

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELUISE PEPION COBELL, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
)
SALLY JEWELL, Secretary of the Interior, <i>et al.</i> ,)
)
Defendants.)
)

Civil Action No.
1:96CV01285 (TFH)

**ORDER ON PLAINTIFFS’ UNOPPOSED MOTION TO INCLUDE
AND AUTHORIZE PAYMENT TO ADDITIONAL INDIVIDUALS
IN THE HISTORICAL ACCOUNTING CLASS**

THIS MATTER came on to be heard on Plaintiffs’ Unopposed Motion to Include and Authorize Payment to Additional Individuals in the Historical Accounting Class.

1. On December 11, 2012, this Court authorized Garden City Group (“GCG”), the Claims Administrator, to “commence payment of \$1,000 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.” *Order Authorizing Distribution of Historical Accounting Class Settlement Funds* [Dkt. No. 3923] at ¶ 2.

2. The Class Action Settlement Agreement authorized by Congress defines the Historical Accounting Class as individual Indian beneficiaries alive on the Record Date, September 30, 2009, “who had an IIM Account open during any period between October 25, 1994 and the Record Date, which IIM account had at least one cash transaction credited to it at

any time as long as such credits were not later reversed.” Settlement Agreement [Dkt. 3660-2] at ¶ A.16.

3. At the time of the December 11, 2012 Order, the Department of Interior (“Interior”) had identified 327,965 members of the Historical Accounting Class.

4. Since the date of that Order, Interior has identified an additional 11,727 individuals entitled to be included in the Historical Accounting Class. There are an additional 831 individuals where Interior’s data is inconclusive as to whether their account was closed as of October 25, 1994. These 831 individuals each had an IIM account with at least one cash transaction which was not later reversed and Interior has no information establishing that these accounts were closed prior to October 25, 1994. Accordingly, they likewise should be deemed within the scope of the Historical Accounting Class.

5. In accordance with the Settlement Agreement, Class Counsel and GCG are to rely on the information provided by the Interior Defendants. Settlement Agreement, ¶¶ E.1.F and E.3.b.

Based on the foregoing, it is hereby ORDERED that the 12,558 additional individuals identified by the Interior Defendants be included in the Historical Accounting Class and GCG be authorized to distribute Historical Accounting Class payments to them in accordance with the Settlement Agreement.

SO ORDERED the 23rd of January 2014.


Thomas F. Hogan
United States District Judge