

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, *et al.*, :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 96-1285 (JR)
 :
 DIRK KEMPTHORNE, Secretary of :
 the Interior, *et al.*, :
 :
 Defendants. :

ORDER

On May 14, 2007, I directed plaintiffs' counsel to resubmit their claims for fees and expenses [2596 and 2762] incurred in connection with the Sapienza affidavit and the Donna Erwin deposition in compliance with a number of rulings on those claims I had made from the bench that day. On May 21, 2007, plaintiffs filed their restated fees and expenses [3327], claiming in the aggregate either \$462,036.60 or \$336,987.40, depending on whether plaintiffs are to recover for time previously submitted in connection with the litigation of what plaintiffs refer to as "two of the five specifications in the Contempt II show cause order" [3327 at 2]. A fee award was made in the Contempt II matter, but it was reversed by the Court of Appeals and remanded for further proceedings, 334 F.3d 1128, 1151. I decline the invitation to carve off a piece of that award, relabel it, and re-award it.

The government's response to plaintiffs' resubmission [3337] contains a cryptic footnote to the effect that it "does not resolve defendants' previously raised questions," but those questions were the basis of the rulings I made on May 14, 2007. In its latest filing, the government specifically objects only to plaintiffs' inclusion of \$11,376.88 for certain specified time entries by Messrs. Brown and Rempel. That objection is sustained, and the net principal amount of the award is thus \$325,610.52. The government reasonably requests that payment of this amount not be ordered forthwith, but the sum is liquidated as of today's date. Payment will be required within 30 days, including interest for 30 days at 4.95% (see 28 U.S.C. 1961, <http://www.federalreserve.gov/Releases/H15/Update/h15upd.txt>), total **\$341,728.20**.

It is **SO ORDERED**.

JAMES ROBERTSON
United States District Judge