

BEFORE THE INDIAN CLAIMS COMMISSION

COLORADO RIVER INDIAN TRIBE,)	
et al.,)	
Plaintiffs,)	
v.)	Docket No. 283-B
THE UNITED STATES OF AMERICA,)	
Defendant.)	

ORDER DENYING DEFENDANT'S
MOTION FOR REHEARING

On September 22, 1975, the defendant filed a motion for rehearing, moving that we reconsider and vacate our Order Vacating Order Denying Defendant's Motion to Dismiss, 36 Ind. Cl. Comm. 425, 428 (1975) and that we reinstate our Order Denying Defendant's Motion to Dismiss, 36 Ind. Cl. Comm. 217, 233-34 (1975). As grounds therefor defendant argues that plaintiffs' petition is so vaguely worded that it failed to put defendant on notice of the existence of the "trespass" claim and is therefore a new claim barred by Sec. 12 of the Indian Claims Commission Act, 25 U.S.C. § 70k. Plaintiffs' memorandum opposing defendant's motion for rehearing, filed October 7, 1975, argues that the allegations in their original petition were sufficient to place defendant on notice of plaintiffs' "trespass" claim and that defendant's motion for rehearing should be denied.

The Commission, having considered the motion, opposition, and all the pleadings in this case, finds that defendant's arguments are premature. We invited plaintiffs to allege their "trespass" claim, either by a more definite statement or by an amended petition. 36 Ind. Cl. Comm. at 426-27. Although plaintiffs have not yet done so, they state that they intend to file an amended petition in which they will set forth specific allegations as to the nature of the resources removed from plaintiffs' aboriginal lands and the circumstances under which they were removed. Defendant may reassert its objections after the "trespass" claim is formally before the Commission.

IT IS THEREFORE ORDERED that defendant's motion for rehearing be, and the same hereby is, denied.

Dated at Washington, D. C., this 30th day of October 1975.

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner