

## BEFORE THE INDIAN CLAIMS COMMISSION

PYRAMID LAKE PAIUTE TRIBE OF THE	)	
PYRAMID LAKE RESERVATION,	)	
	)	
Plaintiff,	)	
v.	)	Docket No. 87-B
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING REIMBURSEMENT OF ATTORNEYS'S EXPENSES

Having considered the application filed on May 20, 1976, by the law firm of Weissbrodt & Weissbrodt pursuant to section 15 of the Indian Claims Commission Act, 60 Stat. 1049, 1053, for reimbursement of costs and expenses incurred and paid on behalf of the Pyramid Lake Paiute Tribe in connection with the prosecution of the Tribe's water claim in Docket 87-A and the final award on that claim in Docket 87-B; having considered also the expense schedules, vouchers, and other supporting documentation, the response to the application filed on July 12, 1976, by the United States Department of Justice, and the contracts under which counsel prosecuted this claim, the Commission finds as follows:

1. Settlement.

A final award was entered in Docket 87-B in the Pyramid Lake water claim in the amount of \$8,000,000 on July 23, 1975. 36 Ind. Cl. Comm. 256,270. Funds to satisfy this award were appropriated by Act of December 18, 1975, Pub. L. No. 94-157, 89 Stat. 826.

The "water claim" in subject docket was one of several claims originally included in a petition filed in Docket 87 filed on behalf of the Northern Paiute Nation and six present-day tribes, including the Pyramid Lake Paiute Tribe. An amended petition in Docket 87 was filed in August 1951. Pursuant to Commission order of April 24, 1957, a second amended petition was filed in Docket 87 and several claims, including the Pyramid Lake water claim, were separated from Docket 87 to become a new docket designated Docket 87-A. On July 23, 1975, the water claim was separated from Docket 87-A and designated Docket 87-B.

2. Attorneys' Contracts.

The existing contract pursuant to which the water claim was prosecuted Symbol 14-20-0450, Contract No. 4883, was approved effective June 14, 1964, and extended on October 31, 1975, through June 12, 1978. This contract

succeeded a contract approved June 14, 1954, identified as Symbol 14-20-650, Contract No. 157 which superseded a contract of October 1, 1948 (Symbol I-1-ind. 42197). See finding 5 on contracts in support of Commission Order of February 11, 1976, on application for attorney's fee in this docket, 37 Ind. Cl. Comm. 209, 211-12.

The contracts provide for the reimbursement of actual expenses incurred by the attorneys in prosecuting the claim.

3. Application for Reimbursement of Expenses.

The subject application requests reimbursement in the sum of \$23,318.18 advanced by the applicant or predecessor firms under existing and former contracts with the Pyramid Lake Tribe.

4. Notice.

By letters of May 25, 1976, the Commission notified all parties of the filing of subject application and allowed two weeks' time for comment. The Commission has not received a reply from the Pyramid Lake Paiute Tribe.

5. Responses.

The Department of Justice took no position regarding the application. It forwarded to the Commission a copy of a letter dated June 30, 1976, from the Associate Solicitor of Indian Affairs, Department of the Interior, with a memorandum of June 28, 1976, to the Solicitor from the Commissioner of Indian Affairs on the subject application for reimbursement of expenses. The Associate Solicitor had no objection to allowance of the expenses claimed. The Commissioner found, on the basis of an examination of the exhibits filed with subject application, that the exhibits supported the expenditures claimed. The Commissioner's memorandum observed that expenses incurred in the course of prosecution of the water claim were divided into two groups. The first consists of costs and expenses charged directly to the water claim. The second consists of an allocated portion of several types of expenses such as telephone calls and technical costs chargeable to several claims. The latter costs were incurred and paid in connection with the prosecution of the claims in Docket 87-A, including the water claim, during the period before the water claim was separated from Docket 87-A and designated Docket 87-B. The several types of expenses involved are charged one-half to the water claim and one-half to the remaining claims in Docket 87-A. The Commissioner's memorandum concluded that the method of prorating the expenses was reasonable and fair, and found no objection to the allowance of the expenses claimed.

6. Determination of Expenses.

Section 15 of the Indian Claims Commission Act (60 Stat. 1049) provides for the reimbursement of attorneys for reasonable expenses incurred in the

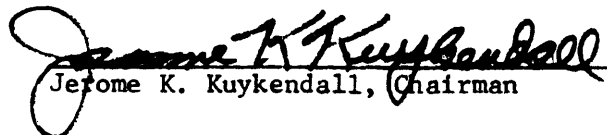
Prosecution of the claim. After examination of the application and the supporting documents as well as the record of expenditures by the attorneys in prosecuting the claim, the Commission concludes that the expenses in subject application are reasonable and permissible expenses which should be allowed.

7. Conclusion.

On the basis of the foregoing findings, the Commission concludes that the sum of \$23,318.18 is reasonable and proper for reimbursement of the expenses of litigation herein.

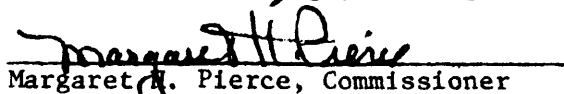
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on July 23, 1975, there shall be disbursed to the law firm of Weissbrodt and Weissbrodt the sum of \$23,318.18 as full reimbursement for expenditures incurred in the prosecution of this case.

Dated at Washington, D. C., this 2nd day of September 1976.

  
Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner