

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL <u>et al.</u> , on their own)	
behalf and on behalf of all persons similarly)	
situated,)	
)	
<u>Plaintiffs.</u>)	
)	
v.)	Civil Action
)	No. 96-1285 (TH)
)	
KEN SALAZAR, Secretary of the Interior, <u>et al.</u> ,)	
)	
<u>Defendants.</u>)	
)	
)	

ORDER ON JOINT MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT

This matter comes before this Court on the Parties' Joint Motion for Preliminary Approval of Settlement Agreement ("Joint Motion"). In accordance with the accompanying Memorandum Opinion and upon consideration of the proposed Settlement Agreement as amended through November 17, 2010 (the "Settlement Agreement"), 28 U.S.C. § 1331, the Claims Settlement Act of 2010, and the record of these proceedings, it is hereby

1. ORDERED that the Joint Motion is GRANTED. It is further

Third Party Contractors

2. ORDERED that the Parties' request to retain Kinsella Media, LLC as Notice Administrator, as defined and set forth in the Settlement Agreement, is GRANTED. It is further

3. ORDERED that the Parties' request to retain Garden City Group, Inc ("GCG") as Claims Administrator, as defined and set forth in the Settlement Agreement, is GRANTED. It is further

Filings Deadlines for Fees, Costs, Expenses and Incentive Awards

4. ORDERED that any Petition for an Award of Attorneys' Fees and Expenses ("Petition") shall be filed no later than 30 days after the date of this Order; that Defendants' response, if any, shall be filed within 30 days of the date Petition is filed; and, that any reply shall be filed within the time period set forth in the Local Rules. It is further

5. ORDERED that Plaintiffs file their Memorandum in support of Class Representative's Incentive Awards and Expenses ("Plaintiffs' Memorandum") within 30 days after the date of this Order; that Defendants' response, if any, shall be filed within 30 days after the date Plaintiffs' Memorandum is filed; and that Plaintiffs' reply, if any, shall be filed within the time period set forth in the Local Rules. It is further

Notice Plan

6. ORDERED that the Notice Plan described in C.1 of the Settlement Agreement and set forth in Exhibit 1 of the Joint Motion for Preliminary Approval of Settlement Agreement is approved. It is further

7. ORDERED that the notice period shall commence 30 days after the date of this Order. It is further

8. ORDERED that the Long and Short Form Notices of Class Action Settlement ("Notices") with the United States are approved substantially as set forth in Exhibits 1 and 2 to this Order and that the dissemination of such Notices shall be made in the manner described in the Notice Plan. It is further

9. ORDERED that the Claim Form is approved substantially as set forth in Exhibit 3 to this Order and shall be attached to the Long Form Notice described in the Notice Plan. It is further

10. ORDERED that the Parties' request to proceed without filing additional notice under the Class Action Fairness Act, 28 U.S.C. § 1715, is GRANTED. It is further

Opt-Outs and Objections

11. ORDERED that the deadline for members of the Trust Administration Class to opt-out of the settlement shall be 120 days after the date of this Order. Timeliness will be determined using the opt-out or objection postmark date. Class members who wish to opt-out shall submit a written request for exclusion and include: the Class Member's full legal name, mailing address, IIM Account Number(s), social security number, and a statement of his or her intention to opt out of the Settlement. It is further

12. ORDERED that GCG shall compile a list of valid opt-outs, which shall be filed with this Court by the Parties no later than 135 days after the date of this Order. Opt-outs whose validity is disputed by the parties shall be so identified for this Court's resolution. It is further

13. ORDERED that a Class Member who wishes to object to the fairness, reasonableness, or adequacy of the Settlement or the amount of attorneys' fees and incentive payments for Class Representatives, costs, and expenses, shall file his or her objection(s) with the Court and serve such objection upon the parties within 120 days of the date of this Order. Such objection shall set forth specific reason(s), if any, for the objection, including legal authorities that the Class Member wishes to bring to the Court's attention, evidence that the Class Member wishes to introduce in support of the objection, grounds to support his or her status as a Class Member, and whether the Class Member intends to appear at the Fairness

Hearing. Class Members may act and appear pro se or through counsel employed at their personal expense. Class Members may appear at the Fairness Hearing to object to any aspect of the fairness, reasonableness or adequacy of this Agreement or of the Settlement. It is further

14. ORDERED that a Class Member who neither objects to the settlement nor opts out of the Class shall waive and forfeit any and all rights the Class Member may have to appear separately and/or to object and opt out and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the Litigation. It is further

15. ORDERED that the Parties' responses, if any, to objections about the Settlement shall be filed with the Court no later than 135 days following the date of this Order. It is further

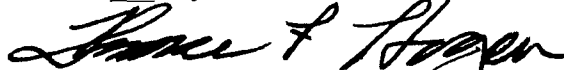
Fairness Hearing and Motion for Final Approval

16. ORDERED that the parties shall submit a Joint Motion for Entry of Judgment and Final Approval no later than 145 days following the date of this Order. It is further

17. ORDERED that the Clerk shall schedule a fairness hearing for the first available date on the Court's calendar, but no sooner than 150 days following the date of this Order. A separate order shall issue this date.

SO ORDERED

This ^{21st} day of December 2010



THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE