

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JESSIE SHORT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 102-63
)	Judge Lawrence S. Margolis
UNITED STATES OF AMERICA,)	
)	
Defendant,)	
)	
and)	
)	
HOOPA VALLEY TRIBE,)	PARTIES' STIPULATION
)	RE: VOLUNTARY DISMISSAL
Defendant-Intervener,)	WITH PREJUDICE
)	
and)	
)	
CITIBANK N.A.,)	
)	
Defendant-Intervener.)	

Pursuant to the Court's direction (Order dated May 15, 2013 (ECF Doc. 774) counsel for all parties to this lawsuit have conferred and now state the following:

RECITALS

WHEREAS, on March 27, 1963, Plaintiff Jessie Short filed a lawsuit against the United States of America (the "Defendant") in the United States Court of Claims (ECF Doc. 1) and this lawsuit is currently captioned *Jessie Short, et al. v. United States of America, et al.*, No. 63-102 (Fed. Cl.) (the "Lawsuit ");

WHEREAS, the Hoopa Valley Tribe ("Tribe") intervened in the Lawsuit as a Defendant-Intervenor;

WHEREAS, on July 29, 1993, the Court awarded to each qualified plaintiff a Final Judgment;

WHEREAS, the Final Judgments awarded were affirmed by the United States Court of Appeals for the Federal Circuit in *Short v. United States*, 50 F.3d 994 (Fed. Cir. 1995); and thereafter, on May 5, 1995, the Federal Circuit's mandate was returned to the Clerk of Court for the United States Court of Federal Claims;

WHEREAS, on December 21, 1995, the Court entered the Order re: Disbursements, Deposits and Payment of Judgments (ECF Doc. 30);

WHEREAS, on or about January 9, 1996, Heller, Ehrman, White & McAuliffe, by Robert S. Venning, Counsel of Record for the Plaintiffs, and Citicorp Trust, N.A. entered into the Court-approved 1996 Trust Agreement which created the Short Judgment Trust to receive, hold, and disburse pursuant to the Court's orders, the monies paid by the U.S. Treasury and the monies earned on the Trust fund's investments;

WHEREAS, the 1996 Trust Agreement was periodically amended and the amendments were periodically approved by the Court;

WHEREAS, on or about January 10, 2009, Plaintiffs and Citibank, N.A. entered into the "Amended and Restated Short Judgment Trust Agreement;"

WHEREAS, periodically disputes arose between Plaintiffs and Citibank vis-a-vis the Short Judgment Trust;

WHEREAS, on or about April 13, 2012, Citibank transmitted to the Court and to all of the parties in the Lawsuit, the Trustee's Report re: disputed checks that were identified in Defendant's Jessie Short Judgments Verification Reports (Dec. 2005);

WHEREAS, Defendant United States issued subpoenas and subpoenas duces tecum to Citibank and its paying agents seeking deposition testimony and documents related to Citibank's administration and management of the monies held or earned in the Short Judgment Trust and the matters addressed in the April 13, 2012 Trustee's Report;

WHEREAS, on or about, June 21, 2012, Citibank filed a Motion to Intervene for the limited purpose of resolving any and all Short Judgment Trustee's responsibilities, duties, and liabilities;

WHEREAS, on June 26, 2012, the Court granted Citibank's Motion to Intervene (ECF Doc. 677);

WHEREAS, John W. Corbett, Plaintiffs' Counsel of Record is the Court-approved representative of all Plaintiffs and the Court has determined that Mr. Corbett has full authority to negotiate and approve any settlement negotiated with the attorneys who represent Citibank;

WHEREAS, on March 15, 2013, the Court held a formal settlement conference which was attended by attorneys representing Plaintiffs, Defendant United States and Citibank in the Chambers of the Honorable Lawrence S. Margolis, Senior Judge, United States Court of Federal Claims;

WHEREAS, Plaintiffs' counsel and counsel for Citibank reached an agreement in principle at the March 15, 2013 settlement conference;

WHEREAS, Plaintiffs were informed of their rights to object to the proposed settlement and they were invited to attend a fairness hearing in the Lawsuit that was held on April 3, 2013;

WHEREAS, the Court conducted the Fairness Hearing on April 3, 2013 and at that time, no objections were voiced to the proposed settlement;

WHEREAS, the Court determined that the proposed settlement is fair; and

WHEREAS, in order to avoid the possible costs, burdens and distractions of litigation, the Plaintiffs and Citibank entered into a Settlement Agreement to resolve fully and completely any and all disputes, claims, issues and differences between Plaintiffs and Citibank related to the Short Judgment Trust.

STIPULATION

1. Plaintiffs and Citibank each stipulate that they will respectively execute the Settlement Agreement no later than Tuesday, June 4, 2013.
2. Citibank stipulates that, if the Plaintiffs have executed the Settlement Agreement by June 4, 2013, all monies payable under the Settlement Agreement will be paid into the Short Judgment Trust no later than Tuesday, June 18, 2013.
3. No later than Wednesday, June 19, 2013, Citibank will transfer all of the monies in the Short Judgment Trust to the new Trustee (Comerica Bank/Comerica Bank & Trust, N.A. xxx2825), provided that: (a) Comerica Bank/Comerica Bank & Trust, N.A. has provided wire and asset transfer instructions; (b) certain bonds held in the trust may require additional processing time; and (c) such transfers are subject to a reasonable reserve for payment of reasonable expenses and taxes.

4. The parties stipulate that all claims against Citibank which were raised or could have been raised in the instant case will be voluntarily dismissed with prejudice effective June 28, 2013.

5. The parties stipulate that effective June 28, 2013 Citibank is terminated as Trustee for the Short Judgment Trust, unless terminated earlier by agreement of Plaintiffs and Citibank and the approval of the Court.

6. The parties request that the lawsuit be finally closed as of midnight, June 28, 2013.

IT IS SO AGREED AND STIPULATED.

Dated: June 3, 2013

/s/ John W. Corbett
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Dated: June 3, 2013

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Dated: June 3, 2013

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and)	CERTIFICATE OF SERVICE
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HOOPA VALLEY TRIBE,)	
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Defendant-Intervener,)	
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and)	
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CITIBANK N.A.,)	
)	
Defendant-Intervener.)	

I hereby certify that on the 3rd day of June 2013, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system which will send notice to the following:

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**Parties' Stipulation re: Voluntary
Dismissal with Prejudice**

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