

BEFORE THE INDIAN CLAIMS COMMISSION

UPPER SKAGIT TRIBE OF INDIANS,)
)
 Plaintiff,)
)
 v.) Docket No. 92
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

ORDER ALLOWING ATTORNEYS' REIMBURSABLE EXPENSES

HAVING CONSIDERED the application for allowance of unreimbursed attorneys' expenses filed on September 15, 1969, for the law firm of Wilkinson, Cragun & Barker, attorneys for the above-named plaintiff, by Charles A. Hobbs, Esquire, a member of the firm and attorney of record herein for the said plaintiff; the defendant's response to the application filed on December 15, 1969; the documentation of the claimed expenses that accompanied the application and the additional documentation of the expenses submitted for examination on September 1, 1970; the contracts under which the attorneys prosecuted the claims of the said plaintiff, and the remainder of the record herein, the Commission finds as follows:

1. On September 23, 1968, in consonance with an approved settlement agreement between the parties, the Commission entered a final judgment herein in favor of the Upper Skagit Tribe of Indians in the amount of \$385,471.42 (19 Ind. Cl. Comm. 496). Funds to satisfy the judgment were appropriated by the Act of October 21, 1968 (82 Stat. 1190).
2. The application by the attorney of record requests reimbursement of expenses totaling \$2,672.64 out of the aforementioned appropriated funds.
3. The contracts under which the plaintiff was represented in this case are identified in our finding of fact 2 on attorneys' fees (20 Ind. Cl. Comm. 381, 382). Inter alia, they provide that the attorneys shall be reimbursed for necessary and usual expenses incurred by them. The latest of the two contracts involved--Contract No. 14-20-650-332, initially entered into on March 25, 1954--expressly provides that such expenses not reimbursed by the tribe shall be reimbursed from the amount of the judgment.
4. The defendant's response to the said application enclosed a copy of a letter from the Acting Associate Solicitor, Indian Affairs, Department of the Interior, and a copy of an accompanying memorandum, dated November 28, 1969, from the Acting Assistant Commissioner, Bureau of Indian Affairs, that reported on a general examination of the application. The said

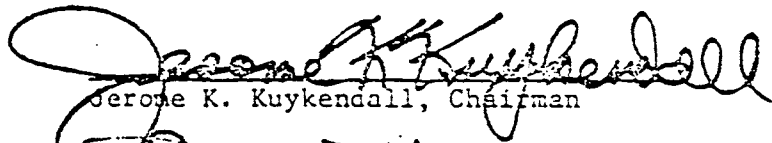
response observed that the letter and memorandum "indicate that the items claimed appear to be proper for reimbursement" and concluded by stating: "We have no objection to the reimbursement of the expenses referred to."

5. Notice of the filing of the said application was sent on May 6, 1970, to the Chairman of the Upper Skagit Tribe of Indians. No response to the notice has been received.

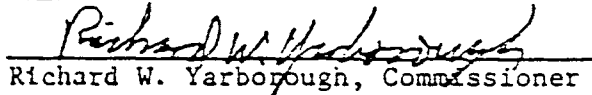
6. All of the expenses included in the said application are reasonable and properly reimbursable out of the funds appropriated to satisfy the aforementioned judgment.

IT IS THEREFORE ORDERED that out of the funds appropriated to satisfy the final judgment entered herein on September 23, 1968 (19 Ind. Cl. Comm. 496) there shall be disbursed to the law firm of Wilkinson, Cragun & Barker the sum of \$2,672.64 as payment in full for the unreimbursed expenses claimed herein for the said firm.

Dated at Washington, D. C., this 24 day of September 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner

Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner