



for further processing that may permit it to distribute as much as \$39.8 million more to Class Members or their heirs. *Id.* at ¶ 20.

Recently, the Court approved Plaintiffs' requested process for the orderly completion of the settlement. Dkt. No. 4314. That process includes the identification by March 27, 2018 of the estates of Class Members which remain in probate before the federal government and the state of Oklahoma. *Id.*, ¶¶ 1, 2 and 5.<sup>1</sup> During that same period, GCG will process the information and documentation it has received, finish its outreach efforts, and complete the distributions to Class Members and their heirs to the full extent feasible within that period. *Id.*, ¶ 4. The parties and GCG will confer after March 27, 2018 regarding the Whereabouts Unknown (WAO) accounts, and Plaintiffs will then report to the Court on the amount of funds available to be transferred to the Scholarship Fund. *Id.* As a result, by mid-2018, it is expected that the settlement will be completed, except for amounts which depend on the completion of probates of estates of Class Members as ordered by this Court.

The two matters now pending for the Court's consideration are: (1) the motions and briefs regarding the Class Representatives' expenses [Dkt. Nos. 3678, 3839, 4186, 4197, 4211 and 4217]; and (2) Plaintiffs' unopposed motion for a second interim distribution of \$15 million to the Indian Education Scholarship Fund [Dkt. No. 4315]. Some issues regarding Mark Brown's claim for a portion of pre-settlement attorneys' fees, interest and attorneys' fees remain before Magistrate Judge Harvey or the Court of Appeals.

## **II. UPDATE ON OUTREACH EFFORTS**

GCG and Class Counsel, with the assistance of Defendants, have expended considerable efforts and resources to locate and distribute the funds to Class Members and their heirs. Dkt.

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<sup>1</sup> In accordance with this Court's Order [Dkt. No. 4314 at ¶ 1], on December 27, 2017, GCG provided instructions to Interior on Class Members it reasonably believes had an estate pending in a federal probate as of November 27, 2017. Dkt. No. 4316.

Nos. 4163, 4181, 4224 and 4234. As previously reported, GCG's plan was to concentrate its efforts in 2017 in limited areas where there were greater unclaimed funds. Dkt. No. 4246 at 3.

As a result, during 2017, GCG made visits to obtain information regarding unclaimed funds for Class Members and their heirs for 18 different tribes in Oklahoma, New Mexico, Arizona, Minnesota and Wyoming. Castaneda Declaration, ¶¶ 6-11. Likewise, Class Counsel made a number of outreach trips, including to Oklahoma, Minnesota, Wyoming, Montana, South Dakota and North Dakota. As a result of these outreach efforts and additional probate information obtained from Interior, GCG was able to distribute over \$9.25 million to Class Members or their heirs. *Id.* at ¶¶ 6-12.

During 2017, other efforts by GCG to locate and pay Class Members and their heirs have continued, including:

- In connection with the Court setting the November 27, 2017 deadline for submission of information, GCG issued national press releases in both January and June of this year targeting Native American media outlets and publishing the need for Class Members and their heirs to contact GCG with information and documentation before this deadline. Castaneda Declaration, ¶ 3. The June 2017 press release was picked up by almost 200 media organizations, representing a potential audience of over 87.3 million people. *Id.*
- A toll-free telephone number with a recorded 24/7 interactive response system and live operator call center support during normal business hours was maintained by GCG. *Id.* at ¶ 17. During the administration of the settlement, GCG has handled over 3.5 million calls to date, totaling over 26.4 million minutes of time. *Id.*

