

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	No. 1:96CV01285
v.	)	(Judge Lamberth)
	)	
GALE NORTON, et al.,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' STATUS REPORT
ON PAYMENT OF INTERIM AWARD PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT**

Defendants wish to inform the Court that on January 18, 2006, the Department of the Interior and the Department of the Treasury electronically transferred a total payment of \$7,066,471.05 to Plaintiffs, using the account information that was provided to Defendants by counsel for Plaintiffs. Attachment 1. This payment was made to comply with the Court's December 19, 2005 opinion and order that required prompt payment of the interim award pursuant to the Equal Access to Justice Act.

Dated: January 19, 2006

Respectfully submitted,

ROBERT McCALLUM, JR.
Associate Attorney General
PETER D. KEISLER
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
(D.C. Bar No. 406635)
Assistant Director
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
Telephone: (202) 616-0328
Facsimile: (202) 514-7162

CERTIFICATE OF SERVICE

I hereby certify that, on January 19, 2006 the foregoing *Defendants' Status Report On Payment of Interim Award Pursuant to The Equal Access to Justice Act* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
Fax (406) 338-7530

/s/ Kevin P. Kingston
Kevin P. Kingston



United States Department of Justice
Civil Division
Commercial Litigation Branch

Robert E. Kirschman, Jr.
Assistant Director

P.O. Box 875, Ben Franklin Station
Washington, D.C. 20044-0875

Tel: (202) 616-0328
Fax: (202) 307-0494
Email: Robert.Kirschman@usdoj.gov

January 18, 2006

BY FACSIMILE

Dennis M. Gingold, Esq.
Box No. 6
607 14th Street, N.W.
Washington, DC 20005

Re: Cobell v. Norton

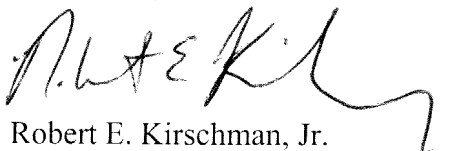
Dear Mr. Gingold:

I have been informed by the Department of the Interior and the Department of the Treasury that they have today electronically transferred a total payment of \$7,066,471.05 to the IIM Trust Correction & Recovery Project, using the account information that you provided us.

This payment was made to comply with the district court's December 19, 2005 opinion and order that required prompt payment of the interim award pursuant to the Equal Access to Justice Act. Defendants do not, however, acquiesce in the findings within the December 19 opinion, including, but not necessarily limited to, the court's finding of bad faith. Therefore, this payment should not be viewed in any way as a waiver of defendants' right to appeal the opinion and order, in whole or in part, in the future.

At your earliest convenience, please confirm for me that this transfer successfully took place. Thank you for your attention to this matter.

Very truly yours,


Robert E. Kirschman, Jr.

ATTACHMENT 1
Defendants' Status Report
On Payment of Interim Award
Pursuant to The Equal Access to Justice Act