

BEFORE THE INDIAN CLAIMS COMMISSION

THE LIPAN APACHE TRIBE and bands	)	
thereof, ex rel., Pedro Mendez	)	
and Philemon Venego;	)	
	)	
THE Mescalero Apache Tribe and	)	
bands thereof, ex rel., Solon	)	
Sombrero, Fred Pellman, Eric	)	
Tortilla and Victor Dolan;	)	
	)	
THE APACHE TRIBE OF THE Mescalero	)	
RESERVATION on behalf of, or as	)	
successor to, the Lipan Apache	)	
Tribe and bands thereof, and the	)	
Mescalero Apache Tribe and bands	)	
thereof,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 22-C
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ADDITIONAL FINDINGS OF FACT AND ORDER ON ATTORNEYS' FEE

On April 7, 1977, the Commission entered in this docket findings of fact (numbered 1 through 9) and an order awarding a portion of attorneys' fee, 40 Ind. Cl. Comm. 91, 98, directing the disbursement of the sum of \$750,000 to I. S. Weissbrodt, attorney of record for the plaintiffs, to be distributed by him to the participating attorneys other than Roy T. Mobley, in accordance with whatever interest they may have therein. The order was without prejudice to the claim of Roy T. Mobley for \$250,000 for services he rendered which contributed to the recovery in the case, and was also without prejudice to the claim of I. S. Weissbrodt, as attorney of record, for

an allowance of an amount of attorney fee in the sum of \$250,000, in addition to the aforesaid \$750,000, for legal services in this case.

The Commission fixed May 9, 1977, later postponed to June 6, 1977, as the date for a hearing for the purpose of receiving evidence as to the legal services rendered by Roy T. Mobley in this case.

Now, having considered the notice of withdrawal of application for attorney fee filed herein on behalf of Roy T. Mobley, and the application by I. S. Weissbrodt, as attorney of record, for allowance of additional attorneys' fee in the sum of \$250,000, both filed on June 2, 1977, the Commission makes the following findings of fact in addition to previously entered findings numbered 1 through 9, which are hereby incorporated herein:

10. On June 2, 1977, a withdrawal of the application of Roy T. Mobley for the allowance to him of an attorney fee was filed with the Commission by Kenneth Simon, attorney for Roy T. Mobley. This withdrawal followed an agreement between I. S. Weissbrodt, as attorney of record, and Kenneth Simon, as attorney for Roy T. Mobley, settling the claim of Roy T. Mobley for an allowance of an attorney fee in this case, and stipulating that the settlement would be in full satisfaction of any claim for attorney fee for all services rendered by him in this case.

11. By application on June 2, 1977, I. S. Weissbrodt requested the allowance to him, in his capacity of attorney of record for the plaintiffs, of the amount of \$250,000 as attorneys' fee, in addition to the \$750,000

previously allowed, for all legal services rendered in this case on behalf of the plaintiffs. I. S. Weissbrodt undertakes to make appropriate distribution of said additional sum of \$250,000 to all attorneys claiming an interest in the fee, in accordance with agreements made among them relative to their interest therein.

12. Based on the entire record in this case, and the findings of fact herein, and considering all appropriate factors, the Commission finds and concludes that for the legal services rendered by the attorneys in this case on behalf of plaintiffs, the attorneys are entitled to a fee of \$250,000 in addition to the \$750,000 heretofore awarded herein.

IT IS THEREFORE ORDERED that out of the funds to be appropriated to pay the final award of February 19, 1976, there shall be distributed the sum of \$250,000 to I. S. Weissbrodt, attorney of record herein, in addition to the sum of \$750,000 heretofore awarded, to be distributed by him to the participating attorneys in accordance with whatever interest they have therein.

Dated at Washington, D. C., this 23rd day of June 1977

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