	
Petitioner,)	
)	
v.)	Docket No. 319
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' REIMBURSABLE EXPENSES

The Commission has before it two petitions by the attorneys for the Quechan Tribe of The Fort Yuma Reservation, California, for reimbursement of expenses incurred herein in the prosecution of the case of the said tribe. One petition was filed by Fulton W. Hoge on February 27, 1967 praying for reimbursement of expenses incurred by him or his predecessor law firms in the representation of the said tribe. The other petition was filed on March 2, 1967 by the law firm of McCarter and English, formerly known as McCarter, English & Studer.

By means of a letter to the Commission dated January 23, 1968, that was accepted as an amendment to his petition and entered herein on January 25, 1968, Mr. Hoge withdrew his request for reimbursement of certain expense amounts totaling \$41.43. After deducting the amounts so withdrawn, Mr. Hoge's petition is in the amount of \$7,184.69.

An amendatory supplement to the petition of McCarter and English dated January 24, 1968, that was filed herein on January 30, 1968, supplied additional information with respect to certain claimed expenses and withdrew their request for reimbursement of certain claimed amounts totaling \$8.37. After deducting the withdrawn amounts, the petition of McCarter and English is in the amount of \$1,535.24.

The Commissioner in the Bureau of Indian Affairs was informed, by a letter dated February 15, 1968, that the aforementioned amendments had, inter alia, the effect of eliminating from the original petitions all of the amounts of claimed expense regarded as not properly supported or as not proper charges against the tribe and that we intended to conclude the matter of the pending petitions by the entry of an order without a hearing if there were no objections to so proceeding. A similar letter having the same date was sent to the Department of Justice.

In a letter dated March 6, 1968, that was in reply to our letter of February 15, 1968, the Deputy Commissioner in the Bureau of Indian Affairs observed that attorney Hoge and the law firm of McCarter and English had eliminated from their original expense petitions the items which were in controversy and advised us that the Bureau had no objections to concluding

he matter of the pending expense petitions in Docket No. 319 by entry of an order without a hearing.

The Department of Justice, in a letter dated March 15, 1968, mentioned its receipt of copies of the above-described petitions, amendments, and letter of March 6 from the Commissioner of Indian Affairs, and indicated that although it took no position with respect to the allowance or disallowance of the attorneys' expenses claimed herein, it had been advised by the Office of the Solicitor, Department of the Interior, that the said department has no objection to the attorneys' petitions as amended.

Having considered the above-described petitions, their supporting papers, the above-mentioned amendments and correspondence, and the rest of the entire record herein, the Commission finds that:

1. A final judgment was entered herein on August 5, 1965 that awarded to the Quechan Tribe of the Fort Yuma Reservation, California, the sum of \$520,000.00 (15 Ind. Cl. Comm. 489, 515).
2. The approved contract under which Fulton W. Hoge and his predecessor firms, of which he is the successor in interest, and the firm of McCarter and English, formerly known as McCarter, English & Studer, served the said tribe provides for reimbursement from the proceeds of such judgment of reasonable expenses incurred herein in the prosecution of the claim of the tribe. The history of the said contract is briefly set out in our order of March 10, 1966 (16 Ind. Cl. Comm. 572), which allowed the petitioning attorneys their fees for services rendered herein.
3. The expenses claimed in the amended petitions of Fulton W. Hoge and McCarter and English are supported with proper evidence of payment and the amounts thereof are reasonable and properly reimbursable out of the award herein.

IT IS THEREFORE ORDERED AND ADJUDGED that out of the above-mentioned award of \$520,000.00 there shall be disbursed to Fulton W. Hoge of 4648 Melbourne Avenue, Los Angeles, California 90027, the sum of \$7,184.69

as payment in full of his claim for reimbursable expenses herein; and there shall be disbursed to McCarter & English of 550 Broad Street, Newark, New Jersey 07102, the sum of \$1,535.24 as payment in full of their claim for reimbursable expenses herein.

Dated at Washington, D. C., this 4th day of April, 1968.

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

/s/ Wm. M. Holt
Wm. M. Holt, Commissioner

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

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

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