

# In the United States Claims Court

(FILED MAY 28, 1986)

RECEIVED  
JUN 02 1986

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

ZIGANTZ, PIRTLE, MORISSET,  
ERNSTOFF & CHESTNUT

## ORDER

On April 30, 1985, the defendant-intervenor, Hoopa Valley Tribe, filed a "Motion for Partial Summary Judgment Re: Status of Family Tree Charts Prepared by the Hoopa Valley Tribe." On May 31, 1985, the Tribe filed another related motion entitled "Motion for Order Determining Status of 'Joint Responses'." The Tribe asks the court to determine the evidentiary weight to be given the family tree charts and joint responses submitted by the parties.

Specifically, the Tribe asks the court to declare that the documents in question will not be considered judicial admissions binding on the Tribe and that more recently discovered evidence contradicting the charts and the Tribe's responses to ten or more plaintiffs will be considered by the court.

Because both motions seek determinations unrelated to the substantive legal issues in this case, the motions are treated as if filed under Rule 16 of this court, not under Rule 56.

The Joint Responses and Family Tree Charts, where appropriate, are considered admissions relating to plaintiffs' motions to qualify as "Indians of the Reservation." However, contradictory evidence relative to the charts and to the "handful" of plaintiffs mentioned in the Tribe's motions will be considered on a case-by-case basis by the court.

*Lawrence S. Margolis*  

---

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