

BEFORE THE INDIAN CLAIMS COMMISSION

GILA RIVER PIMA-MARICOPA)	
INDIAN COMMUNITY, et al.,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 236-N
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

UPON CONSIDERATION of the plaintiff's exceptions to the defendant's accounting report and the defendant's responses thereto, and for the reasons stated in the opinion accompanying this order, which is hereby made a part of this order, the Commission concludes as a matter of law that,

1. Exceptions Nos. 1-1B, 1-3, 2, 3, 4, and 12 are too vague to permit the defendant to respond to them. Unless they are made more specific, they will be subject to motions to dismiss by the defendant.
2. With the exception of specific allegations contained in their supporting statements, Exceptions Nos. 1-1C and 1-1D are too vague to permit the defendant to respond to them. Unless they are made more specific, they will be subject to motions to dismiss by the defendant.
3. Under Exception No. 5, the plaintiff is entitled to an accounting of its property other than money which the defendant has held in trust. This accounting must conform to the standards set down in Blackfeet and Gros Ventre Tribes v. United States, Dockets 279-C and 250-A, 32 Ind. Cl. Comm. 65, 82-83 (1973).
4. Under Exception No. 5, the plaintiff is entitled to a more detailed accounting of receipts derived from its trust property. This accounting must conform to the standards set down in Blackfeet, supra, at 92-93.

5. Under Exception No. 11, the plaintiff is entitled to proof of delivery of all claimed disbursements from its trust funds during the period 1902 through 1911.

6. Under Exceptions Nos. 1-4 and 9, the plaintiff is not now entitled to an accounting for the period subsequent to August 13, 1946.

7. Under Exception No. 8, the plaintiff is not entitled to a restatement of the accounting to reflect losses it incurred from reverse spending.

8. The issues presented in Exception No. 7 are ripe for briefing.

9. The issues presented in Exception No. 10, and the issue in Exception No. 1-4 relating to the period prior to 1883, are ripe for trial.

10. Exceptions Nos. 1-1A, 1-2, and 6 should be dismissed.

IT IS THEREFORE ORDERED that the plaintiff shall have until January 20, 1975, in which to make its Exceptions No. 1-1B, 1-1C, 1-1D, 1-3, 2, 3, 4, and 12 more specific.

IT IS FURTHER ORDERED that the defendant shall have until February 18, 1975, to file the supplemental accountings required under the plaintiff's Exception No. 5, and until January 20, 1975, to produce the proof of delivery required under plaintiff's Exception No. 11.

IT IS FURTHER ORDERED that the restated accounting requested by the plaintiff in Exception No. 8 is denied, without prejudice to the plaintiff's right to recover for any losses it may have actually sustained due to reverse spending.

IT IS FURTHER ORDERED that the post-1946 accounting requested by the plaintiff in Exceptions Nos. 1-4 and 9 is denied, without prejudice to the plaintiff's right to renew this request at a later time.

IT IS FURTHER ORDERED that Exceptions No. 1-1A, 1-2, and 6 be, and the same hereby are, dismissed.

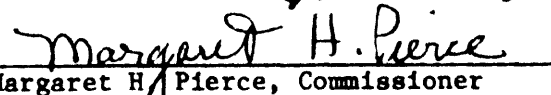
IT IS FURTHER ORDERED that by December 15, 1974, the parties shall arrange for a meeting of their attorneys and accountants with Commissioner Yarborough for the purpose of expediting the implementation of this order. This meeting shall take place before January 31, 1975.

Dated at Washington, D. C., this 22nd day of November 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner