

BEFORE THE INDIAN CLAIMS COMMISSION

SALT RIVER PIMA-MARICOPA INDIAN)	
COMMUNITY, et al.,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 291
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING PARTIAL SUMMARY JUDGMENT
AND FOR SUPPLEMENTAL FILING

UPON CONSIDERATION of the accounting report filed by defendant on April 19, 1971, exceptions to that report filed by plaintiff on May 12, 1972, defendant's response to those exceptions filed on October 13, 1972, and defendant's motion for partial summary judgment, filed on October 7, 1974, to which plaintiff has not responded, and for reasons similar to those expressed in Gila River Pima-Maricopa Indian Community v. United States, Docket 236-N, 35 Ind. Cl. Comm. 209, also decided today, the Commission concludes as a matter of law that,

1. Exceptions No. 1, 2, 3, and 15 are too vague to permit defendant to respond to them. Defendant's motion for partial summary judgment shall be granted as to these exceptions.
2. Exceptions No. 8 and 9 are too vague to permit defendant to respond to them. Unless they are made more specific, they will be subject to motions to dismiss by defendant.
3. Under Exception No. 4, plaintiff is entitled to an accounting of its property other than money which the defendant has held in trust. See G.S.A. report, Statement No. 9. This accounting must conform to the standards set forth 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 Exceptions No. 6 and 7, plaintiff is entitled to additional information, so that it can ascertain whether its interest-bearing funds were timely deposited in the treasury. See Blackfeet, supra, at 88-89.

5. Under Exceptions No. 5 and 16, plaintiff is not now entitled to an accounting for the period subsequent to August 13, 1946.

6. Under Exception No. 13, plaintiff is not entitled to a restatement of the account to reflect any possible disloyalty or defalcations of defendant's agents. See Blackfeet, supra, at 88. Unlike the situation in Docket 236-N, supra, the accounting report indicates that defendant is not claiming any disbursements for the years in which J. B. Alexander was Superintendent of the Pima School.

7. The issues presented in Exception No. 10 are ripe for briefing.

8. The issues presented in Exceptions No. 11, 12, and 14, and the issues in Exception No. 5 relating to the years prior to 1913, and to 1915 and 1935, are ripe for trial.

IT IS THEREFORE ORDERED that defendant's motion for partial summary judgment is granted with respect to Exceptions No. 1, 2, 3, and 15, and denied with respect to Exceptions No. 5 and 16. Exceptions No. 1, 2, 3, and 15 are hereby dismissed.

IT IS FURTHER ORDERED that plaintiff shall have until January 20, 1975, in which to make Exceptions No. 8 and 9 more specific.

IT IS FURTHER ORDERED that defendant shall have until January 20, 1975, to file the supplemental accounting required under Exception No. 4, and to produce the additional information required under Exceptions No. 6 and 7.

IT IS FURTHER ORDERED that the post-1946 accounting requested by plaintiff in Exceptions No. 5 and 16 is denied, without prejudice to plaintiff's right to renew this request at a later time.

IT IS FURTHER ORDERED that the restated accounting requested by plaintiff in Exception No. 13 is denied, without prejudice to plaintiff's right to recover for any losses it may prove it sustained through the disloyalty or defalcations of defendant's agents.

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.



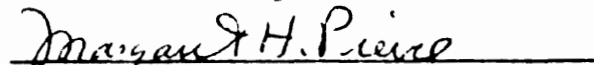
Jerome K. Kuykendall, Chairman



John T. Vance, Commissioner



Richard W. Yarborough, Commissioner



Margaret H. Pierce, Commissioner



Brantley Blue, Commissioner