

BEFORE THE INDIAN CLAIMS COMMISSION

THE YAVAPAI and the groups and)	
bands thereof, ex rel.)	
Calloway Bonnaha, Harry Jones)	
Fred Beauty and Warren Gazzman;)	
)	
THE YAVAPAI-APACHE INDIAN COMMUNITY,)	
)	
THE FORT McDOWELL MOHAVE-APACHE)	
COMMUNITY,)	
)	
Plaintiffs,)	
)	
v.)	Docket Nos. 22-E and 22-F
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEY EXPENSES

HAVING CONSIDERED the application to fix attorney expenses filed May 1, 1975, by I.S. Weissbrodt, Esq., for the firm of Weissbrodt and Weissbrodt, attorneys of record for the plaintiffs in these consolidated dockets, pursuant to Section 15 of our act; the response from Department of Justice filed October 19, 1975; and the attorney contracts between the plaintiffs and the applicant firm; the Commission finds:

1. The Award. On March 13, 1969, the Commission entered an award in favor of the plaintiffs in these dockets for \$5,100,000.00. 20 Ind. Cl. Comm. 361, 377. Congress appropriated funds in payment of the award by the Act of July 22, 1969, 83 Stat. 49, which funds were deposited in the United States Treasury.

2. The Attorney Contracts. The contracts between the applicant and the plaintiffs are fully described and identified in our findings of fact 4 through 8 entered September 17, 1969, relating to attorney fees. 21 Ind. Cl. Comm. 384, 386-388. These findings are incorporated herein by reference.

In each of the contracts described in said findings, the contract provided for the reimbursement of actual expenses incurred by them

as may be allocated and fixed by this tribunal. The contracts also provided authority to employ technical and stenographic assistance, and reimbursement for the costs thereof.

3. The Application. In their application the Weissbrodt firm requested that we fix a total of \$10,862.25 as reimbursable expenses in Dockets 22-E and F. This total represented expenditures on behalf of the firm's tribal clients during two separate periods. The first period was from the time of their initial representation to the Commission's severance of original Docket 22 into 9 subdockets. The second period covered expenses advanced in connection with Dockets 22-E and F since the severance and until the date of final award. For the first period the firm alleged as reimbursable \$292.98, or 2/9th of the total expenses advanced on behalf of the tribal clients prior to the severance. The firm alleged a total of \$10,569.27 as reimbursable that occurred during the latter period.

4. Notice to Parties. Notices of the filing of the application, with copies of the application, were mailed by the Deputy Clerk of the Commission on May 1, 1975, to:

a. Robert Russell, President, Fort McDowell Mohave Apache Community, Route 1, Box 800, Scottsdale, Arizona 85256.

b. Aaron Russell, Chairman, Yavapai-Apache Indian Community, P. O. Box 1212, Prescott, Arizona 86301.

c. Honorable Morris Thompson, Commissioner, Bureau of Indian Affairs, Attn: Guy W. Lovell, Tribal Operations, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D. C. 20240.

d. Honorable Wallace H. Johnson, Assistant Attorney General, I.N.R.D., Attn: A. Donald Mileur, Chief Indian Claims Section, U.S. Department of Justice, Washington, D. C. 20530.

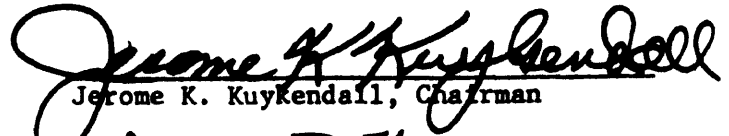
5. Response of Parties. Neither tribal client has responded or made objection to the reimbursable expenses alleged by the Weissbrodt firm. The Department of Justice filed a response wherein the defendant United States took no position. Attached to the response was a copy of a letter dated May 29, 1975, from the Assistant Solicitor, Division of Indian Affairs; and a memorandum of May 16, 1975, from the Commissioner of Indian Affairs, wherein the Commissioner stated that his bureau had no objection to the allowance of the expenses claimed.

6. Determination of Reimbursable Expenses. The Commission, after an examination of the petition, schedules, and supporting vouchers and documents constituting the application to fix expenses, concluded that the firm was to be reimbursed for the expenses claimed except for expenses withdrawn by the applicant totaling \$22.45.

7. Conclusion. For the reasons stated above, the Commission concludes that expenses in the amount of \$10,839.80 are reasonable and proper for reimbursement.

IT IS THEREFORE ORDERED that reimbursable expenses for the firm of Weissbrodt and Weissbrodt be, and the same hereby are, fixed in the sum of \$10,839.80, and that funds in that amount be disbursed to Weissbrodt and Weissbrodt from the funds appropriated to pay the final award as reimbursement in full for expenses incurred in prosecuting Dockets 22-E and 22-F.

Dated at Washington, D. C., this 4th day of December 1975.


Jerome K. Kuykendall, Chairman


John F. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner