

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL. et al)
)
 Plaintiffs,) Civ. No. 96-1285 (TFH)
 vs.)
)
)
 KEN SALAZAR, Secretary of the Interior,)
 et al.)
)
 Defendants.)

Fairness Hearing Organization Order

Pending before the Court are the parties' recommendations for organization of the fairness hearing scheduled for June 20, 2011 (the "Fairness Hearing"). Dkt. Nos. 3773, 3775, 3776, 3777. After careful consideration of the parties' recommendations and the entire record of this case, the Court hereby **ORDERS** that the Fairness Hearing shall proceed according to the schedule that appears below.¹

¹ In accordance with their recommendations, the Native American Rights Fund and Mark Kester Brown will not participate in the Fairness Hearing unless the Court deems it necessary at the hearing.

I. Parties' Opening Statements (30 minutes)

Plaintiffs' counsel and Defendants' counsel, in that order, shall each have 15 minutes to make a brief opening statement in support of their Joint Motion for Final Approval of Settlement and Entry of Final Judgment.

II. Objectors' Statements (up to 10 minutes each)

In accordance with the Court's Order on Joint Motion for Preliminary Approval of Settlement Agreement dated December 21, 2010 (the "Preliminary Approval Order") [Dkt. No. 3667], class members² who filed proper and timely objections to the proposed settlement in this case shall each have up to 10 minutes to make a statement.

Only class members who provided timely notification that they intended to appear at the Fairness Hearing may make statements at the hearing. This includes certain members who issued proper and timely objections to the proposed settlement, or such class members' attorneys employed at their personal expense.³

Objectors shall confine their remarks to the substance of their objections, and are encouraged to minimize duplicative comments. Objectors who are members of the Historical Accounting Class but who are not members of, or who have opted out of, the Trust Administration Class shall confine their objections to issues concerning the Historical Accounting Class only.

² Class members are those individuals who are members of the Historical Accounting Class and/or the Trust Administration Class, as defined in the Class Action Settlement Agreement (Dec. 7, 2009).

³ This excludes, for example, organizations that are not class members (*e.g.*, the Quapaw Tribe of Oklahoma), and those who have asked to appear on certain class members' behalf without producing documentary evidence that they are authorized to make such an appearance (*e.g.* Gerald Legarde Warner and Cheryl Oxman).

Accordingly, the following class members will be able to issue statements at the Fairness Hearing, in the following order:

- Aldine Farrier
- Ben Carnes
- Carol Good Bear
- Darwin Good Bear
- Celestia Fast Horse Two Eagles
- Charles Colombe
- Darlene Pipeboy
- Dorothea Wilson
- Solomon Quinn
- Eddie Jacobs
- Alan H. Yamamoto, representing Feron J. Thunder Hawk, Laura Begay, and Louise Joe Marie Murphy
- Jason Nathanael Corwin
- Judith A. (Heart Warrior) Chosa
- Theodore Frank, representing Kimberly Craven
- Loren W. Zephier
- Margie J. Eder
- Mary Aurelia Johns
- Richard A. Monette⁴
- Verlita Sugar

⁴ On behalf of himself. Mr. Monette expressed his intent to appear on behalf of others, but Mr. Monette is neither admitted to practice law in this jurisdiction nor is he admitted as an attorney to this Court for this matter. It is therefore improper for Mr. Monette to appear as an attorney before the Court at this time. Further, the Court lacks documentary evidence showing that any class members have empowered him to speak on their behalf as a layperson.

III. Response to Objections (60 minutes)

Plaintiffs' counsel and Defendants' counsel, in that order, shall each have 30 minutes to respond to the proper and timely objections that have been raised regarding the proposed settlement.

IV. Closing Remarks (30 minutes)

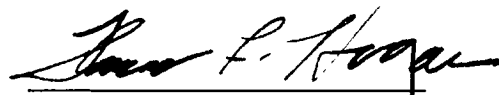
Plaintiffs' counsel and Defendants' counsel, in that order, shall each have 15 minutes to make closing remarks.

V. Court's Rulings

After concluding the above portions of the Fairness Hearing, the Court will address the issues enumerated in the Class Action Settlement Agreement § (D)(4)(a)–(h) (Dec. 7, 2009) and rule on such issues.

SO ORDERED.

June 6, 2011



Thomas F. Hogan
UNITED STATES DISTRICT JUDGE