

volume of the calls to and communications with GCG is decreasing due to the success of the distribution, but are still substantial. Since January 2016, GCG has (1) received over 95,000 visits to the website, (2) sent over 10,500 emails in response to inquiries, (3) handled over 525,000 minutes of calls from more than 42,500 live telephone calls and 61,500 interactive computerized voice response calls, and (4) mailed over 9,200 outreach letters to interested persons to obtain further information. *Id.*

Additionally, between July and September 2016, GCG conducted multiple advanced searches using the information available to it regarding checks which had been returned to it or which were outstanding. *Id.* at ¶ 5. As a result of those advanced searches, GCG was able to mail 27,455 checks to the current addresses of Class Members or their heirs. *Id.*

Distribution Update

As of October 28, 2016:

1. Checks for approximately 98% of the total Historical Accounting Class (“HAC”) funds and 96% of the total Trust Administration Class (“TAC”) funds have been or are anticipated to be distributed after all outreach documentation currently in hand is processed. *Id.* at ¶ 4.

2. GCG is actively processing documentation which may permit it to disburse checks to an additional 9,421 HAC Members and 23,183 TAC Members. *Id.*

3. There remain 25,445 living and 9,697 deceased TAC Members without documentation upon which a distribution can be made at this time. *Id.* at ¶ 8. Of those TAC Members, 1,248 are also shown as living and 5,855 as deceased HAC Members. *Id.* These TAC and HAC Class Members for whom GCG does not have documentation upon which a distribution can be made now have a total collective award value of \$43,803,243.92 It is likely

that a significant number of these people shown as living Class Members are deceased, are duplicate accounts or are not Class Members. *Id.* Additionally, some of the estates for which there is insufficient information may be pending at Interior. *Id.*

Further Outreach

Given their extensive outreach trips to Indian country to date, Class Counsel and GCG do not have further trips scheduled at this time. However, they continue to evaluate the potential benefits of such further outreach trips to locations where there are higher numbers of unpaid class members. *Id.* at ¶ 7.

Except for any such outreach trips which may be determined to be appropriate, the future efforts of GCG will consist of (1) continuing and completing analysis of documentation received from previous outreach efforts, (2) reviewing information provided by Interior, particularly regarding pending estates, (3) reviewing information received via communication with interested persons, and (4) using various databases to periodically attempt to locate additional Class Members or their heirs, such as through the use of advanced address searches. *Id.* at ¶ 9. GCG will continue to maintain a team of representatives available by telephone at its Dublin, Ohio call center and in its Seattle, Washington office. *Id.* Class Counsel will continue to maintain its dedicated telephone hotline for calls regarding the case and will continue to respond to calls, emails and correspondence.

Respectfully submitted this 8th day of November, 2016.

/s/ David C. Smith

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFFS' THIRD UPDATE ON STATUS OF DISTRIBUTIONS TO THE CLASSES was served on the following via facsimile, pursuant to agreement, on this 8th day of November, 2016.

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/s/ David C. Smith
DAVID C. SMITH

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE ESTATE OF ELOUISE PEPION)
COBELL, by and through its administrator Turk)
Cobell, et al.,)

Plaintiffs,)

v.)

SALLY JEWELL, Secretary of the Interior, et)
al.,)

Defendants.)

Case No. 1:96 CV 01285

**DECLARATION OF LORI L.
CASTANEDA REGARDING PLAINTIFFS’
THIRD UPDATE ON STATUS OF
DISTRIBUTIONS TO THE CLASSES**

I, Lori L. Castaneda, declare as follows:

1. I am a Vice President of Operations and Business Development at Garden City Group, LLC (“GCG”). The following statements are based on my personal knowledge and information provided by other experienced GCG employees working under my supervision, and, if called on to do so, I could and would testify competently thereto.

2. GCG was selected by the Parties and engaged by Plaintiffs in the above-captioned litigation (the “Action”) to serve as the Claims Administrator¹ as described in the Class Action Settlement Agreement (“Settlement Agreement”) dated December 7, 2009, and

¹ Capitalized terms used in this Declaration are as defined in the Class Action Settlement Agreement.

