

## BEFORE THE INDIAN CLAIMS COMMISSION

OTTAWA-CHIPPEWA TRIBE OF MICHIGAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 364
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER

On May 9, 1973, this Commission ordered the defendant to show cause on or before June 11, 1973, why a certain General Accounting Office report dated March 21, 1952, then on file under Docket 18-E, should not be filed under Docket 364 and deemed, insofar as relevant to the claims asserted by the plaintiff herein, to be part of the defendant's answer in the instant case. The only response of defendant was a renewed motion to dismiss for lack of prosecution which the Commission has considered. For the reasons stated in the accompanying opinion the Commission concludes that no cause has been shown why said accounting report should not be refiled in the instant docket. Accordingly:

## IT IS ORDERED THAT:


1. The defendant's renewed motion to dismiss for lack of prosecution, filed herein on May 31, 1973, is denied.
2. All other pending motions not previously disposed of are denied.
3. The report of the General Accounting Office entitled, "Re: Petitions of the Red Lake Band, et al. and Ottawa and Chippewa Indians of Michigan Indian Claims Commission Nos. 18-E and 58" dated March 21, 1952, shall be filed forthwith in Docket 364 and deemed, so far as relevant to the claims asserted by the plaintiff herein, to be part of the defendant's answer in this case.
4. The plaintiff shall have until the close of business on April 1, 1974, to file exceptions to said report.
5. The defendant shall have until the close of business on May 1, 1974, to answer said exceptions.

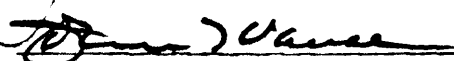
6. The parties shall accompany the exceptions and the answer thereto with appropriate motions for summary judgment, so that the Commission may dispose in advance of trial of all questions in connection with the accounting upon which there is no genuine issue of material fact. Each party shall have 30 days to answer the other party's motion, and 15 days to reply to the answer. Oral argument will be held on said motions only if specially requested by a moving party before expiration of the time for filing a reply.

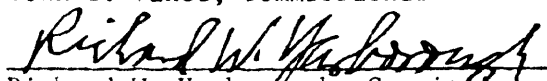
7. A pretrial conference shall be held before Commissioner Blue at the hearing room of the Commission at 10:00 a.m., on Tuesday, November 12, 1974. Each party shall appear at said conference by the attorney who will actually try the case, and shall bring to said conference a statement in writing of the issues it contends remain to be tried and of its position in regard thereto. Documentary evidence proposed for use at the trial shall be filed and exchanged at said conference, in accordance with Rule 23(e) of this Commission.

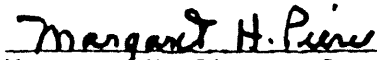
8. The trial in this case is set for Tuesday, January 14, 1975, at 10:00 a.m. in the hearing room of the Commission.

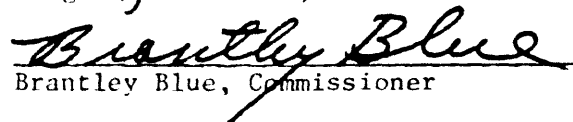
Dated at Washington, D. C., this 14th day of February, 1974.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner