

BEFORE THE INDIAN CLAIMS COMMISSION

LOWER SIOUX INDIAN COMMUNITY)	
IN MINNESOTA, et al.,)	
)	
Plaintiffs,)	Docket No. 363
)	
v.)	(Second Claim,
)	Act of 1904)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEE

HAVING CONSIDERED the petition for allowance of attorneys' fees filed on October 24, 1975, by Marvin J. Sonosky, attorney of record for plaintiffs in this docket; defendant's response to the petition; and the remainder of the record herein; the Commission finds:

1. Award. The Commission entered a final award to plaintiffs on February 27, 1974, 33 Ind. Cl. Comm. 389, for \$8,286,991.54 plus interest at 5 percent per annum on the principal sum of \$1,888,162.46 from January 1, 1974, until paid. Money to satisfy this award was appropriated by Public Law 94-157, signed on December 18, 1975.

2. Attorneys' Contract. The claim on which the award was granted was prosecuted under Contract No. 11, Symbol 14-20-650, between the Sisseton and Wahpeton Sioux Tribe of North Dakota and Traynor and Traynor, Emerson Hopp, and Marvin J. Sonosky, approved December 31, 1952, by the Commissioner of Indian Affairs for a period of ten years from the date of approval, extended for a period of ten years beginning January 1, 1963, by extension approved May 1, 1963, by the Area Director, Bureau of Indian Affairs, Minneapolis, Minnesota (19 Ind. Cl. Comm. 275, Fdg. 2(b) at p. 276), and amended, and as amended, extended to December 31, 1977, by extension approved June 12, 1975, by the Area Director.

3. Compensation Provisions of the Contract. The attorneys' contract provides that the compensation for attorneys' services shall be 10 percent of the amount received.

4. Notice to Parties. By letters dated October 28, 1975, the Clerk of the Commission notified the interested parties of the petition for allowance of attorneys' fees. The interested parties notified included:

- a. Mr. Carl McKay, Chairman, Devils Lake Sioux Tribal Council,
- b. Floristine Brown, Secretary, Devils Lake Sioux Tribal Council,
- c. Jere L. Brennan, Superintendant, Fort Totten Indian Agency,
- d. Honorable Walter Kiechel, Jr., Acting Assistant Attorney General, Land and Natural Resources Division, U. S. Department of Justice.

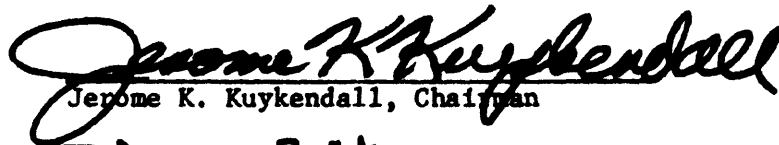
5. Response of Plaintiffs. No response was received from plaintiffs with regard to the petition for allowance of attorneys' fees.

6. Defendant's Response. The Department of Justice responded to the letters of notice on December 23, 1975, stating that it takes no position in respect thereto. Enclosed with the Department of Justice response was a copy of a letter dated December 17, 1975, from the Assistant Solicitor, Division of Indian Affairs, U. S. Department of Interior, transmitting a copy of a memorandum dated December 11, 1975, from the Commissioner of Indian Affairs dealing with the petition for attorneys' fees, determining that the sum sought was reasonable and in accordance with the provisions of the contract between plaintiffs and their counsel.

7. Attorney Services. Pursuant to their contract with plaintiffs, the attorneys investigated, filed, and prosecuted the claim in this docket, on which plaintiffs have been awarded the amount of \$8,286,991.54 plus interest at 5 percent per annum on the principal sum of \$1,888,162.46 from January 1, 1974, until paid. For services rendered in connection with that award, the attorneys are entitled to a fee in the requested amount of \$828,699.15, plus 10 percent of the interest paid pursuant to the award.

IT IS THEREFORE ORDERED that out of funds appropriated to pay the final award of February 27, 1974, in this docket, there shall be distributed to Marvin J. Sonosky, as attorney of record, the sum of \$828,699.15, plus 10 percent of the interest paid pursuant to the award, for distribution by him to all attorneys entitled to share in the fee. This sum shall be payment in full for all services rendered in the prosecution of this claim.

Dated at Washington, D. C., this 29th day of December 1975.


 Jerome K. Kuykendall, Chairman

 Margaret H. Pierce, Commissioner


 John T. Vance, Commissioner

 Brantley Blue, Commissioner


 Richard W. Yarborough, Commissioner