

In the United States Claims Court

No. 102-63

(FILED JUNE 14, 1988)

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PITRE, MORISSET  
SCHLOSSER & AYER

JESSIE SHORT, ET AL., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE UNITED STATES, )  
 )  
 Defendant, )  
 )  
 and )  
 )  
 THE HOOPA VALLEY TRIBE OF INDIANS, )  
 )  
 Defendant-Intervenor.)

O R D E R

The parties have requested clarification on the factual issues presented by certain plaintiffs in the court's March 1, 1988 order on entitlement under the manifest injustice exception.

1. ALLOTTEE DESCENDANTS MOTION

Plaintiff No. 2676, Eric Darrell A. Schwenk

The court requires further information on the plaintiff's blood degree. The court also requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 3667, Melissa S. Myers

The court requires further information on the plaintiff's blood degree. Also, because the defendant claims only 4.33 years residence, the court also requires detailed information concerning plaintiff's residence on the Reservation.

2. CENSUS ENROLLEE MOTION

Plaintiff No. 0946, Verla Green

The court requires further detailed information concerning plaintiff's participation as a fire watch at Big Hill Lookout, as well as any other periods of residence on the Reservation.

Plaintiff No. 0958, Seeley Lane Griffin

The court requests information on whether the plaintiff was a resident of the Reservation at the time of his death and, if not, the date on which the plaintiff moved off the Reservation.

Plaintiff No. 2373, William Peter Pitt

Because the Defendant-Intervenor does not acknowledge any residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 3523, Vivian Gray

Because the Defendant-Intervenor does not acknowledge any residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

3. EXHIBIT 1 MOTION

Plaintiff No. 1900, Emery T. Mattz, Sr.

Because the Defendant-Intervenor does not acknowledge any residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 2332, Lenora M. Pete

Because the Defendant-Intervenor does not acknowledge any residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 2333, Linda Elaine Pete

Because the Defendant-Intervenor does not acknowledge any residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 2723, Roy Seymour

Although plaintiff has never resided on the Reservation, the court would like detailed information on the nature and length of plaintiff's work on the Reservation.

4. BUSSELL TRIAL FAMILY

Plaintiff No. 0365, Anita Lyn Bussell

Because the Defendant-Intervenor recognizes only two years of residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 0366, Clemard Isaac Bussell, Jr.

The court requires detailed information concerning plaintiff's residence on the Reservation, as well as information on plaintiff's business connections with the Reservation.

Plaintiff No. 0370, Oswald Noel Bussell

The court requires detailed information concerning plaintiff's connections with the Reservation, including information on the amount of time spent working on the Reservation.

Plaintiff No. 0371, Timothy Bussell

Because the Defendant-Intervenor recognizes only six years of residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 2614, Karen Denise Rowe

Because the Defendant-Intervenor does not recognize any residence on the Reservation and the defendant recognizes only four years residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 2615, Yvonne Faye Ferris Rowe

Because the Defendant-Intervenor recognizes only five years of residence on the Reservation and the defendant recognizes only seven years residence on the Reservation, the court requires detailed information concerning plaintiff's residence on the Reservation.

Plaintiff No. 3176, Deanna Russell Whitehurst

Because the Defendant recognizes only one year of residence on the Reservation, and the Defendant-Intervenor does not recognize any residence, the court requires detailed information concerning plaintiff's residence on the Reservation.

5. CAMPBELL TRIAL FAMILY

Plaintiff No. 0369, Neta M. Dartt Bussell

Because neither the Defendant nor the Defendant-Intervenor recognize any residence on the Reservation, the court requires detailed information on the plaintiff's residence on the Reservation.

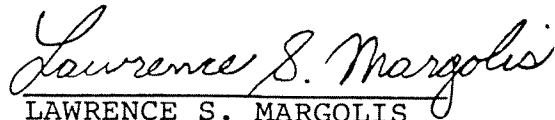
Plaintiff No. 1590, Duane K. McClellan

The court requires detailed information on plaintiff's blood degree and the nature and length of the plaintiff's work on the Reservation.

6. ELIGIBILITY STANDARDS A-E

Concerning the court's March 10, 1988 order identifying certain motions under Eligibility Standards A-E in which there were questions of material fact that precluded the granting of the motions, the court believes that the parties' briefs sufficiently identify the disputed issue(s) of fact in each motion to enable the parties to either submit additional documentation to clarify the disputed issue(s), take depositions in lieu of trial, or if necessary, to prepare the case for trial. Accordingly, it is

ORDERED, that the parties will file with the Clerk's Office no later than July 15, 1988 such additional information that is available concerning the issues listed above for the plaintiffs identified in this court's March 1, 1988 order on manifest injustice qualification. The parties will file with the Clerk's Office no later than September 15, 1988 additional information on those plaintiffs, or groups of plaintiffs, identified in this court's March 10, 1988 order on qualification under Eligibility Standards A-E. If a party cannot provide the requested additional information on a plaintiff, the party shall so indicate in its filing.

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