

BEFORE THE INDIAN CLAIMS COMMISSION

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| ABSENTEE DELAWARE TRIBE OF OKLAHOMA, ET AL., |) | Docket No. 72 |
| |) | |
| and |) | |
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| THE DELAWARE TRIBE OF INDIANS, |) | Docket No. 298 |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

ORDER ALLOWING ATTORNEYS' REIMBURSABLE EXPENSES

HAVING CONSIDERED the application for allowance of reimbursable attorneys' expenses filed on April 20, 1970, for the law firm of Pritzker, Pritzker and Clinton by Louis L. Rochmes, Esquire, an associate of the said firm and the attorney of record herein for the above-named plaintiffs; the vouchers and other supporting papers that accompanied the application; the defendant's response to the application dated October 8, 1970; the contracts under which the attorneys served the said plaintiffs, and the remainder of the record herein, the Commission finds as follows:

1. On September 10, 1969, a final award was entered herein which provided "that the plaintiffs shall have and recover of and from the defendant as a final judgment the sum of \$9,168,171.13 plus an additional amount of damages measured by simple interest at the rate of 5% per annum on the principal sum of \$1,385,617.81 from August 31, 1969 to the date of payment of the principal sum" (21 Ind. Cl. Comm. 344, 369). Funds to satisfy the judgment were appropriated by the Act of December 26, 1969 (83 Stat. 447).
2. The said application by the attorney of record requests reimbursement out of the aforementioned appropriated funds of expenses incurred herein in the sum of \$7,591.80.
3. The contracts under which the attorneys represented the Delaware plaintiffs provide for reimbursement of all reasonable expenses incurred by the attorneys in the prosecution of the plaintiffs' claims. The said contracts are those described in our order of May 13, 1970, allowing the attorneys' fees (23 Ind. Cl. Comm. 135).

4. The defendant's response to the said application reads in part as follows:

"Enclosed herewith are copies of correspondence from the Department of the Interior and the Bureau of Indian Affairs concerning the said request [for allowance of reimbursable expenses] wherein it is stated that the expenses claimed appear to be reasonable and within the categories for which reimbursement is permissive under the terms of the attorneys' contracts, however, the account was not audited with reference to the amount of each item claimed.

"The Department of Justice takes no position in this matter."

5. Notices of the filing of the application for reimbursement of expenses were sent during August 1970 to the President of the Absentee Delaware Tribal Council and to the Chairman of the Delaware Tribal Business Committee. No response to either notice was received.

6. All of the items of expense claimed in the said application are reasonable and properly reimbursable out of the aforementioned award.

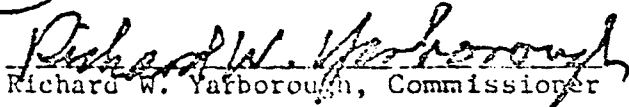
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on September 10, 1969, there shall be disbursed to the law firm of Pritzker, Pritzker and Clinton the sum of \$7,591.80 as payment in full of the said firm's claim for unreimbursed expenses incurred herein.

Dated at Washington, D. C., this 15th day of November 1970.


Jerome K. Kuykendall, Chairman



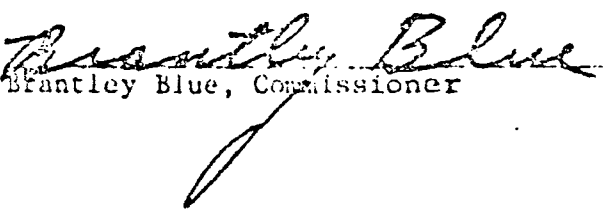
John T. Vance, Commissioner



Richard W. Yaborough, Commissioner



Margaret M. Pierce, Commissioner



Brantley Blue, Commissioner