

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF)	
THE STATE OF OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 182
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING PLAINTIFFS' MOTION FOR
SEVERANCE OF CLAIMS, AND FOR OTHER PURPOSES

On May 21, 1974, the plaintiffs under the above-captioned docket filed a motion for an order directing that the claims denominated "Group A claims" hereunder be severed from those claims denominated "Group B claims" and be placed in a separate docket to be designated Docket No. 182-A. The plaintiffs' stated purpose in making this motion is to avoid undue delay in the final adjudication of both the Group A and the Group B claims, particularly in view of the possible appeal of the Commission's recent interlocutory decision, filed on May 10, 1974, with respect to the Group A claims. See 34 Ind. Cl. Comm. 81.

On May 30, 1974, the defendant filed a response in opposition to the plaintiffs' said motion for severance of the claims.

IT APPEARING to the Commission at this stage of the proceedings hereunder that the expeditious adjudication of both the Group A claims and the Group B claims under this docket will best be accomplished by the complete severance of said claims under separate dockets so that adjudication of one set of claims will not unnecessarily delay adjudication of the other, and

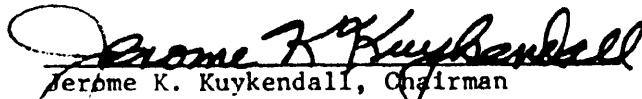
IT FURTHER APPEARING to the Commission that the interests of neither of the parties will be prejudiced by the complete severance of said claims under separate dockets,

IT IS HEREBY ORDERED that the plaintiffs be granted leave to file a new petition to be designated as Docket 182-A, said petition to consist of a restatement of those portions of the original petition filed herein, as amended by Commission order dated November 29, 1972, 29 Ind. Cl. Comm. 193, which pertain to those claims heretofore denominated "Group A claims" under the above-captioned Docket 182.

IT IS FURTHER ORDERED that the petition under the above-captioned Docket 182 shall be amended by the plaintiffs by the deletion of those allegations therein pertaining to the heretofore denominated "Group A claims," and the restatement of those allegations pertaining to those claims heretofore denominated "Group B claims," said amended petition to incorporate verbatim paragraphs 10, 11, 26(b) through (e), 27(e) and (g), and 28A of the original petition filed under the above-captioned Docket 182, as amended by Commission order of November 29, 1972, supra.

IT IS FURTHER ORDERED that the plaintiffs shall file with the Commission and serve upon the defendant said new petition under Docket 182-A and said amended petition hereunder within thirty (30) days of the date of the entry of this order and that a copy of this order shall be placed in the original file of Docket 182-A.

Dated at Washington, D. C., this 19th day of June 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner

Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner