

BEFORE THE INDIAN CLAIMS COMMISSION

THE LOWER SIOUX INDIAN COMMUNITY)	
IN MINNESOTA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 363, Second Claim
)	(1867 Treaty and 1872 Agreement)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: July 7, 1978

FINDINGS OF FACT AND ORDER ALLOWING ATTORNEYS' EXPENSES

Having considered the entire record of litigation in this case and the petition for reimbursement of allowable expenses filed on December 15, 1977, and the supplemental application thereto filed on February 23, 1978, by Marvin J. Sonosky, attorney of record for the plaintiff in this docket, together with the supporting schedules, vouchers and other documentation, and the contracts under which this case was prosecuted, the Commission finds as follows:

1. Award. The Commission entered a final award herein on September 14, 1977, 41 Ind. Cl. Comm. 18, for \$13,129,661 and an additional final award on December 1, 1977, 41 Ind. Cl. Comm. 139, for \$255,273. Funds to satisfy the award were appropriated by the Act of March 7, 1978, 92 Stat. 107.

2. Attorney Contracts. By its order of March 9, 1978, allowing attorneys' fees in this case, the Commission entered findings of facts covering in detail the attorney contracts under which this case was prosecuted. 41 Ind. Cl. Comm. 223. These findings are hereby incorporated by reference. The terms of the contracts provide that the attorney is to be reimbursed for reasonable expenses incurred in the prosecution of the claims before the Commission.

3. The Application. The petitioner requests that the Commission enter an order for payment to him of the sum of \$16,979.66 as reimbursement for litigation expenses described in the petition and summarized by category below, said sum to be payable out of the final award entered in this docket. The claimed expenses, supported by vouchers, are as follows:

Travel	\$ 517.99
Taxi	36.05
Postage	88.11
Telephone	114.90
Reproduction	1,062.85
Transcripts	159.76
Appraisal Services	<u>15,000.00</u>
Total expense	\$16,979.66

4. Notice to the Parties. Pursuant to the Commission's rules, notice of the filing of the petition for expenses was mailed by the Clerk of the Commission on December 16, 1977, and notice of the

Supplemental Application thereto was mailed on February 24, 1978, to the following:

Mr. Jerry Flute, Chairman
Sisseton-Wahpeton Tribal Council
Sisseton, South Dakota 57262

Mr. Carl McKay, Chairman
Devils Lake Tribal Council
Fort Totten, North Dakota 58335

Mr. Vernon Cloud, Secretary
Sisseton-Wahpeton Tribal Council
Sisseton, South Dakota 57262

Ms. Lillian Mudgett, Secretary
Devils Lake Tribal Council
Fort Totten, North Dakota 58335

Mr. J. Kenneth Adams, Superintendent
Sisseton Indian Agency
Sisseton, South Dakota 57262

Mr. Wayne Trottier, Actg. Supt.
Fort Totten Indian Agency
Fort Totten, North Dakota 58335

Honorable Forrest Gerard
Assistant Secretary of the
Interior for Indian Affairs
Attn: Louise Perkins, Tribal Operations
U. S. Department of the Interior
1951 Constitution Ave., N.W.
Washington, D. C. 20240

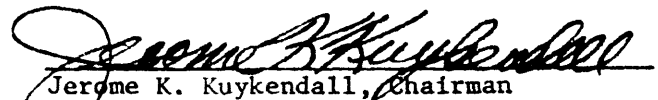
Honorable James W. Moorman
Acting Assistant Attorney General
Land and Natural Resources Division
Attn: Bernard M. Sisson, Attorney
Indian Claims Section
U. S. Department of Justice
Washington, D. C. 20530

The Commission requested the interested parties to make such comments or give such information they felt the Commission should consider before making its determination on the petition.

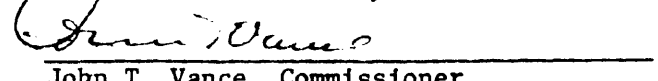
5. Response of Parties. No response was received from the tribal representatives. The Department of Justice responded by a letter dated June 21, 1978. Incorporated therein was a letter dated June 14, 1978, from the Assistant Solicitor, Division of Indian Affairs and a memorandum dated June 7, 1978, from the Assistant Secretary, Indian Affairs to the Solicitor. The memorandum states that the expenses are reasonable and fall into those categories proper for allowance, that they are supported by receipts, invoices, notations and itemized statements, and there is no objection to the allowance of the expenses claimed.

6. Determination of Reimbursable Expenses. Pursuant to Section 15 of the Indian Claims Commission Act, 25 U.S.C.A. 70n, and 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, the findings of fact entered herein, the employment contracts between the parties, and the entire record of expenses incurred in the prosecution of this case, the Commission concludes that the items claimed in the amount of \$16,979.66 are reasonable and proper for reimbursement.

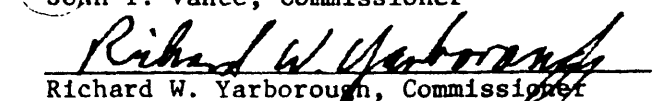
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the award in this docket there shall be disbursed to Marvin J. Sonosky, attorney of record in this case the sum of \$16,979.66 as reimbursement in full for expenses incurred in this docket, said sum to be disbursed by Marvin J. Sonosky to all parties having an interest in this application.



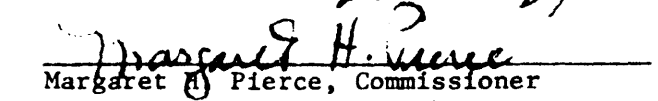
Jerome K. Kuykendall, Chairman



John T. Vance, Commissioner



Richard W. Yarborough, Commissioner



Margaret H. Pierce, Commissioner



Brantley Blue, Commissioner