

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 21 1999

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ELOISE PEPION COBELL,)
et al.,)
)
Plaintiffs,)
)
v.)
)
BRUCE BABBITT, Secretary)
of the Interior, et al.)
)
Defendants.)
_____)

Civil No. 96-1285
(RCL)

MEMORANDUM AND ORDER

This matter comes before the court on United States' Motion [244] for Entry of Stipulated Order, Plaintiffs' Motion [261] for Preliminary Injunction Against Retaliation or Other Efforts to Influence Testimony or the Provision of Evidence, and Plaintiffs' Motion [269] to Strike the Government's "Response to Plaintiffs' Motion for Preliminary Injunction." Upon consideration of these motions and the applicable oppositions and replies thereto, the court will GRANT United States' Motion [244] for Entry of Stipulated Order, DENY Plaintiffs' Motion [261] for Preliminary Injunction Against Retaliation or Other Efforts to Influence Testimony or the Provision of Evidence, and DENY Plaintiffs' Motion [269] to Strike the Government's "Response to Plaintiffs' Motion for Preliminary Injunction," as discussed and ordered below.

I. Introduction

Plaintiffs, approximately 300,000 Native American beneficiaries of the Individual Indian Money (IIM) trust, have filed this class-action suit alleging that the defendants, acting

as trustees, have breached their trust duties that arise from a combination of statutory and common law. Although this lawsuit does not include a claim for "money damages," as that phrase is used in legal parlance, the IIM system at issue involves an estimated four billion dollars. Plaintiffs seek an accounting, injunctive, and declaratory relief. Further details of the underlying factual background, which are not directly implicated by the pending motions, can be found in this court's previously published opinions in this case. See Cobell v. Babbitt, 37 F. Supp. 2d 6 (D.D.C. 1999); Cobell v. Babbitt, 30 F. Supp. 2d 24 (D.D.C. 1998).

On February 22, 1999, defendants Babbitt, Rubin, and Gover were found to be in contempt of court for violation of one of this court's document production orders. See Cobell, 37 F. Supp. 2d at 39-40. As one remedy for this contemptuous conduct, the court, with the agreement of the parties, appointed a Special Master to oversee the discovery process in this case.

On March 24-25, 1999, the court held an in camera hearing on Plaintiffs' Recommendation to Special Master Regarding Plaintiffs' Proposed Orders to Protect Witnesses Against Intimidation and Retaliation. Plaintiffs raised two sets of issues. First, plaintiffs specifically alleged that an attorney for the Department of the Interior, Ralph Williams, had evidence of "destruction of documents in this case."¹ See Affidavit of Keith Harper ¶ 2.

¹Although Williams is an attorney for the Department of Interior, whose agency head is a defendant in this case, Williams has not participated, at least in any direct way, in the administration of this lawsuit.

Specifically, plaintiffs alleged that Ed Cohen, Deputy Solicitor, Department of the Interior, instructed Williams to discard certain documents "relevant to this case." *Id.* ¶ 3. In short, Williams was allegedly given an assignment dealing with the reconciliation of the tribal trust accounts—not the IIM accounts made the subject of the current litigation before this court—and told to destroy evidence that would tend to subvert the government's reconciliation. Second, plaintiffs sought an anti-retaliation order to protect actual and potential witnesses, including Williams, from intimidation and retaliation for their honest testimony about matters pertaining to this case.

On March 25, 1999, the court issued an order deciding part of this dispute. First, the court ordered that any issue of retaliation would be decided by this court and not the Special Master. Second, with the consent of the government, the court issued an order protecting Williams from retaliation for any testimony given in this case. Third, the court ordered that Williams's deposition be taken concerning plaintiffs' allegations. Fourth, the court ordered that plaintiffs' concerns regarding a global intimidation-and-retaliation order be raised in the form of a motion for a preliminary injunction.

Williams deposition was taken on March 30, 1999. Three days later, the government filed its motion for entry of a "stipulated order," which pertains to the retaliation allegations properly before this court. But this was an odd "stipulation" indeed, given that plaintiffs did not agree to it. See Rule 108(m) Certificate,

United States' Motion (noting that plaintiffs' counsel "refused to agree to the entry of this stipulated order"). Nonetheless, the government does provide in this order the relief that it agrees to accept without dispute. This relief would include an order precluding the "Department of the Interior, together with all of its supervisory officials" from "taking any retaliatory action, or making any threats of such action, for providing testimony or information in this action." United States' Proposed Order. The protected class of individuals would include any person identified by plaintiffs, in writing, as a potential witness in this case.

Id.

Plaintiffs oppose the government's "stipulated" order. Plaintiffs quarrel with the government's proposal because it does not include a provision for the dissemination of the order and because it would only include potential witnesses in this action. In plaintiffs' interpretation, the government's order is flawed because it would not protect people with information relevant to this case that would not be called as witnesses. Hence, any such witness would be required to "stick her neck out," i.e., come forward publicly with information potentially harmful to her employer, then be classified as a potential witness, before the protections of the government's order would apply to that person.

As a result of these perceived deficiencies, plaintiffs move for a broader anti-retaliation order in their motion for preliminary injunction. Plaintiffs' version of the proper order would enjoin "defendants, their employees, agents, attorneys, and

all persons acting in concert or collusion with them, from taking or threatening to take any adverse action against any person by reason of such person's provision of, or search for, evidence relevant to this case." Plaintiffs' Motion for Preliminary Injunction at 1. In conjunction with their reply memorandum, plaintiffs also move to strike as untimely the government's response to plaintiffs' motion for preliminary injunction.

II. Plaintiffs' Motion to Strike

The court will deny plaintiffs' motion to strike the government's response to plaintiffs' motion for preliminary injunction. The parties apparently agree that the government's opposition was originally due on April 23, 1999. On April 21, 1999, the government moved for enlargement of time "to respond" to plaintiffs' motion. The court granted that consent motion, which changed the due date to April 27, 1999. The government timely filed with the court its response to plaintiffs' motion on April 27, 1999. However, this response was not properly served upon plaintiffs until April 28, 1999.

Plaintiffs have moved to strike on the ground of late service, which raises the issue of whether the government was required to file and properly serve upon the opposing party its response to plaintiffs' motion by the stated deadline. The court believes that the plain language of Local Rule 205(c) requires such service. Local Rule 205(c), which applies to preliminary injunctions, states that "the opposition [to the application for preliminary

injunction] shall be served and filed within five days after service of the application for preliminary injunction." Thus, the rule clearly contemplates that the government's opposition should have been filed with the court and served upon plaintiffs by the deadline.² The court's order granting the government an enlargement of time cannot be construed as an alteration of the obligations attendant under the local rules because the order only enlarged the time "to respond"; it did not use any "file" or "serve" language. Therefore, the court holds that the government's response to plaintiffs' motion for preliminary injunction should have been served upon plaintiffs and filed with the court, as those terms are defined in the federal rules, by April 27, 1999.

The government's own certificate of service appended to its response states that "on this 28th day of April, 1999, a copy of [the government's response] was served on Plaintiffs by hand or by placing a copy in the United States mail." United States' Response to Plaintiffs' Motion for Preliminary Injunction at 14. Therefore, the government's response was not timely served, as required by the local rules.

Although the court could strike the government's response on this ground, it will decline to do so because plaintiffs have suffered no prejudice as a result of the government's late service.

²The "served and filed" provision is found outside of the local rules, as well. For example, motions under Rules 26(a)(3) and 54(d)(2)(b), which deal with pretrial objections to evidence and motions for attorneys fees, respectively, both contain the "served and filed" requirement. Of course, there are many instances in which the requirement of the time of service and the time of filing do not coincide.

The government's certificate of service states that courtesy copies of their response, without the attachments, were sent via facsimile to two of plaintiffs' lead counsel on April 27, 1999.³ Although this does not satisfy the service rules, it does, on the facts of this case, eliminate any prejudice that may have otherwise been suffered by plaintiffs. Moreover, the government served by hand two of plaintiffs' lead counsel on April 28, 1999, which means that these attorneys received the government's response earlier than they would have if the documents had been timely served by mail. Again, although this does not mean that the government has met its obligation under the service rules, it does show that plaintiffs have not been prejudiced by the government's technical service deficiencies. Therefore, because plaintiffs have not been prejudiced by the government's untimely service of its response to plaintiffs' motion for preliminary injunction, plaintiffs' motion to strike will be denied.

III. United States' Motion for Entry of Stipulated Order and Plaintiffs' Motion for Preliminary Injunction

Plaintiffs have failed to show an adequate evidentiary basis for the entry of the broad preliminary injunction that they seek. Consequently, their motion will be denied. Although plaintiffs did

³ Rule 5(b) of the Federal Rules addresses how service can be made upon opposing counsel: by hand delivery, mail, or, if the party's address is unknown, by leaving it with the clerk of the court. Service by fax does not satisfy the service requirements of the rule. See Salley v. Board of Governors, Univ. of N.C., 136 F.R.D. 417, 419 (M.D.N.C. 1991). Although the local rules could alter this rule, they do not expressly do so.

not agree to the entry of the government's "stipulated" order, the government does not, of course, oppose the relief against itself set out in its motion; absent the entry of their own proposed order, plaintiffs presumably do not oppose the relief suggested by the government. Because the court will deny plaintiffs' request, it will therefore grant the government's motion for entry of an order governing retaliation or improper influence over potential witnesses is in this case as unopposed.

Plaintiffs' purported basis for their motion for a preliminary injunction is that a "culture of retaliation" exists at the Department of the Interior. Plaintiffs' Motion for Preliminary Injunction at 2. Plaintiffs fear that, as a result of this alleged retaliatory culture, employees of the Department of the Interior will be afraid to come forward with evidence bearing upon this case in support of plaintiffs.

Plaintiffs' paradigm is Williams, who claims to have had information pertaining to the destruction of relevant documents but who was afraid to come forward with this information for fear of retaliation based upon his perception of a retaliatory culture at the Department of the Interior. During his deposition, Williams made sweeping accusations as to his perceptions of the retaliatory culture at the Department of Interior, calling his work environment "hostile, abusive, discriminatory and retaliatory," with a "retaliatory and discriminatory and . . . thuggish management style." Williams Depo. at 23-24, 121, 144. In terms of evidence to support these allegations, plaintiffs point only to one element

of Williams's testimony: his claim, which also serves as the basis of his EEOC claim against his employers, that he was retaliatorily detailed to work on the tribal trust project (at which time Cohen's alleged document-destruction instruction occurred).

Plaintiffs next point to Joe Christie, former Special Assistant to the Special Trustee for American Indians, as a victim of retaliatory treatment by the Department of Interior. During his term as Special Assistant, Christie played an integral role in the administration of the IIM trust, but he was re-assigned on the eve of the contempt trial in this case. Plaintiffs claim that this re-assignment, shortly before Christie's retirement, was retaliatory in effect because it required him to move from Albuquerque, New Mexico to Washington, D.C., and because it had negative effects on his health insurance benefits. Moreover, as the testimony at the contempt trial showed, Christie was threatened by at least one attorney in the Office of the Solicitor, Department of the Interior, with a defamation action and potential perjury charges as a result of certain testimony given by Christie in an affidavit in this case. Finally, plaintiffs point to the revocation of Christie's Meritorious Service Award that Secretary Babbitt supposedly signed but later, after Christie's re-assignment, revoked.

Finally, plaintiffs point to the government's treatment of Chief Charles O. Tillman, Jr., the Principal Chief of the Osage Tribe of Oklahoma and a board member of the Intertribal Monitoring Association (ITMA), after Tillman's testimony before Congress as to

the Native American trusts, both individual and tribal.⁴ According to plaintiffs and an affidavit filed by Tillman, after hearing Tillman's unflattering testimony, the government canceled its previously scheduled meeting with Tillman. This meeting was set to discuss whether the ITMA and the Department of the Interior could agree to support certain legislation relating to the settlement of the tribal trust fund claims.

Taken as a whole, plaintiffs contend that these three examples—Williams, Christie, and Tillman—provide a basis for their preliminary injunction. It must be kept in mind what is truly in dispute at this point. The government will stipulate to an anti-retaliation order as to potential witnesses. It is further relief—that is, preclusion of any employee, agent, or attorney for the Department of the Interior from taking any adverse action against any person as a result of that person's provision of or search for relevant evidence—which is in issue. Of course, no one disputes that the actions plaintiffs seek to preclude are contrary to law; however, this alone is not enough, or else such a preliminary injunction could be issued in every case. Plaintiffs must come forward with sufficient evidence of retaliation concerning this case to support such an order.

When viewed in this proper context, it becomes apparent that plaintiffs' motion is long on rhetoric and short on substance. Plaintiffs simply do not come forward with the evidence required to

⁴This hearing occurred before a joint panel of the Senate Committee on Indian Affairs and the Senate Committee on Energy and Natural Resources on March 3, 1999.

substantiate the entry of the broad preliminary injunction that they seek.

First, accepting for the moment plaintiffs' allegations as true, two of their three examples of retaliation are irrelevant to this case. Williams admits that he was assigned to work on the tribal trust reconciliation and that any destruction orders that he may have received pertained to the tribal trust accounts. See Williams Depo. at 36-39, 62. Tillman states that his canceled meeting with the Department of Interior attorneys was to pertain to legislation concerning the tribal trust reconciliation. Tillman Aff. ¶ 2. Thus, while these two persons' testimony may in fact pertain to a culture or pattern and practice of retaliation by the Department of Interior, they do not do so in a way that is relevant to the subject matter of this case—the IIM trust system.

Second, plaintiffs' remaining examples of retaliation, which all pertain to Christie, cannot alone support plaintiffs' requested relief. Christie surely has some basis for his claims of retaliation. But this basis is insufficient to warrant the entry of a preliminary injunction that would govern the actions of all Department of Interior employees toward one another. The court is satisfied that the government's proposal, which would cover any employee that has information and that is named in writing by plaintiffs as a potential witness, is adequate in this situation.

In summary, plaintiffs have failed to provide a sufficient evidentiary basis for the entry of their requested relief. Plaintiffs must show a sufficiently "certain and great" harm that

is "actual and not theoretical" as would create a "clear and present" need for their requested relief. Wisconsin Gas Co. v. FERC, 758 F.2d 669, 673 (D.C. Cir. 1985). While their evidence may, at the most, help show a pattern and practice of retaliation against Department of Interior employees with damaging information as to Native American trusts in general, or perhaps the potential for retaliation in this case, it does not show such an actual practice as to the subject matter of this litigation. Of course, should such evidence come to light, then plaintiffs may again move for a broader preliminary injunction. In the absence of such evidence, however, plaintiffs' motion will be denied.

IV. Conclusion

For the foregoing reasons, the court HEREBY ORDERS that:

1. United States' Motion [244] for Entry of Stipulated Order is GRANTED. Although plaintiffs do not consent to this relief, and it is therefore a misnomer to entitle the order as stipulated, the court will enter by separate order the preliminary injunction sought by the government in this motion.


2. Plaintiffs' Motion [261] for Preliminary Injunction Against Retaliation or Other Efforts to Influence Testimony or the Provision of Evidence is DENIED.

3. Plaintiffs' Motion [269] to Strike the Government's "Response to Plaintiffs' Motion for Preliminary Injunction" is

DENIED.

SO ORDERED.

Date: 5-21-99



Royce C. Lamberth
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 21 1999

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ELOUISE PEPION COBELL, et al.,)
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Plaintiffs,)
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BRUCE BABBITT, Secretary of the)
Interior, et al.,)
Defendants.)

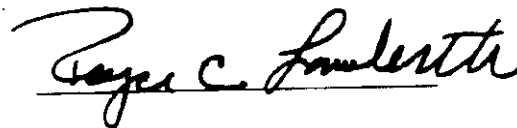
No. 1:96CV01285 RCL

ORDER

By the agreement of the Department of the Interior,

IT IS HEREBY ORDERED that: The Department of the Interior, together with all of its supervisory officials, are hereby enjoined from taking any retaliatory action, or making any threats of such action, for providing testimony or information in this action, against (1) any person who has been identified as a potential witness in this case on Plaintiffs' List of Witnesses Expected to Testify on "Fixing the System" in Response to May 4, 1998 Scheduling Order, filed October 19, 1998, (2) any person who is called upon through legal process (e.g., notice of deposition, subpoena, etc.) to give testimony or provide other information in this litigation, or (3) any person individually identified by Plaintiffs, in writing, to Defendants as a potential witness in this action.

IT IS FURTHER ORDERED that: Nothing in this Order is intended to affect the resolution of any on-going personnel action(s).



ROYCE C. LAMBERTH
United States District Judge

Date: 5-21-99

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

98 OCT 27 AM 11:15
DEPARTMENT OF JUSTICE
GENERAL LITIGATION SECTION

ELOUISE PEPION COBELL, et al.,
on their own behalf and on behalf
of all persons similarly situated

Plaintiffs,

v.

BRUCE BABBITT, Secretary of the
Interior, et al.,

Defendants.

EPCHEN

Civil Action
No. 1:96 CV 01285 (RCL)

PLAINTIFFS' LIST OF WITNESSES
EXPECTED TO TESTIFY ON "FIXING THE SYSTEM"
IN RESPONSE TO MAY 4, 1998 SCHEDULING ORDER

Pursuant to its May 4, 1998 Scheduling Order, the Court directed the parties to exchange "[l]ists of witnesses expected to testify on 'fixing the system,' with a general description of their testimony," on October 19, 1998. Plaintiffs' list of expert and fact witnesses follows in conformance therewith.

I. EXPERT WITNESSES AND GENERAL DESCRIPTION OF TESTIMONY

Gregory Bardnell, PWC¹ DOI systems weaknesses, general practices of sound financial management

Sharon Fitzsimmons, PWC History of DOI trust management, information systems, auditing trust systems, government standards of financial management

Chris Forhecz, PWC Standards of good financial management, auditing trust systems

90-24-1834

¹ "PWC" denotes PricewaterhouseCoopers

RECORDED	DEPARTMENT OF JUSTICE	REMOVED
	000	
	(2) ENRD	
	Gen. Lit. Sec.	

Jeff Parmet, PWC	Information systems, document management
Michael Zeldin, PWC	Potential for malfeasance in weak financial management systems
Margaret Worthington PWC	Evaluate government contractor and performance baselines
Larry Ponemon, PWC	Evaluate initiatives for improving integrity of trust systems
Jim Gonet, PWC	Information systems
Michael Donahue, PWC	Information systems

II. FACT WITNESSES AND GENERAL DESCRIPTION OF TESTIMONY

The following numerical key will delineate the general description of fact witnesses' testimony:

1. Accounting and trust management systems
2. Agency and area office IIM trust management practices
3. Obstruction of the Special Trustee
4. Background, assessment and implementation of Interior's "High Level Implementation Plan" ("HLIP")
5. BLM and MMS trust management and accounting practices
6. Experiences with agency and area level IIM trust management practices and impact on accountholders
7. Treasury trust management and accounting practices
8. Trust document retrieval and records preservation

<u>Fact Witnesses</u>	<u>General Description of Testimony</u>
Jessica Pollner, PWC	2
Laura Gooding, PWC	2
Geoffrey Rempel, PWC	2
Dan D. Griffin Griffin & Associates, P.C.	1, 2, 4, 7, 8
Paul M. Homan Special Trustee Office of the Special Trustee for American Indians United States Department of Interior	1, 2, 3, 4, 7, 8
Tom Thompson Deputy Special Trustee for Operations Office of the Special Trustee for American Indians United States Department of Interior	1, 2, 3, 4, 8
Donna Erwin Director, Office of Trust Funds Management Office of the Special Trustee for American Indians United States Department of Interior	1, 2, 3, 4, 7, 8
Joe Christie Special Assistant to the Special Trustee Office of the Special Trustee for American Indians United States Department of Interior	1, 2, 3, 4, 7, 8
Michael Patriarca, Member Advisory Board to the Special Trustee for American Indians	1, 2, 3, 4, 7, 8
Jim Parris, former Director predecessor entity of Office of Trust Funds Management, BIA United States Department of Interior	1, 2, 3, 5, 5, 6, 7, 8
Robert J. Meisner II former Senior Systems Analyst Bureau of Indian Affairs	1, 4, 7, 8

Frederick A. Hernandez, employee Ft. Hall Agency Bureau of Indian Affairs	2, 6, 8
Richard Chicotta, employee Muskogee Area Office Bureau of Indian Affairs	2, 5, 6, 8
James Gibson, employee Okmulgee Agency Bureau of Indian Affairs	2, 5, 6, 8
Alcodine Pahvitse, Credit Officer Shoshone Bannock Tribe	2, 6
Florence Wheeler, former employee Ft. Hall Agency Bureau of Indian Affairs	2, 6
Norman Bird, employee Ft. Hall Agency Bureau of Indian Affairs	2, 6
John Berry Asst. Sec. and Chief Financial Officer Office of the Assistant Secretary for Policy Management & Budget United States Department of Interior	1, 2, 3, 5, 7, 8
Robert Lamb Deputy Assistant Secretary-Budget & Finance Office of Assistant Secretary-Policy, Management & Budget United States Department of Interior	1, 2, 3, 4, 5, 7, 8
Patrick A. Shea Director, Bureau of Land Management Land and Minerals Management United States Department of Interior	1, 5, 8
Cynthia Quarterman Director, Minerals Management Service Land and Minerals Management United States Department of Interior	1, 5, 8

Russell D. Morris Commissioner Office of the Commissioner Financial Management Service United States Treasury Department	1, 7, 8
John W. Carlin Archivist of the United States National Archives and Records Administration	8
Maida Loescher, Director Preservation Policy and Services Division Office of Records Services National Archives and Records Administration	8
Linda M. Calbom Director, Civil Audits Accounting & Financial Management Division United States General Accounting Office	1, 2, 4, 5, 7, 8
Jeffrey C. Steinhoff Former Director, Civil Audits Accounting & Financial Management Division United States General Accounting Office	1, 2, 4, 5, 7, 8
Gayle L. Fischer Assistant Director, Civil Audits Accounting & Financial Management Division United States General Accounting Office	1, 2, 4, 5, 7, 8
George H. Stalcup Associate Director, Financial Integrity Issues Accounting and Information Management Division United States General Accounting Office	1, 2, 4, 5, 7, 8
Thomas H. Armstrong Assistant General Counsel Office of the General Counsel United States General Accounting Office	1, 2, 4, 5, 7, 8
Bradley J. Preber Arthur Andersen & Associates	1, 2, 4, 5, 7, 8

David Lasater Arthur Andersen & Associates	1, 8
Anne Shields Chief of Staff Office of the Secretary United States Department of Interior	1, 2, 3, 4, 5, 7, 8
Ed Cohen Deputy Solicitor Office of the Solicitor United States Department of Interior	1, 2, 3, 4, 5, 7, 8
Willa Perlmutter, former Asst. Solicitor Office of the Solicitor United States Department of Interior	3, 8
Kevin Gover Assistant Secretary for Indian Affairs Bureau of Indian Affairs United States Department of Interior	1, 3
Hilda Manuel Commissioner of Indian Affairs Bureau of Indian Affairs United States Department of Interior	1, 2, 3, 4, 5, 7, 8
Terrance L. Virden, Director Office of Trust Responsibility Bureau of Indian Affairs United States Department of Interior	1, 2, 4, 8
Larry Scrivner, Director Division of Realty Bureau of Indian Affairs United States Department of Interior	1, 2, 4, 8
William Sinclair, Director Office of Self-Determination Bureau of Indian Affairs United States Department of Interior	1, 2, 4, 8

James T. Thomas, Director Office of Self Governance United States Department of Interior	1, 2, 4, 8
Elizabeth Homer, Director Office of American Indian Trust United States Department of Interior	1, 3, 4, 8
Wayne Nordwall, Area Director Phoenix Area Office Bureau of Indian Affairs	1, 2, 8
Debbie Ross Bureau of Indian Affairs Phoenix Area Office	1, 2, 8
Clara Hugs, Realty Specialist (Probate) Uintah & Ouray Agency Bureau of Indian Affairs	1, 2, 8
Madeline Martinez, IIM Accounting Tech. Uintah & Ouray Agency Bureau of Indian Affairs	1, 2, 8
Robert Howard, Realty Officer Pima Agency Bureau of Indian Affairs	1, 2, 8
Shirley Shaw, Realty Specialist Pima Agency Bureau of Indian Affairs	1, 2, 8
Alicia Jones, Probate Clerk Pima Agency Bureau of Indian Affairs	1, 2, 8
Lance Barber, Superintendent Salt River Agency Bureau of Indian Affairs	1, 2, 8
Florence Dates, employee Pima-Maricopa (Salt River) Tribes	1, 2, 8

Verna Espinoza, employee Pima-Maricopa (Salt River) Tribes	1, 2, 8
Stanley Speaks, Area Director Portland Area Office Bureau of Indian Affairs	1, 2, 8
Wendy (last name presently unknown) Land Title and Records Office Portland Area Office Bureau of Indian Affairs	1, 2, 8
Rena (last name presently unknown) Appraisal Office Portland Area Office Bureau of Indian Affairs	1, 2, 8
Bart Ryan, employee Portland Area Office Bureau of Indian Affairs	1, 2, 8
Judy Joseph, Administrative Officer Puget Sound Agency Bureau of Indian Affairs	1, 2, 8
Cybil Smith, Probate Clerk Warm Springs Agency Bureau of Indian Affairs	1, 2, 8
Greta White Elk, Realty Specialist Warm Springs Agency Bureau of Indian Affairs	1, 2, 8
Ron Graham, Forester Olympic Peninsula Agency Bureau of Indian Affairs	1, 2, 8
Tom Davis, Realty Department Olympic Peninsula Agency Bureau of Indian Affairs	1, 2, 8

William F. Clinger, Jr., former Chairman predecessor Committee now entitled Government Reform and Oversight Committee U.S. House of Representatives	1, 2, 5, 7, 8
Bud Moran, Superintendent Flathead Agency Bureau of Indian Affairs	1, 2, 8
Cora Jones Area Director, Aberdeen Area Office Bureau of Indian Affairs United States Department of Interior	1, 2, 3, 8
Frank Lawrence, Land Title/Records Aberdeen Area Office Bureau of Indian Affairs	1, 2, 8
James Ross Aberdeen Area Office Bureau of Indian Affairs	1, 2, 8
Orville Hill author of Managerial and Accounting Distribution ("MAD") program Bureau of Indian Affairs Aberdeen Area	1, 2, 8
Superintendent Standing Rock Agency Bureau of Indian Affairs	1, 2, 3, 8
Russell Bradley, Superintendent Winnebago Agency Bureau of Indian Affairs	1, 2, 3, 8
Robert D. Ecoffey, Superintendent Pine Ridge Agency Bureau of Indian Affairs	1, 2, 3, 8
Albert Brewer, former Sup't. Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8

Penny Hatch, Administration Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Freda Iron Cloud, Realty Department Pine Ridge Agency Bureau of Indian Affairs	1, 2, 3, 8
JoAnn Tibbetts, Probate Section Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Connie Tapio, Land Acquisition and Disposal Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Mona Hagen, Land Operations Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Dorothy Tobacco, Leasing Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Charles ("Chuck") O'Rourke Land Operations Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Dan Neuman, Realty Officer Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Ann Shriner, IIM supervisor Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Betty Brewer, Finance supervisor Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8

Christine Plant Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Donna Mae Deans, retired employee Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Willamean White Eyes, retired employee Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Cleo Pourier, retired employee Pine Ridge Agency Bureau of Indian Affairs	1, 2, 8
Jess D. Charging, IIM accountholder Pine Ridge Agency, BIA	2, 6
Barbara Yellow Thunder-Adams IIM accountholder Pine Ridge Agency, BIA	2, 6
Bernice Black Bear Spotted Eagle IIM accountholder Pine Ridge Agency, BIA	2, 6
Woodrow Respects Nothing IIM accountholder Pine Ridge Agency, BIA	2, 6
Cleone Ice, IIM accountholder Pine Ridge Agency, BIA	2, 6
Mary White Thunder IIM accountholder Pine Ridge Agency, BIA	2, 6
Dora M. Brown IIM accountholder Pine Ridge Agency, BIA	2, 6
Julie Lakota, IIM accountholder Pine Ridge Agency, BIA	2, 6

Darwin T. Apple, probate estate rep. Estella King Yellow Shirt Estate Pine Ridge Agency, BIA	2, 6
Real Property Management Officer Yankton Agency Bureau of Indian Affairs	1, 2, 8
Susan G. Brave, IIM accountholder Yankton Agency, BIA	2, 6
Stella Lee, IIM accountholder Eastern Navajo Agency, BIA	2, 6
Fred Tsosie, IIM accountholder Eastern Navajo Agency, BIA	2, 6
Lucita White Horse IIM accountholder Eastern Navajo Agency, BIA	2, 6
Juan Betonie, IIM accountholder Eastern Navajo Agency, BIA	2, 6
Jolene Dicks, Director of Operations Pro New Mexico, Inc. Sante Fe, New Mexico	2, 5, 6, 8
LeRoy Clifford, BLM Washington, D.C.	1, 2, 5, 8
Elouise Cobell, IIM accountholder and named <u>Cobell</u> plaintiff Blackfeet Agency, BIA	1, 2, 3, 4, 5, 6, 7, 8
Earl Old Person, IIM accountholder and named <u>Cobell</u> plaintiff Blackfeet Agency, BIA	1, 2, 6, 8
James Louis LaRose, IIM accountholder and named <u>Cobell</u> plaintiff Winnebago Agency, BIA	1, 2, 3, 6, 8

Penny Cleghorn, administratrix estate of Mildred Cleghorn, named <u>Cobell</u> plaintiff	1, 2, 6, 8
Thomas Maulson, IIM accountholder and named <u>Cobell</u> plaintiff	2, 6, 8
Marcie W. Davilla IIM accountholder Anadarko Area Office	1, 2, 6, 8
Clifford Birdshead, former employee Anadarko Area Office Bureau of Indian Affairs	1, 2, 6, 8
Frank Keel, Area Director Eastern Area Office Bureau of Indian Affairs	1, 2, 6, 8
Mona Infield, employee Albuquerque Area Office Bureau of Indian Affairs	1, 2, 5, 8
Ernestine Werelius, IIM accountholder Ft. Hall Agency, BIA	1, 2, 6
Shirley Kaiyou, IIM accountholder Ft. Hall Agency, BIA	2, 6
Inez Preacher, IIM accountholder Ft. Hall Agency, BIA	2, 6
Arlene M. Ortiz, IIM accountholder Ft. Hall Agency, BIA	2, 6
John O. Herrold, IIM accountholder Olympic Peninsula Agency, BIA	2, 6
Charlotte Davis, IIM accountholder Olympic Peninsula Agency, BIA	2, 6
Mary Fish, IIM accountholder Okmulgee Agency, BIA	2, 6

Rosalie Grothaus, IIM accountholder
Muskogee Area Office 2, 6

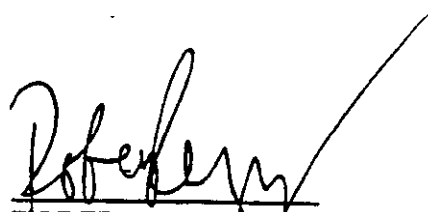
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