

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____		)
ELOUISE PEPION COBELL, et al.,		)
		)
<b>Plaintiffs,</b>		)
v.		)
		)
KEN SALAZAR, Secretary of		)
the Interior, et al.,		)
		)
<b>Defendants.</b>		)
_____		)

No. 1:96CV01285(TFH)

**FILED**

**DEC 19 2012**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**ORDER APPOINTING SPECIAL MASTER**

In accordance with the *Class Action Settlement Agreement* dated December 7, 2009, as amended (the "Settlement Agreement") and Rule 53 of the Federal Rules of Civil Procedure, the parties have filed a *Joint Motion to Appoint a Special Master* [Dkt. No. \_\_\_\_]. Having considered the joint motion, the Settlement Agreement and applicable law, it is hereby

**ORDERED, ADJUDGED, AND DECREED** as follows:

1. The joint motion is hereby GRANTED and, pursuant to Rule 53 of the Federal Rules of Civil Procedure, The Honorable Richard A. Levie is hereby appointed as the Special Master in this action with the following duties:

(a) To consider and approve requests by individuals claiming to be entitled to a Stage 1 payment due members of the Historical Accounting Class from funds that the Claims Administrator deposits into the Remainder Account as specified in ¶ E.3.c. of the Settlement Agreement.

(b) To consider and approve the distribution of Stage 1 payments for deceased members of the Historical Accounting Class where there is no known personal representative,

administrator, or executor of the decedent's estate and there is no available final probate order of a state or tribal court determining the individual(s) to whom funds should be distributed. For any such funds that remain unpaid after November 24, 2014, the Special Master shall, after considering any recommendations from the Claims Administrator and Class Counsel, enter orders regarding the disposition of any such funds.

(c) To consider and approve the distribution of Stage 1 payments for those members of the Historical Accounting Class for whom a current address cannot be determined and for whom no IIM account presently exists.

(d) To review and approve the distribution of payments to Trust Administration Class Members in accordance with ¶ E.1.e of the Settlement Agreement, including the disbursement of funds to Trust Administration Class Members from the Remainder Account under ¶ E.4.d. of the Settlement Agreement. For deceased members of the Trust Administration Class, payment shall be made to the personal representative, administrator, or executor of the decedent's estate, where known, or pursuant to an available final probate order of a state or tribal court determining the individual(s) to whom funds should be distributed. For any such funds due deceased members of the Trust Administration Class that remain unpaid after November 24, 2014, the Special Master shall, after considering recommendations from the Claims Administrator and Class Counsel, enter orders regarding the disposition of such funds.

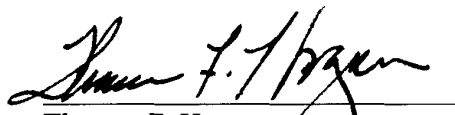
(e) To decide all appeals from decisions of the Claims Administrator regarding eligibility for inclusion in the Trust Administration Class in accordance with ¶ E.4.e.5 of the Settlement Agreement.

2. Pursuant to the Settlement Agreement, the Special Master shall have no role regarding the distribution of the Trust Land Consolidation Fund and shall have no role in resolving any disputes between (a) the Parties or (b) a Class Member and Defendants.

3. The Court, and not the Special Master, will make all determinations regarding payments for the costs of administering the settlement, as well as further distributions of attorneys' fees and expenses and Class Representatives' incentive awards and expenses.

4. The fees and expenses of the Special Master shall be submitted to Class Counsel who shall file them with the Court requesting payment thereof from the Accounting/Trust Administration Fund.

SO ORDERED this the 17<sup>th</sup> of December 2012.

  
Thomas F. Hogan  
United States District Judge