

BEFORE THE INDIAN CLAIMS COMMISSION

THE YAVAPAI and the groups and	)	
bands thereof, ex rel.	)	
Calloway Bonnaha, Harry Jones,	)	
Fred Beauty and Warren Gazzam;	)	
	)	
THE YAVAPAI-APACHE INDIAN COMMUNITY,	)	
	)	
THE FORT McDOWELL MOHAVE-APACHE	)	
COMMUNITY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket Nos. 22-E and 22-F
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: March 13, 1969

ADDITIONAL FINDINGS OF FACT ON  
COMPROMISE SETTLEMENT IN DOCKET NOS. 22-E AND 22-F

Introductory Statement

The plaintiffs presented claims to the Commission in Docket No. 22-E (land) and Docket No. 22-F (accounting and trespass).

In Docket No. 22-E, the Commission entered its findings of fact and an interlocutory order on March 3, 1965 (15 Ind. Cl. Comm. 68) holding that the defendant had extinguished the Yavapai tribal title to a described tract of land in west central Arizona without payment of compensation, and directing that the case proceed to the determination of the acreage of the described tract and the value of the tract on May 1, 1873. On March 24, 1965 the Commission entered an order amending its finding of fact relating to the description of the award area (Id., 193). Docket No. 22-F has not moved

forward to trial or any decision on the merits. On January 8, 1969, the Commission held a hearing on a proposed compromise settlement of Docket Nos. 22-E and 22-F.

The Commission makes the following findings of fact, which findings are applicable to Docket Nos. 22-E and 22-F, and which findings are supplemental to Commission's findings 1 through 35 previously entered herein.

36. Negotiations for Settlement.

After the Commission's decision of March 1965, the parties proceeded to an investigation of the value of the described Yavapai tract which the Bureau of Land Management had estimated by planimetry to contain 9,238,600 acres. Thereafter the attorneys for the parties entered into negotiations for a consolidated compromise settlement of the claims in Docket Nos. 22-E and 22-F. These negotiations culminated in a revised offer, dated July 18, 1968, made by counsel for plaintiffs to the defendant to settle the claims on the basis that final judgment be entered in Docket Nos. 22-E and 22-F in the net amount of \$5,100,000 and that said judgment would finally dispose of (1) all rights, claims and demands which the plaintiffs and all groups thereof have asserted or could have asserted against defendant with respect to the subject matter of these cases, and (2) all rights, claims, demands, payments on the claim, counterclaims or offsets which the defendant has asserted or could have asserted against plaintiffs and any group thereof under the provisions of Section 2 of the Indian Claims Commission Act for the period from May 1, 1873, to and including June 30, 1951.

This offer, as extended, was conditionally accepted on August 21, 1968, by Assistant Attorney General Clyde O. Martz, acting for the United States, subject to the following conditions:

1. That the proposed settlement be approved by the individual plaintiffs and by appropriate resolutions of the governing bodies of the Yavapai-Apache Indian Community and the Fort McDowell Mohave-Apache Community.
  2. That approval of the settlement, as well as the resolutions of the Tribes, be secured from the Secretary of the Interior, or his authorized representative.
37. Notice of Meetings of Yavapai Indians on Settlement.

On October 9, 1968, a notice was mailed calling two general meetings of the Yavapai Indians on the proposed settlement, the first meeting to be held at Clarkdale, Arizona, on October 19, 1968, and the second on October 20, 1968, north of Mesa, on the Fort McDowell Indian Reservation. It was determined by the tribal leaders to hold two general meetings of the tribal members at different locations and on different days in order to provide greater assurance that each tribal member would have an opportunity to attend and vote.

The notices were mailed to 583 persons at their last known addresses. These 583 persons comprised (1) all adult members of the three Yavapai tribal groups, namely, the Yavapai-Apache Indian Community, the Fort McDowell Mohave-Apache Community and the Yavapai-Prescott Community Association and (2) all other Yavapai Indians known to the tribal officials of the said three tribal groups and to the Bureau of Indian Affairs.

In addition, the following steps were taken to assure the attendance of as many tribal members as possible at one or another of the two meetings. The notice of the meeting was published in various newspapers of general circulation, including the Arizona Republic, the Prescott Evening Courier and the Verde Independent. Also copies of the notice of meeting along with a press statement were distributed to four television stations and eight radio stations in Arizona. Notices of the meetings were posted in post office stations, community buildings, and bulletins and other places in communities on or near the reservations.

38. The General Meetings at Clarkdale and Mesa, Arizona.

At the Presbyterian Church Armada at Clarkdale, Arizona, beginning at 10:00 a.m. on Saturday, October 19, 1968, a meeting of Yavapai Indians was held for the purpose of considering and voting on the proposed settlement in Docket Nos. 22-E and 22-F. The meeting was attended by approximately 300 tribal members, by claims attorneys Abe W. Weissbrodt and C. M. Wright, and by a representative of the Bureau of Indian Affairs.

A copy of a report made by the claims attorneys, explaining the background of the cases and the terms and merits of the proposed final settlement, was handed to each person in attendance as he arrived at the meeting. After opening remarks by Mr. Harrington Turner, Chairman of the Yavapai-Apache Indian Community, who presided at the meeting, Mr. Abe W. Weissbrodt read the report to the assembly. (Copies of the report were submitted to the

Commission and to the defendant on February 28, 1969). The tribal members were given the opportunity to discuss the proposed settlement among themselves and ask questions, all of which were answered. Interpreters in the Yavapai and Apache languages were used and remarks and statements were interpreted into the Yavapai and Apache languages. When it appeared that the tribal members understood the proposed settlement and the procedures for its acceptance and its consequences, a vote was taken. The tribal members voted to adopt a resolution approving the settlement by a vote of 219 in favor and 9 against. The Resolution read as follows:

RESOLUTION

BE IT RESOLVED that the members of the Yavapai-Apache Indian Community, and of the Fort McDowell Mohave-Apache Community, and of the Yavapai-Prescott Community, and other persons of Yavapai Indian descent, in meeting assembled at Clarkdale, Arizona, on the 19th day of October, 1968, hereby:

- (1) approve, accept and confirm the terms of the offer of a final settlement of the claims in Docket Nos. 22-E and 22-F, in the amount of \$5,100,000.00, as set forth in a letter dated July 18, 1968, with accompanying proposed Stipulation for Entry of Final Judgment, transmitted by Claims Attorney Abe W. Weissbrodt to Assistant Attorney General Clyde O. Martz, and as conditionally accepted by the letter of Assistant Attorney General Clyde O. Martz dated August 21, 1968; and
- (2) give approval and consent to a stipulation for entry of final judgment embodying the terms of said settlement; and
- (3) authorize and instruct Claims Attorneys I. S. Weissbrodt and/or Abe W. Weissbrodt to enter into and to sign, on behalf of the Yavapai and groups thereof, a Stipulation For Entry of Judgment embodying the terms of said settlement; and

- (4) request the Secretary of the Interior or his authorized representative and the Indian Claims Commission to approve said Stipulation For Entry of Final Judgment embodying the terms of said settlement.

The second general meeting of the Yavapai Indians to consider and vote on the proposed settlement was held in the Community building on the Fort McDowell Indian Reservation, north of Mesa, Arizona, beginning at 1:00 p.m. on Sunday, October 20, 1968. The meeting was attended by approximately 170 tribal members. Vincent Smith, Chairman of the Fort McDowell Mohave-Apache Indian Community presided at this meeting. The procedures followed at this meeting were similar to those at the Clarkdale meeting, including the explanation of the proposed settlement, the answering of all questions asked by the tribal members, and the discussion of the terms of the proposed settlement among the tribal members themselves. The vote at this meeting was 140 in favor and 5 against the proposed settlement, with the tribal members adopting a Resolution identical to that adopted at the Clarkdale meeting.

### 39. Approvals of Proposed Settlement by Tribal Governing Bodies.

Separate meetings were held by the governing bodies of three tribal organizations having Indians of Yavapai descent among their members, for the purpose of considering and acting on the proposed settlement. Two of these tribal organizations, namely, the Yavapai-Apache Indian Community and the Fort McDowell Mohave-Apache Community, are plaintiffs in Docket Nos. 22-E and 22-F. The third tribal organization is the Yavapai-Prescott Community Association.

The meeting of the Community Council of the Yavapai-Apache Indian Community was held at Clarkdale, Arizona, on October 19, 1968. The Community Council comprises eight members, all of whom attended the meeting. At this meeting the Resolution approving the settlement, which was unanimously adopted, provided that the governing body:

- (1) approves, accepts and confirms the terms of the offer of a final settlement of the claims in Docket Nos. 22-E and 22-F, in the amount of \$5,100,000.00, as set forth in a letter dated July 18, 1968, with accompanying proposed Stipulation For Entry of Final Judgment, transmitted by Claims Attorney Abe W. Weissbrodt to Assistant Attorney General Clyde O. Martz, and as conditionally accepted by the letter of Assistant Attorney General Clyde O. Martz dated August 21, 1968; and
- (2) gives its approval and consent to a stipulation for entry of final judgment embodying the terms of said settlement; and
- (3) authorizes and instructs Claims Attorneys I. S. Weissbrodt and/or Abe W. Weissbrodt to enter into and to sign, on behalf of the Tribe, a Stipulation For Entry of Judgment embodying the terms of said settlement; and
- (4) requests the Secretary of the Interior or his authorized representative and the Indian Claims Commission to approve said Stipulation For Entry of Final Judgment embodying the terms of said settlement.

The meeting of the governing body of the Yavapai-Prescott Community Association was also held on October 19, 1968, at Clarkdale, Arizona. This governing body comprises 5 members, known as the Board of Directors, four of whom were present at the meeting and one absent. At this meeting

a Resolution, identical in terms to the Resolution adopted by the governing body of the Yavapai-Apache Indian Community, was unanimously adopted.

The meeting of the governing body of the third tribal organization, the Fort McDowell Mohave-Apache Indian Community, was held on October 20, 1968, at the Fort McDowell Reservation. This governing body comprises five members, all of whom were present at the meeting. A resolution approving the settlement, identical in terms to the Resolutions approved by the other two tribal organizations, was unanimously adopted.

40. Approval by Individual Representative Plaintiffs.

Four individual representative plaintiffs, one of whom, Warren Gazzam, is deceased, were named in the petitions in Docket Nos. 22-E and 22-F. The three surviving individual representative plaintiffs, Calloway Bonnaha, Harry Jones and Fred Beauty, signed an approval of the proposed settlement.

41. Approval of Department of Interior.

Under date of October 25, 1968, counsel for the plaintiffs wrote to the Commissioner of Indian Affairs requesting approval of the compromise settlement, and transmitting all relevant documents pertaining to the negotiation of the settlement, as well as its presentation to the Yavapai Indians and their approval. After due consideration, the Department of the Interior, through Acting Commissioner of Indian Affairs T. W. Taylor, approved the compromise settlement by letter dated November 21, 1968, as follows:



"Weissbrodt and Weisbrodt  
1908 Que Street, N. W.  
Washington, D. C. 20009

Gentlemen:

You requested our approval of a proposed settlement of claims in Indian Claims Commission dockets numbered 22-E and 22-F (Consolidated) for a final net judgment of \$5,100,000.00 to the petitioners for and in behalf of the Yavapai or groups thereof.

Prosecution of the claims in the two dockets is governed by four contracts.

Contract, 14-20-0450 No. 5843, dated July 16, 1966, between the Yavapai-Apache Indian Community and Attorneys I. S. Weissbrodt, Abe W. Weissbrodt, Jay H. Hoag, Rodney J. Edwards, and C. M. Wright for prosecution of docket numbered 22-E was approved on August 8, 1966, for a period of eight years beginning June 25, 1966. Contract, 14-20-0450 No. 5838, dated July 16, 1966, between the same parties for prosecution of docket numbered 22-F, was approved on August 8, 1966, for a period of eight years beginning June 25, 1966.

Contract, 14-20-0450 No. 5837, dated June 25, 1966, between the Fort McDowell Mohave-Apache Community and the same attorneys for prosecution of docket numbered 22-E, was approved on August 8, 1966, for a period of eight years beginning June 25, 1966. Contract, 14-20-0450 No. 5838, dated June 25, 1966, between the same parties for prosecution of docket numbered 22-F, was approved on August 8, 1966, for a period of eight years beginning June 25, 1966.

Each contract provides that any compromise of the matters in controversy shall be subject to the approval of both the tribe and the Secretary of the Interior or his authorized representative.

Your offer addressed to the Assistant Attorney General on July 18, 1968, to settle the two dockets for a final net judgment in favor of the petitioners in the amount of \$5,100,000.00 was accepted by him on August 21, 1968, with the conditions that the proposed settlement be approved by the individual plaintiffs and by appropriate resolutions of the governing bodies of the Yavapai-Apache Indian Community and the Fort McDowell Mohave-Apache Community and also that the approval of the settlement,

as well as the resolution of the tribes, be secured from the Secretary of the Interior or his authorized representative.

