

IN THE UNITED STATES CLAIMS COURT

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PITTLER, AGRICOLT
SCHLOSSER & MEER

JESSIE SHORT, et al.,
Plaintiffs,
v.
UNITED STATES OF AMERICA,
Defendant,
And
HOOPA VALLEY TRIBE
Defendant-Intervenor.

No. 102-63
(FILED OCTOBER 3, 1989)

CHARLENE ACKLEY, et al.,
v.
UNITED STATES OF AMERICA,
Defendant,
And
HOOPA VALLEY TRIBE
Defendant-Intervenor.

No. 460-78

ORDER RE
SCHEDULING MATTERS
DISCUSSED AT STATUS
CONFERENCE OF
SEPTEMBER 19, 1989

Pursuant to the orders issued by the Court during the telephone status conference of September 19, 1989:

All briefing of non-ripe eligibility motions shall be completed by January 31, 1990. The defendant and defendant-intervenor will begin to file responses as they are completed, and all responses shall be filed no later than November 20, 1989, unless the parties agree to or the Court orders an extension of that date. The Hoopa Valley Tribe shall make its arguments regarding discovery disputes in those responses whenever

possible. Plaintiffs' replies shall be filed no later than January 31, 1990, unless the Court orders an extension of that date.

In the parties' list of ripe and non-ripe motions, it was indicated that the Government was reconsidering its position on the eligibility of some plaintiffs. The Government shall state its position on those plaintiffs by October 20, 1989.

For those plaintiffs who are listed in the Hoopa Valley Tribes' Amended Suggestion of Death filed June 24, 1985, and who are indeed deceased as of the date of this order, plaintiffs shall file all motions to substitute representatives by January 31, 1990.

The parties shall submit to the Court by October 20, 1989, copies of all stipulations which have previously been filed and which require action by the Court. The stipulations will be submitted in a form which will allow the Court to enter the stipulations as orders.

By October 20, 1989, the Government will send all parties copies of the following documents which bear on the interest issues:

All available documents which relate to each per capita payment made prior to December 7, 1988, from communal revenues of the Hoopa Valley Reservation, and

All available documents which show the investments and interest rates earned on the fund, Proceeds of Labor-Hoopa Valley Indians-California 70 percent Fund, account No. J52-561-7197, from its inception to October 31, 1988.

By October 20, 1989, the United States agrees to locate and examine the files of the U.S. Department of Justice in Cheyenne-Arapaho Tribes, et al. v. United States, 206 Ct. Cl. 340, 512 F.2d 1390 (1975) (DOJ file Nos. 90-2-20-860 and 90-2-20-861) to determine if there are any documents contained therein which relate to the actual determination of the rate of prejudgment interest; to notify the parties as to the relevant documents; and, to provide the parties copies of those discoverable relevant documents.

As directed by the Court, by November 20, 1989, the parties will exchange and discuss proposals regarding the proper interest rate to be used for each year in calculating plaintiffs' interest award.

On September 25, 1989, the Hoopa Valley Tribe served responses to plaintiffs' motions for summary judgment in favor of 17 Sloan (Hecker) plaintiffs. Plaintiffs' replies, or notice that plaintiffs waive reply, shall be filed by October 18, 1989.

By October 2, 1989, Mr. Zuyderweg shall file a reply, or notice that plaintiff waives reply, in support of the motion to qualify Mr. Rodney J. Caetano, No. 379.

Defendant and defendant-intervenor shall not respond to plaintiffs' Motion for Relief from Order dated March 10, 1988 Denying Qualification of Allen Family unless the Court so directs, except that if the United States wishes to file a response before the Court so directs concerning the motion, counsel may seek leave to do so.

A status conference shall be held on Thursday, November 30, 1989 at 2:30 p.m.

As agreed by the parties through telephone conference calls subsequent to the September 19, 1989 status conference, the defendant and defendant-intervenor shall serve by October 19, 1989, responses to plaintiffs' Request for Amendment of Damages Opinions Dated March 17, 1987 and July 25, 1989 to Include 28 U.S.C. § 1292(D) Statement. Plaintiffs shall serve replies by November 13, 1989.

Dated:

October 3, 1989

Lawrence S. Margolis

Judge, Claims Court