

BEFORE THE INDIAN CLAIMS COMMISSION

| | | |
|-------------------------------|---|-----------------|
| BARON LONG, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | Docket No. 80-A |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

ORDER GRANTING PLAINTIFFS' MOTION TO REOPEN THE RECORD, AND FOR OTHER PURPOSES

UPON CONSIDERATION of the motion filed herein on August 31, 1970, by the plaintiffs, the La Jolla and Rincon Bands of Mission Indians; and of the responses thereto by the plaintiffs, the Pala and Pauma Bands of Mission Indians and by the defendant; and upon consideration of the supplemental memorandums in support of the motion, filed by the La Jolla and Rincon Bands on December 23, 1970, June 23 and 28, 1971, and July 20, 1972; and of the defendant's response thereto on August 23, 1972; and of the movants' sur-response of September 9, 1972; and for the reasons stated in the accompanying opinion, the motion is granted, and

IT IS ORDERED THAT:

1. Our order of September 29, 1969, postponing a decision on liability, is extended;
2. The record is reopened for the receipt of additional evidence on liability to be presented at a hearing before this Commission, in Washington, D. C., commencing at 10:00 A. M. on September 24, 1973; and
3. The parties may submit additional proposed findings of fact and brief within thirty days after the close of said hearings for submission of evidence.

Dated at Washington, D. C., this 13th day of June, 1973.

Jerome K. Kuykendall, Chairman

Margaret H. Pierce
Margaret H. Pierce, Commissioner

John T. Vance
John T. Vance, Commissioner

Brantley Blue
Brantley Blue, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

BEFORE THE INDIAN CLAIMS COMMISSION

| | | |
|-----------------------------------|---|----------------|
| THE IOWA TRIBE OF THE IOWA |) | |
| RESERVATION IN KANSAS AND |) | |
| NEBRASKA, et al., THE IOWA TRIBE |) | |
| OF THE IOWA RESERVATION IN |) | |
| OKLAHOMA, et al., THE SAC AND |) | |
| FOX TRIBE OF INDIANS OF OKLAHOMA, |) | |
| et al., THE SAC AND FOX TRIBE OF |) | |
| MISSOURI, et al., THE SAC AND |) | |
| FOX TRIBE OF THE MISSISSIPPI IN |) | |
| IOWA, et al., |) | |
| |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Docket No. 153 |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

ORDER ALLOWING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS
FOR THE IOWA TRIBE OF THE IOWA RESERVATION IN OKLAHOMA

Having considered the application for allowance of unreimbursed attorney expenses filed March 20, 1973, for the law firm of McCarter and English, attorneys for the Iowa Tribe of the Iowa Reservation in Oklahoma, one of the plaintiffs herein, by Nicholas C. English, Esquire, a partner in the firm; the documentation supporting the claimed expenses, including relevant documentation of shared expenses previously submitted with the expense applications of attorneys for other plaintiffs herein and the additional documentation supplied for examination by Louis L. Rochmes, Esquire, an associate of applicant; the defendant's response to the said application; the contracts under which the attorneys prosecuted this claim; and the record herein, the Commission finds as follows:

1. The Commission, on February 4, 1970, rendered a final judgment in this docket, awarding, inter alia, the sum of \$2,783,700 jointly to the Iowa Tribe of the Iowa Reservation in Oklahoma and the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, as successors in interest of the Iowa Tribe or Nation. 22 Ind. Cl. Comm. 385, 415. Congress appropriated funds to satisfy this award by act of July 6, 1970 (84 Stat. 376).

2. Applicant requests that we fix reimbursable expenses in the sum of \$27,451.98.

3. Notice of filing of the application was sent to all parties as required by our rules. An opposition, filed by the defendant on behalf of the Bureau of Indian Affairs on June 14, 1973, questioned certain expenses relating to storage charges the defendant contends are ordinary office expenses. No other opposition was filed.

4. The attorney's contract with the Iowa Tribe of the Iowa Reservation in Oklahoma is valid and provides for reimbursement of reasonable expenses incurred by the attorneys in the prosecution of the claim.

5. Expenses withdrawn from the application by applicant are as follows:

Schedule D - Storage charges \$87.52.

6. Expenses disallowed by the Commission are as follows:

| <u>Exhibit Reference Number</u> | <u>Total Claimed</u> | <u>Amount Disallowed</u> | <u>Reason</u> |
|---|--------------------------|------------------------------|---|
| A-14 | \$ 72.22 | \$36.11 | Duplicated in expense application in Docket 158, etc., entry D-17 |
| D-14 | 16.38 | .12-1/2 | Flight insurance insupportable as an Indian expense |
| X-107 | 20.72 | 1.82 | Unsupported by information supplied |
| | | .09 | Flight insurance insupportable as an Indian expense |
| X-133, X-143, X-192, and X-197 | 221.30 | .43 | Flight insurance insupportable as an Indian expense |
| | | <hr/> | |
| Total | | \$38.58 | |

7. After deducting withdrawn and disallowed expenses, the remaining expenses, qualifying under rule 34b, are hereby fixed at \$27,325.88.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final judgment entered herein on February 4, 1970, in favor of the Iowa Tribe plaintiffs, there shall be disbursed to applicant, McCarter and English, the sum of \$27,325.88 as payment in full of the said firm's claim for reimbursable expenses in this docket.

Dated at Washington, D. C., this 21st day of June 1973.

Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner