

BEFORE THE INDIAN CLAIMS COMMISSION

THE CADDO TRIBE OF OKLAHOMA, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 226
)	(Accounting Claim)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING IN PART AND DENYING IN PART
 DEFENDANT'S MOTION TO DISMISS CERTAIN EXCEPTIONS
TO GENERAL ACCOUNTING OFFICE REPORT

On April 25, 1975, the plaintiffs filed ten (10) exceptions to the General Accounting Office report submitted herein by the defendant on April 28, 1958 (Def. ex. 92). Thereafter, on May 16, 1975, the defendant filed a motion to dismiss exceptions 2, 8, and 10 on grounds that said exceptions fail to state a claim upon which relief can be granted and that the Commission lacks jurisdiction to adjudicate the claim asserted in exception 8. On June 2, 1975, the plaintiffs filed a memorandum of points and authorities in opposition to defendant's motion to dismiss. On June 12, 1975, the defendant replied to plaintiffs' memorandum in opposition to defendant's motion to dismiss. On July 21, 1975, the plaintiffs filed a further response to the defendant's reply on June 12, 1975. On March 25, 1976, the defendant filed an amended motion to dismiss plaintiffs' exceptions 6 and 9 on grounds that said exceptions fail to state a claim upon which relief can be granted. On July 23, 1976, the plaintiffs filed a memorandum of points and authorities in opposition to defendant's amended motion to dismiss. On August 9, 1976, the defendant replied to plaintiffs' memorandum in opposition to defendant's motion to dismiss.

The Commission, having considered all the above matters and the record herein, and for the reasons stated in the opinion accompanying this order, is of the opinion that defendant's motion to dismiss should be granted in part and denied in part. Accordingly,

IT IS ORDERED that defendant's motion to dismiss plaintiffs' exception 8 is denied, and

IT IS FURTHER ORDERED that defendant's motion to dismiss plaintiffs' exceptions 2, 9, and 10 is hereby granted, and

IT IS FURTHER ORDERED that defendant's motion to dismiss exception 6 is hereby granted with respect to

- a) Attorneys' fees in the amount of \$43,332.93,
- b) Services of a delegate in the amount of \$15,000,

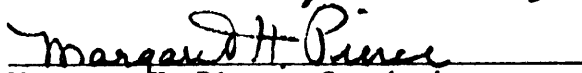
and denied with respect to the remaining items in exception 6.

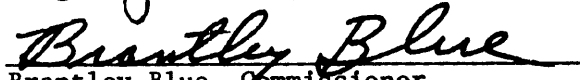
Dated at Washington, D. C., this 4th day of August 1977


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner