

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,)
)
 Plaintiffs,)
)
 v.) Case No. 1:96cv01285(JR)
)
 KEN SALAZAR, Secretary of the Interior,)
 et al.,)
)
 Defendants.)
 _____)

**NOTICE OF FILING OF THE FORTIETH QUARTERLY REPORT
FOR THE DEPARTMENT OF THE TREASURY**

The Department of the Treasury has prepared its *Fortieth Quarterly Report on Actions Taken By the Department of the Treasury to Retain IIM-Related Documents Necessary For an Accounting* and submits it to the Court in accordance with this Court's Order of December 21, 1999. A copy of the report is attached hereto.

Dated: December 1, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 1, 2009 the foregoing *Notice of Filing of the Fortieth Quarterly Report for the Department of the Treasury* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

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/s/ Kevin P. Kingston
Kevin P. Kingston



DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
WASHINGTON, DC 20239-0001

December 1, 2009

MEMORANDUM FOR: TONY WEST
ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION
U.S. DEPARTMENT OF JUSTICE

FROM: PAUL G. WOLFTEICH 
CHIEF COUNSEL
BUREAU OF THE PUBLIC DEBT
DEPARTMENT OF THE TREASURY

SUBJECT: FORTIETH QUARTERLY REPORT
COBELL v. SALAZAR

Included with this cover memorandum is the "Fortieth Quarterly Report on Actions Taken by the Department of the Treasury to Retain IIM-Related Documents Necessary for an Accounting." The Treasury Department prepared this report pursuant to the Court Order and Opinion in *Cobell v. Babbitt* (D.D.C. CV No. 96-1285), filed December 21, 1999.

The Report includes information from the Financial Management Service ("FMS"), the Bureau of the Public Debt ("BPD"), and Departmental Offices. The Report's preparation included circulation of drafts to program offices that are responsible for the actions described in the Report. Senior officials at FMS and BPD reviewed the Report before it was submitted to the Department of Justice.

The Department of the Treasury stands ready to respond to any questions or concerns the Court may have after reviewing the Report.

**FORTIETH QUARTERLY REPORT ON ACTIONS TAKEN
BY THE DEPARTMENT OF THE TREASURY TO RETAIN
IIM-RELATED DOCUMENTS NECESSARY FOR AN ACCOUNTING**

Cobell v. Salazar
December 1, 2009

This is the Fortieth Quarterly Report filed by the Department of the Treasury (Treasury) pursuant to the Court's December 21, 1999 Order (Order) in the above-captioned case. It covers activities occurring over a three-month period from September 1, 2009 through November 30, 2009. The Order requires Treasury to report on the steps it has taken since the last quarterly report to preserve IIM-related documents.

Treasury continues to preserve IIM-related documentation pursuant to the Court's August 12, 1999 Order, which defines the trust records that Treasury must retain. During the past quarter, the Records and Information Management Branch at the Financial Management Service (FMS) provided training to FMS employees through six briefings to new employees during Entrance on Duty sessions during the quarter.