

## BEFORE THE INDIAN CLAIMS COMMISSION

THE NORTHERN PAIUTE NATION,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 87
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: February 3, 1977

FINDINGS OF FACT AND ORDER ALLOWING ATTORNEYS' EXPENSES

Having considered the application for the reimbursement of attorneys' expenses filed on July 14, 1976, by I. S. Weissbrodt and the record in its entirety, the Commission finds as follows:

1. Award. On November 4, 1965, the Commission entered its judgment in this case ordering that the plaintiffs recover from the defendant the sum of \$935,000 for and on behalf of Monos or Paiutes of Owens Valley (Area I), and the sum of \$15,790,000 for and on behalf of the Paviotso or Paiutes of Western Nevada, (Area II). 16 Ind. Cl. Comm. 215 (1965), aff'd, 183 Ct. Cl. 321, 393 F.2d 786 (1968). Funds in payment of the above final awards in favor of plaintiffs were appropriated by Congress by the Act of October 21, 1968 (P.L. 90-608). In an earlier decision in this case, the Commission made an award in the amount of \$3,650,000 as compensation for the value of lands designated as Area III, 9 Ind. Cl. Comm. 417 (1961). Funds to satisfy this award were appropriated by the Act of September 30, 1961, (75 Stat. 733).

2. Expense Application. The expense application filed on July 14, 1976, on behalf of the law firm of Weissbrodt & Weissbrodt by I. S. Weissbrodt, attorney of record herein, requests reimbursement of costs and expenses in the amount of \$39,285.05 incurred and paid by said firm on behalf of plaintiffs in connection with the prosecution of the Indian title claims in this docket. The application is presented pursuant to Section 15 of our Act, the Commission's General Rules of Procedure, and the attorneys' contracts with the plaintiffs. The application seeks reimbursement in the following categories of expenses and amounts:

(a) Materials and Services:	\$ 6,714.11
(b) Compensation and Expense of Experts:	18,359.18
(c) Long Distance Phone and Telegrams:	522.07
(d) Travel Expenses of Attorneys:	1,518.64
(e) Stenographic, Typing, Clerical, and Research:	8,021.03
(f) Extra Postage and Delivery Charges:	212.37
(g) Fares:	401.25
(h) Travel Expenses, Tribal Delegations:	<u>3,536.40</u>
Total	\$39,285.05

3. Attorneys' Contracts. Our findings of fact Nos. 5, 6, 7, and 10 which accompanied our order allowing attorneys' fees, 20 Ind. Cl. Comm. 414, 432, entered on April 23, 1969, sets forth the details of the attorneys' contracts in this docket which were in force during the period the expenses herein were incurred. Said findings are hereby incorporated by reference, except as otherwise discussed herein.

The terms of the attorneys' contracts in this docket respecting expenses of investigation, preparation for trial, and the prosecution of plaintiffs' claims provided for the reimbursement to the attorneys of the

actual expenses incurred by them from the amount of recovery. Allowable expenses were defined as, but not limited to, stenographic supplies, printing, travel, and meals and lodging. The contracts also permitted the attorneys to employ such technical assistance as they might deem necessary in respect to their obligations under the contracts, which item of expense was made recoverable and paid as expenses incident to employment under the contracts.

4. Notice to Parties. Pursuant to rule 34b(c) of the Commission's General Rules of Procedure, the Clerk of the Commission timely notified the appropriate interested parties of the filing of the expense application in this docket. With the exception of a request for copies of the supporting documentation filed with the application and certain inquiries regarding appropriated funds, both of which requests were answered by the Clerk, the tribal clients have not made any specific objections to the application.

On October 5, 1976, the Department of Justice filed a response to the expense application. The response included a copy of a letter from the Assistant Solicitor of Indian Affairs, Department of the Interior, addressed to the defendant with a copy of a memorandum from the Acting Deputy Commissioner of Indian Affairs dated September 17, 1976. The Commissioner's report, with which the Solicitor concurred, included the following statement:

A representative of the Bureau examined the petition and supporting documents filed with the Indian Claims Commission. The examination was of a general nature. It was not a comprehensive or detailed audit. The items claimed for reimbursement are, in general, supported by invoices, receipts,

cancelled checks and ledger entries, or statements of the attorney. Cancelled checks and ledger entries show the amounts paid to persons or firms on certain dates.

All of the items appear to be reasonable and proper for reimbursement, and we have no objection to the reimbursement of the amount claimed.

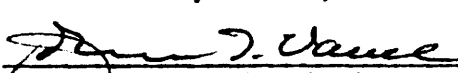
The Department of Justice took no position with respect to the report of the Commissioner or to the amount of expenses which should be awarded.

5. Determination of Expenses. Pursuant to section 15 of our Act, rule 34(b) of the Commission's Rules of Procedure (25 C.F.R. §503.34(b)), as amended, 39 Fed. Reg. 41173 (1974), the Commission's Policy Statement §102, issued July 15, 1968, the findings entered herein, and upon examination of the application, the supporting record, the attorneys' contracts with the plaintiffs, and the entire record of expenditures incurred in the prosecution of the claims in this docket, the Commission concludes that the claimed expenses in the total amount of \$39,285.05, as summarized in finding 2, supra, are reasonable and proper expenses of litigation and should be allowed.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the awards entered in this docket (See, finding 1 supra), there shall be disbursed to I. S. Weissbrodt, on behalf of the law firm of Weissbrodt & Weissbrodt, the sum of \$39,285.05 as reimbursement in full for expenditures incurred by said firm in the prosecution of the claims in Docket 87.

Jerome K. Kuykendall, Chairman

  
Margaret H. Pierce, Commissioner

  
John T. Vance, Commissioner

  
Brantley Blue, Commissioner

  
Richard W. Yarborough, Commissioner