IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

-6 PM 4:33

ELOUISE PEPION COBELL et al.,	)	
	)	
Plaintiffs,	)	No. 1:96CV01285
v.	)	(Judge Lamberth)
	)	
GALE A. NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	

INTERIOR DEFENDANTS' MOTION FOR AUTHORITY TO COMMUNICATE WITH CLASS MEMBERS REGARDING THE HISTORICAL STATEMENTS OF ACCOUNT

The Secretary of the Interior and the Assistant Secretary - Indian Affairs ("Interior Defendants," or "Interior") respectfully submit the following Motion for Authority To Communicate with Class Members Regarding Historical Statements of Account ("Interior's Class Communication Motion").

Interior has completed approximately 14,235 historical statements of account for Individual Indian Money ("IIM") account holders. Interior has mailed 1,208 of these statements to the parent(s) or guardian of the account holders for whom they were prepared. A transmittal letter accompanying the statements contained language advising the recipients that, if they wished to challenge the statements administratively, they must follow certain identified procedures. On December 23, 2002, the Court found that the language in the transmittal letter improperly purported to extinguish the rights of class member account holders who received these statements.[1] Mem. Op. at 9-10. Consequently, the Court entered a Rule 23(d) Order

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[1] The language in the transmittal letter was as follows: "If you do not challenge the historical account statement or request an extension within 60 calendar days of the postmark on

prohibiting further communication with class members without prior authorization from the Court. As discussed in Interior's Motion for Reconsideration of the Court's Rule 23(d) Order, and in Interior's Reply in support of that motion, nothing in the historical statements of account, or the accompanying transmittal letters, could, or did, extinguish any rights of a class member in this litigation. Plaintiffs have opposed Interior's Motion for Reconsideration, but agree with Interior that no class member rights were affected in connection with the historical statements of account. See Plaintiffs' Opposition to Interior's Motion for Reconsideration at 6 n.8.

Under the Rule 23(d) Order, Interior can communicate with class members if authorized by the Court. Interior seeks authority to resume mailing the completed historical statements of account to the IIM account holders for whom they were prepared.[2] If, upon reconsideration of the Rule 23(d) Order, the Court agrees with Interior (and Plaintiffs) that nothing in the statement, or accompanying transmittal letter, extinguishes any class member rights, then no further explanatory language need be added to the statements. If, however, the Court desires, Interior is willing to add further language to ensure that no class member recipient mistakenly thinks that any rights in this litigation are affected. The proposed order attached to this Motion contains the precise language that Interior would add to the transmittal letter.[3]

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the envelope containing this letter, the enclosed Historical Statement of Account will be final and cannot be appealed." See Redacted version of transmittal letter (Attachment A).

[2] Pursuant to Local Civil Rule 7.1(m), counsel for Interior conferred with Plaintiffs' counsel, Mr. Mark Brown, on February 6, 2003. Mr. Brown indicated that Plaintiffs would oppose this motion.

[3] The proposed order also contains the language that would be included in a letter to any class member that has already received a historical statement of account, assuming that the Court believes further communication is necessary.

The amending language would essentially inform class members of the existence of this litigation and their status as class members, inform them of class counsel, and include addresses, phone numbers and a citation to plaintiffs' counsels' web address, and would ensure recipients that they will not lose any rights in this case if they do not administratively appeal the historical statement of account. The supplemental language would only be included for those account holders who are actually class members.

CONCLUSION

For these reasons, Interior's Class Communication Motion should be granted.

Dated: February 6, 2003

Respectfully submitted,

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United States Department of the Interior

OFFICE OF HISTORICAL TRUST ACCOUNTING

1801 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20240
Phone (202) 327-5300
Fax (202) 327-5375

October 9, 2002

Parent(s) or Guardian of
John H. Doe
P. O. Box xxxx
Whiteriver, AZ xxxxx

Re: Individual Indian Money Account # 607JXXXXX

Dear Parent(s) or Guardian:

This letter and the three enclosures are being sent to you because you are the parent(s) or guardian of the above-named account holder, who has at least one Individual Indian Money (IIM) account managed by the United States Department of the Interior (DOI). This letter and the three enclosures apply only to the IIM account which contains a share of settlement monies received by the account holder's tribe, the White Mountain Apache Tribe of Arizona. DOI's Office of Historical Trust Accounting (OHTA) recently performed an accounting of this account from the time it was opened through December 31, 2000. You will find a Historical Statement of Account enclosed with this letter. Please read the following information in this letter and the three enclosures carefully. They provide you with the following important information about the account.

- Accounting Results: Important information about the account, including limitations on the accounting and whether errors or losses were detected
- Accounting Approach: How the historical accounting was performed
- What You Should Do Next: Important deadlines for responding to and challenging the historical accounting
- Your Appeal Rights: How you can appeal to the Interior Board of Indian Appeals (IBIA)
- Questions: Who will answer questions and where you may obtain additional information

Accounting Results. The account was established for the account holder in 1997 to receive a share of a payment that was made to settle a claim filed as White Mountain Apache Tribe of Arizona v. United States, Court of Federal Claims Docket No. 22-H. As an enrolled member of the White Mountain Apache Tribe as of April 29, 1997, the account was credited with a payment of $[redacted] on November 3, 1997. As of December 31, 2000, the account balance totaled $[redacted], including interest of $[redacted]

The balance shown on the Historical Statement of Account as of December 31, 2000, agrees with the balance maintained by DOI's Office of Trust Funds Management (OTFM) as of the same date. The accompanying Historical Statement of Account details the receipts, interest, and other activity for the account holder's account from the opening deposit through December 31, 2000. **Please note that the account balance shown is for December 31, 2000.** For information about the account activity and balances after December 31, 2000, please refer to the Statement of Account sent to you quarterly by OTFM. In addition, the Historical Statement of Account does not reflect any funds or transactions for the other accounts which the account holder may have with OTFM.

DOI has identified several historical accounting issues that may affect the amount of interest paid to the account. Please read the enclosed *Statement of Accounting Limitations* to learn more about these important issues and how they might affect the account.

Accounting Approach. In performing the accounting, OHTA reviewed documents verifying the award, the approved tribal resolution distributing the award to tribal members, and the plan governing the use and distribution of the award. OHTA also verified the monthly interest based on the interest rate distribution factor determined by OTFM. An independent accounting firm reviewed the historical accounting work to ensure correctness.

What You Should Do Next. OHTA completed the enclosed Historical Statement of Account for the time from the opening of the account through December 31, 2000. You should compare the Historical Statement of Account to your files and records to determine if your records agree with the Historical Statement of Account and the balance it shows on December 31, 2000.

If you agree with the Historical Statement of Account and the balance shown, please retain this letter and the three enclosures with your records. No other action is required of you.

If you have concerns about the Historical Statement of Account included with this letter or if you believe it is in error, you may wish to file a challenge with OHTA. To challenge the enclosed Historical Statement of Account, you must provide a written explanation of your concerns and any documents, papers or information you want OHTA to consider within 60 calendar days of the postmark on the envelope containing this letter. You must mail this information to the following address.

Executive Director
Office of Historical Trust Accounting
U.S. Department of the Interior
1801 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20006

If you need more than 60 calendar days to review or challenge the Historical Statement of Account, you may request a 30-calendar-day extension by contacting OHTA in writing at the address stated above before the 60-calendar-day time expires. **If you do not challenge the historical account statement or request an extension within 60 calendar days of the postmark on the envelope containing this letter, the enclosed Historical Statement of Account will be final and cannot be appealed.**

If you wish to challenge the Historical Statement of Account, OHTA will consider any explanation you provide and respond to you within 30 calendar days of the postmark on the envelope containing your challenge. OHTA's conclusions on your challenge will be provided in writing and will be clearly indicated as OHTA's final response.

Your Appeal Rights. You may appeal OHTA's final response to the Interior Board of Indian Appeals (IBIA) by filing a Notice of Appeal with IBIA within 30 calendar days of the date you receive OHTA's final response. OHTA will provide you with information about how to appeal to IBIA when it sends you its final written response.

Detailed rules and guidance for filing a Notice of Appeal with the IBIA can be found in Title 43 part 4 of the *Code of Federal Regulations* and in the Federal Register Notice published September 6, 2002 (67 Fed. Reg. 57121). These sources describe the items you must include in your Notice of Appeal.

The Historical Statement of Account provided with this letter will not be final or effective until after you have exhausted all administrative remedies and appeals (as above, to OHTA and IBIA) or until after the deadlines for doing so have otherwise expired.

Questions. Enclosed is a brochure answering general questions about the historical accounting project. If you have any questions about this letter or the enclosed Historical Statement of Account, please call OHTA toll-free at 1-888-329-5562. Also, additional background information, including a report OHTA provided to the United States Congress about its historical accounting project, is available on the Internet at **http://www.doi.gov/ohta.**

Very truly yours,

Bert T. Edwards

Bert T. Edwards, Executive Director
Enclosures (3) - Historical Statement of Account, Brochure, and Statement of Accounting Limitations

Statement of Accounting Limitations

In preparing the enclosed Historical Statement of Account, the Department of the Interior (DOI) identified several system-wide accounting issues that involve the amount of interest credited to trust fund accounts. These issues have not yet been fully resolved by DOI since DOI must complete additional research on the issues.

By statute and policy, funds in the Individual Indian Trust Fund have, typically, been invested in securities issued by the U.S. Treasury and U.S. Government sponsored entities. Maturities range from overnight investments with the U.S. Department of the Treasury to over ten years with a large concentration in the 5-10 year sector.

DOI's Office of Trust Funds Management (OTFM) determines the monthly interest factor to credit interest to each IIM account based on the total interest earnings for the month and the total average dollar balances of IIM accounts for the month. The interest factor used to determine the amount of interest credited to the account changes with the total amount of invested funds and the prevailing rates of interest. For the information, attached is a comparative summary of interest rates on investment pools similar to the IIM Trust Fund.

DOI has identified potential discrepancies that may affect invested funds accruing interest. Although DOI believes that these discrepancies are nominal, they may have a small impact on the amount of interest credited to the account. DOI has requested an appropriation from Congress to address certain issues. If this appropriation is received, DOI will make appropriate adjustments.

While the account holder's IIM account may be credited with additional interest in the future, the Historical Statement of Account is a crucial, important step in completing the overall historical accounting project for all Individual Indian Money accounts. As a result of the work performed on the accompanying Historical Statement of Account, DOI has confirmed several things.

- The initial deposit into the IIM account was correct.
- No improper disbursements were made from the account through December 31, 2000.
- The interest calculated by OTFM, based on the monthly interest distribution factor, was properly applied to the account.

As our work on the historical accounting project progresses, DOI will confirm the amount of additional interest the account may be entitled to, and explain to you how any such interest was determined.

It is not necessary for you to register a challenge to the accompanying Historical Statement of Account **(with respect to interest only)** since DOI is aware of this issue which may impact a large number of IIM accounts. If DOI determines that additional interest should be credited to the account in the future, this will be done whether or not you challenge the accuracy of the enclosed Historical Statement of Account.

COMPARATIVE INTEREST FACTORS

Month	IIM OTFM Factor[1]	10-Year Treasury Rates[2]	TSP "G" Fund[3]
November 1997	7.38	5.86	6.00
December 1997	6.47	5.74	6.24
January 1998	7.31	5.63	6.12
February 1998	6.21	5.63	5.28
March 1998	6.64	5.63	6.00
April 1998	6.90	5.67	5.88
May 1998	6.48	5.57	6.12
June 1998	6.95	5.46	5.76
July 1998	6.57	5.50	5.88
August 1998	6.43	5.20	5.88
September 1998	7.77	4.67	5.28
October 1998	6.60	4.63	4.92
November 1998	7.38	4.83	5.04
December 1998	6.87	4.75	5.16
January 1999	6.68	4.72	5.04
February 1999	5.71	5.00	4.56
March 1999	6.90	5.23	5.64
April 1999	6.16	5.26	5.52
May 1999	6.14	5.56	5.64
June 1999	6.39	5.98	5.88
July 1999	6.23	5.86	6.24
August 1999	6.69	5.81	6.36
September 1999	6.53	5.88	6.12
October 1999	6.85	6.16	6.36
November 1999	6.26	6.10	6.12
December 1999	6.57	6.41	6.18
January 2000	6.50	6.68	6.72
February 2000	6.25	6.38	6.36
March 2000	6.61	6.13	6.60
April 2000	6.96	6.15	6.24
May 2000	6.39	6.42	6.48
June 2000	6.62	6.08	6.36
July 2000	6.31	6.04	6.36
August 2000	6.31	5.75	6.24
September 2000	6.85	5.82	5.88
October 2000	6.14	5.66	6.12
November 2000	6.27	5.65	5.76
December 2000	6.5	5.1	5.76

[1] OTFM; Albuquerque, NM

[2] McCary Stevens Associates Inc. (Rates at which new issues of 10-year United States Government (USG) bonds were issued)

[3] Thrift Savings Plan website www.tsp.gov/rates/history/html. The TSP "G" Fund is similar to an IRS section 401(k) Plan. The TSP "G" Fund invests solely in USG debt securities and debt securities guaranteed by the USG.

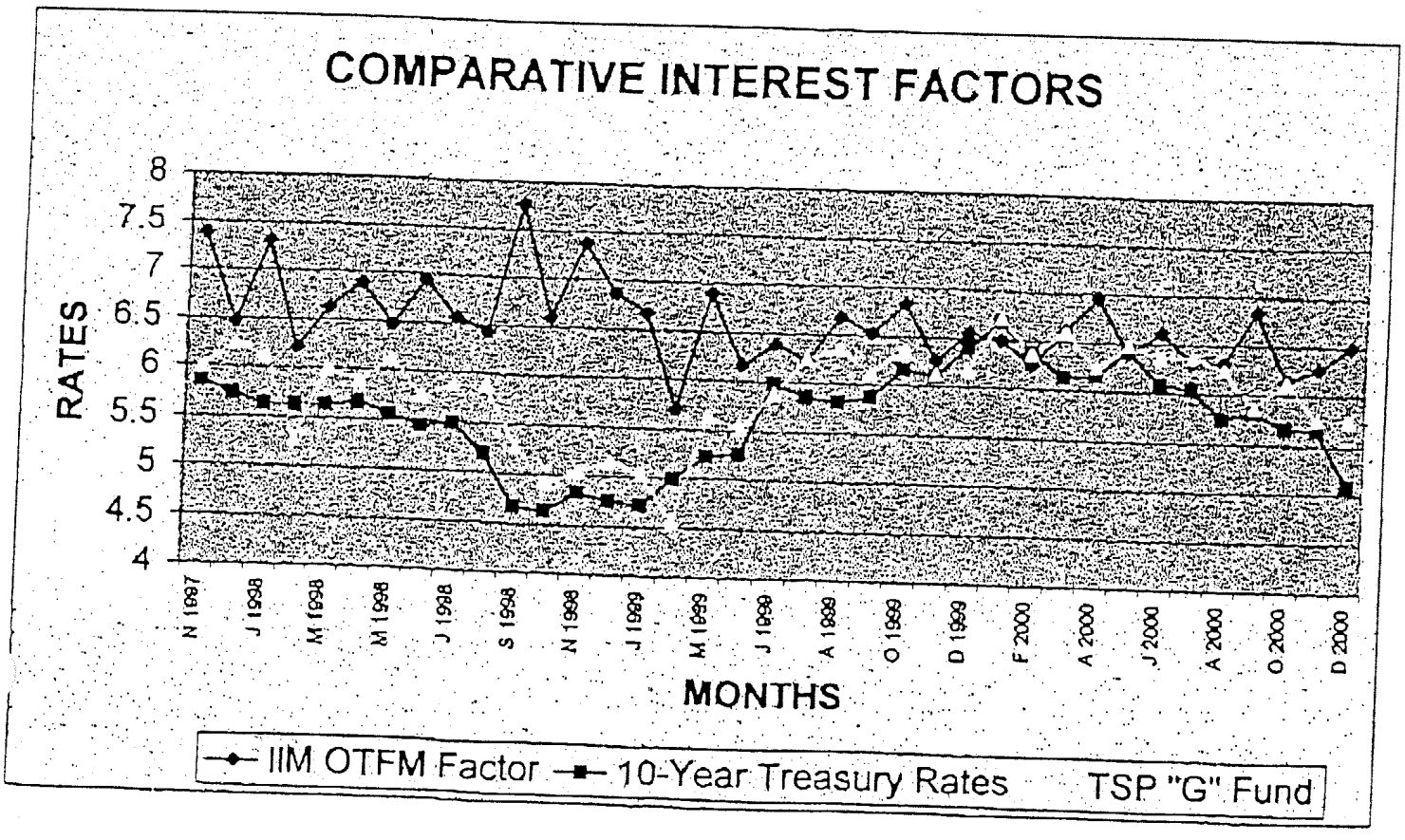
There are a number of mutual funds where objective is to invest principally in USG securities or securities guaranteed by the USG. Unlike the IIM Trust Fund investments, a portion of the investments of the following mutual fund is invested in derivatives such as repurchase agreements. Generally derivatives represent higher risk factor, and thus a higher return, than USG securities. Monthly rates of return for the following mutual funds are not readily available, however, annual rates of return are set forth below.

Fund	1998	1999	2000
T. Rowe Price – U. S. Treasury – Intermediate Fund (3 – 10 year terms)	9.58%	4.28%	1.97%

1997 – 2001 Average Rates of Return – Intermediate Term (3 – 10 year terms) – USG Bonds

Vanguard (VFITX) – 8.2%
Galaxy II (IUTIX) – 7.8%
American Century (CPTNX) – 7.6%
Fidelity Spartan (SPGVX) – 7.6%

Source: www.aaii.com/promo/2002.0513/mfunds2.shtml



How to Read Your Historical Statement of Account

Your Historical Statement of Account describes the transactions associated with either a judgment account or a per capita Individual Indian Money (IIM) account. If your IIM account is a judgment account, money was awarded to the Tribe as the result of a lawsuit and then distributed to each enrolled member of the Tribe. Per capita funds also represent Tribal payments to individuals, but if money comes from a source other than a judgment award, such as Tribal timber sales. The details of your account are included in the Historical Statement of Account.

Account Statement

Your account opens with a beginning balance of zero. The first transaction identifies the judgment or per capita payment made into your account. Each entry after that represents a transaction occurring in the account. A date and description for each transaction is included in your statement. Your statement ends with the account balance as of December 31, 2000. THIS IS NOT THE CURRENT BALANCE. Unless otherwise stated in the cover letter, our review of your account includes that the judgment or per capita payment, account transactions, and the December 31, 2000, balance are correct.

What Should I Do With This Historical Statement of Account?

Carefully review the Historical Statement of Account and compare it to your records. If you agree with the results shown on the account statement, please retain it with your other records.

If you wish to challenge the results shown on the account statement:

1. Provide a written explanation and any supporting documents within 60 calendar days of the postmark on the envelope to:

Executive Director
Office of Historical Trust Accounting
U.S. Department of the Interior
1801 Pennsylvania Ave., N.W., Suite 400
Washington, D.C. 20006

2. If you need more than 60 days to review or challenge the Historical Statement of Account, you may request a 30-day extension by contacting Office of Historical Trust Accounting (OHTA) in writing at the address shown above.

3. If you do not challenge the account statement or request an extension within 60 calendar days of the postmark on the envelope containing this letter and statement, the account statement will be final and cannot be appealed.

4. OHTA will consider any explanation you provide and respond to you within 30 calendar days from the postmark on your challenge. OHTA's conclusions on your challenge will be provided in writing and will be indicated as OHTA's final response.

• If after receiving a written notice from OHTA indicating it is a final response, you wish to appeal the account statement, you must file a Notice of Appeal with the Interior Board of Indian Appeals (IBIA) within 30 calendar days of receipt of OHTA's final response which will clearly be identified "Final Response." Together with its final response, OHTA will furnish you with information about how to file an appeal with IBIA.

Information on the rules and guidance for filing a Notice of Appeal with IBIA can be found in Title 43 part 4 of the *Code of Federal Regulations* and in the *Federal Register* notice published September 6, 2002.

Questions and Answers

Why are you receiving this account statement?

The American Indian Trust Fund Management Reform Act of 1994 provides that IIM account holders be given an accounting of the funds held in trust. Your Historical Statement of Account has been prepared to assist you in understanding the transactions affecting the funds in your account.

Why does the historical accounting end on December 31, 2000?

December 31, 2000, was selected because all Bureau of Indian Affairs (BIA) Regions and Agencies had converted to the Trust Funds Accounting System (TFAS) by this date. Quarterly statements have been mailed for IIM accounts since early 2000, except for estate accounts and account holders whose current address is unknown.

Will you receive a check for the balance shown?

No, this accounting is similar to a bank statement. The purpose of the accounting was to review your account and make sure it was correct as of December 31, 2000.

Questions and Answers (continued)

re you owed money?

he amount shown on your Historical tatement of Account represents the balance your IIM account on December 31, 2000. or information regarding account activity id balances after December 31, 2000, please fer to the quarterly Statement of Account nt to you by the Department of the Interior ffice of Trust Funds Management (OTFM). he amount shown on your most recent atement of Account is the balance held in ist for you as of the date of the Statement, id will be paid subject to applicable terms of ur account.

'hat time period is covered by the historical counting?

our Historical Statement of Account begins ith the date the account was opened and ncludes on December 31, 2000. The count balance shown for December 31, 00, is NOT THE CURRENT BALANCE.

ow can you find out your IIM account tivity after December 31, 2000?

TFM periodically provides a Statement of count for IIM accounts. The most recent atement of Account provided by OTFM ll include the balance for your IIM account of the date of that Statement. If you wish obtain the current balance, you should ntact your local BIA Agency Office or TFM toll free at 1-888-OST-OTFM (888-8-6836).

Does your Historical Statement of Account cover any other IIM accounts you may have?

No, your Historical Statement of Account only addresses the transactions occurring for the judgment or per capita account number identified on the Historical Statement of Account.

How can you report a change of address?

Historical statements of account for judgment accounts are being sent to the parents or guardians or IIM account holders. To report a change in address, please call or write your local BIA Agency office. In an attempt to locate IIM account holders whose account statements are returned to OHTA by the U.S. Postal Service as not deliverable, the names of those whose Historical Statement of Account is returned will be posted on the OHTA website, **www.doi.gov/ohta**. These names will also be available for review at your Tribal Headquarters, BIA Agency offices, and OTFM locations.

Where Can I Get More Information?

You can request more information by mail, telephone, or internet.

Mail:

U.S. Department of the Interior
Office of Historical Trust Accounting
1801 Pennsylvania Avenue, N.W., Suite 400
Washington, DC 20006

Telephone:
1-888-329-5562

Electronic Mail: OHTA@ios.doi.gov

U.S. DEPARTMENT OF THE INTERIOR

Information On Historical Accounting of Judgment and Per Capita IIM Accounts

OFFICE OF HISTORICAL TRUST ACCOUNTING
INDIVIDUAL INDIAN MONIES TRUST FUNDS
HISTORICAL STATEMENT OF ACCOUNT

TO THE PARENT(S) OR GUARDIAN OF
[redacted]
PO BOX [redacted]
WHITERIVER AZ 85941

ACCOUNT OF [redacted]
ACCOUNT NUMBER [redacted]

As explained in the attached Historical Statement of Account transmittal letter, the account balance at December 31, 2000 was $[redacted].

This balance was composed of the following:

Judgment award from Docket 22-H	$[redacted]
Cumulative interest	[redacted]
Ending balance as of December 31, 2000	$[redacted]

The account activity is detailed below. Interest was calculated based on average daily balance using the interest factor determined for each period by Interior's Office of Trust Funds Management. This factor, which may vary by period, is based upon the IIM Trust Funds' investments. Please note, the account balance shown is for December 31, 2000 (the date through which the historical accounting was performed). For account activity and balances after December 31, 2000, please refer to the quarterly Statements of Account.

TRANSACTION ACTIVITY FOR ACCOUNTING PERIOD: 11/3/1997 THROUGH 12/31/2000

DATE	AMOUNT	TRANSACTION DESCRIPTION	DOCUMENT REFERENCE (If calling, this information may be needed.)
	[redacted]	BEGINNING BALANCE	
11/3/1997	[redacted]	Receipt of judgment award - Docket 22-H	Collection JUDGMENT PER CAPITA [redacted]
12/18/1997	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
1/15/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
2/19/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]

DATE	AMOUNT	TRANSACTION DESCRIPTION	DOCUMENT REFERENCE (If calling, this information may be needed.)
3/30/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
4/27/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
5/28/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
6/26/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
7/30/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
8/21/1998	[redacted]	Monthly Interest	Journal Voucher MONTHLY - AUTO [redacted]
9/28/1998	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
10/30/1998	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
11/19/1998	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
12/18/1998	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
1/14/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
2/18/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
3/18/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]
4/19/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT # [redacted]

DATE	AMOUNT	TRANSACTION DESCRIPTION	DOCUMENT REFERENCE (If calling, this information may be needed.)
5/18/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
6/16/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
7/14/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
8/19/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
9/16/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
10/21/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
11/18/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
12/17/1999	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
1/24/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
2/23/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
3/17/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
4/21/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
5/18/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]
6/15/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT [redacted]

DATE	AMOUNT	TRANSACTION DESCRIPTION	DOCUMENT REFERENCE (If calling, this information may be needed.)
7/20/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
8/17/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
9/6/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
10/4/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
11/3/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
12/5/2000	[redacted]	Monthly Interest	Cash Receipt MONTHLY INTEREST EARNINGS DOCUMENT #[redacted]
12/31/2000	[redacted]	**BALANCE AT DECEMBER 31, 2000**	

