

BEFORE THE INDIAN CLAIMS COMMISSION

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

ORDER ALLOWING ATTORNEYS' EXPENSES

HAVING CONSIDERED the application for reimbursement of expenses filed on November 10, 1975, by Marvin J. Sonosky, attorney of record for plaintiffs in this docket; defendant's response to the application; 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 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, and amended, and as amended, extended to December 31, 1977, by extension approved June 12, 1975, by the Area Director.

3. Attorneys' Expenses Requested. The attorney of record seeks reimbursement of expenses in the sum of \$2,005.58 representing cash advanced by him in carrying out the obligations of his contract (Contract No. 11, Symbol 14-20-650) with the plaintiffs.

4. Notice to Parties. By letters dated November 12, 1975, the Clerk of the Commission notified the interested parties of the application for reimbursement of expenses. The interested parties notified included:

- a. Carl McKay, Chairman, Devils Lake Sioux Tribal Council;
- b. Floristine Brown, Secretary, Devils Lake Sioux Tribal Council;
- c. Jere L. Brennan, Superintendent, 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 application for reimbursement of expenses.

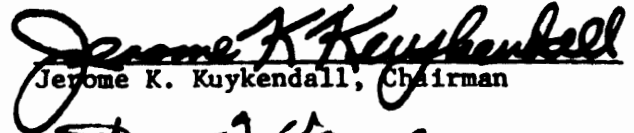
6. Defendant's Response. The Department of Justice responded to the letters of notice on February 4, 1976, stating that it takes no position in respect thereto. Enclosed with the Department of Justice response was a copy of a letter dated January 29, 1976, from the Assistant Solicitor, Division of Indian Affairs, U. S. Department of Interior, transmitting a copy of a memorandum dated January 27, 1976, from the Acting Deputy Commissioner of Indian Affairs dealing with the application for reimbursement of expenses. The Commissioner determined without exception that all expenses claimed appeared to be of a kind to have been reasonably incurred in the prosecution of this case.

7. Attorney Expenses. Pursuant to § 15 of the act, rule 34(b) of the Commission's Rules of Procedure (25 C.F.R. § 503.34(b)), as amended, 39 Fed. Reg. 41173 (1974), the Commission's Policy Statement § 102 issued July 15, 1968, and upon examination of the application, the supporting documentation, and the entire record of expenditures incurred in the prosecution of this claim, the Commission concludes that the claimed expenses in this application in the total amount of \$2,005.58 are reasonable and proper expenses of litigation and should be allowed.

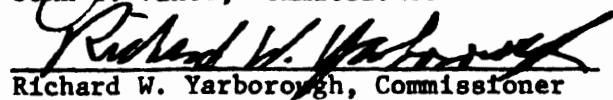
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of February 27, 1974, there shall be distributed to

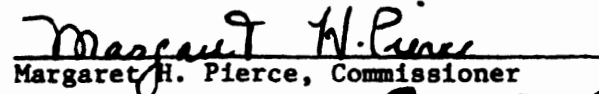
Marvin J. Sonosky, the sum of \$2,005.58 for expenses incurred in the prosecution of this claim. This sum shall be payment in full for all expenses incurred in the prosecution of this claim.

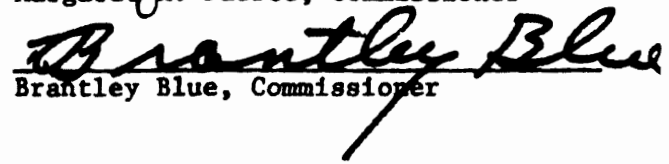
Dated at Washington, D. C., this 19th day of February 1976.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner