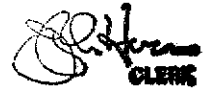


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 30 2002

CASIMIR LEBEAU & VERNON ASHLEY,
on behalf of themselves and all
other persons similarly situated,
Plaintiffs,


CLERK

VS

Civil No. 99-4106

UNITED STATES OF AMERICA,
Defendant.

**REPLY BRIEF OF PLAINTIFFS PROPOSING AN INTEREST CALCULATION
TAKING INTO ACCOUNT THE RULE THAT PLAINTIFFS ARE NOT
ENTITLED TO RECOVER INTEREST ON ANY INTEREST PORTION OF THE
DAMAGES AWARDED.**

The Government states, in its response, "that the principal portion of the 1982 figure of \$482.79 was \$219.70". Plaintiffs have no basis upon which to dispute this figure and will accept it as being accurate. Plaintiffs are each entitled to judgment in the amount of \$482.79 plus the interest earned on the \$219,70 from and after January 1, 1983.

The Government states, in its response, "Once judgment is entered, the interest can be calculated to the date of judgment because the interest rates up to that date can be determined historically."

However, the Court's Memorandum Opinion and Order, dated July 29, 2002, states, in part:

2. That Judgment will be entered in favor of plaintiffs Casimir LeBeau and Vernon Ashley and against defendant United States, on plaintiffs' claim for breach of trust, in the amount of \$482.79 each plus interest to be determined by the Court, but Judgment will not be entered until after the Court has determined the proper amount of interest to be awarded to plaintiffs.

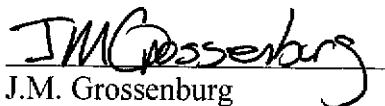
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The Government says it can't calculate interest until there is a judgment date (or cutoff date) and the Court can't enter judgment until it has a precise amount. Therefore, plaintiffs are willing to use October 1, 2002 as a cutoff date.

CONCLUSION

It is requested that the Court enter an order requiring the Government to calculate, without undue delay, the interest earned on the \$219.70 principal from January 1, 1983 through October 1, 2002. Once that is done, the plaintiffs request that judgment be entered in favor of each of them in the amount of \$482.79 plus said interest amount.

September 27, 2002.



J.M. Grossenburg
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of THE ABOVE DOCUMENT(S) upon the person(s) herein next designated, on the date below shown by depositing a copy thereof in the United States mail at Winner, South Dakota, postage prepaid, on an envelope addressed to each said addressee, to-wit:

Jan L. Holmgren
Assistant United States Attorney
PO Box 5073
Sioux Falls, SD 57117-5073

which address is the last address of each addressee known to the subscriber.

September 27, 2002


J.M. Grossenburg