

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
BEFORE THE SPECIAL MASTER**

ELOUISE PEPION COBELL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	1:96CV01285 (TFH)
RYAN ZINKE, Secretary of the Interior, et al.,)	
)	
Defendants.)	
)	

**PLAINTIFFS' UNOPPOSED MOTION TO PERMIT DISTRIBUTION
PURSUANT TO TRIBAL RECORDS**

Plaintiffs, in accordance with the *Order Granting Unopposed Motion to Modify Distribution of Settlement Proceeds to Estates and Heirs of Deceased Class Members* dated June 19, 2013 [Dkt. No. 3958] (“*Estate Distribution Order*”), hereby move the Special Master, without opposition from Defendants, for an order permitting the Claims Administrator, Garden City Group, LLC (“GCG”), to distribute Historical Accounting and Trust Administration Class payments to the heirs of deceased Class Members pursuant to the official tribal records of the Tribe of which the deceased Class Member was a member. In support thereof, Plaintiffs respectfully show the Special Master as follows:

1. In light of the upcoming deadline of November 27, 2017 to provide documentation for distributions to heirs of deceased Class Members [Dkt. No. 4247], GCG and Class Counsel have been provided greater access to tribal records which previously had not been made available. These tribal records, in many cases, provide detailed records, including last known addresses, of the heirs of deceased Class Members. Based on the information that GCG and Class Counsel have reviewed to date, these records often provide

the best identification of those heirs of Class Members entitled to settlement distributions. In addition, utilizing these records is cost efficient as, given the size of some of the distributions, heirs will not have to undertake costly probate proceedings which might impact recoveries.

2. Accordingly, Plaintiffs respectfully request that GCG be permitted to rely on these tribal records and distribute Historical Accounting and Trust Administration payments to the heirs of Class Members based on a review of tribal records of the Tribe of which the Class Member had been affiliated conducted by GCG, Class Counsel, or an authorized tribal representative. GCG is to use such documentation only where the heirs of a Class Member have provided GCG no other documentation upon which to distribute settlement funds at the time distribution occurs in a manner previously approved by this Court.

Respectfully submitted this 15th day of November, 2017.

/s/ David C. Smith
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *PLAINTIFFS' UNOPPOSED MOTION TO PERMIT DISTRIBUTION PURSUANT TO TRIBAL RECORDS* was served on the following via facsimile, pursuant to agreement, on this 15th day of November, 2017.

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

/s/ David C. Smith
David C. Smith

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Special Master Order # 13

Pending before the Special Master is Plaintiffs’ Unopposed Motion to Permit Distribution Pursuant to Tribal Records [Dkt. ____]. Upon consideration of that motion, the Special Master hereby orders as follows:

1. Where the heirs of a Class Member have provided the Claims Administrator no documentation approved by this Court upon which to make a distribution, the Claims Administrator shall be permitted to rely upon and distribute Historical Accounting and Trust Administration payments to the heirs of Class Members based on a review of tribal records of the Tribe of which the Class Member was a member conducted by the Claims Administrator, Class Counsel, or an authorized tribal representative.

2. Any distribution shall be made in accordance with the probate laws of the Tribe of the deceased Class Member or, if none, the state in which the tribal government of that Tribe is located.

This the ____ day of November 2017.

Hon. Richard A. Levie (Ret.)
Special Master