- Since January 1, 2017, the call volume has exceeded 60,000 calls. *Id.* The call volume averaged 2,500 calls per month in 2017 until September and October when it increased to about 4,000 and 7,225 calls, respectively. *Id.* at 18. In November, GCG’s Settlement Hotline had over 27,500 calls, totaling over 300,000 minutes of call time. *Id.* Over 6,000 of those calls occurred on the November 27, 2017 deadline alone. *Id.* As call volumes increased and in anticipation of the deadline, GCG was open for calls the day after Thanksgiving. *Id.* GCG also added an option for callers to leave a message so they would not need to hold or call back. *Id.* GCG had approximately 1,500 messages left on November 27, 2017, and all those calls were returned that same week. *Id.* To date, GCG has spoken to over 97% of the people who left messages on November 27, 2017, and it continues to try to connect with the other people who left messages. *Id.* In most of these cases, there is no answering service, the recorder is full, or no one answers. *Id.*
- GCG has also arranged approximately 2,000 checks a month to be reissued where the intended recipient did not receive the original check, the check was lost, or its cash by date had expired. *Id.* at ¶ 15.
- GCG has also achieved positive results in finding contact information for Class Members and their heirs by using new “skip tracing” software. *Id.* at ¶ 16.
- GCG has maintained and updated the settlement website, [www.IndianTrust.com](http://www.IndianTrust.com). It was updated with information on the Court approved deadline, pertinent Court and Special Master documents, and other relevant information to keep the Class Members informed. *Id.* at ¶ 19.

### **III. STATUS OF DISTRIBUTIONS**

To date, GCG reports that it has sent to Class Members or their heirs over 1,090,000 distributions via check or wire transfer totaling over \$1.196 billion. *Id.* at ¶ 13. Of that amount, GCG reports that over 97% of those distributions, approximately \$1.165 billion, have been cashed or deposited in an IIM account to date. *Id.* Though not yet complete, the distribution has therefore been a success, especially given the limited information available about the Class Members when the distribution commenced. GCG currently has information or documentation that may allow it to distribute \$39.8 million more to Class Members or their heirs. *Id.* at ¶ 20.

### **IV. LAND BUY-BACK PROGRAM**

The land buy-back program established by the settlement is administered by Interior. The settlement provided \$1.9 billion to purchase fractional interests in trust or restricted land from willing sellers at fair market value in an effort to reduce the problem with fractionated ownership interest in the trust lands. Settlement Agreement, Dkt. 3660-3, ¶ F. Interests consolidated through the land buy-back program are restored to tribal trust ownership. *Id.*

According to Interior's recently published information and press releases available on its website, during the land buy-back program over \$1.26 billion has been paid to landowners at 45 locations and the equivalent of over 2.1 million acres of land has been transferred to tribal governments.<sup>2</sup> Also, in connection with the land buy-back program, the Settlement Agreement provided for contributions by Interior to the Indian Education Scholarship Fund up to a total of

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<sup>2</sup> Interior table on land buy back sales as of December 20, 2017 at: <https://www.doi.gov/buybackprogram> (under "Buy-Back Program Sales Data" tab); Interior Press Release dated July 31, 2017 at <https://www.doi.gov/pressreleases/interior-announces-revised-strategy-policies-more-effectively-reduce-fractionation>.

\$60 million. *Id.* at ¶ G.2.C. Interior's website reports that, as of April 2017, it had transferred the entire \$60 million to the scholarship fund in connection with the land buy-back program.<sup>3</sup>

## **V. INDIAN SCHOLARSHIP FUND**

Plaintiffs previously reported on the work of the Indian Education Scholarship Fund and the many scholarships awarded to date. Dkt. Nos. 4246 at 8-9 and 4313 at ¶¶ 13-14. In addition to the \$60 million paid under the Settlement Agreement to the Indian Education Scholarship Fund by Interior in connection with the land buy-back program, the Scholarship Fund will also receive substantial additional funds from settlement funds which remain undistributed at the completion of the settlement.<sup>4</sup> These funds will come from three primary sources.

First, approximately \$44.4 million in settlement payments was deposited into the IIM accounts of Class Members formally designated as Whereabouts Unknown (WAU). Castaneda Declaration, ¶ 21. Any such settlement proceeds which remain in those WAU accounts and satisfy the criteria set forth in the Settlement Agreement are to be paid to the Scholarship Fund. The parties will determine the amount to be transferred to the scholarship fund from the WAU accounts based on information provided by Interior. Dkt. No. 4314 at ¶ 3.

Second, any funds which remain in the Remainder Account are to be paid to the scholarship fund. Settlement Agreement, Dkt. 3660-3, ¶ G.2.A. As of November 30, 2017, over \$34.6 million is in the Remainder Account. Some of those funds will be distributed prior to the completion of the settlement and some may need to be held because of pending probates. However, Class Counsel expects that a substantial amount from the Remainder Account will be available to be transferred to the scholarship fund.

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<sup>3</sup> Interior website at <https://www.doi.gov/buybackprogram/FAQ#Cobell>.

<sup>4</sup> Upon completion of the settlement distribution, any remaining undistributed funds are, according to the Settlement Agreement, to be paid to the Cobell Scholarship Fund. Settlement Agreement, Dkt. 3660-3, ¶ G.2.A.

Third, undistributed funds in the Settlement Account are to be paid to the scholarship fund. As of November 30, 2017, approximately \$67.4 million remains in the Settlement Account. Of that amount, Plaintiffs have requested a second interim distribution of \$15,000,000.00 to the scholarship fund. Dkt. No. 4315. A portion of the other funds in the Settlement Account will be needed for expenses and some of those funds will be distributed prior to the completion of the settlement. Also, a portion of the funds in the Settlement Account will need to be held until pending probates are completed. After those amounts are distributed or determined and approved by the Court, the rest of the funds in the Settlement Account can be distributed to the scholarship fund.

To date, the Court approved an advance payment of over \$21.7 million to the scholarship fund in January 2017. Dkt. No. 4247 at ¶ 4. Plaintiffs have requested authorization for a second interim advance of \$15 million to the scholarship fund. Dkt. No. 4315. Based on discussions with GCG, Class Counsel believes that it is unlikely any of the funds advanced to the scholarship fund will be needed in the distribution and will therefore likely remain for use by the scholarship fund.

Thus, while the exact amount cannot be determined at this time, it is clear that, in addition to the \$60 million from the land buy-back program, substantial amounts will be available to the Indian Education Scholarship Fund from the Cobell settlement proceeds, despite the successful distribution to date. These *cy pres* funds will have a meaningful impact on generations of Native American students to come and will be a lasting legacy of Elouise Cobell and all who fought with her to gain a measure of justice in this historic case.

## **VI. MATTERS PENDING BEFORE THE COURT**

### **A. Class Representatives' Expenses**

Plaintiffs' motion and motion for reconsideration regarding certain expenses of the Class Representatives is pending before the Court. Dkt. Nos. 3678 and 3839. Following the decision in *Cobell v. Jewell*, 802 F.3d 12 (D.C. Cir. 2015), this Court requested further briefing by the parties. Dkt. 4186. Briefing has been completed and the matter is ripe for decision. Dkts. 4197, 4211 and 4217. Resolution of this issue in the near future is needed as the parties work to complete the settlement.

Funds remain available to pay the \$8,181,748.63 in expenses sought. From the approximately \$75 million withheld from distribution for anticipated administrative expenses, fees and contingencies when the Trust Administration Class settlement amounts were calculated,<sup>5</sup> and after considering additional and future administrative expenses which may be required, Class Counsel and GCG calculate that over \$12 million remains available and could be used to pay the Class Representatives' expenses.<sup>6</sup>

### **B. Motion for Second Interim Payment to Scholarship Fund**

On December 23, 2017, Plaintiffs filed an unopposed motion to authorize a second interim distribution of \$15,000,000.00 from the Plaintiffs' Settlement Account to the Indian Education Scholarship Fund. Dkt. No. 4315. The requested payment is subject to the scholarship fund's agreement to repay any amounts necessary for purposes of the settlement, though Plaintiffs deem it unlikely that any such repayment will be required. If authorized by the Court,

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<sup>5</sup> Dkt. No. 4065 at ¶10; Dkt. No. 4067 at 3.

<sup>6</sup> There is an action pending before this Court by the Lannan Foundation against former Class Counsel Dennis Gingold. Civil Action No. 1:13-cv-1090 (the Lannan Action). Current Class Counsel, Kilpatrick Townsend & Stockton LLP (Kilpatrick), was previously a party to that action, but settled with Lannan and was dismissed with prejudice. Lannan Action, Dkt. No. 30. Gingold recently indicated that he may file a motion to add Kilpatrick and others as third parties in the Lannan Action. Lannan Action, Dkt. No. 54 at 8.

the second interim payment will bring the total paid from the Settlement Account to the scholarship fund to \$36,773,438.50, which is in addition to the \$60 million paid to the Scholarship Fund as part of the land buy-back program established pursuant to the Settlement Agreement.

In calculating the amount of the requested second interim payment, Plaintiffs took into account the pending motions regarding the Class Representatives' expenses. The second interim payment to the scholarship fund will not impair the ability to pay the Class Representatives' expenses from the Settlement Account if they are awarded by the Court.

**C. Pre-Settlement Attorneys' Fees**

The only remaining issues in this case regarding pre-settlement attorneys' fees involve the motion for pre-settlement fees by Mark Brown, which was referred to Magistrate Judge Harvey and consented to by Plaintiffs and Brown. Dkt. Nos. 3699, 4201 & 4281. Of the \$5,517,431 held in the Settlement Account pursuant to this Court's Order because of the Brown claim for pre-settlement fees [Dkt. No. 3850 at 9-10], Magistrate Harvey awarded \$2,878,612 to Brown and held that Class Counsel was entitled to the remaining funds in the Settlement Account of \$2,638,818. Dkt. No. 4249 at 83. Brown was paid the \$2,878,612 from the Settlement Account. Brown sought pre-judgment interest and was awarded \$736,293.88 in pre-judgment interest. Dkt. Nos. 4268 & 4269. Plaintiffs appealed, Brown cross-appealed, and those appeals are pending in the United States Court of Appeals for the District of Columbia Circuit as Case Nos. 17-5111 & 17-5125. At Plaintiffs' request, and in light of its appeal of the interest award, Magistrate Judge Harvey stayed the order directing that the pre-judgment interest be paid pending Plaintiffs' appeal. Dkt. No. 4278.

Brown also moved for \$902,911.53 in attorneys' fees allegedly incurred in prosecuting his claim for pre-settlement attorneys' fees, which motion has been fully briefed and remains pending before Magistrate Judge Harvey. Dkt. Nos. 4272, 4273 & 4277. A total of \$2,638,818 remains in the Settlement Account in connection with the disputes between Plaintiffs and Brown.

## **VII. CONCLUSION**

Plaintiffs believe that the distribution of the settlement proceeds, to date, has been successful and that even more funds will be distributed to Class Members or their heirs through March 2018. By mid-2018, the settlement should be completed, except for amounts which depend on the completion of the probate of estates of Class Members.

Respectfully submitted this 28<sup>th</sup> day of December, 2017.

/s/ David C. Smith  
DAVID COVENTRY SMITH  
D.C. Bar No. 998932  
KILPATRICK TOWNSEND & STOCKTON, LLP  
607 14th Street, N.W., Suite 900  
Washington, D.C. 20005  
dcsmith@kilpatricktownsend.com  
Telephone: (202) 508-5844

WILLIAM E. DORRIS  
Georgia Bar No. 225987  
Admitted *Pro Hac Vice*  
KILPATRICK TOWNSEND & STOCKTON, LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309  
Telephone: (404) 815-6500

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PLAINTIFFS' STATUS REPORT was served on the following via facsimile, pursuant to agreement, on this 28<sup>th</sup> day of December, 2017.

Earl Old Person (*Pro se*)  
Blackfeet Tribe  
P.O. Box 850  
Browning, MT 59417  
406.338.7530 (fax)

/s/ David C. Smith  
DAVID C. SMITH

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	Civil Action No. 1:96 CV 01285 (TFH)
	)	
Plaintiffs,	)	
	)	<b>DECLARATION OF LORI L.</b>
v.	)	<b>CASTANEDA REGARDING THE</b>
	)	<b>STATUS OF DISTRIBUTION AND</b>
RYAN ZINKE, Secretary of the Interior, et al.,	)	<b>ADMINISTRATIVE DUTIES</b>
	)	
Defendants.	)	
	)	
	)	
	)	

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I, Lori L. Castaneda, declare as follows:

1. I am a Vice President 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. 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 Administrator<sup>1</sup> as described in the Class Action Settlement Agreement (“Settlement Agreement”) dated December 7, 2009, and given final approval by this Court in the Order Granting Final Approval to Settlement, dated

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<sup>1</sup> Unless otherwise defined within this document, capitalized terms used in this Declaration are as defined in the Class Action Settlement Agreement.

1 July 27, 2011 (the “Order”). I submit this Declaration to provide the Court and the Parties  
2 with further information regarding the distribution of Historical Accounting Class (“HAC”)  
3 and Trust Administration Class (“TAC”) payments, as well as the status of duties with which  
4 GCG has been charged as Claims Administrator as they relate to distribution.

5  
6 3. In an effort to further the successful distribution of payments to as many Class  
7 Members and their heirs as possible, in both January and June of this year, GCG at Class  
8 Counsel’s request issued national press releases. These press releases targeted the Native  
9 American media outlets and publicized the need for Class Members and their heirs to contact  
10 GCG with information and documentation before the Court’s ordered November 27, 2017  
11 deadline so that they could be paid under the Settlement. It also provided contact information  
12 for GCG so that Class Members would have it readily at hand and detailed that after the Court  
13 ordered deadline, unclaimed funds will be distributed to the Cobell Scholarship Fund for use  
14 in further advancing education among Native Americans. Both press releases were very  
15 successful and the June press release was picked up by almost 200 national agencies with a  
16 potential audience of over 87.3 million people.  
17

18  
19 4. As has been previously reported to this Court, GCG, along with Class Counsel,  
20 has engaged in extensive outreach and research efforts through Tribal enrollment and census  
21 offices to locate Class Members or their heirs who may be entitled to payment as a HAC or  
22 TAC Member. GCG continued these research and outreach efforts into 2017 so that Class  
23 Member contact information may be obtained and heirship information could be gathered  
24 prior to the Court approved deadline for submitting documentation to GCG of November 27,  
25 2017.  
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1 5. GCG along with Class Counsel worked closely with many tribes, several noted  
2 below, and commencing in September 2017, GCG began traveling to the tribal offices that  
3 were willing to allow GCG to examine their records or work with them jointly to get  
4 information on missing Class Members and heirs.

5  
6 6. Oklahoma: GCG traveled to five different areas of Oklahoma in September to  
7 attend meetings hosted by Oklahoma Indian Legal Services (OILS) and in attendance by the  
8 tribes and their enrolled members in order to assist with efforts to locate heirs still missing  
9 contact information and provide probate services to eligible estates without distribution  
10 documentation. As part of these efforts, GCG worked closely with OILS who had significant  
11 contacts with many of the Oklahoma tribes. As part of these meetings, GCG was able to  
12 gather information on Class Members that it previously did not have from the following  
13 tribes:  
14

- 15 • Cherokee Delaware Tribe of Oklahoma
- 16 • Cherokee Nation of Oklahoma
- 17 • Chickasaw Nation of Oklahoma
- 18 • Choctaw Nation of Oklahoma
- 19 • Creek Nation of Oklahoma
- 20 • Seminole Nation of Oklahoma
- 21 • Cherokee Band of Shawnee Indians of Oklahoma
- 22 • Eastern Creek Descendants
- 23 • Kansas Delaware Indians of Oklahoma
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1 GCG also researched and utilized the Oklahoma State Courts Network online  
2 (www.oscn.net) to locate electronic copies of probate documentation for the estates of eligible  
3 Class Members and has directly contacted several county courts in Oklahoma for the purpose  
4 of requesting copies of such documentation where an electronic version is unavailable.  
5 Oftentimes this outreach stems from information GCG has received from visiting the BIA  
6 regional offices regarding a probate where they may have a probate number but no  
7 documentation.

8  
9 7. GCG estimates it will be able to pay an additional 2,050 people because of these  
10 visits and research of probates, which will total just under \$2,000,000.

11  
12 8. New Mexico: The Navajo Nation had the largest population of unpaid Class  
13 Members of any single tribe included in the Settlement due to not having contact information  
14 for living Class Members and a back log in probates for deceased Class Members so it was  
15 difficult to obtain documentation on which GCG could pay. As of September 2017, the  
16 Navajo Nation had 4,083 Class Members who had not been paid with an outstanding amount  
17 of over \$6,500,000. Since September, GCG has been able to visit the vital statistics office and  
18 review their records as well as research heirship documents twice so that thousands more class  
19 members and their heirs can be paid. As of December 10, 2017, of the 991 living Class  
20 Members and 3,091 deceased Class Members that GCG could not pay, 656 listed living Class  
21 Members have been researched and current information found or heirs determined as the tribal  
22 records showed they were actually deceased. Additionally, the remaining 337 Class Members  
23 have been researched in the electronic data and will require manual research through paper  
24 files. For the listed 3,091 deceased Class Member who were unpayable, GCG has researched  
25 1,109 and 888 were determined to have payable heirs for which GCG obtained documents.  
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1 284 were researched in the electronic records, however these will need further manual  
2 research. An additional 93 Class Member records were searched and documentation  
3 supported that they had no heirs. Because of the extensive and time consuming research  
4 required to find the heirs in the Navajo database and print and obtain documentation, GCG  
5 has only been able to research just over half of the individuals listed. GCG was in Window  
6 Rock, AZ again to further research records the week of December 11<sup>th</sup>, and plans to return in  
7 order to complete the task. The results of the information that GCG has been able to acquire  
8 is significant. With just over 50% of the records researched and almost 75% of those updated  
9 with information, GCG will be able to distribute additional payments to people in the Navajo  
10 Nation totaling almost \$2,800,000.  
11

12 9. Arizona: GCG traveled to the San Carlos Apache Tribe Reservation in October as  
13 the tribe agreed to allow GCG and Class Counsel to review records to obtain current  
14 information on 555 Class Members where GCG did not have current contact information or  
15 heir documentation. Of the 476 living Class Members on this list, GCG was able to find vital  
16 statistics information to do skip tracing and obtain a current address on all 476. GCG was  
17 also able to get information on 22 of the 79 deceased class members. This will enable GCG to  
18 payout approximately \$594,000 that it otherwise would not have been able to pay.  
19  
20

21 10. Minnesota: In November, GCG visited the Chippewa Tribal Enrollment office in  
22 Bemidji which houses records for multiple tribes in the area including Minnesota Chippewa  
23 Tribe, Bois Forte Band, Fond du Lac Band, Mille Lac Reservation, Leech Lake Band, White  
24 Earth Band, and Grand Portage Band. There were initially 3,617 Class Members in this area  
25 that GCG was not able to pay or find their heirs. Based on the information reviewed in this  
26 initial visit, GCG was able to research and locate more than 82% of the records they reviewed  
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1 or 1,015 Class Members or heirs. GCG still has 2,390 records to research and anticipates  
2 another trip will be required to complete the research. This initial visit will allow GCG to pay  
3 an additional \$1,345,383 to members of these tribes.

4 11. Wyoming: GCG was provided access to the tribal enrollment records through  
5 contacts Class Counsel had with the Arapaho Tribe. Upon GCG's arrival at the enrollment  
6 office in December, there were 350 records where Department of Interior's ("Interior") did  
7 not have contact information or GCG had not received probate documents on which to pay  
8 heirs. Based upon a review of the records, GCG was able to find 315 of the 350 records  
9 outstanding and will be able to now pay over \$431,000 to individuals in the tribe.  
10

11 12. Additionally, GCG has been working with Interior to obtain additional probate  
12 documents that the Bureau of Indian Affairs ("BIA") may have in their systems in order to  
13 ensure all possible estate Class Members' heirs are paid. To that end, GCG received a file in  
14 May 2017 consisting of additional probate documentation for 1,052 estate records which have  
15 all been processed and heirs paid; and a further file in November containing 1,109. GCG is  
16 presently reviewing these records, processing the new contact information for heirs, and will  
17 be paying approved heirs upon the completion of its review. GCG continues to work with  
18 Interior on deceased Class Member lists where GCG does not yet have information to  
19 distribute. GCG estimates these recent new records will allow it to pay \$2,097,120 in  
20 additional funds directly to Class Member's heirs.  
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23 13. Since commencing distribution to HAC Members on December 14, 2012 pursuant  
24 to the Court's Order dated December 11, 2012, and to the TAC Members on September 14,  
25 2014 in accordance with the Court's Order Approving Payments to Members of The Trust  
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1 Administration Class dated September 11, 2014, GCG has sent over 1,090,180 distributions  
2 via check or wire transfer for a total of \$1,196,508,696 to Class Members or their heirs in the  
3 Settlement. Of this amount, GCG can confirm \$1,165,207,292 has been cashed or deposited  
4 in an IIM account to date totaling 97% of funds distributed.

5  
6 14. GCG also continues to make regular deposits consisting of checks which have  
7 remained outstanding and uncashed after their stale date and for over 180 days, as well as heir  
8 checks which have been returned undeliverable, into the interest bearing Remainder Account  
9 established by Class Counsel. To date, GCG has transferred \$17,620,290.01 into this account  
10 and will continue to make deposits as additional checks become eligible for transfer. If any of  
11 these Class Members or heirs contact GCG, their contact information is able to be updated  
12 and funds are then approved by the Special Master to be distributed to them again at a more  
13 current address or location. To date, a total of \$6,431,992.12 has been returned to GCG from  
14 the Remainder Account for distribution to Class members or their heirs.  
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16  
17 15. Additionally, GCG continues to receive written requests for the reissuance of  
18 checks where the intended recipient did not cash it due to an address change, the check being  
19 lost, or its cash by date is now expired. Since the beginning of 2017, GCG has been averaging  
20 approximately 2,000 reissue requests each month thereby further reducing those checks that  
21 remain uncashed or are undeliverable.  
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23  
24 16. GCG also continually reviews checks which are outstanding or have been  
25 returned as undeliverable and works to obtain updated information which will allow the check  
26 to successfully reach the intended recipient. In efforts to find more people through technology,  
27 GCG recently reviewed new skip tracing software to see if there were any other options (in  
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1 addition to advanced address searches) for contacting Class Members or their families. As a  
2 result, GCG tested a specialized search for old addresses, phone numbers or email address  
3 contact information where our present information on a Class Member was stale or no longer  
4 current. GCG has had some very positive results with this research and has been able to  
5 further update address information for heirs and Class Members after minimal outreach.

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7 17. GCG continues to maintain a toll free number with a recorded 24/7 interactive  
8 voice response system (“IVR”) and live operator call center support Monday through Friday  
9 during normal business hours. Class Members and heirs are able to update their records and  
10 get assistance with their questions, especially heirs with questions on acceptable probate  
11 documentation. Throughout the Settlement, GCG has managed significant call volume and  
12 fluctuations successfully. To date, GCG has handled over 3.5 million calls totaling over 26.4  
13 million minutes of time for the Settlement. Since January 1, 2017, the call volume has been  
14 over 60,000 calls.

15  
16 18. In 2017, the call volume averaged 2,500 per month until September when it  
17 increased to about 4,000 and October had approximately 7,225 calls. In November, the  
18 Settlement Helpline had over 27,500 calls which totaled over 300,000 minutes of call time.  
19 Over 6,000 of those calls occurred on the November 27, 2017 deadline. As call volumes  
20 increased and in anticipation of the deadline, GCG was open for calls the day after  
21 Thanksgiving. GCG also added an option for callers to leave a message so they would not  
22 need to hold or call back. GCG had approximately 1,500 messages left on November 27,  
23 2017, the Court approved deadline, and all of those calls were returned within that same week.  
24 GCG has made contact with over 97% of the people who left messages and is continuing to  
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1 try to connect with the others with whom it has not yet spoken. In most of these cases there is  
2 no answering service, the recorder is full, or no one answers.

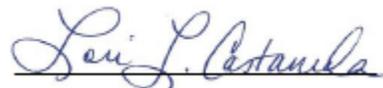
3 19. Finally, GCG has continued to maintain and update the dedicated settlement  
4 website, www.IndianTrust.com. It was updated with information on the Court approved  
5 deadline, Court documents of relevance, Special Master Orders and any other information that  
6 would further inform Class Members.  
7

8 20. Currently, GCG has received and is processing information and documentation  
9 which it calculates may allow it to distribute approximately \$39.8 million to Class Members  
10 or their heirs.  
11

12 21. GCG has transferred approximately \$44,466,685 in settlement proceeds  
13 into WAU IIM accounts at Interior.  
14

15 I declare under penalty of perjury under the laws of the United States of America  
16 that the foregoing is true and correct.  
17

18 Executed this 27<sup>th</sup> day of December, 2017, at Seattle, Washington.  
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21 Lori L. Castaneda  
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