

In the United States Claims Court

(FILED MAY 23, 1986)

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ZIONTZ, PIRTLE, MORISSET,  
ERNSTOFF & CHESTNUT

JESSIE SHORT, ET AL.,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 102-63
	)	
THE UNITED STATES,	)	
	)	
Defendant,	)	
	)	
and	)	
	)	
THE HOOPA VALLEY TRIBE OF INDIANS,	)	
	)	
Defendant-Intervenor.	)	

O R D E R

The Tribe's Motion to Compel Discovery and to Impose Sanctions (filed October 22, 1985) and the Plaintiff's Motion for a Protective Order (filed January 21, 1986) have been considered. The court grants the Tribe's Motion to Compel with respect to the following interrogatories that appear in Exhibit 98 of the Tribe's Reply Brief (filed February 14, 1986):

B. GENERAL QUESTIONS DIRECTED TO MOST MANIFEST INJUSTICE MOVANTS

1, 2, 6, 7, 8, 12, 14, and 31c rewritten in concise, independent form.

D. ADDITIONAL QUESTIONS FOR PLAINTIFFS CLAIMING ANCESTRAL EDUCATIONAL BENEFITS IN DECLARATION QUESTIONNAIRE NO. 38, AND WHO HAVE LITTLE INDIAN BLOOD

- E. ADDITIONAL QUESTIONS FOR PLAINTIFFS CLAIMING PERSONAL BENEFITS IN DECLARATION QUESTIONNAIRE NO. 36, AND WHO HAVE LITTLE INDIAN BLOOD  
44
- F. ADDITIONAL QUESTION FOR PLAINTIFFS PRESENTED ON TRIAL NOTICE  
55a and b
- G. ADDITIONAL QUESTIONS FOR PLAINTIFFS PRESENTED AS DESCENDANTS OF ALLOTTEES  
57, 58, and 59
- H. ADDITIONAL QUESTIONS FOR PLAINTIFFS PRESENTED AS DESCENDANTS OF ALLOTTEES WITH QUALIFIED SIBLINGS  
67
- I. ADDITIONAL QUESTIONS FOR PLAINTIFFS IN MOTION TO QUALIFY PLAINTIFFS ON EXHIBIT 1 AND CENSUS ENROLLEE DESCENDANTS  
70
- J. ADDITIONAL QUESTIONS FOR PLAINTIFFS PRESENTED AS DESCENDANTS OF CENSUS ENROLLEES  
79, 84, 86, and 87

The defendant-intervenor seeks discovery from more than 1,000 individual plaintiffs. Each plaintiff seeks to qualify as an "Indian of the Reservation." This is not a class action. Therefore, the defendant-intervenor is permitted to pose interrogatories to supplement the 1976 declaration-questionnaires and to determine if individual plaintiffs qualify under the 1982 U.S. Court of Claims standards.

The parties are free to innovate in answering the interrogatories. The parties may stipulate to answers, and plaintiffs can answer by family group where applicable. If a plaintiff relies solely on the declaration-questionnaire to establish entitlement and does not rely on any other facts or documents, the plaintiff can so state.

The Tribe's motion is denied with respect to the remaining interrogatories. The defendant-intervenor shall submit a new set of interrogatories to each plaintiff with enough space provided to answer each interrogatory.

The plaintiff's motion for a protective order is also denied. No sanctions are imposed on either party, but both parties are reminded of the court's March 29, 1985 order that "reasonable discovery" shall be permitted and that "the parties shall confer and try to resolve any discovery disputes." It appears to the court that neither side has complied with the court's order. Reasonable cooperation by all the parties is essential if this case is to be concluded.

*Lawrence S. Margolis*

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