

BEFORE THE INDIAN CLAIMS COMMISSION

JAMES STRONG, <u>et al.</u> , as the representatives)	Docket No. 13-E
and on behalf of all members by blood of)	
the CHIPPEWA TRIBE OF INDIANS,)	
)	
RED LAKE BAND, <u>et al.</u> ,)	Docket No. 18-L
)	
THE DELAWARE TRIBE OF INDIANS,)	Docket No. 27-E
)	
HANNAHVILLE INDIAN COMMUNITY, <u>et al.</u> ,)	Docket No. 29-D
)	
THE SIX NATIONS, <u>et al.</u> ,)	Docket No. 89
)	
THE OTTAWA TRIBE, and GUY JENNISON,)	Docket No. 133-A
<u>et al.</u> , as representatives of THE)	
OTTAWA TRIBE,)	
)	
LAWRENCE ZANE, <u>et al.</u> , <u>ex rel.</u> ,)	Docket No. 139
WYANDOT TRIBE, <u>et al.</u> ,)	
)	
ABSENTEE DELAWARE TRIBE OF OKLAHOMA,)	Docket No. 202
DELAWARE NATION, <u>ex rel.</u> , W. E.)	
EXENDINE and MYRTLE HOLDER,)	
)	
THE OTTAWA TRIBE, and GUY JENNISON, <u>et al.</u> ,)	Docket No. 302
as representatives of THE OTTAWA TRIBE,)	
)	
THE SENECA-CAYUGA TRIBE OF OKLAHOMA,)	Docket No. 341-C
and PETER BUCK, <u>et al.</u> , members and)	
representatives of members thereof,)	
)	
Plaintiffs,)	
)	
POTAWATOMI INDIANS OF INDIANA AND)	Docket No. 29-D
MICHIGAN, INC.,)	
)	
Intervenor,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
THE STOCKBRIDGE-MUNSEE COMMUNITY,)	
Applicant for Intervention)	
in Dockets 27-E and 202.)	

ORDER DENYING MOTION FOR EXTENSION OF TIME
TO MOVE FOR REHEARING IN DOCKET 341-C, ETC.

On June 19, 1973, the Seneca-Cayuga Tribe of Oklahoma, et al., plaintiffs in the above-captioned Docket 341-C, filed a motion in said docket for extension of time to move for rehearing of the Commission's order, entered April 4, 1973, at 30 Ind. Cl. Comm. 37, dismissing the claim in Docket 341-C. Said motion was apparently filed without taking into account the fact that there is currently pending before the Commission a motion timely filed by the Stockbridge-Munsee Community seeking rehearing of the Commission's order of April 4, 1973, at 30 Ind. Cl. Comm. 40, which denied the motion of the Stockbridge-Munsee Community to intervene under Dockets 27-E and 202, which dockets were consolidated with Docket 341-C, and those other dockets captioned above in the proceedings before the Commission.

In such circumstances, it is the opinion of the Commission that the timely filed motion for rehearing filed by the Stockbridge-Munsee Community tolled the running of the 30 day limitation on the filing of motions for rehearing provided in Rule 33 of the Commission's General Rules of Procedure, 25 C.F.R. §503.33, and that consequently the above-captioned motion by the Seneca-Cayuga Tribe of Oklahoma, et al. for extension of time to move for rehearing in Docket 341-C is procedurally defective and unnecessary. Furthermore, it is the Commission's opinion that, in these circumstances, the motion of June 19, 1973, by the Seneca-Cayuga Tribe of Oklahoma, et al., in Docket 341-C may be treated as a motion for rehearing in said docket.

IT IS THEREFORE ORDERED that the motion, filed June 19, 1973, by the Seneca-Cayuga Tribe of Oklahoma, et al., for extension of time to move for rehearing in Docket 341-C be, and the same is hereby, denied, and

IT IS FURTHER ORDERED that the motion filed on June 19, 1973, by the Seneca-Cayuga Tribe of Oklahoma, et al., be, and the same is hereby, deemed to constitute a motion for rehearing in Docket 341-C of the Commission's order of April 4, 1973, dismissing the claim of the Seneca-Cayuga Tribe of Oklahoma, et al., and the parties may respond to said motion within the time set under Rule 33c of the General Rules of Procedure of this Commission.

Dated at Washington, D. C., this 5th day of July 1973.

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner

Berome K. Kuykendall
Berome K. Kuykendall, Chairman

John F. Vance
John F. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner