

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE INDIANS OF THE)	
STATE OF FLORIDA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 73-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFFS' "MOTION FOR AN ORDER
SUPPLEMENTING THE ORDERS OF MARCH 24, 1971, AND MAY 17,
1972", SUBDIVIDING DOCKET, AND SETTING TRIAL DATE

On July 17, 1973, the plaintiff filed the above-captioned motion requesting this Commission to certify as final the Commission's order of March 24, 1971, 25 Ind. Cl. Comm. 25, 53, dismissing the claim set forth in Count I of the amended petition herein, or in the alternative, to issue an order dividing Count I and Count II in this docket into separate actions and assigning new docket numbers with respective, appropriate orders. Defendant filed its opposition to the plaintiff's motion on September 11, 1973, and the plaintiff answered defendant's opposition on November 7, 1973.

The Commission, having taken the matter under advisement, and now being fully advised in the premises has concluded that, in the interest of justice and a more orderly disposition of the matters in issue, (1) plaintiff's request to certify Count I of the petition in this docket as final should be denied, (2) plaintiff's request to divide Count I and Count II in this docket into separate independent actions with separate docket numbers should be granted, and (3) appropriate orders should be entered with respect to above matters.

IT IS ORDERED that,

1. Plaintiff's motion to certify as final the Commission's dismissal of Count I in the amended petition in this docket as final is denied.

2. Plaintiff's claim designated as Count I in the amended petition filed herein is hereby stricken from this docket, and said claim shall be refiled pro forma in its entirety under a new petition which shall be assigned Docket 73-B.

3. All present and future pleadings, decisions, findings, orders, including the Commission's order of March 24, 1971, evidentiary papers, documents, and other material, or copies thereof, that are material, relevant, and pertinent to the claim asserted in the aforesaid Count I, shall be filed or refiled under Docket 73-B.

4. For the purposes of an appeal, the Commission's order of March 24, 1971, supra, is hereby reaffirmed and the claim asserted in Count I of the instant petition is hereby dismissed, effective upon the date of this order.


IT IS FURTHER ORDERED that at 10:00 a.m. on April 29, 1974, a hearing will be held before the Commission in Docket 73-A on the issues concerning the fairness and adequacy of the consideration involved in the December 23, 1936, exchange of the 99,200 acre State Seminole Indian Reservation at Monroe County for the 104,000 acre Broward County Reservation, and all other matters bearing upon the question of defendant's liability to the plaintiff.

Dated at Washington, D. C., this 16th day of January 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner