

BEFORE THE INDIAN CLAIMS COMMISSION

THE CAYUGA NATION OF INDIANS, et al.,     )  
  )  
  Petitioners,     )  
  )  
  v.                     )  
  )  
  )  
THE UNITED STATES OF AMERICA,             )  
  )  
  Defendant.            )

Docket No. 343

ORDER GRANTING DEFENDANT'S "AMENDED  
(OR SUPPLEMENTAL) MOTION FOR PARTIAL SUMMARY JUDGMENT"


On April 30, 1963 the defendant filed a "Motion for Summary Judgment" directed at the three claims asserted in the petition herein. On January 18, 1968 the defendant filed an "Amended (Or Supplemental) Motion for Partial Summary Judgment" directed solely at the "First Claim" in the petition and requesting withdrawal of its original motion for summary judgment insofar as it applied to the "Second Claim" and the "Third Claim" in the petition. On July 18, 1968 the petitioners responded to defendant's "Amended (Or Supplemental) Motion for Partial Summary Judgment" in which they consented to defendant's request to withdraw its April 30, 1963 motion for summary judgment insofar as it applied to the "Second Claim" and the "Third Claim" in the petition, and consenting further to the granting of defendant's amended motion for partial summary judgment of January 18, 1968 with respect to the "First Claim" of the petition. On November 1, 1968 the defendant filed a further motion requesting the Commission to grant the aforesaid amended motion for partial summary judgment with respect to the "First Claim" in the petition.

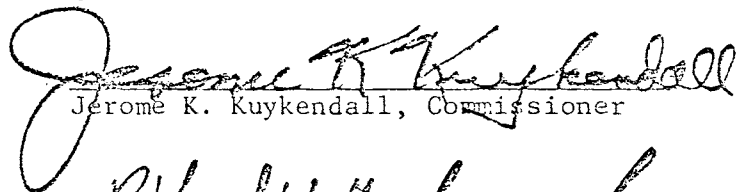
Now having carefully considered on the merits all matters raised in defendant's motions, and for the reasons stated in the opinion accompanying this order, which opinion is hereby made a part of the order,

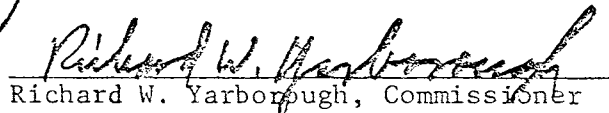
IT IS ORDERED that defendant's "Amended (Or Supplemental) Motion for Partial Summary Judgment" be, and the same is hereby, granted and the "First Claim" in the petition is dismissed.

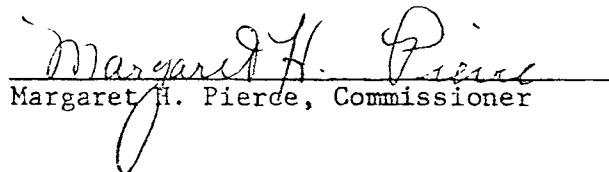
IT IS FURTHER ORDERED that the defendant's "Motion for Summary Judgment" is withdrawn insofar as it applies to the "Second Claim" and the "Third Claim" in the petition, and that, in view of the Commission's action taken this day as set forth in this order, defendant's further motion for an entry of an order is superfluous, and it is hereby dismissed.

Dated at Washington, D. C., this 14<sup>th</sup> day of November, 1968.

  
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John T. Vance, Chairman

  
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Jerome K. Kuykendall, Commissioner

  
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Richard W. Yarborough, Commissioner

  
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Margaret H. Pierce, Commissioner