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February 9, 2010

Mr. Jan Horbaly, Clerk of Court  
U.S. Court of Appeals - Federal Circuit  
National Courts Building  
717 Madison Place, NW  
Washington, DC 20439

Re: No. 2009-5084, *Hoopa Valley Tribe v. U.S.*  
Correction of Misstatement in Oral Argument

Dear Mr. Horbaly:

On February 4, 2010, Circuit Judges Linn, Friedman and Moore heard oral argument in this matter. Undersigned counsel hereby corrects a misstatement he made in that argument.

Circuit Judge Moore asked counsel whether the money all came from trees cut on Hoopa's Reservation. Counsel stated that it was "all" from Hoopa's Reservation. Argument recording at 9:34.

Counsel's statement was inaccurate. At the Senate's 2002 Oversight Hearing on this matter, Assistant Secretary-Indian Affairs McCaleb was asked whether the funds in the Settlement Fund represent revenues derived from the sale of timber located on the [Hoopa] Square. He correctly testified "Over 98 percent. According to the facts furnished to me, only 1.26 percent were not derived from timber on the Square." App. 265. *See also* App. 216.

Sincerely yours,

MORISSET, SCHLOSSER & JOZWIAK

*s/Thomas P. Schlosser*

Thomas P. Schlosser

cc: Mary G. Sprague  
Jonathan Abram