1 given final approval by this Court in the Order Granting Final Approval to Settlement, dated
2 July 27, 2011 (the "Order"). I submit this Declaration to provide the Court and the Parties
3 with further information regarding the distribution of Historical Accounting Class ("HAC")
4 and Trust Administration Class ("TAC") payments, as well as the status of duties with which
5 GCG has been charged as Claims Administrator as they relate to distribution.

6 3. GCG has engaged in extensive outreach efforts to locate all Class Members or the
7 heirs of their estates who may be entitled to payment. Since commencing distribution to HAC
8 Members on December 14, 2012 pursuant to the Courts' Order dated December 11, 2012, and
9 to the TAC Members on September 14, 2014 in accordance with the Court's Order Approving
10 Payments to Members of The Trust Administration Class dated September 11, 2014, GCG has
11 distributed \$319,040,162.03 and \$845,973,483.77 to HAC and TAC Class Members
12 respectively for a total of \$1,165,013,645.80 distributed in this Settlement.

14 4. GCG is actively processing documentation which may permit it to disburse
15 checks to an additional 9,421 Historical Class members and 23,183 Trust Administration
16 Class Members. In August 2016, GCG received a file from Interior consisting of additional
17 probate documentation for 2,343 records. As of October 28, 2016, checks for about 98% of
18 the Historical Accounting Class funds and 96% of the Trust Administration Class funds have
19 been or are anticipated to be distributed after all outreach documentation currently in hand is
20 processed.

22 5. In addition to these ongoing efforts to distribute checks to as many Class
23 Members as possible, GCG also continually reviews checks which are outstanding or have
24 been returned as undeliverable and works to obtain updated information which will allow the
25 check to successfully reach the intended recipient. Between July and September 2016, GCG
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1 conducted multiple advanced address searches using available combinations of name,
2 previous addresses, social security number, and date of birth. As a result, GCG was able to
3 mail approximately 27,455 checks. Additionally, Class Counsel has established an interest
4 bearing Remainder Account to hold checks which have remained outstanding and uncashed
5 after their stale date and for over 180 days. To date, GCG has transferred \$5,787,049.75 into
6 this account and will continue to make deposits as additional checks become eligible for
7 transfer.

8 6. GCG also continues to maintain ongoing communication with Class Members and
9 interested parties via the Settlement website (www.IndianTrust.com), email
10 (Info@IndianTrust.com), Call Center, and Seattle Escalations Team, although volume in these
11 areas is decreasing due to the success in distribution to date. Since January 2016, GCG has
12 received 95,974 visits to the website, sent 10,536 emails in response to inquiries received,
13 handled over 42,583 live calls and 61,587 Interactive Voice Response (“IVR”) calls (525,916
14 minutes), and mailed 9,235 outreach letters to interested parties in an effort to obtain further
15 information for Class Members and the heirs of their estates.
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17 7. GCG and Class Counsel are continuing to evaluate the potential benefits of
18 conducting further on the ground outreach efforts, particularly in regards to Oklahoma where
19 there are higher populations of Class Members still unpaid.
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21 8. At this time, there remain 1,248 living and 5,855 deceased Historical Class
22 records and 25,445 living and 9,697 deceased Trust Administration Class records with a total
23 award value of \$43,803,243.93 without documentation or contact information upon which a
24 distribution can be made at this time. GCG believes that many of these records listed as living
25 in the Data by Interior are deceased, duplicate accounts, or are not Class Members because
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1 they are not Indian. Additionally, many of the estates for which GCG currently has
2 insufficient information may be pending probate at Interior. GCG has provided a list of these
3 records to Interior in an attempt to receive further information which may allow for
4 distribution to the heirs of these Class Members.

5 9. Pending a decision regarding additional on the ground outreach, future outreach
6 efforts will consist of (1) continuing and completing review and analysis of documentation
7 received from previous outreach efforts, (2) reviewing information provided by Interior,
8 particularly in regards to pending estates, (3) reviewing information received via
9 communication from interested persons, and (4) using various databases to periodically
10 attempt to locate additional Class Members or their heirs, such as through the use of advanced
11 address searches. Additionally, GCG will continue to maintain a team of representatives
12 available by phone at its Call Center in Dublin, Ohio and Seattle, Washington office.

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14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed this 7th day of November 2016, at Seattle, Washington.

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20 Lori L. Castaneda
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