Entry of final judgment will dispose of all rights, claims or demands which the plaintiffs and all groups thereof have asserted or could have asserted with respect to the subject matter of the claims in the two dockets and also will dispose of all rights, claims, or demands, payments on the claims, counterclaims, or offsets which the United States has asserted or could have asserted against the petitioners for the period from May 1, 1873, to and including June 30, 1951. All parties waive the right to appeal from or seek review of the final judgment.

You took the proposed settlement to the Indians. A notice was prepared stating that a general meeting of the Indians involved would be held at Clarksdale [sic], Arizona, on October 19, 1968, and another on the Fort McDowell Reservation at Mesa, Arizona, on October 20, 1968, for the purpose of accepting or rejecting the proposed settlement. All Yavapai Indians were urged to attend one of the meetings. Lists of adult Yavapais maintained by the Yavapai-Apache Indian Community of the Camp Verde Indian Reservation, the Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Indian Reservation, the Yavapai-Prescott Indian Community of the Yavapai Indian Reservation, the Truxton Canon Agency, and the Phoenix Area Office were used in mailing notices to 583 adult Yavapais at their last known addresses. A total of 26 of the notices mailed were returned as undeliverable. The Vice Chairman of the Yavapai-Apache Indian Community certified that the notices were mailed on October 9, 1968. During the two-week period preceeding the meetings, wide publicity of the two meetings was given by newspapers, radio, and television which serve the area in which most of the Yavapai live. Notices were also posted at all agencies in the Phoenix area. We are satisfied that the meetings were widely and timely noticed, and that the Yavapai Indians had an opportunity to attend.

A representative of this Bureau attended both meetings and reported on them. A report on the proposed settlement which gave a brief history of the claims, explained the terms of the proposed settlement, and set out its advantages and disadvantages were distributed to the Indians who attended the meetings.

Approximately 300 Indians attended the meeting held in the Presbyterian Church in Clarksdale [sic], Arizona, on October 19, 1968.

The Yavapais' claims attorney explained the proposed settlement in detail, answered all questions asked by the Indians, and gave the Yavapais the opportunity to discuss it among themselves. Interpreters were used. Remarks and statements were interpreted into the Apache language and into the Yavapai language. The Indians appeared to understand the terms of the proposed settlement before they were asked to vote by ballot to either accept it or reject it. The Indians then adopted a resolution accepting the proposed settlement by a vote of 219 for and 9 against.

Approximately 170 Indians attended the meeting held in the Community Building on the Fort McDowell Indian Reservation, Mesa, Arizona, on October 20, 1968. The claims attorney explained the proposed settlement, answered all questions asked by the Indians, and gave the Indians the opportunity to discuss it among themselves. The Indians appeared to understand the terms of the proposed settlement before they were asked to vote by ballot to either accept it or reject it. They adopted a resolution accepting the proposed settlement by a vote of 140 for and 5 against.

We are satisfied that the meetings were well attended, that the number of Indians present and voting were representative of the Yavapais, and that the resolutions adopted reasonably expressed the views of all of the Yavapai Indians. The resolutions adopted by the Yavapais at the general meetings held on October 19 and 20, 1968, are hereby approved.

In addition to the general meetings, the business councils of the three Indian communities also considered the proposed settlement and with quorums present, adopted resolutions accepting it. The Yavapai Board of Directors of the Yavapai-Prescott Community Association adopted its resolution on October 19, 1968, by a vote of 3 for and 0 against. The Community Council of the Yavapai-Apache Indian Community met the same day and adopted its resolution by a vote of 8 for and 0 against. On October 20, 1968, the Community Council of the Fort McDowell Mohave-Apache Community Council adopted its resolution by a vote of 4 and 0 against.

In light of the information which you have furnished to us, that submitted by our field office, and that obtained from other sources, the proposed settlement of dockets numbered 22-E and 22-F for a net final judgment of \$5,100,000.00 for the plaintiffs, for and in behalf of the Yavapai or groups thereof, as set out in the 'Stipulation for Entry of Final Judgment,' is hereby approved."

42. Stipulation.

Pursuant to authority granted by the Yavapai Indians in the resolutions adopted at the two general meetings and the resolutions adopted by the governing bodies of the three tribal organizations, and the approval signed by the three surviving individual representative plaintiffs, counsel for the plaintiffs executed the Stipulation for Entry of Final Judgment in Docket Nos. 22-E and 22-F. After approval of the proposed settlement by the duly authorized representative of the Secretary of the Interior, counsel for defendant, in compliance with its conditional acceptance of the terms of the compromise, also executed the Stipulation, which read as follows:

"It is hereby stipulated between the attorneys for the parties in the above-captioned dockets, as follows:

1. Docket Nos. 22-E and 22-F shall be consolidated for all purposes.
2. There shall be entered in the said consolidated cases, after all allowable deductions, credits and offsets, a net judgment for plaintiffs, for and in behalf of the Yavapai or groups thereof, in the amount of FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000.00).
3. Entry of final judgment in said amount shall finally dispose of all rights, claims or demands which the plaintiffs and all groups thereof have asserted or could have asserted with respect to the subject matter of these claims, and plaintiffs and the groups thereof shall be barred thereby from asserting any such rights, claims or demands against defendant in any other or future action.

4. Entry of final judgment in the aforesaid amount shall finally dispose of all rights, claims, demands, payments on the claim, counterclaims or offsets which the defendant has asserted or could have asserted against plaintiffs and any group thereof under the provisions of Section 2 of the Indian Claims Commission Act (c. 949, 60 Stat. 1049) for the period from May 1, 1873, to and including June 30, 1951, and defendant shall be barred thereby from asserting against plaintiffs and any groups thereof in any other or future action, any such rights, demands, payments on the claim, counterclaims or offsets attributable to such period. It is agreed that defendant shall not be barred by this stipulation or by entry of judgment pursuant thereto from claiming in any other or future action offsets accruing before May 1, 1873, or after June 30, 1951.

5. This stipulation shall not affect the right, if any, which the United States may have to collect from the proceeds of sales of timber, as authorized by statute, expenses of managing, protecting and selling timber.

6. The final judgment entered pursuant to this stipulation shall be by way of compromise and settlement and shall not be construed as an admission by either party, for the purposes of precedent or argument, in any other case.

7. The final judgment of the Indian Claims Commission pursuant to this stipulation shall constitute a final determination by the Commission of the above-captioned cases, and shall become final on the day it is entered, all parties hereby waiving any and all rights to appeal from or otherwise seek review of such final determination.

8. The parties agree to execute and file with the Commission a joint motion for entry of final judgment pursuant to this stipulation, submitting a proposed form of final order for the approval of the Commission.

9. Attached to this stipulation and incorporated herein by reference are (a) resolutions adopted by the governing bodies of the tribal plaintiffs and of the members of the Yavapai and the groups thereof, each approving the settlement on the basis of the terms set forth in this stipulation, and authorizing attorneys for plaintiffs to enter into and execute

the stipulation, namely, a resolution adopted by Community Council of the Yavapai-Apache Indian Community on October 19, 1968 (identified as Pl. Ex. S-1); a resolution adopted by the Yavapai Board of Directors of the Yavapai-Prescott Community Association on October 19, 1968 (identified as Pl. Ex. S-2); a resolution adopted by the Community Council of the Fort McDowell Mohave-Apache Community on October 20, 1968 (identified as Pl. Ex. S-3); a resolution adopted at a general meeting of the members of the Yavapai and the groups thereof, at Clarkdale, Arizona, held on October 19, 1968 (identified as Pl. Ex. S-4); a resolution adopted at a second general meeting of the members of the Yavapai and the groups thereof, held at the Fort McDowell Indian Reservation, Arizona, on October 20, 1968 (identified as Pl. Ex. S-5); (b) an approval of the settlement signed by the three surviving individual representative plaintiffs (identified as Pl. Ex. S-6); and (c) a letter dated November 21, 1968, of the Acting Commissioner of Indian Affairs, U. S. Department of the Interior, approving the settlement (identified as Pl. Ex. S-7).

For the Defendant:

/s/ Clyde O. Martz  
Clyde O. Martz  
Assistant Attorney General  
of the United States

/s/ Milton E. Bander  
Milton E. Bander  
Attorney for Defendant

For the Plaintiffs:  
WEISSBRODT & WEISSBRODT

By /s/ I. S. Weissbrodt  
I. S. Weissbrodt

/s/ Abe Weissbrodt  
Abe W. Weissbrodt  
Attorneys for Plaintiffs

A fully executed copy of the foregoing Stipulation for Entry of Final Judgment was filed with the Commission on December 23, 1968.

#### 43. Commission Hearing.

On January 8, 1968, the Commission held a consolidated hearing on the proposed settlement of the claims in Docket Nos. 22-E and 22-F. After a statement by counsel for plaintiffs setting forth the background

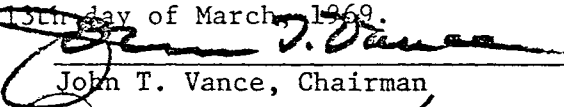
of the settlement and the identification of the exhibits pertinent thereto, Mr. Calvin Brice, Tribal Operations Officer, Phoenix Area Office, Bureau of Indian Affairs, took the stand. Mr. Brice testified, among other things, that he attended as an observer each of the two general meetings of the Yavapai Indians held on October 19 and 20, 1968, that a full and complete explanation was made of the terms of the proposed settlement, that in his opinion the Indians present at the meetings understood the settlement and that the settlement was approved by a vote of 373 in favor and 14 against. Mr. Brice also testified that he also attended the meetings of the governing bodies of the three present-day organized tribes of Yavapai Indians at which the proposed settlement was approved by unanimous votes.


#### 44. Conclusion.

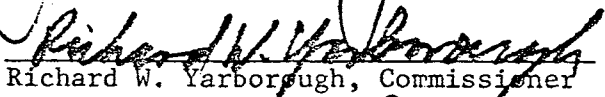
Based upon the entire record in these proceedings, including the prior findings and decision of the Commission in Docket No. 22-E, and the report by the claims attorneys explaining the proposed settlement to the Indians attending the general meetings of the Yavapai Indians; and the approval of the settlement by counsel for both parties, the Secretary of the Interior, and the Yavapai Indians by a vote at general meetings of the adult Yavapai and by resolution of the respective governing bodies of three present-day organized tribes of Yavapai Indians; the Commission finds that the proposed compromise settlement of all Yavapai claims asserted in Docket Nos. 22-E and 22-F is fair and just to the plaintiffs

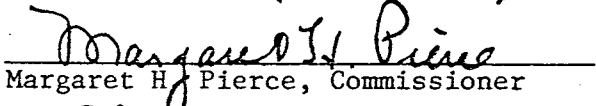
and to the United States: that it has been reasonably explained to the Yavapai Indians, and was understood and agreed to by them: and that approval of the settlement will eliminate the need for considerable additional litigation expenses as well as delay in payment of any final award.


Dated at Washington, D. C. this 15th day of March, 1969.

  
John T. Vance, Chairman

  
Jerome K. Kuykendall, Commissioner

  
Richard W. Yarbrough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Theodore R. McKeldin, Commissioner



BEFORE THE INDIAN CLAIMS COMMISSION

THE YAVAPAI and the groups and	)	
bands thereof, ex rel.	)	
Calloway Bonnaha, Harry Jones,	)	
Fred Beauty and Warren Gazzam;	)	
	)	
THE YAVAPAI-APACHE INDIAN COMMUNITY,	)	
	)	
THE FORT McDOWELL MOHAVE-APACHE	)	
COMMUNITY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket Nos. 22-E and 22-F
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

FINAL JUDGMENT

On December 23, 1968, the plaintiffs herein, and the defendant, filed a joint motion for consolidation of Docket Nos. 22-E and 22-F for all purposes, and for approval of a proposed compromise settlement of the claims of the plaintiffs on behalf of the Yavapai or groups thereof in the above entitled dockets based on a "Stipulation for Entry of Final Judgment" filed along with said motion.

The Commission having this day entered its additional findings of fact on the compromise settlement, which, together with its previous findings of fact, are hereby made a part of this order, concludes as a matter of law that the said proposed compromise settlement of the claims in the above dockets is both equitable and just to the plaintiffs and the defendant, and there is no reason to postpone further the entry of a final judgment in accordance with the terms of the aforesaid stipulation.

IT IS THEREFORE ORDERED that the "Stipulation for Entry of Final Judgment" entered into by the parties herein is hereby approved; the joint motion for consolidation of the above dockets for all purposes and for the entry of final judgment pursuant to said stipulation is hereby

