

In the United States Claims Court

(FILED OCTOBER 29, 1986)

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PIRTLE, MORISSET
SCHLOSSER & AYER

JESSIE SHORT, ET AL.,)
)
 Plaintiffs,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant,)
)
 and)
)
 THE HOOPA VALLEY TRIBE OF INDIANS,)
)
 Defendant-Intervenor.)

No. 102-63

CHARLENE ACKLEY, ET AL.,)
)
 Plaintiffs,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant,)
)
 and)
)
 THE HOOPA VALLEY TRIBE OF INDIANS,)
)
 Defendant-Intervenor.)

No. 460-78

ORDER

The defendant filed a "Motion for Status Conference on the Question of the Appropriate Manner for Qualifying Plaintiffs Under the Manifest Injustice Exception to the A-E Standards and Motion for Extension of Time to Respond to Individuals Serving Discovery Until After the Status Conference." A conference call was held in court on October 17, 1986.

The defendants shall respond to entitlement motions within thirty (30) days after completion of discovery as to an individual plaintiff. Where it is logistically impossible for the defendants to respond to numerous entitlement motions within that time period, the parties shall agree as to the response time.

Where plaintiffs have not filed an entitlement motion or have not given notice that they seek a trial, the defendants shall move for judgment as to those plaintiffs the defendants believe are unqualified under Standards A-E and the manifest injustice exception.

As to plaintiffs' motions where the defendants believe in good faith that discovery is not complete and that it is impractical to respond, defendants need not respond to these motions until discovery from the plaintiffs is complete.

Defendants' responses for plaintiffs who have to date filed complete discovery responses shall be filed with the Clerk of the Court by November 28, 1986.

Trial is set in San Francisco on January 26-30, 1987. The parties shall substantially comply with Appendix G as to the plaintiffs listed for trial in the July 2, 1985 notice, as amended, filed by plaintiffs, and for any other plaintiffs subsequently listed for trial. The defendants shall be entitled to reasonable discovery so as not to interfere with the trial.

Where Standard A-E motions for entitlement are denied, and there are genuine material issues of fact, these cases shall also be set for trial if the plaintiffs so request. If these plaintiffs also seek relief under the manifest injustice exception, they shall state the reasons therefor.

Plaintiffs' pretrial statements shall be filed with the Clerk of the Court by November 28, 1986. Defendants' pretrial statements shall be filed with the Clerk of the Court by January 9, 1987.

A pretrial conference call is set for January 15, 1987 at 2:30 P.M. Eastern Time.

Lawrence S. Margolis

LAWRENCE S. MARGOLIS
Judge, U.S. Claims Court