

In the United States Claims Court

No. 102-63

(FILED FEBRUARY 17, 1989)

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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.)

O R D E R

QUALIFICATION OF NINETEEN PLAINTIFFS UNDER THE
MANIFEST INJUSTICE EXCEPTION

On March 1, 1988, the court ruled on the entitlement motions of numerous plaintiffs seeking to qualify as "Indians of the Reservation" under the manifest injustice exception. The parties submitted these motions on a tabular list. The court requested additional information concerning blood degree, residence, and personal or ancestral ties to reservation land for nineteen plaintiffs. The plaintiffs submitted the information on July 19, 1988. The defendant United States and the defendant-intervenor Hoopa Valley Tribe (Tribe) filed oppositions to these motions.

After a thorough review of the parties' submissions, the court has determined that the following plaintiff does not qualify because she has not established that she possesses sufficient Indian blood. Her motion is denied.

<u>Plaintiff Number</u>	<u>Last Name</u>	<u>First/Middle Names</u>
3667	Myers	Melissa S.

The following plaintiffs fail to qualify because they have not established that they have sufficient residence on the reservation. Their motions are denied.

<u>Plaintiff Number</u>	<u>Last Name</u>	<u>First/Middle Names</u>
2676	Schwenk	Eric Darrell A.
* 0946	Green	Verla
* 2723	Seymour	Roy
0366	Bussell	Clemard Isaac, Jr.
0370	Bussell	Oswald Noel
* 2614	Rowe	Karen Denise
* 2615	Rowe	Yvonne Faye Ferris
3176	Whitehurst	Deanna Russell
0369	Bussell	Neta M. Dartt
* 1590	McClellan	Duane K.

The following plaintiffs fail to qualify because they have not established that they have sufficient personal or ancestral ties to reservation land. Their motions are denied.

<u>Plaintiff Number</u>	<u>Last Name</u>	<u>First/Middle Names</u>
2373	Pitt	William Peter
3523	Gray	Vivian
2332	Pete	Lenora M.
2333	Pete	Linda Elaine

The court has determined that the following plaintiffs are qualified under the manifest injustice exception and, accordingly, their motions are granted.

<u>Plaintiff Number</u>	<u>Last Name</u>	<u>First/Middle Names</u>
0958	Griffin	Seeley Lane
1900	Mattz	Emery T., Sr.
0365	Bussell	Anita Lyn
0371	Bussell	Timothy

*/ The court also notes that these plaintiffs would not be eligible because they have failed to adequately establish that they have sufficient personal or ancestral ties to reservation land.

CONCLUSION

The court has determined that Seeley Lane Griffin, Emery T. Mattz, Sr., Anita Lyn Bussell and Timothy Bussell qualify as "Indians of the Reservation" under the manifest injustice exception, and their motions are granted. Eric Darrell A. Schwenk, Melissa S. Myers, Verla Green, William Peter Pitt, Vivian Gray, Lenora M. Pete, Linda Elaine Pete, Roy Seymour, Clemard Isaac Bussell, Jr., Oswald Noel Bussell, Karen Denise Rowe, Yvonne Faye Ferris Rowe, Deanna Russell Whitehurst, Neta M. Dartt Bussell and Duane K. McClellan do not qualify under the manifest injustice exception. Their motions are denied.

Lawrence S. Margolis

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