

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	Docket No. 158
OF OKLAHOMA, et al.,)	
)	
THE IOWA TRIBE OF THE IOWA)	Docket No. 209
RESERVATION IN KANSAS AND)	
NEBRASKA, et al.,)	
)	
THE SAC AND FOX TRIBE OF INDIANS)	Docket No. 231
OF OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER FIXING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS FOR
THE IOWA TRIBE OF THE IOWA RESERVATION IN KANSAS
AND NEBRASKA

HAVING CONSIDERED the application to fix reimbursement of expenses filed March 8, 1973, for Dykema, Gossett, Spencer, Goodnow & Trigg, Esquires, counsel of record for the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska; the record in this docket; and the applicant's contract of employment, the Commission finds that:

1. The Commission entered a final decision herein on May 12, 1969, (20 Ind. Cl. Comm. 439, 505), modified by order of February 12, 1970, (22 Ind. Cl. Comm. 439), awarding the Iowa Tribe of the Iowa Reservation in Oklahoma and the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, the two Iowa plaintiffs in these consolidated cases, jointly a total of \$1,795,506.40. The Iowa plaintiffs took no appeal and the Commission reported the Iowa awards to Congress on May 14, 1970. Congress appropriated funds to satisfy them by Act of July 6, 1970.

2. The same final decision awarded the three Sac and Fox plaintiffs jointly a total of \$4,474,378.00. These plaintiffs appealed their awards but the appeal does not affect the finality of awards in favor of the Iowa plaintiffs.

3. The Commission approved an attorneys' fee of \$179,550.64 for the two firms representing the Iowa plaintiffs by order dated November 10, 1970.

4. On March 9, 1973, the Clerk of the Commission sent notice of filing of the application to fix expenses to appropriate parties as required by our rules. Defendant, on behalf of its Bureau of Indian Affairs of the Department of the Interior, filed a response May 24, 1973, taking no position on the amount of the expenses awarded. The tribal council has filed no response to date.

5. The attorneys' contract with the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska provides for reimbursement of reasonable expenses incurred by applicant in the prosecution of the claims.

6. Applicant has withdrawn certain expenses from its application in two letters to the Commission dated August 28, 1973, and September 13, 1973, respectively. Withdrawn expenses are summarized as follows:

<u>Schedule Reference</u>	<u>Amount Claimed</u>	<u>Amount Withdrawn</u>	<u>Net Claimed</u>
F-1	\$ 398.08	\$ 6.00	\$ 392.08
F-2	87.42	2.00	85.42
F-24	29.00	29.00	-0-
F-26	29.92	29.92	-0-
G-66, 67, 69, 72, 74, 75, 82 thru 84, 87 thru 90, 92, 94 thru 104, and 106 thru 109 (Storage charges)	174.89	76.79	98.10
		<u>Total Withdrawn:</u>	<u>\$143.71</u>

7. The Commission rejects the following expenses for the reasons stated:

<u>Schedule Reference</u>	<u>Amount Claimed</u>	<u>Amount Rejected</u>	<u>Reasons</u>
F-11	\$ 92.75	\$ 40.67	Rejected portion not justified by information supplied.
F-12	123.13	123.13	This entire expense not justified by information supplied.
G-30, 41, 45, 50, 53, 60, and 69	384.07	1.41	Applicant's portion of trip insurance premiums insupportable as Indian expense.
X-31	27.46	.63	Applicant's portion of an expert witness expenses for personal services insupportable as Indian expenses.
X-38	7.72	1.44	Applicant's portion of trip insurance premiums insupportable as Indian expense.

Total Rejected: \$167.28

8. After deducting withdrawn and rejected expenses totaling \$310.99 from the total of \$15,524.97 claimed, the remaining expenses, reasonable and proper for reimbursement, are hereby fixed at \$15,213.98.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on May 12, 1969, in favor of the Iowa plaintiffs jointly, there shall be disbursed to applicant, Dykema, Gossett, Spencer, Goodnow & Trigg, Esquires, the sum of \$15,213.98 as reimbursement in full to the firm for its reimbursable expenses in this docket.

Dated at Washington, D. C., this 17th day of October 1973.

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner