

## BEFORE THE INDIAN CLAIMS COMMISSION

KICKAPOO TRIBE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 318
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING REIMBURSEMENT OF ATTORNEYS' EXPENSES

HAVING CONSIDERED the application for reimbursement of expenses, filed June 18, 1974, for the law firm of Harrison, Thomas, Spangenberg & Hull, by Allan Hull, Esquire, a member of said firm and the attorney of record herein for the above named plaintiff, the supporting record of expenditures, vouchers and other documentation herein; the defendant's response thereto, filed August 22, 1974; the attorneys' employment agreement; and the record herein, the Commission finds that:

1. The Commission entered a final judgment on June 11, 1969, awarding the plaintiff the sum of \$273,250.00 (21 Ind. Cl. Comm. 49). Funds to satisfy the judgment were appropriated by the Act of December 26, 1969 (83 Stat. 447).
2. On June 18, 1974, Allan Hull, Esq., filed an application for reimbursement of expenditures totaling \$336.27 made by the attorneys herein on behalf of the plaintiff herein during the prosecution of the claim.
3. The contract, numbered 14-20-0200-1899, of the law firm of Harrison, Thomas, Spangenberg & Hull with the plaintiff was executed on December 20, 1964, and approved April 8, 1965, and is currently in effect by reason of a 10 year extension from December 28, 1968, made April 26, 1969, and approved May 28, 1969. The said contract provides for the reimbursement of reasonable expenses incurred in the prosecution of the claims.
4. The Commission, after consideration of an application for attorneys' fee filed herein, has previously approved an award therefor in the sum of \$27,325.00 by its order of March 4, 1970 (22 Ind. Cl. Comm. 454).

5. By letter dated June 25, 1974, the Commission notified all interested parties of the filing of the application, inviting comment and information for the Commission's consideration in determining the reasonableness of the expense claimed.

6. The plaintiff has not responded to the notice. The defendant, on behalf of the Bureau of Indian Affairs, adopted no position regarding the application for reimbursement of expenses. The Acting Deputy of Indian Affairs stated that as a result of a general examination, it was determined the items claimed for reimbursement were supported by invoices, receipts, cancelled checks, ledger entries, or statements and notes of the petitioner. The report found that, with the exception of Item 18, a long distance call paid for on June 19, 1969, and Item 19, an expense for xeroxing incurred February 13, 1973, expenses allegedly incurred after the award herein was reported to Congress on June 12, 1969, the items appeared to be reasonable and to fall into those categories of expenses proper for reimbursement. The Commission finds that the telephone billing which includes Item 18 was closed on June 11, 1969. Consequently this expense was incurred prior to the entry of the final award herein.

7. The Commission concludes that the following items should be disallowed:

<u>Item</u>	<u>Amount</u>
15 Evening meal	\$4.25
19 Xerox, February 3, 1973	<u>.20</u>
Total	\$4.45

and the balance of the expenses claimed, the sum of \$331.82, are reasonable and proper for reimbursement.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award heretofore entered herein on June 11, 1969, there shall be disbursed to Allan Hull, Esq., the sum of \$331.82 as reimbursement in full to the law firm of Harrison, Thomas, Spangenberg and Hull for all expenditures made in the prosecution of this docket.

Dated at Washington, D.C., this 27th day of November 1974.

  
Jerome K. Kuykendall, Chairman

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Margaret H. Pierce, Commissioner

  
John T. Vance, Commissioner

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Brantley Blue, Commissioner

  
Richard W. Yarborough, Commissioner