

FILED

DEC 11 2012

Clerk, U.S. District and
Bankruptcy Courts

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
ELOUISE PEPION COBELL, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:96CV01285(TFH)
)	
KEN SALAZAR, Secretary of)	
the Interior, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This matter came before the Court on *Plaintiffs' Unopposed Motion to Approve Payments to Members of the Historical Accounting Class, Approve the Supplementary Notice Plan, and Set Dates Certain for the Trust Administration Class* [Dkt. No. ____]. Final Approval of the settlement in this class action occurred on November 24, 2012 according to the terms of the *Class Action Settlement Agreement* dated December 9, 2009, as amended (the "Settlement Agreement"), and both this Court's *Order Granting Final Approval to Settlement* dated July 27, 2011 [Dkt. No. 3850] ("Final Approval Order") and *Final Judgment* dated August 4, 2011 [Dkt. No. 3853] have both become final. As provided for in the Final Approval Order, this Court retained jurisdiction to administer the settlement. Since the defendants have now paid the settlement proceeds into the Accounting/Trust Administration Fund at the Qualified Bank, the distribution phase of this class action can now begin.

It is hereby **ORDERED, ADJUDGED, AND DECREED** as follows:

1. Plaintiffs' Unopposed Motion is hereby **GRANTED**.

2. Based on the information provided by defendants, the Claims Administrator, Garden City Group, Inc. (“GCG”), shall promptly, but in no event later than December 24, 2012, commence payment of \$1,000.00 to each living member of the Historical Accounting Class who is not considered whereabouts unknown, and has an address in Interior’s contact information or who otherwise is located by GCG. For members of the Historical Accounting Class known to be minors, non-compos mentis, under legal disability, or adults in need of assistance, payment shall be made to the individual’s IIM account. For those who are considered to be whereabouts unknown and have an IIM account, payment shall be made to the individual’s IIM account. For deceased members of the Historical Accounting Class, payment shall be made payable to the estate of the deceased beneficiary and delivered to the personal representative, administrator or executor of the estate of that beneficiary, where known, or made payable to the heirs of the deceased beneficiary pursuant to an available final probate order of a state or tribal court. Where there is no known personal representative, administrator or executor of the estate of a deceased beneficiary and no available final probate order of a state or tribal court, the deceased beneficiary’s payment shall remain in the Settlement Account at the Qualified Bank until further order of the Court or Special Master.

3. The proposed supplementary notice program to target additional potential Trust Administration Class claimants and provide information related to the distribution to that class is hereby APPROVED and the Notice Contractor, Kinsella Media, Inc., shall promptly proceed with the supplementary notice campaign. The cost of the notice plan, \$1,518,465.00, shall be paid out of the Settlement Account at the Qualified Bank.

4. In connection with the Settlement Agreement's provisions for identifying the members of the Trust Administration Class, the dates in the Court's Final Approval Order are reset as follows:

(a) Pursuant to ¶ E.4.e.3 of the Settlement Agreement, all individuals who believe they are entitled to participate in the settlement as a member of the Trust Administration Class and who are required under the terms of the Settlement Agreement to submit a Claim Form shall do so by mailing a properly completed and signed Claim Form to the Claims Administrator postmarked no later than **March 1, 2013**. The address for mailing Claim Forms to the Administrator is: Indian Trust Settlement, P.O. Box 9577, Dublin, OH 43017-4877.

(b) Pursuant to ¶ E.4.e.4 of the Settlement Agreement, the Claims Administrator shall make an initial determination of eligibility for members of the Trust Administration Class no later than **April 15, 2013**.

(c) Pursuant to ¶ E.4.e.4 of the Settlement Agreement, all individuals who request reconsideration of the Claims Administrator's determination of eligibility shall do so in writing by a signed letter mailed to the Claims Administrator and postmarked no later than **May 15, 2013**.

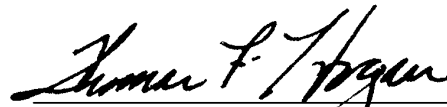
(e) Pursuant to ¶ E.4.e.5 of the Settlement Agreement, based on requests for reconsideration, the Claims Administrator shall make a second determination of eligibility for members of the Trust Administration Class no later than **June 14, 2013**.

(f) Pursuant to ¶ E.4.e.5 of the Settlement Agreement, any appeals made from the second determination of eligibility by the Claims Administrator shall be made in writing

by a signed letter delivered to the Claims Administrator and postmarked no later than

July 15, 2013.

SO ORDERED this the 11¹⁴ of December 2012.



Thomas F. Hogan
United States District Judge