

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL <u>et al.</u> , on their own)	
behalf and on behalf of all persons similarly)	
situated,)	
)	
<u>Plaintiffs,</u>)	
)	
v.)	Civil Action
)	No. 96-1285 (TFH)
)	
KEN SALAZAR, Secretary of the Interior, <u>et al.</u> ,)	
)	
<u>Defendants.</u>)	

ORDER CERTIFYING TRUST ADMINISTRATION CLASS, APPOINTING CLASS COUNSEL, AND APPROVING CLASS REPRESENTATIVES FOR THE TRUST ADMINISTRATION CLASS, AND MODIFYING THE FEBRUARY 4, 1997 CLASS CERTIFICATION ORDER

The matter comes before this Court on Plaintiffs’ Unopposed Motion to Certify the Trust Administration Class, Appoint Class Counsel, Approve Class Representatives, and Modify the February 4, 1997 Class Certification Order (“Unopposed Motion”). Upon consideration of the proposed Settlement Agreement as modified on November 17, 2010; 28 U.S.C. § 1331; the Claims Resolution Act of 2010, Public Law 111-291 (Dec. 8, 2010; 124 Stat. 3064); Rule 23 of the Federal Rules of Civil Procedure, and the record of these proceedings, it is hereby

ORDERED that the Unopposed Motion is GRANTED. It is further

ORDERED that the February 4, 1997 Class Certification Order is modified and the Historical Accounting Class accordingly certified as follows:

[T]hose individual Indian beneficiaries (exclusive of those who prior to the filing of the Complaint on June 10, 1996 had filed actions on their own behalf stating a claim for a historical accounting) alive on the Record Date [September 30, 2009] and 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. Beneficiaries, deceased as of the Record Date, are included in the Historical Accounting Class only if they had an IIM Account that was open as of the Record Date. The estate of any Historical Accounting Class Member who dies after the Record Date but before distribution is in the Historical Accounting Class.

It is further

ORDERED, pursuant to Rule 23(b)(3) and § 101(d)(2) and the Claims Resolution Act of 2010, Public Law 111-291 (Dec. 8, 2010; 124 Stat. 3064), that the Trust Administration Class is accordingly certified as follows:

Those individual Indian beneficiaries (exclusive of persons who filed actions on their own behalf, or a group of individuals who were certified as a class in a class action, stating a Funds Mismanagement Claim or a Land Mismanagement Claim, as defined by the Settlement Agreement of December 7, 2009, prior to the filing of the Amended Complaint) alive as of the Record Date and who have or had IIM Accounts in the "Electronic Ledger Era" (currently available electronic data in systems of the Department of the Interior dating from approximately 1985 to the present), as well as individual Indians who, as of the Record Date, had a recorded or other demonstrable ownership interest in land held in trust or restricted status, regardless of the existence of an IIM Account and regardless of the proceeds, if any, generated from the Land. The Trust Administration Class does not include beneficiaries, deceased as of the Record Date, but does include the estate of any deceased beneficiary whose IIM Accounts or other trust assets had been open in probate as of the Record Date. The estate of any Trust Administration Class Member who dies after the Record Date but before distribution is included in the Trust Administration Class.

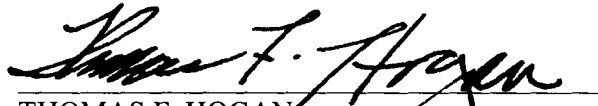
It is further

ORDERED that the following attorneys are appointed Class Counsel for the Trust Administration Class: Dennis M. Gingold, Thaddeus Holt, and attorneys from Kilpatrick Stockton, LLP – Elliott H. Levitas, Keith Harper, William Dorris, David C. Smith, Adam Charnes, and Justin Guilder. It is further

ORDERED that the following individual Indians are approved as Class Representatives for the Trust Administration Class: Elouise Pepion Cobell, James Louis LaRose, Thomas Maulson, and Penny Cleghorn.

IT IS SO ORDERED.

This 21st day of December 2010.


THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE