

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

APR 29 9 31 AM '03

\_\_\_\_\_  
ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

\_\_\_\_\_  
GALE A. NORTON, Secretary of the Interior, et al.,

Defendants.  
\_\_\_\_\_

Case No. 1:96CV01285  
(Judge Lamberth)

DEFENDANTS' OBJECTIONS TO THE PRETRIAL  
STATEMENT SUBMISSIONS OF PLAINTIFFS

Pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(e), Defendants hereby submit their objections to the Pretrial Statement submissions of Plaintiffs. On April 22, 2003, the parties attempted to file a Joint Pretrial Statement containing, inter alia, a witness list, exhibit list and deposition designations for each side's use at trial. When this proved unfeasible, Defendants filed a separate Pretrial Statement with attachments on April 22, 2003, and Plaintiffs moved on April 23, 2003 for leave to file their own "unilateral" Pretrial Statement. By Order of April 28, 2003, the Court granted Plaintiffs the requested leave. Although Defendants do not object to the grant of leave,<sup>1</sup> they do have several objections to the contents of Plaintiffs' submission.

**A. Objections to Plaintiffs' Witness List**

Plaintiffs' witness list does not comply with the requirements of Local Rule 16.5(b)(5).

---

<sup>1</sup> Having no objection to Plaintiff making their requested filing, Defendants will not undertake a line by line refutation of Mr. Brown's story, as set forth in his Declaration supporting Plaintiffs' motion for leave, other than to note that despite Defendants' repeated entreaties to Plaintiffs, including in writing, up to a week before the deadline to confer on the Pretrial Statement, Defendants first received a draft of Plaintiffs' text at approximately 10:55 p.m. on April 22, 2003.

This rule, in pertinent part, requires that the list "separately identify[ ] those whom the party expects to present and those whom the party may call if the need arises including rebuttal witnesses." Plaintiffs' witness list does not contain any such separate identification, and therefore, the list is deficient under the local rule.

Defendants brought this deficiency to Plaintiffs attention on April 24, 2003, and requested that the missing information be provided by the next evening.<sup>2</sup> Plaintiffs did provide a further annotated witness list later on Friday, but this list is also defective. On the revised list, Plaintiffs simply flagged certain witness names with a "#" symbol, which Plaintiffs describe as denoting a "witness likely to be called." See Plaintiffs' Witness List at 5 (Rev. Apr. 25, 2003) (Tab "B" hereto). This designation of "likely to be called" does not correct the problem. Defendants are entitled to know what witnesses will be called by Plaintiffs at trial and which "may" be called.

**B. Objections to Plaintiffs' Exhibit List**

Plaintiffs' exhibit list contains several defects, and Defendants object to the list in its entirety on the grounds set forth below. In compliance with Local Rule 16.5(e), Defendants also submit herewith all of their specific objections (except as to relevance) to each of the exhibits identified by Plaintiffs, to the extent such a determination could be reasonably made. Defendants' specific objections are set forth on the chart annexed hereto at Tab C. Notwithstanding the referenced objections, Defendants expressly reserve the right to object to any exhibit on grounds of relevance under Fed. R. Evid. 402 or 403 at the appropriate time. Fed. R. Civ. P. 26(a)(3).

---

<sup>2</sup> Letter from Michael J. Quinn to Mark Brown, Esq. (April 24, 2003) (Tab "A" hereto).

Plaintiffs' general objections to Plaintiffs' exhibit list are as follows:

1. The list fails to comply with Local Rule 16.5(b)(6), which requires that the list shall "separately identify[ ] those which the party expects to offer and those which the party may offer if the need arises." Despite Defendants' notice to Plaintiffs concerning this deficiency in their exhibit list (see Tab A), Plaintiffs have not corrected the defect.
2. Defendants object to Plaintiffs' exhibit list on the grounds that numerous exhibit entries do not properly identify individual exhibits but multiples of separate, individual documents that should each be identified separately as exhibits. Defendants object to both the description of the such "catch all" and "placeholder" exhibits as inadequate under the rules and to offering multiple documents as one exhibit.
3. Despite multiple invitations to exchange a copy of exhibits, Plaintiffs have not done so to date. Defendants have searched their litigation files in an attempt to locate documents matching items on Plaintiffs' exhibit list. Therefore, Defendants' objections for all of Plaintiffs' exhibits are subject to amendment at any time upon discovery that an exhibit Plaintiffs' intend to offer does match the document upon which Defendants have asserted their objections. To the extent that an actual exhibit is different or until such time as Plaintiffs provide a copy of their listed exhibits, Defendants reserve the right to amend their objections for any exhibit.
4. For documents identified on Plaintiffs' exhibit list that are not presently in Defendant' possession, Defendants object to such exhibits upon all available grounds for exclusion, until such time as a copy of such exhibits have been provided to Defendants.

**C. Objections to Plaintiffs' Deposition Designations**

Plaintiffs have cited 17 discovery deposition transcripts in their entirety. Defendants object to this gross designation, for it is doubtful that all such testimony will be of use to the Court or relevant to the issues to be tried. The wholesale designation of entire depositions places an undue burden on Defendants to the extent it would require Defendants to assert objections to potentially hundreds of pages of testimony that Plaintiffs will never use. Defendants also anticipate that Plaintiffs will offer more specific citations to, or excerpts from, the identified depositions as the trial progresses. Defendants, therefore, expressly reserve the right to serve deposition counterdesignations and to assert line specific objections at the appropriate time. Until such time, Defendants object to such depositions in their entirety upon all available grounds for exclusion. (Defendants also incorporate by reference all objections asserted of record in the course of any listed depositions.)

To the extent an objection exists under either Fed. R. Civ. P. 26(a)(3)(A) or 32(a) that is generally applicable to an entire deposition, such objection is asserted in the accompanying table at Tab "D." Notwithstanding any of the foregoing, Defendants expressly reserve the right to assert any and all objections based on relevance, under Fed. R. Evid. 402 or 403 (including but not limited to objections such as "asked and answered," "cumulative evidence," and "narrative") as to any deposition testimony in whole or in part.

Dated: April 29, 2003

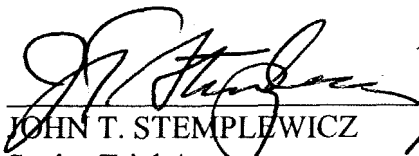
Respectfully submitted,

ROBERT McCALLUM, JR.  
Assistant Attorney General

STUART E. SCHIFFER  
Deputy Assistant Attorney General

J. CHRISTOPHER KOHN  
Director

SANDRA P. SPOONER (D.C. Bar No. 261495)  
Deputy Director



---

JOHN T. STEMPLIEWICZ  
Senior Trial Attorney  
MICHAEL J. QUINN (D.C. Bar No. 401376)  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875  
(202) 514-7194

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on April 29, 2003 I served the foregoing *Defendants' Objections to the Pretrial Statement Submissions of Plaintiffs* by facsimile in accordance with their written request of October 31, 2001.

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

Per the Court's Order of April 17, 2003  
by facsimile and U.S. Mail upon:

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

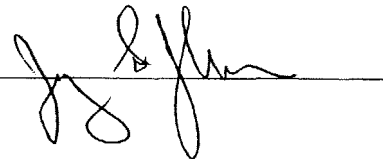
By facsimile and U.S. Mail upon:

Alan L. Balaran, Esq.  
Special Master  
1717 Pennsylvania Avenue, N.W.  
13th Floor  
Washington, D.C. 20006  
(202) 986-8477

By U.S. Mail upon:

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

Jay St. John

A handwritten signature in black ink, appearing to read "Jay St. John", is written over a horizontal line.



U.S. Department of Justice  
Civil Division

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

Street Address  
1100 L Street, N.W.-Room 10040  
Washington, D.C. 20005

Michael J. Quinn - Trial Attorney

Phone (202)307-0243

Fax: (202) 514-9163  
(202) 305-4933

April 24, 2003

**Via Telecopier: 202-318-2372**

Mark Kester Brown, Esq.  
c/o 1275 Penna. Avenue, NW, 9th Floor  
Washington, DC 20004

**Re: Cobell et al. v. Norton et al.**

Dear Mark:

I write to inquire about three matters in connection with the upcoming Pretrial Conference to be held on April 29, 2003. Although I understand you have moved, we are faxing this letter to the last telecopier number that we have for you. Unless we receive written notice from Plaintiffs instructing otherwise, we will continue to use this fax number for you and will also continue to make any hand deliveries to the address listed above.

1. Witness List. We note that Plaintiffs' witness schedule as served upon Defendants omits identification, as required by Local Rule 16.5(b)(5), of which listed witnesses Plaintiffs "Expect to Call" and those Plaintiffs "May Call" during trial. Defendants complied with this disclosure obligation in submitting their witness list, and we (and the Court) are entitled to receive the same disclosure from Plaintiffs for trial planning purposes. The omitted information must be provided immediately. If we do not receive this information by 5:00 p.m. tomorrow, April 25, we will move the Court for appropriate relief. Unless you advise us to the contrary by that time tomorrow, we will conclude that you oppose such a motion.

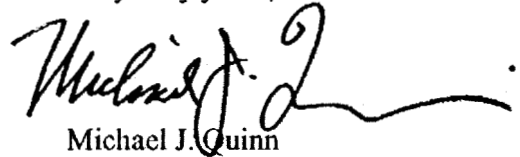
2. Exhibit List. The same deficiency exists with respect to Plaintiffs' Exhibit List. Local Rule 16.5(b)(6) expressly provides that each party is to "separately identify which [exhibits] the party expects to offer and those which the party may offer if the need arises." Defendants complied with this obligation on their exhibit list, but Plaintiffs have not. This deficiency must also be corrected immediately. If we do not receive this additional omitted information by 5:00 p.m. tomorrow, we will seek redress this problem as well as part of the motion I described above. Thus, unless you advise us to the contrary by 5:00 p.m. April 25, we will conclude that you oppose such a motion.

3. Exchange of Exhibits. Do Plaintiffs desire to exchange a copy set of their marked exhibits with Defendants in return for a marked copy set of Defendants' exhibits? I mentioned this possibility to you at least once during in the past week, but there was no resolution. We are prepared to make an exchange upon reasonable advance notice. If Plaintiffs desire to make such an exchange, please advise.

Mark Kester Brown, Esq.  
April 24, 2003  
Page 2

Thank you for your prompt attention to our concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Quinn", with a long horizontal flourish extending to the right.

Michael J. Quinn

cc: Keith Harper, Esq.



\*\*\*\*\*  
\*\*\* MULTI TX/RX REPORT \*\*\*  
\*\*\*\*\*

TX/RX NO 1643  
PGS. 3  
TX/RX INCOMPLETE -----  
TRANSACTION OK (1) 93182372  
(2) 98220068  
ERROR INFORMATION -----



**IMPORTANT:** This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

**FROM:** Department of Justice  
Civil Division

Fax No. (202) 514-9163  
Voice No. (202) 307-0243

**SENT BY:** Michael J. Quinn

**TO:** Mark Kester Brown Keith Harper

**FAX No.** (202) 318-2372 (202) 822-0068

**NUMBER OF PAGES SENT (INCLUDING COVER PAGE):** 3

**SPECIAL INSTRUCTIONS:** Letter concerning Pretrial Conference matters.

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
Alan McQuillan* #	School of Forestry University of Montana Missoula, MT 59801	Matters addressed in his expert report, including forestry revenues generated by the Individual Indian Trust Trust	4 hrs.
Bemita Joyce*	6001 Bradley Blvd. Bethesda, MD 20817	Matters concerning the parties' compliance plans, including: effectiveness of and credibility of DOI fiduciary management regard trust management in general; consequences of inadequate management, and the need for remedial order in nature and scope of plaintiffs' proposed order.	3 hrs.
Bert Edwards #	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Defendants' accounting "plan" and inability to verify relevant account information	4 hrs.
Chester Mills	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Matters concerning defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	4 hrs.
Clark Madison	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	4 hrs.
David Aufhauser	Department of Treasury	Matters concerning defendants' failure and inability to bring themselves into compliance with their trust duties	4 hrs.
Don Hammond	Department of Treasury	Matters concerning defendants' failure and inability to bring themselves into compliance with their trust duties	4hrs
Dwight Duncan* #	Lancaster Consulting LLC 5130 North Central Ave Phoenix, AZ 85012	Matters addressed in his expert reports including an analysis of methodology used in plaintiffs' plan for determining accurate balances and deficiencies in defendants' accounting "plan"	1 day

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
J. Steven Griles #	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	5 hrs.
James Cason #	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	4 hrs
Jerry Morgan #	Native American Industrial Distributors, Inc. 5581 Hardesty Road Sunderland, MD 20689	Matters concerning the status of trust reform, defendants' failure and inability to bring themselves into compliance with their trust duties and defendants' misrepresentations to the Court	5 hrs.
Joe Walker	NORC 1350 Connecticut Ave NW Washington, DC 20036	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties, past fraudulent behavior of BIA employees regarding the Individual Indian Trust Trust	2 hrs.
Joe Christie*	11704 San Victorio, NE Albuquerque, NM 87111	Matters concerning the parties' compliance plans including the effectiveness and credibility of DOI fiduciary management regarding records management and the need for central records facility; consequences of inadequate records management and compliance; and need for remedial order in the nature and scope of plaintiffs' proposed order.	5 hrs.
John Wright* #	Questa Engineering Corp. 1010 Tenth Street Golden, CO 80401	Matters addressed in his expert report, including oil & gas revenues generated by the Individual Indian Trust Trust	3 hrs.
Keith Beartusk	Department of Interior 1849 C Street, NW Room 7229 Washington, DC 20240	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	5 hrs

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
Kyle Sampson	White House 1600 Pennsylvania Avenue Washington, DC	Matters concerning defendants' failure and inability to bring themselves into compliance with their trust duties and defendants' witness intimidation/retaliation	3 hrs.
Landy Stinnett* #	Pincock, Allen, Holt 274 Union Blvd. Suite 200 Lakewood, CO 80228	Matters addressed in his expert report, including mineral revenues generated by the Individual Indian Trust Trust	3 hrs.
Martin Abeyta	Department of Interior 1849 C Street, NW Washington, DC 20240	Matters concerning defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	2 hrs
Matthew Gabriel* #	Farragut Systems, Inc. 1455 Dixon Avenue Suite 310 Lafayette, CO 80026	Matters addressed in his expert report, including the GIS overlay process	3 hrs.
Michael Smith #	Native American Industrial Distributors, Inc. 5581 Hardesty Road Sunderland, MD 20689	Matters concerning defendants' failure and inability to bring themselves into compliance with their trust duties defendants' misrepresentations to the Court	4 hrs.
Michael Bentzen #	Hughes & Bentzen, PLLC 1667 K Street, NW Suite 320 Washington, DC 20036	Matters concerning defendants' inability to perform an accounting, defendants' failure and inability to bring themselves into compliance with their trust duties and their inability to hire non-conflicted counsel.	3 hrs.
Mona Infield #	Department of Interior 1849 C Street, NW Washington, DC 20240	Matters concerning the status of trust reform and reorganization, defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties	4 hrs
Pati Homan* #	1832 24 <sup>th</sup> Street, NW Washington, DC 20008	Standards of trust administration as observed by the witness in his experiences senior official of the Office of the Comptroller of the Currency and chief executive officer of	2 days

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
		major banks; experience and observations with respect to individual Indian trust management and administration; dealings with defendants during his tenure as Special Trustee; defendants' inability to perform an accounting; unacceptability of defendants' accounting "plan" to discharge their duty to account; and soundness of plaintiffs' accounting plan. In addition, witness will render opinion regarding the parties' compliance plans.	
Richard Fitzgerald* #	Department of Interior 1849 C Street, NW Washington, DC 20240	Matters concerning the parties' compliance plans, including: trust standards; safe and sound trust practices; fiduciary competence of trustee-delegates; senior DOI management and government counsel; and the need for remedial order of the nature and scope proposed by plaintiffs.	6 hrs.
Richard Fasold* #	13720 Rampart Drive Conifer, CO 80433	Matters addressed in his expert report, including plaintiffs' methodology in calculating revenues generated by the Individual Indian Trust Trust	1 day
Thomas Thompson*	Department of Interior 1849 C Street, NW Washington, DC 20240	Matters concerning the parties' compliance plans, including: effectiveness and credibility of DOI fiduciary management; impact of incompetent management and inadequate DOI compliance plan; inability of DOI to conduct an accounting of all funds; and the need for remedial order in the nature and scope of plaintiffs proposed order.	4 hrs.
Tex Hall	Three Affiliated Tribes 404 Frontage Road New Town, ND 58763	Matters concerning the status of trust reform and reorganization; defendants' inability to perform an accounting and defendants' failure and inability to bring themselves into compliance with their trust duties; impact of defendants' failures on trust beneficiaries.	3 hrs.
Ivan Makil, Special Trustee's Advisory Board #	Department of Interior 1849 C Street, NW Washington, DC 20240	Matters concerning the status of trust reform and reorganization; defendants' failure and inability to bring themselves into compliance with their trust duties and efforts and positions of the Advisory Board to ameliorate trust deficiencies.	4 hrs.

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
Expert's denoted by asterisk (*); Witnesses likely to be called denoted by pound sign (#)			

## PLAINTIFFS' WITNESS LIST

NAME	ADDRESS	DESCRIPTION OF TESTIMONY	EST. TIME
------	---------	--------------------------	--------------

## **FAX COVER SHEET**

<b>FAX NUMBER</b>	<b>12025149163</b>
<b>FROM</b>	<b>Geoffrey Rempel</b>
<b>DATE</b>	<b>2003-04-25 21:34:21 GMT</b>
<b>RE</b>	<b>Fax from Geoffrey Rempel</b>

### **COVER MESSAGE**

**FOR MICHAEL QUTNN**



## Defendant's Objections to Plaintiffs' Phase 1.5 Trial Exhibits

Cobell v. Norton, 96cv01285, RCL

<u>Exhibit #</u>	<u>Description</u>	<u>Objections</u>
P001	Letter from Representative Pallone to the Court dated January 2, 2003	None
P002	Letter from Representative Pallone to Secretary Norton dated April 17, 2003	None
P003	May 19, 1932 memorandum for the Secretary from C.J. Rhoads	None
P004	Notice of Filing of Department of Interior's First Quarterly Report and Related Documents	None
P005	Notice of Filing of Department of Interior's Second Quarterly Report	None
P006	Notice of Filing of Department of Interior's Third Quarterly Report	None
P007	Notice of Filing of Department of Interior's Fourth Quarterly Report	None
P008	Notice of Filing of Department of Interior's Fifth Quarterly Report	None
P009	Notice of Filing of Department of Interior's Sixth Quarterly Report	None
P010	Notice of Filing of Department of Interior's Seventh Quarterly Report	None
P011	Quarterly Report 8	None
P012	Quarterly Report 9	None
P013	Quarterly Report 10	None
P014	Quarterly Report 11	None
P015	Quarterly Report 12	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P016	As-Is Communications from Superintendents	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P017	Department of the Interior As-Is Report	None
P018	Department of the Interior Comprehensive Trust Management Plan dated March 28, 2003	None
P019	Joe Christie Inventory and documents referenced therein	FRE 901 - requires Authentication; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Privileged and FRE 801 - Hearsay
P020	First Treasury Quarterly Report	None
P021	Second Treasury Quarterly Report	None
P022	Third Treasury Quarterly Report	None
P023	Fourth Treasury Quarterly Report	None
P024	Fifth Treasury Quarterly Report	None
P025	Six Treasury Quarterly Report	None
P026	Seventh Treasury Quarterly Report	None
P027	Eighth Treasury Quarterly Report	None
P028	Ninth Treasury Quarterly Report	None
P029	Tenth Treasury Quarterly Report	None
P030	Eleventh Treasury Quarterly Report	None
P031	Twelfth Treasury Quarterly Report	None
P032	Thirteenth Treasury Quarterly Report	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P033	Documents referenced in the Trial 1.5 expert report of Matthew Gabriel	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P034	Documents referenced in the Trial 1.5 expert report of John Wright	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P035	Documents referenced in the Trial 1.5 expert report of Richard Fasold	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P036	Documents referenced in the Trial 1.5 expert report of Paul Homan	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P037	Documents referenced in the Trial 1.5 expert report of Dwight Duncan	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P038	Documents referenced in the Trial 1.5 expert report of Landy Stinnett	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P039	Documents referenced in the Trial 1.5 expert report of Alan McQuillan	FRE 702- dependent on admissibility of expert opinion; Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P040	The following Special Master Reports and attached exhibits:	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Hearsay/ Privileged
P040a	Interim Report of the Special Master Regarding the Filing of Interior's Eighth Quarterly Report, filed April 21, 2003	FRE 801- Hearsay
P040b	Second Investigative Report of the Special Master Regarding the Office of Trust Records dated April 11, 2002	FRE 801- Hearsay
P040c	Report and Recommendation of the Special Master Regarding the Security of Data at the Department of the Interior	FRE 801- Hearsay
P040d	Opinion (Special Master 07/27/01)	FRE 801- Hearsay
P040e	First Investigative Report of the Special Master Regarding Defendants Response to Document Request 9 of Attachment B to the Subpoena Duces Tecum	FRE 801- Hearsay
P040f	Recommendation and Report of the Special Master Concerning Plaintiffs' Motion for Order to Show Cause Why Defendants and Their Employees and Counsel Should Not Be Held in Contempt and for Sanctions for Violating the Anti-retaliation Order	FRE 801- Hearsay

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P040g	Opinion (Special Master 05/07/01)	FRE 801- Hearsay
P040h	Opinion (Special Master 07/23/01)	FRE 801- Hearsay
P040i	Opinion (Special Master 10/01/01)	FRE 801- Hearsay
P040j	Site Visit Report of the Special Master to the Office of Information Resources Management	FRE 801- Hearsay
P040k	January 15, 2002 First Status Report of the Special Master Regarding the Shutdown and Reconnection of Computer Systems at the Department of the Interior	FRE 801- Hearsay
P040l	February 5, 2002 Second Status Report of the Special Master Regarding the Shutdown and Reconnection of Computer Systems at the Department of the Interior	FRE 801- Hearsay
P041	The following Court Monitor/Special Master-Monitor Reports and attached exhibits:	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Hearsay/ Privileged
P041a	Seventh Report of the Court Monitor dated May 2, 2002 (2002 W.L. 844726)	FRE 801- Hearsay
P041b	Eighth Report of the Court Monitor dated July 11, 2002 (2002 W.L. 1480903)	FRE 801- Hearsay
P041c	Report and Recommendation of the Special Master-Monitor on "Plaintiffs' Motion to Compel Attendance of Witnesses at Deposition and to Award Reasonable Expenses" and "Defendants' Motion for Protective Order" dated October 2, 2002	FRE 801- Hearsay
P041d	Report and Recommendation of the Special Master-Monitor on the Extent of the Authority of the Special Master-Monitor to Regulate All Phase 1.5 Trial Discovery Proceedings and the Need for Clarification of the September 17, 2002 Order Appointing the Special Master-Monitor, dated November 18, 2002	FRE 801- Hearsay
P041e	First Report of the Court Monitor	FRE 801- Hearsay
P041f	Second Report of the Court Monitor	FRE 801- Hearsay

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P041g	Third Report of the Court Monitor	FRE 801- Hearsay
P041h	Fourth Report of the Court Monitor	FRE 801- Hearsay
P041i	Supplemental Report Amending the Second and Fourth Report of the Court Monitor	FRE 801- Hearsay
P041j	February 1, 2002 Fifth Report of the Court Monitor	FRE 801- Hearsay
P041k	February 1, 2002 Sixth Report of the Court Monitor	FRE 801- Hearsay
P042	The Trial 1.5 expert report of Alan Newell and documents referenced therein	None
P043	The Trial 1.5 expert report of Joseph Rosenbaum and documents referenced therein	None
P044	The Trial 1.5 expert report of David Lasater and documents referenced therein	None
P045	The Trial 1.5 expert report of Edwards Angel and documents referenced therein	None
P046	The Historical Accounting Plan for Individual Indian Money Accounts filed by Department of the Interior on January 6, 2003	None
P047	The Fiduciary Obligations Compliance Plan filed by Department of the Interior on January 6, 2003	None
P048	Plaintiffs' Response to Defendants' Historical Accounting Plan for Individual Indian Money Accounts, filed January 31, 2003	FRE 801 - Hearsay
P049	Plaintiffs' Opposition to the "Fiduciary Obligations Compliance Plan" if Interior Secretary Gale Norton and Acting Assistant Secretary Aureen Martin, filed January 31, 2003	FRE 801 - Hearsay
P050	Plaintiffs' Plan for Determining Accurate Balances in the Individual Indian Trust, filed January 6, 2003	None
P051	Plaintiffs' Compliance Action Plan Together with Applicable Trust Standards, filed January 6, 2003	None
P052	April 19, 2002 Letter of GAO General Counsel Anthony Gamboa to OHTA Director Bert Edwards	FRE 801- Hearsay

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P053	All documents requested of defendants and their agents by the Special Master-Monitor	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Hearsay/ Privileged
P054	All documents requested of defendants and their agents by the Special Master	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Hearsay/ Privileged
P055	GIS Methodology Presentation by Matthew Gabriel	Subject to further objections upon receipt of document
P056	All Reports issues by EDS, including the following:	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P056a	DOI Trust Reform– Interim Information Assurance Report and Roadmap for TAAMS and BIA Data Cleanup (EDS)	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P056b	DOI Trust Reform– Interim Information Assurance Report and Roadmap for TAAMS and BIA Data Cleanup (EDS)	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P056c	November 12, 2001 Interim Report on TAAMS and BIA Data Cleanup (EDS)	None
P057		Understood to be withdrawn

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P058		Understood to be withdrawn
P059	Advisory Board to the Special Trustee for American Indians Position Statement III, November 2002	FRE 801 Hearsay
P060	April 3, 1996 Anderson Memorandum to Paul Homan	None
P061		Understood to be withdrawn
P062	High Level Implementation Plan (2/29/00)	None
P063	Defendants' Notice of Filing of Secretarial Memorandum Regarding Statistical Sampling	None
P064	Defendants' Notice to the Appellate Court re Memorandum Regarding Statistical Sampling	None
P065	December 21, 2000 Slonaker Memorandum for Babbitt Signature-Transmittal re Statistical Sampling	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P066	March 1, 2000 Memorandum from Blackwell to Haugrud re Rule 11	None
P067	Thompson E-mail Multiple (First)	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially Hearsay/ Privileged



<u>Exhibit #</u>	<u>Description</u>	<u>Objections</u>
P068	September 10, 2001 Notice of Filing of Comprehensive Accounting Plan	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits (If Plaintiffs intended to list the <i>Blueprint for Developing the Comprehensive Accounting Plan for Individual Monies</i> , filed September 10, 2001, Defendants have no objection to that document)
P069	August 27, 1999 GAO Letter to John Berry re Sufficiency of GAO Audits Prior to 1952	FRE 801 - Hearsay
P070	November 17, 2001 Walker Memo re 600 GAO Boxes	None
P071	November 9, 2001 Notice of Filing of Preliminary Work for the Historical Accounting	None
P072	February 2001 Dallas TAAMS Transcript	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P073	February 17, 2000 Shuey Memo re HLIP 2000	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P074	June 1, 2000 Ass't Sec PMB Transmittal Letter to Schiffer re 2d Qr	FRE 801 - Hearsay
P075	August 27, 2001 Memo from Myers to Norton re 7th Qr	FRE 801 - Hearsay
P076	August 31, 2001 Memo from McCarthy to Myers, Rossetti, Himmelhoch re 7th Qr	FRE 801 - Hearsay

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P077	TAAMS Risk Assessment January 2000 - July 2000	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P078	TAAMS Risk Assessment March 2000	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P079	TAAMS Risk Assessment April 2001	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P080	TAAMS Risk Assessment June 2001	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P081	TAAMS Risk Assessment July 2001	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P082	3rd Declaration of Dom Nessi	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits; Potentially FRE 801 - Hearsay
P083	July 28, 2000 U.S. 48th Annual Award Ceremony: John Marshall Awards Winners (DOJ)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P084	DOI and Related Agencies Appropriations Bill, 2002 (\$614m)	None
P085	2/02/00 Memo from Thompson to Gernhofer, Bielek Re: Comments and Recommendations on BIA HLIP Sub Project Drafts	FRE 801 - Hearsay
P086	July 14, 2000 Memo to Various from Slonaker re Assume Responsibility for Quarterly Reporting	None
P087	April 3, 1996 Memo from Solicitor to Homan re Legal Issues Pertaining to DOI's Trust Fund Management Responsibilities and OST Reform Efforts	None
P088	November 21, 1978 Letter from the DOI SOL Krulitz to Assistant Attorney General Moorman re Fiduciary Duties with Respect to Individual Indian Trust Beneficiaries	None
P089	August 22, 1997 Memo from Secretary to Various re Trust Improvement Projects Members	None
P090	September 30, 1995 U.S. DOI-BIA Tribal, Individual Indian Monies and Other Special Appropriate Funds Managed by the Office of Trust Funds Management (Griffin '95)	None
P091	May 2, 1999 Clark E-mail to Various Solicitors and Other Re: Summary of HLIP Updates	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P092	September 2000, GAO Report "Improvements Made in Acquisition of New Asset and Accounting but Significant Risks Remain	None
P093	June 29, 1999 E-mail from Infield to Nessi, George Gover re BIA Data Cleanup	FRE 801- Hearsay
P094	January 23, 2002 Notice of Filing-Additional Documentation Provided to the Court re Failure to Disclose	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P095	April 28, 1999 GAO Repot Indian Trust Funds: Interior Lacks Assurance That Trust Improvement Plan Will Be Effective	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P096	March 2000 Disposition or Disposal? An Investigation Into the Historical Disposition of Indian Trust Funds Records, Prepared by William A. Morgan	None, provided Exhibit 96 from Plaintiffs' outline is the same document as Defendants Exhibit 107. If plaintiffs' Exhibit 96 is not the same as Defendants Exhibit 107, Defendants object on the grounds of FRE 901 - Authentication
P097	November 14, 2002 Declaration of Stephen Griles	None
P098	February 7, 2002 General Accounting Office Testimony re Indian Trust Funds Tribal Account Balances: Statement of McCoy Williams, Acting Director, Financial Management and Assurance	FRE 801 - Hearsay
P099	January 9, 2002 Ernst & Young Five Named Plaintiffs' Reconstruction Contract	None
P100	04/28/72, U.S. General Accounting Office Report-Increased Income Could Be Earned on Indian Trust Monies Administered by the Bureau of Indian Affairs	None
P101	3/11/76, U.S. General Accounting Office Survey of the Bureau of Indian Affairs - Accounting System (GAO/FGMSD-76-15)	None
P102	2/03/78, U.S. General Accounting Office Report-Department of the Interior System of Recording, Billing and Collecting Accounts Receivable (GAO/FGMSD-77-66)	None
P103	10/07/80, U.S. General Accounting Office Report-Inappropriate Use of Indian Trust Fund to Subsidize BIA Activities (GAO/GMSD-80-78)	None
P104	7/27/82, U.S. General Accounting Office Report-Interiors Minerals Management Programs Need Consolidation to Improve Accountability and Control (GAO/EMD-82-104)	None
P105	U.S. General Accounting Office Report- Major Improvements Needed in the Bureau of Indian Affairs Accounting System (GAO/AFMD-82-71) dated September 8, 1982	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P106	U.S. General Accounting Office Report B Interior Should Sole Its Royalty Accounting Problems Before Implementing New Accounting System (GAO/AFMD-83-43)	None
P107	U.S. Department of Interior, Office of Inspector General Audit Report B Accounting Controls Over Tribal Trust Funds Bureau of Indian Affairs (Report No. C-IA-BIA-24-83) September, 1983	None
P108	U.S. General Accounting Office Memorandum from Acting General Counsel Harry Van Clever, Re: Revision and Clarification of Accountable Officers = Records Disposition Schedules Relating to American Indian Tribes (Control No. R.M. 83-52CB-135807-O.M.) June 22, 1984	None
P109	U.S. Department of Interior, Office of Inspector General Audit Report B Review of Individual Indian Money Accounts Administered by the Bureau of Indian Affairs' Andarko Agency (report No. C-IA-BIA-22-84) March 1, 1985	None
P110	U.S. Department of Interior, Office of Inspector General Audit Report B Review of Individual Indian Money Accounts Administered by the Bureau of Indian Affairs' Pine Ridge Agency (Report No. C-IA-BIA-23-84) March 12, 1985	None
P111	U.S. Department of Interior, Office of Inspector General Audit Report B Review of Individual Indian Money Accounts Administered by the Bureau of Indian Affairs' Concho Agency (report No. C-IA-BIA-22-84(b)) July 17, 1985	None
P112	Indian Oil and Gas Royalty Payments: Problems Persist, Thirteenth Report by the Committee on Government Operations, H.R. Rep. 214, 99th Cong., 1st Sess. (1986) dated July 19, 1985	None
P113	U.S. Department of Interior, Office of Inspector General Audit Report B Review of Individual Indian Money Accounts Administered by the Bureau of Indian Affairs' Osage Agency (Report No. C-IA-BIA-22-84(a)) September 12, 1985	None
P114	U.S. General Accounting Office Report B Interior FMFIA: Interior's Implementation of the Federal Managers' Financial Integrity Act (GA)/RCED-86-25) dated October 31, 1985	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P115	U.S. General Accounting Office - Mineral Revenues Delays in Processing and Disbursing Onshore Oil and Gas Bid Revenues (GAO/ RCED-86-69) dated March 34, 1986	None
P116	Office of the Inspector General Audit Report: Review of Individual Indian Money Accounts administered by the Bureau of Indian Affairs dated March 31, 1986	None
P117	U.S. General Accounting Office: Interior Has Not Solved Indian Oil and Gas Royalty Payment Problems (GAO/IMTEC-86-13) dated March 31, 1986	None
P118	U.S. Department of Interior, Office of Inspector General Audit Report B Review of Individual Indian Money Accounts Administered by Bureau of Indian Affairs (Consolidated Report) (Report No. C-IA-BIA-25-84) dated March 31, 1986	None
P119	U.S. General Accounting Office- Indian Royalties: Interior Has not Solved Indian Oil and Gas Royalty Payment Problems (GAO/IMTEC-86-13) dated March 31, 1986	None
P120	U.S. General Accounting Office- Debt Collection Interior's Efforts to Collect Delinquent royalties, Fines, and Assessments (GAO/ AFMD-87-21-BR)	None
P121	U.S. General Accounting Office: Mineral Resources Timely Processing Can Increase Rent Revenue from Certain Oil/ Gas Leases (GAO RCED-87-98) June 18, 1987	None
P122	Arthur Andersen Audit B Tribal and Individual Indian Monies Trust Funds Managed by the U.S. Department of the Interior Bureau of Indian Affairs: Financial Statements as of September 30, 1988, Together with Report of Independent Public Accountants March 23, 1989	None
P123	U. S. General Accounting Office Report- Financial Management: Bureau of Indian Affairs' Efforts to Implement New Accounting System (GAO/AFMD-90-60) Dated May 5, 1989	None
P124	U. S. General Accounting Office Report- Financial Management: Bureau of Indian Affairs' Consolidation of billing and collection functions (GAO/ AFMD - 89- 75BR)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P125	U. S. Department of Interior, Office of Inspector General Audit Report B Selected Aspects of Indian Trust Fund Activities Bureau of Indian Affairs (Report No. C-IA-BIA-17-88) Dated September 29, 1989	None
P126	Arthur Andersen Audit B Tribal and Individual Indian Monies Trust Funds Managed by the U. S. Department of the Interior Bureau of Indian Affairs: Financial Statements as of September 30, 1989 and 1988, Together with Report of Independent Public Accountants Dated May 11, 1990	None
P127	U. S. General Accounting Office: Financial Management: Bureau of Indian Affairs' Efforts to Implement New Accounting System (GAO/AFMD-90-60) Dated May 24, 1990	None
P128	National Archives and Records Administration Evaluation of the Records Administration Evaluation of the Records Management Program of the Department of the Interior, Bureau of Indian Affairs Dated August 2, 1990	None
P129	U. S. Department of Interior, Office of Inspector General Audit Report B Bureau of Indian Affairs' Compliance with the Federal Managers' Financial Integrity Act of 1982 for Fy 1990 (Report No. 90-1-220)	None
P130	U. S. General Accounting Office Report B Financial Management: Interior's Implementation of the Federal Financial System (GAO/AFMD-91-29br) Dated March 6, 1991)	None
P131	U. S. General Accounting Office: Bias' Efforts to Reconcile and Audit Indian Trust Funds (GAO/T-AFMD-91-2) April 11, 1991	None
P132	U. S. General Accounting Office Testimony B Bureau of Indian Affairs Efforts to Reconcile, Audit, and Manage the Indian Trust Funds (GAO/T-AFMD-91-6)	None
P133	Memorandum from Deputy Associate Solicitor, Energy and Resources to Director, Bureau of Land Management Re: Noncontractable Functions under the Indian Self-determination Act dated September 9, 1991	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P134	U.S. General Accounting Office/ Letter from Jeffrey C. Steinhoff, Director, Civil Audits, to Rep. Mike Synar, Re: GAO's Views on BIA Efforts to Improve Methods for Detecting and Handling Losses of Indian Trust Fund Monies (GAO/AFMD-92-36R)	None
P135	U.S. Department of the Interior, Bureau of Indian Affairs: Summary Report of Individual Indian Monies Reconciliation Work Performed at Agency Offices- Phase I of Contract No. CMK 00129391 dated March, 1992	None
P136	U.S. General Accounting Office: Financial Management: BIA has Made limited Progress in Reconciling Indian Trust Fund Accounts and developing a Strategic Plan (GAO/T-AFMD-92-6) dated April 2, 1992	None
P137	Misplaced Trust: The Bureau of Indian Affairs' Mismanagement of the Indian Trust Fund, Seventeenth Report by the Committee on Government Operations (HR 102-499, 102d Cong., 2d Sess.) dated April 2, 1992	None
P138	U.S. General Accounting Office report- Bureau of Indian Affairs: Longstanding Internal Control Weaknesses Warrant Congressional Attention (GAO/RCED-92-118) dated May 8, 1992)	None
P139	U.S. General Accounting Office: Financial Management: BIA has Made limited Progress in Reconciling Trust Accounts and developing a Strategic Plan (GAO/AFMD-92-38) dated June 18, 1992	None
P140	U.S. General Accounting Office Testimony- Financial Management: Problems Affecting BIA Trust Fund Financial Management (GAO/T AFMD-92-12) dated July 2, 1992	None
P141	U.S. General Accounting Office Testimony- Financial Management: Status of BIA's Efforts Resolve Longstanding Trust Fund Management Problems (GAO/T AFMD-92-16) dated August 12, 1992	None
P142	Federal Systems Integration and Management Center Records Management Study for the Bureau of Indian Affairs	None



<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P143	U.S. General Accounting Office Letter from Jeffrey c. Steinhoff, Director, Civil Audits, to Senator Daniel Inouye Re: GAO Views on the Department of the Interior's Proposal to Delete Tolling Provision (GAO/ AFMD-93-84R, BIA Appropriation Language) dated June 4, 1993	None
P144	U.S. General Accounting Office Testimony- Financial Management: Status of BIA's Efforts to RESolve Longstanding Trust Fund Management Problems (GAO/T AFMD-93-8) dated June 22, 1993.	None
P145	U.S. General Accounting Office- Financial Management: Creation of Bureau of Indian Affairs Trust Fund Special Projects Team (GAO/T AFMD-93-74) dated September 21, 1993.	None
P146	U.S. General Accounting Office- Financial Management: BIA's Management of the Indian Trust Funds (GAO/T AFMD-93-4) dated September 27, 1993.	None
P147	U.S. General Accounting Office Letter RE: BIA's Trust Fund Loss Policy (GAO/AIMD-94-99) dated January 14, 1994	None
P148	U. S. General Accounting Office - Financial Management: Status of BIA's Efforts to Reconcile Indian Trust Fund Accounts and Implement Management Improvements (GAO/T-AIMD-94-99) dated April 12, 1994	None
P149	U.S. General Accounting Office Letter RE: BIA Trust Fund Reconciliation and Certification Project (GAO/AIMD-94-110R) dated April 25, 1994	None
P150	U.S. General Accounting Office Letter RE: BIA Reconciliation Recommendations (GAO/AIMD-94-138R) dated June, 1994	None
P151	U. S. General Accounting Office Testimony0 Financial Management: Native American Trust Fund Management Reform Legislation(GAO/T- AIMD-94-174) dated August 11, 1994	None
P152	U.S. General Accounting Office Report - Financial Management : Focused Leadership and Comprehensive Planning Can Improve Interior's Management of Indian Trust Funds (GAO/AIMD-94-185) dated September 22, 1994	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P153	U.S. General Accounting Office - Financial Management : Focused Leadership and Comprehensive Planning Can Improve Interior's Management of Indian Trust Funds (GAO/AIMD-94-195) dated September 26, 1994	None
P154	Hearing on the Interior Department's Failure to Correct Serious Problems in the Management of the Indian Trust Funds dated September 26, 1994	None
P155	U.S. General Accounting Office: Financial Management, Indian Trust Fund Testimony Q&As (GAO/AIMD- 95-33R) dated December 2, 1994	None
P156	U.S. General Accounting Office : Financial Management, Indian Trust Fund Accounts Cannot be Fully Reconciled (GAO/T-AIMD-95-94) dated March 8, 1995	None
P157	U.S. Department of the Interior, Individual Indian Money Related Systems Improvement Project B Tiger Team Report dated August, 1995	None
P158	U.S. General Accounting Office: Interior's CFO Act Implementation (GAO/AIMD-95-231R) dated September 29, 1995	None
P159	U.S. Department of the Interior, Bureau of Indian Affairs Tribal Trust Funds Reconciliation Project Agreed- Upon Procedures and Findings Report for July 12, 1972 through September 30, 1992 (prepared by Arthur Andersen, Contract No. CMK00129395)	None
P160	U.S. General Accounting Office: Financial Management: BIA's Tribal Trust Fund Account Reconciliation Results (GAO/AIMD-96-63) dated May 3, 1996	None
P161	U.S. General Accounting Office: Financial Management: Interior's Efforts to Reconcile Indian Trust Fund Accounts and Implement Management Improvements (GAO/T-AIMD-96-111) dated June 11, 1996	None
P162	U.S. General Accounting Office: Financial Management: Interior's Management of the Indian Trust Funds (GAO/T0AIMD-96-111) dated June 18, 1996	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P163	U.S. Department of Interior, Office of Inspector General Audit Report- Statement of Assets and Trust Fund Balances at September 30, 1995, of the Trust Funds Managed by the Office of Trust Funds Management, Bureau of Indian Affairs (Report No. 97-I-196) dated December 30, 1996	None
P164	U.S. General Accounting Office: Land Management Systems- BLM Faces Risks in Completing the Automated Land and Mineral Record System (GAO/AIMD-97-42) dated March 19, 1997	None
P165	U.S. Department of Interior, Office of the Special Trustee for American Indians- Needs Analysis Project Final Report dated April 7, 1997	None
P166	04/11/97 Office of the Special Trustee for American Indians: Strategic Plan to Implement the Reforms Required by the American Indian Trust Fund Management Reform Act of 1994 (Department of the Interior)	None
P167	07/11/97, Memorandum to Honorable Bruce Babbitt, Secretary of the Interior, from Paul M. Homan, Special Trustee for American Indians regarding Strategic Plan Alternatives & Cost/Benefit Analysis, dated July 11, 1997	None
P168	07/30/1997, U.S. General Accounting Office: Financial Management: Indian Trust Fund Strategic Plan (GAO/T-AIMD-97-138)	None
P169	01/21/98, U.S. Department of Interior, Office of Inspector General Audit Report- Financial Statement for FY1996 for the Office of the Special Trustee for American Indians Tribal, Individual Indian Monies, and Other Special Trust Funds managed by the Office of Trust Funds Management (Report No. 98-I-206)	None
P170	05/15/98, U.S. General Accounting Office: Land management Systems- Action Needed in Completing the Automated Land and Mineral Record System Development (GAO/AIMD-98-107)	None
P171	06/00/98 U.S. Department of Interior, Office of the Special Trustee: Trust Management Improvement Project: Internal Controls Plan	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P172	06/23/98, Bureau of Indian Affairs, Office of Trust Responsibilities, Division of Real Estate Services-Appraisals: Appraisal Handbook	None
P173	07/22/98, Memorandum from Daryl White Chief Information Officer, Office of the Secretary of Interior, to Paul Homan, Special Trustee for American Indians, Re: Request for Surname B High Level Implementation Plan for Trust Management Improvements	None
P174	07/29/98, U.S. Department of Interior, Office of the Inspector General Audit Report- Indian Probate Process at the Yakama and Puget Sound Agencies, Portland Area Office, Bureau of Indian Affairs (Report No. 98-I-587)	None
P175	09/23/98, U.S. Department of Interior, Office of Inspector General Audit Report B Indian Probate Process at the Minnesota Agency, Minneapolis Area Office, Bureau of Indian Affairs (Report No. 87-I-672)	None
P176	10/08/98, U.S. Department of Interior, Office of the Inspector General Audit Report B Agricultural Leasing and Grazing Activities, Fort Peck Agency, Bureau of Indian Affairs (Report No. 98-I-123)	None
P177	12/07/98, U.S. Department of Interior, Office of the Inspector General Audit Report- Agricultural Leasing and Grazing Activities, Rosebud Agency, Bureau of Indian Affairs (Report No. 99-I-123)	None
P178	01/04/99, Kenneth Rossman Report, Re: An Agreed Upon Approach to Indian Trust Records Management	None
P179	01/00/99, U.S. General Accounting Office B Major Management Challenges and Program Risks (GAO/OCG-99-9)	None
P180	03/26/99 U.S. Department of Interior, Office of Inspector General Audit Report B Financial Statements for FY1997 for the Office of the Special Trustee for American Indians Tribal and Other Special Trust Funds and Individual Indian Monies Trust Funds management by the Office of Trust Funds Management (Report No. 99-I-372)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P181	04/28/99 U.S. General Accounting Office Report B Indian Trust Funds: Interior Lacks Assurance that Trust Improvement Plan Will Be Effective (GAO/AIMD-99-53)	None
P182	04/30/99 U.S. General Accounting Office- Land Management Systems: Major Software Does Not Meet BLM's Business Needs (GAO/AIMD-99-135)	None
P183	5/96 Report Royalty Policy Subcommittee on Royalty Reporting and Production Accounting (IIMP04/MQD004)	None
P184	09/98 Re-engineering Business Processes and Support Systems for the 21st Century Piloting RMP's Future Compliance and Asset Management Process (IIMP04/MQD023)	None
P185	09/98 Re-engineering Royalty Management Program Business Processes and Support Systems Financial management Recommendations [DRAFT] (IIMPO4/MQD022)	None
P186	09/98 RMP Prototype Assessment Department of the Interior Minerals Management Service (IIMPO4/MQD021)	None
P187	OST/Office of Trust Funds Management Indian Trust Funds Accounting Discrepancies Action Plan (IIMP04/MQD045) (no date)	None
P188	Department of the Interior Office of the Special Trustee for American Indians Office of Trust Funds Management Summary of Substantive Errors from Area & Agency Receipt & Distribution Testing (IIMP04/Q030D024) (no date)	None
P189	Department of the Interior Office of the Special Trustee for America Indians Office of Trust Funds Management Summary of Substantive Errors from Area & Agency Receipt & Distribution Testing (IIMP04/030D37) (no date)	None
P190	Trust Management Improvement Project Briefing MMS Systems Reengineering (IIMP04/Q001D083) (no date)	None
P191	09/11/98 Minerals Management Service U.S. Department of the Interior An Engineering Review of the MMS/RMP Business Process Reengineering Initiative and Support Systems for the 21st Century [Contact: 1435-02-PO-29505] (IIMP04/MQD001)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P192	09/09/97 OIL RIK Value and Volume Reporting Recommendations by Oil RIK Study Team Minerals management Service U.S. Department of Interior (IIMP04/MQD010)	None
P193	09/93 The National Performance Review The Minerals Management Service Royalty Management Program Reinvention Laboratory Report (IIMP04/MQD028)	None
P194	06/98 U.S. Department of the Interior, Indians Minerals Steering Committee, Explanation of Payments Redesign Team- Final Report (IIMP04/MQ05D001)	None
P195	01/98 RMP Alternatives Analysis (IIMP04/Q001D020)	None
P196	05/98 Summary Implementation Plan, Trust Management Improvement Project U.S. Department of the Interior (IIMP04/Q001D204)	None
P197	09/98 Re-engineering Royalty Management Program Business Processes and Support Systems Financial Management Recommendations [DRAFT] (IIMPO4/MQD022)	None
P198	03/95 Results of the Compliance Action Plan Pilot (IIMPO4/MQD007)	None
P199	08/27/98, Office of Trust Funds Management, IIM Data Clean Up Project Training Manual, A Team Effort of U.S Department of Interior Office of Trust Funds Management and DataCom Sciences, Inc. (IIMP04/Q004D020)	None
P200	8/98 Survey Results Existing Computers and Software Used by BIA Probate Administrators for Estate Planning and Probate Administration (IIMPO4/MQ4D065)	None
P201	11/7/97 Technology Investment Analysis (TIA) (IMP)/Q010D001)	None
P202	Office of the Special Trustee Electronic Imaging System (IIMPO4/Q028D148) (No Date)	None
P203	12/19/95 Electronic Certification System, Formats and Notes for Mainframe Alternative Data Entry Methods for ECS Production PC (IIMPO4/Q0011D001)	None
P204	6/98 Trust Management Improvement Project: Internal Controls Plan (IIMPO4/Q028D139)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P205	6/26/98 Memorandum to Daryl White from Paul Homan Re: Electronic Imaging Project Technology Investment Analysis (IIMPO4/Q030D048)	None
P206	6/9/90 Memorandum to Twentieth Anniversary, OHA Blue Ribbon Committee Members from Director, Office of Management Improvement Re: Final Draft Report of the Blue Ribbon Committee	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P207	9/30/96 Office of Special Trustee for American Indians Office of Trust Funds Management Reportable Condition Compliance Finding and Management Letter Comment Worksheet (IIMPO4/Q030D022)	None
P208	Memorandum to Area Trust Accountants, OTFM. Special Projects from Henry Harjo, COR FY 1996 Audit (IIMPO4/Q030D022)	None
P209	3/3/97 Memorandum to Director, Office of Trust Funds Management from Deputy Commissioner of Indian Affairs [Hilda Manuel] (IIMPO4/Q030D006)	None
P210	9/30/96 Office of Special Trust for American Indians Office of Trust Funds Management Reportable Condition, Compliance Finding and Management Letter Comment Worksheet [AUDIT] (IIMPO4/Q030D028)	None
P211	8/12/97 Memorandum to the Secretary from Wilma A. Lewis, Inspector General Re: Final Audit Report for Your Information The Royalty Management Program's Automated Information Systems, Minerals Management Service (No. 97-1-1042) (IIMPO4/MQD013)	None
P212	9/96 U.S. Department of the Interior Office of Inspector General Audit Report, Negotiated Royalty Settlements, Minerals Management Service (Report No. 96-I-1264] (IIMPO4/Q033D008)	None
P213	6/3/96 Memorandum to Chief Financial Officer, Minerals Management Service from Neal Littlefield, Director of Financial and Territorial Audits (IIMP04/Q033D016)	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P214	8/12/97 Memorandum to the Secretary from Wilma A. Lewis, Inspector General re: Final Audit Report for Your Information The Royalty Management Programs Automated Information Systems, Minerals Management Service (No. 97-I-1042) (IIMP04/Q033D012)	None
P215	12/98 Department of Interior, Trust Management Improvement Project –High Level Implementation Plan	Inappropriate identification of exhibits, Local Rule 16.5, FRCP 26(a)(3); Reserve the right to further object upon receipt of exhibits
P216	7/11/1997 Memo Re: Strategic Plan Alternatives & Cost/Benefit Analysis From: Paul Homan to Bruce Babbitt (IIMP04/Q001D130)	None
P217	7/31/1998 Memo Re: HLIP, from Secretary to Trust Management Improvement Steering Committee (IIMP04/Q001D132)	None
P218	Comptroller General/ GAO Report to the Subcommittee on Indian Affairs: <i>Increased Income Could be Earned on Indian Trust Monies Administered by the Bureau of Indian Affairs</i> (April 28, 1972)	None
P219	Letter from GAO Director of Bureau of Land Management Re: Survey of the Bureau of Land Management's Accounting System (April 8, 1975)	None
P220	GAO Survey of Accounting System of the Bureau of Indian Affairs, Department of the Interior (March 1976)	None
P221	GAO Letter to the Secretary (Feb. 3, 1978)	None
P222	Comptroller General / GAO Report to the Congress: Oil and Gas Royalty Collections - <i>Serious Financial Management Problems Need Congressional Attention</i> (Apr. 13, 1979)	None
P223	GAO Letter to the Secretary (Oct. 2, 1980)	None
P224	Comptroller General / GAO Report to the Congress: Inappropriate Use of Indian Trust Fund to Subsidize BIA Activities (Oct. 7, 1980)	None



<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P225	GAO Report to the Secretary: <i>Interior's Minerals Management Programs Need Consolidation to Improve Accountability and Control</i> (July 27, 1982)	None
P226	Comptroller General Letter to the Secretary (Aug. 16, 1982)	None
P227	Comptroller General/ GAO Report to Congress: <i>Major Improvements Needed in the Bureau of Indian Affairs' Accounting System</i> (Sept. 8, 1982)	None
P228	Comptroller General Letter to Chairman, Subcommittee on Oversight and Investigations, Committee on Interior and Insular Affairs, House of Representatives (Oct. 18, 1982)	None
P229	GAO Report to the Secretary: Interior Should Solve its Royalty Accounting Problems Before Implementing New Accounting System (Jan. 27, 1983)	None
P230	GAO Letter to the Secretary (Sept. 6, 1983)	None
P231	Audit by Comptroller General Regarding BIA's Administration of Individual Indian Moneys (Nov. 1995)	None
P232	Comptroller General Letter and Report (Dec. 14, 1956)	None
P233	Comptroller Report/ GAO Report to the Congress of the United States, <i>Need for Improvements in the Management of Moneys Held in Trust for Indians</i> . (March 1966)	None
P234	U.S. Senate Select Committee on Indian Affairs <i>Hearing on Federal Supervision of Oil and Gas Leases on Indian Lands</i> , Part 1, February 27, 1981 (Billings Montana)	None
P235	U.S. Senate Select Committee on Indian Affairs <i>Hearing on Federal Supervision of Oil and Gas Leases on Indian Lands</i> , Part 2, April 6, 1981 (Billings Montana)	None
P236	U.S. Senate Select Committee on Indian Affairs <i>Hearing on Federal Supervision of Oil and Gas Leases on Indian Lands</i> , Part 3, June 1, 1981 (Billings Montana)	None
P237	Testimony in Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives (98th Cong., 2d Sessions.)	None
P238	<i>Now It Can Be Told</i> , American Live, 1928.	None

<b><u>Exhibit #</u></b>	<b><u>Description</u></b>	<b><u>Objections</u></b>
P239	Wassaja A. National Newspaper of Indian America, <i>Suit Charges BIA Misappropriates Indian Funds</i> , American Indian Historical Society, Vo. 6 No. 11 (Dec. 1978)	None
P240	Article by John Aloysius Farrell, <i>The New Indian Wars-Empty Promises Misplaced Trust</i> , Empire Magazine, Denver Post, (Nov. 20, 1983)	None

**Cobell v. Norton: Defendants' Objections to Plaintiffs' Deposition Transcript  
Designations in Plaintiffs' Pretrial Statement**

<b>No.</b>	<b>Deposition Designated by Plaintiffs</b>	<b>Objections under Fed. R. Civ. P. 26(a)(3)(A) and Fed. R. Civ. P. 32(a)<sup>1</sup></b>
1	Donna Erwin December 20, 2002	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness)
2	Donna Erwin February 12-13, 2003	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness)
3	J. Steven Griles November 19, 2002	
4	James Cason November 5, 2002	
5	Ross Swimmer November 20, 2002	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness)
6	Michele Singer March 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness)
7	Bert Edwards December 18, 2002	
8	James Pauli December 19-20, 2002	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness); Fed. R. Civ. P. 32(a)
9	David Lasater April 9, 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness); Fed. R. Civ. P. 32(a)
10	David Lasater March 12, 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness); Fed. R. Civ. P. 32(a)
11	Alan Newell March 20, 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness); Fed. R. Civ. P. 32(a)
12	Edward Angel March 17, 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a plaintiffs' trial witness); Fed. R. Civ. P. 32(a)
13	Jeremy Katz June 11, 2001	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness); Fed. R. Civ. P. 32(a)

<b>No.</b>	<b>Deposition Designated by Plaintiffs</b>	<b>Objections under Fed. R. Civ. P. 26(a)(3)(A) and Fed. R. Civ. P. 32(a)<sup>1</sup></b>
14	Dominic Nessi June 14, 2002 [sic]	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness);
15	John Curran June 13, 2001	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness); Fed. R. Civ. P. 32(a)
16	Norman Leon Thornton June 14, 2001	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness) Fed. R. Civ. P. 32(a)
17	Dominic Nessi August 8, 2001	Fed. R. Civ. P. 26(a)(3)(A) (not a trial witness)

On the basis of the objections listed above, Plaintiffs should be precluded from offering the subject deposition testimony into evidence at trial.

1. Defendants expressly reserve all other objections.