

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

vs.

KEN SALAZAR, Secretary of the Interior, et al.,

Defendants.

Case No. 1:96CV01285-JR

**Fifth Modification of December 7, 2009
Class Action Settlement Agreement**

June 15, 2010

agreed to be extended by the Parties, the Agreement shall automatically become null and void.
Settlement Agreement, paragraph B.1.

3. The Agreement originally defined the Legislation Enactment Deadline as December 31, 2009, 11:59 p.m. Eastern time. Settlement Agreement, paragraph A.22.

4. It subsequently became apparent to the Parties that in order for the Agreement to continue to be valid after December 31, 2009, the Legislation Enactment Deadline would need to be extended. Accordingly, the Parties agreed on four occasions to extend the Legislation Enactment Deadline set forth in paragraph A.22 of the Agreement. Most recently, the Parties agreed to extend the deadline to June 15, 2010, 11:59 p.m. Eastern time.

5. It has now become apparent that the Legislation Enactment Deadline must be extended further in order for the Agreement to continue to be valid after June 15, 2010.


6. The Parties desire that this Agreement continue to be valid after June 15, 2010.

7. Accordingly, the Parties hereby agree to extend the Legislation Enactment Deadline set forth in paragraph A.22 of the Agreement to July 9, 2010, 11:59 p.m. Eastern time.

SIGNATURES

Wherefore, intending to be legally bound in accordance with the terms of this Fifth Modification of the December 7, 2009 Class Action Settlement Agreement, the Parties hereby execute this Modification:

FOR PLAINTIFFS:

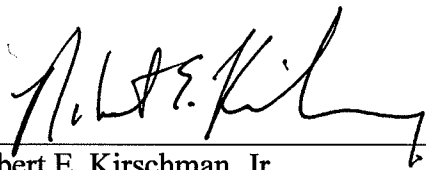


Dennis M. Gingold, Class Counsel



Keith M. Harper, Class Counsel

FOR DEFENDANTS:



Robert E. Kirschman, Jr.
Deputy Director
Commercial Litigation Branch