

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HOOPA VALLEY TRIBE, on its own behalf, and in)
its capacity as *parens patriae* on behalf of its members;)
Elton Baldy; Oscar Billings; Benjamin Branham, Jr.;)
Lila Carpenter; William F. Carpenter, Jr.; Margaret)
Mattz Dickson; Freedom Jackson; William J.)
Jarnaghan, Sr.; Joseph LeMieux; Clifford Lyle)
Marshall; Leonard Masten, Jr.; Danielle Vigil-Masten,)

Plaintiffs,)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

Case No. 08-72 L
Judge Lawrence S. Margolis

**HOOPA VALLEY TRIBE AND
INDIVIDUAL HOOPA TRIBAL
MEMBERS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT ON QUESTION OF
BREACH OF TRUST
RESPONSIBILITY**

Pursuant to Rule 56(c) of the Rules of the United States Court of Federal Claims, the Hoopa Valley Tribe, et al. (“Hoopa Plaintiffs”) hereby move for partial summary judgment to determine, as a matter of law, that the United States of America breached its fiduciary trust obligations to the Hoopa Plaintiffs when officials of the United States Department of the Interior made a discriminatory disbursement of an Indian trust fund account held for all “Indians of the Reservation” as a per capita payment to only members of the Yurok Indian Tribe in violation of the Act of April 8, 1864, 13 Stat. 39, 25 U.S.C. § 407, and the Hoopa Yurok Settlement Act, Pub. L. 100-580, *codified in part as amended at* 25 U.S.C. §§ 1300i, *et seq.* (“Settlement Act”).

The Hoopa Plaintiffs are entitled to judgment as a matter of law that the United States is liable for breach of fiduciary obligation resulting from its discriminatory distribution of the proceeds of timber sales and management of the former Joint Hoopa Valley Indian Reservation to fewer than all of the Indians of the Reservation for whom the Indian trust funds were collected. There are no genuine issues of material fact that would preclude entry of judgment in favor of the Hoopa Plaintiffs on the question of liability for breach of trust.

This Motion is supported by the Memorandum of Points and Authorities, the Proposed Findings of Uncontroverted Fact, and the evidence and exhibits filed herewith.

Respectfully submitted this 2nd day of April, 2008.

s/ Thomas P. Schlosser
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Attorneys for the Plaintiff Hoopa Valley Tribe, et al.

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2008, a copy of the Hoopa Valley Tribe and Individual Hoopa Tribal Members' Motion for Partial Summary Judgment on Question of Breach of Trust Responsibility was electronically sent via the CM/ECF system by the United States Court of Federal Claims on the following party:

Devon Lehman McCune
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s/ Thomas P. Schlosser
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