Please note the ending balance is NOT THE CURRENT BALANCE of your IIM account. The account balance shown is for December 31, 2000 (the date through which the historical accounting was performed). If you have questions about this Historical Statement of Account, please call the Office of Historical Trust Accounting toll free (888) 329-5562. For account activity and balances after December 31, 2000, please refer to the quarterly Statements of Account. If you have questions about your quarterly Statements of Account or your current IIM account balance, please call the Office of Trust Funds Management toll free (888) 678-6836.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE NORTON, Secretary of the Interior, et al.,

Defendants.

Case No. 1:96CV01285
(Judge Lamberth)

ORDER

This matter comes before the Court on plaintiffs' Motion for Order Directing Defendants to Rescind Notice Sent to 1200 Trust Beneficiaries and Interior Defendants' Motion for Authority To Communicate with Class Members Regarding Historical Statements of Account. Upon consideration of the motions, the responses thereto, and the record in this case, it is hereby

ORDERED that plaintiffs' Motion is DENIED. It is further

ORDERED that Interior Defendants' Motion is GRANTED. It is further

ORDERED that Interior may resume mailing completed historical statements of account to the class member Individual Indian Money account holders for whom they were prepared.

Alternatively, it is further

ORDERED that the transmittal letter accompanying the historical statements of account shall contain the following notice:

> **Please be aware that the account holder for whom this historical statement of account was prepared is a member of a class action lawsuit, Cobell v. Norton, No. 1:96CV01285 (D.D.C.) (Judge Lamberth). Nothing in this notice should be interpreted as eliminating any rights that the account holder has as a class member in that litigation. If the account holder fails to challenge this historical statement of account they do not lose any rights that they have as a class member. For further information you may contact counsel for the class members, Dennis M Gingold,**

Esq., 1275 Pennsylvania Avenue, N.W., Ninth Floor, Washington, D.C. 20004, (202)661-6381, or Keith Harper, Esq., Native American Rights Fund, 1712 N Street, NW, Washington, D.C. 20036-2976, (202)785-4166. You may also access further information at plaintiffs' website www.indiantrust.com.

It is further

ORDERED that Interior Defendants do not need to send any further communication to class members that received a historical statement of account.

Alternatively, it is further

ORDERED that Interior Defendants shall send a letter to any class member that previously received a historical statement of account with the following notice:

Please be aware that Individual Indian Money account holders are members of a class action lawsuit, Cobell v. Norton, No. 1:96CV01285 (D.D.C.) (Judge Lamberth). In October 2002 the above-referenced account holder received a Historical Statement of Account, along with a cover letter notifying the account holder of the action they should take if they wanted to challenge the accuracy of that statement. Nothing in that notice should be interpreted as eliminating any rights that the account holder has as a class member in Cobell. If they fail to challenge the historical statement of account they do not lose any rights that they have as a class member. For further information you may contact counsel for the class members, Dennis M Gingold, Esq., 1275 Pennsylvania Avenue, N.W., Ninth Floor, Washington, D.C. 20004, (202)661-6381, or Keith Harper, Esq., Native American Rights Fund, 1712 N Street, NW, Washington, D.C. 20036-2976, (202)785-4166. You may also access further information at plaintiffs' website www.indiantrust.com.

SO ORDERED.

Date: _____

_____
ROYCE C. LAMBERTH
United States District Judge

cc:

Sandra P. Spooner
John T. Stemplewicz
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

Dennis M Gingold, Esq.
Mark Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
202-318-2372

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, NW
Washington, D.C. 20036-2976
202-822-0068

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on February 6, 2003 I served the foregoing *Interior Defendants' Opposition to Plaintiffs' Motion for Order Directing Defendants to Rescind Notice Sent to 1200 Trust Beneficiaries* by facsimile in accordance with their written request of October 31, 2001 upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 822-0068

Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
(202) 318-2372

By U.S. Mail upon:

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

By facsimile and U.S. Mail upon:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006
(202) 986-8477

By Hand upon:

Joseph S. Kieffer, III
Special Master Monitor
420 7th Street, N.W.
Apartment 705
Washington, D.C. 20004
(202) 478-1958

K P Kingston

Kevin P. Kingston