

RECEIVED

IN THE UNITED STATES CLAIMS COURT JUN 6 1988

JESSIE SHORT, et al.,
Plaintiffs,
vs.
UNITED STATES,
Defendant,
and
HOOPA VALLEY TRIBE,
Defendant-Intervenor.

PIRTLE, MORISSET
SCHLOSSER & AYER

No. 102-63
(FILED JUNE 1, 1988)

CHARLENE ACKLEY, et al.,
Plaintiffs,
vs.
UNITED STATES,
Defendant,
and
HOOPA VALLEY TRIBE,
Defendant-Intervenor.

No. 460-78

SCHEDULING ORDER

Pursuant to the Court's directions during the status conference call on March 23, 1988, the parties have proposed several schedules for resolution of the 604 unresolved entitlement claims in these cases. The Court has reviewed the submissions and considered the oral arguments of counsel during the conference call hearing on April 8, 1988.

NOW, THEREFORE, it is hereby ORDERED that the parties shall take the following actions on or before the dates indicated, with a view toward the speedy resolution of the remaining claims in these cases. Service of papers pursuant to this order shall be by next-day delivery, where practicable.

- April 15, 1988 -- Tribe serves motion re: disqualification of Heller, Ehrman. Responses and replies shall be governed by RUSCC 83.2(a) and (b).
- April 21, 1988 -- Tribe serves manifest injustice discovery on Rodney Caetano, No. 379.
- April 25, 1988 -- Wunsch plaintiffs serve response to Tribe's motion to dismiss plaintiffs not now subject to an entitlement motion. Replies shall be governed by RUSCC 83.2(b). With respect to Duke plaintiffs that motion has been withdrawn.
- May 2, 1988 -- Plaintiffs and Tribe serve joint or separate lists of motions ripe for decision in Ackley.
- May 5, 1988 -- Plaintiffs serve notice of withdrawal of all pending motions to qualify Duke and Zuiderweg plaintiffs under A-E Standards.
- May 9, 1988 -- Plaintiffs complete serving responses to discovery concerning plaintiffs submitted under Standard B (and D and E plaintiffs claiming through Standard B parents). Remaining proceedings on these plaintiffs' motions shall be completed pursuant to the procedure established by the March 29, 1985 Order, treating the date of receipt as the date of "filing" of responses to discovery requests. Remaining proceedings

concerning the "Gist" plaintiffs shall proceed in tandem with those of the "Gillespie" plaintiffs.^{1/}

- May 24, 1988 -- Plaintiffs serve proposed stipulation of non-entitlement concerning No. 2361, David Philips, and 16 plaintiffs described as manifest injustice "child of B" claimants.
- May 31, 1988 -- Shearer refiles motion to qualify Zelma Green and her descendants under Standard B and manifest injustice. Discovery, motions, responses, and replies shall conform to the procedure established by the March 29, 1985 Order.
- June 3, 1988 -- Government serves reply in support of summary judgment motion regarding McClung, Bigby and Delilah Charley groups.

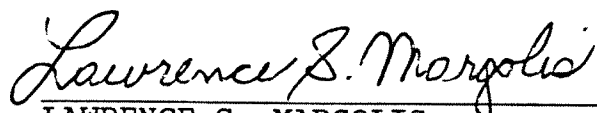
^{1/} The March 29, 1985 Order provides in relevant part:

Discovery requests shall be filed within thirty (30) days . . . after the filing of a motion for entitlement. The parties shall confer and try to resolve any discovery disputes. Motions to compel discovery shall be filed within fifteen (15) days after the filing of responses to discovery requests, or they are waived. Oppositions to motions to compel discovery shall be filed within fifteen (15) days after the filing of the motions. Replies shall be filed within fifteen (15) days thereafter.

The defendants shall respond to entitlement motions within thirty (30) days after completion of discovery. . . . Entitlement motion replies shall be filed by the plaintiffs within fifteen (15) days thereafter. . . .

The parties periodically shall inform the Court when motions are fully briefed and are ready to be ruled upon.

- June 7, 1988 -- Parties serve report on the status and subcategories of approximately 87 plaintiffs whose motions are not yet ripe. The parties shall determine the status of each claim, attempt to resolve discovery disputes, and propose a schedule for motions, responses and replies.
- June 15, 1988 -- Shearer and Zuiderweg serve tabular lists and arguments for Rodney Caetano, No. 379, and all remaining Duke plaintiffs not in Green motion. Discovery, motions, responses and replies shall conform to the procedure established by the March 29, 1985 Order.
- September 16, 1988- Ackley plaintiffs serve all remaining responses or supplemental responses to defendants' discovery requests.
- October 10, 1988 -- Ackley plaintiffs and defendants' counsel confer by telephone conference to resolve discovery disputes. Proceedings on Ackley motions shall thereafter be completed pursuant to the procedure established by the March 29, 1985 Order, treating the telephone conference as the date of "filing" of responses to discovery requests.



LAWRENCE S. MARGOLIS
Judge, U.S. Claims Court

TPS/lqm/41488
PLD1/SHO-ACK.OR2