#### **Barbara Stuart**

From: uscfc\_cmecf@ao.uscourts.gov

**Sent:** Friday, July 20, 2007 10:54 AM

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Subject: Activity in Case 1:89-cv-00218-EJD CHEROKEE NATION v. USA Order Dismissing Case

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#### **US Court of Federal Claims**

#### **United States Court of Federal Claims**

### **Notice of Electronic Filing**

The following transaction was entered on 7/20/2007 at 11:53 AM EDT and filed on 7/20/2007

Case Name:

CHEROKEE NATION v. USA

**Case Number:** 

1:89-cv-218

Filer:

**Document Number: 173** 

#### **Docket Text:**

ORDER directing the Clerk to dismiss the case with prejudice pursuant to attached Consent Decree. Signed by Chief Judge Edward J. Damich. (Attachments: # (1) Consent Decree)(bmf)

#### 1:89-cv-218 Notice has been electronically mailed to:

David Samuel Panzer panzerd@gtlaw.com, esperw@gtlaw.com

Bob Warren Rabon rawol@sbcglobal.net

James Merritt Upton james.upton@usdoj.gov

James G. Wilcoxen barbara@wilcoxenlaw.net, jim@wilcoxenlaw.net

#### 1:89-cv-218 Notice will NOT be delivered to:

Judith A. Shapiro Hobbs, Straus, et al. 2120 L Street, NW Suite 700 Washington, DC 20037

The following document(s) are associated with this transaction:

**Document description:** Main Document

Original filename:n/a

**Electronic document Stamp:** 

[STAMP dcecfStamp\_ID=1131461693 [Date=7/20/2007] [FileNumber=485601-0] [4226b1b49c1f11f1375d4e7a97daeceeb3ddbaf16cc2c853199fa0ce8e41cb2cbc9d 8256f54dd503b9f8ed07f01aa50377159a71f2dff1c771d8b8deba61e2f7]]

**Document description:** Consent Decree

Original filename:n/a

**Electronic document Stamp:** 

[STAMP dcecfStamp\_ID=1131461693 [Date=7/20/2007] [FileNumber=485601-1] [01cf5649eb718ac48016f9e9531f4d6099896a8184a91f418d6e7045b0169cf76b5a 43f5ce828780bc5f5d5d4ef9f777916011439ed1ed17ca477925916d692d]]

#### IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THE CHEROKEE NATION OF OKLAHOMA	
Plaintiff,	) )
v.	)
UNITED STATES OF AMERICA,	No. 218-89L
Defendant.	No. 630-89L (Consolidated) Honorable Edward J. Damich
THE CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION	
Plaintiffs,	) ) 
v. )	
THE UNITED STATES OF AMERICA,	
Defendant.	

#### CONSENT DECREE AS REQUIRED BY SECTION 605(a) OF PUBLIC LAW 107-331

Acting in accordance with the provisions of Title VI of Public Law 107-331, the Act of December 13, 2002 ("the Act"), the three plaintiffs in these above-captioned consolidated actions ("these actions"), that is, the Cherokee Nation, the Choctaw Nation, and the Chickasaw Nation (collectively "the Indian Nations"), and the defendant, the United States of America, through their respective attorneys of record, have timely lodged this Consent Decree as required by subsection 605(a) of the Act. This consent decree is agreed to among the parties herein and lodged with this Court this date with the further agreement that the same shall not be entered of record by this Court THE OFFICE PEDERAL CLAIMS until all appropriations required by Sections 605 and 606, as modified by Sections 608 and 609, of

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the Act have been made and deposited into the appropriate tribal trust fund accounts.

WHEREAS, the Act establishes a complete legislative resolution of these actions; and

WHEREAS, upon entry of this decree pursuant to section 605(a) of the Act, the Plaintiffs waive, release and dismiss all the claims they have asserted or could have asserted in Case Nos. 218-89L and 630-89L, pending before this Court; and

WHEREAS, the Act provides that the parties to these actions shall move for entry of this consent decree at such time as all appropriations by Congress pursuant to the authority of Title VI of the Act have been made and deposited into the appropriate tribal trust fund account of the Indian Nations as described in sections 605 and 606 and as modified by sections 608 and 609 of the Act; and

WHEREAS, upon motion of the parties for the entry of this consent decree, in accordance with subsection 605(a), attesting to the satisfaction of all conditions precedent to the extinguishment of the plaintiffs' claims pursuant to Title VI of the Act,

IT IS ORDERED AND DECREED that these actions are dismissed with prejudice in accordance with Title VI of the Act, and

IT IS FURTHER ORDERED that the Clerk of the Court shall enter an judgment of dismissal with prejudice in dockets 218-89-L and 630-89 L.

## LODGED BY PARTIES, THROUGH THEIR UNDERSIGNED ATTORNEYS OF RECORD:

Date: January <u>6</u>, 2003

**BOB RABON** 

Attorney of Record for the Choctaw Nation and

the Chickasaw Nation Rabon, Wolf and Rabon

P.O. Drawer 726

Hugo, OK 74743

(580) 326-6427

Date: January 3, 2003

JAMES G. WILCOXEN

Attorney of Record for the Cherokee Nation

Wilcoxen & Wilcoxen

P.O. Box 357

Muskogee, OK 74402

(918) 683-6696

Date: January  $\mathcal{S}$ , 2003

R. ANTHONY ROGERS

Attorney of Record for Defendant

General Litigation Section

Environment and Natural Resources Division

United States Department of Justice

P.O. Box 663

Washington, D.C. 20044-0663

(202) 305-0483

ORDERED AND DECREED:

Date: (mle 20 2007

EDWARD I DAMICH

Chief Judge

# In the United States Court of Federal Claims

Consolidated Case No. 89-218 L

(Filed: July 20, 2007)

\*\*\*\*\*\*\*\*\*\*\*\*\* THE CHEROKEE NATION OF OKLAHOMA, Plaintiff, Case No. 89-218 L v. THE UNITED STATES, Defendant. \*\*\*\*\*\*\*\*\*\*\*\*\*\* \*\*\*\*\*\*\*\*\*\*\*\*\* THE CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION, Plaintiffs, Case No. 89-630 L v. THE UNITED STATES, Defendant.

#### **ORDER**

On June 28, 2007, the parties filed a joint status report informing the Court that Congress made the remaining appropriations in Fiscal Year 2007 required to carry out the provisions of the Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act and that all appropriated funds have now been paid to Plaintiffs. Accordingly, the parties stipulated that "nothing more remains to be done before the Court can enter the Consent Decree lodged with the Court in 2003."

Wherefore, pursuant to the terms of the attached Consent Decree entered of record this day, IT IS ORDERED AND DECREED that these actions are dismissed with prejudice in accordance with Title VI of the Act, and IT IS FURTHER ORDERED that the Clerk of the Court shall enter a judgment of dismissal with prejudice in dockets 218-89 L and 630-89 L.

s/ Edward J. Damich EDWARD J. DAMICH Chief Judge