

BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX TRIBE OF INDIANS OF)	
THE PINE RIDGE RESERVATION,)	
SOUTH DAKOTA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 117
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON EXCEPTION NO. 14

On November 19, 1975, plaintiff herein filed a motion for summary judgment concerning plaintiff's exception 14 to defendant's accounting report in this docket. Defendant has filed a response to plaintiff's motion.

For the reasons expressed in our opinion issued this date in Docket 119, Sioux Tribe of Standing Rock Reservation v. United States, wherein the same issues arose, the Commission concludes that plaintiff has not pleaded a claim for fifth amendment takings in these proceedings, and consequently, it is not proper to entertain a motion for summary judgment as to such a claim. Accordingly, it is hereby

ORDERED that plaintiff's motion for summary judgment on exception 14 hereby is denied.

Dated at Washington, D. C., this 25th day of March 1976

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner