

BEFORE THE INDIAN CLAIMS COMMISSION

SAGINAW CHIPPEWA INDIAN TRIBE)	
OF MICHIGAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 57
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS
FOR THE SAGINAW CHIPPEWA TRIBE OF MICHIGAN, ET AL.

HAVING CONSIDERED the record in this case and particularly the application to fix reimbursable expenses entitled Petition For Reimbursement Of Expenses Advanced By Attorneys For Plaintiffs, filed May 21, 1974, by Rodney J. Edwards of Duluth, Minnesota and James R. Fitzharris of Escanaba, Michigan, attorneys for the plaintiffs, together with its supporting vouchers and documentation; the defendant's response to the petition; and the contracts under which petitioners prosecuted this docket, the Commission finds as follows:

1. The Commission entered a final award on August 1, 1973, in the amount of \$8,117,608.00 in favor of the plaintiffs in this case. 31 Ind. Cl. Comm. 67.

2. Congress appropriated funds to satisfy the final award of August 1, 1973, by the act of January 3, 1974 (87 Stat. 1071), at which time the funds were placed to the credit of the plaintiffs in the Treasury of the United States.

3. The Commission entered an order on July 10, 1974, approving attorney fees in the amount of \$811,760.80 to be disbursed to James R. Fitzharris, attorney of record for plaintiffs as payment in full for all legal services rendered in this case, for distribution by him to those entitled to share in the attorneys' fee.

4. Petitioner requests reimbursable expenses advanced by the attorneys be fixed at the sum of \$8,665.90 and certifies that the expenses set out in the petition were reasonably incurred in the prosecution of this case.

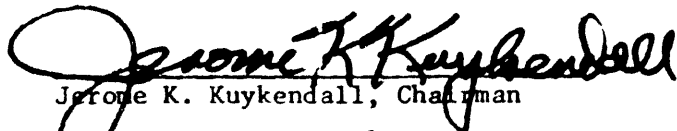
5. The Clerk of the Commission timely notified the Saginaw Chippewa Indian Tribe, the defendant United States and the Bureau of Indian Affairs of this petition. The defendant United States responded on behalf of the Bureau of Indian Affairs on July 5, 1974, and stated the defendant United States takes no position with respect to the application for reimbursement of expenses. The Saginaw Chippewa Indian Tribe has filed no response to date.

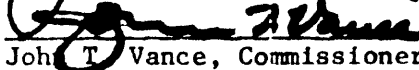
6. Petitioners' contract of employment is valid and provides for reimbursement of reasonable expenses incurred in the prosecution of the claim and authorizes reimbursement of \$15.00 per diem in lieu of subsistence.

7. Petitioner has claimed subsistence at \$25.00 per day for a total of 13 days. This will be approved at the rate of \$15.00 per day to conform to the provisions of the contract and accordingly we deduct from the claim the amount of \$130.00 and the amount of reimbursable expenses is fixed at \$8,535.00.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of August 1, 1973, there shall be disbursed to James R. Fitzharris, Attorney of Record, the sum of \$8,535.00 as reimbursement of expenses for distribution by him of the amount due each of the attorneys and estates of deceased attorneys, entitled to participate in the sharing of the reimbursement.

Dated at Washington, D. C., this 28th day of August 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner

Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner