IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL et al.,	)	
Plaintiffs,	)	
v.	)	**No. 1:96CV01285**
	)	(Judge Lamberth)
GALE A. NORTON, Secretary of the Interior, et al.,	)	
Defendants.	)	

INTERIOR DEFENDANTS' SET OF INTERROGATORIES, DATED FEBRUARY 21, 2003

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Secretary of the Interior and the Assistant Secretary- Indian Affairs ("Interior Defendants"), hereby request that Plaintiffs' class representatives answer in writing and under oath the following interrogatories within 30 days.

DEFINITIONS

In these interrogatories, the following definitions will apply:

A. "Document" or "documents" means any written or graphic matter of any kind or nature, however produced, reproduced, or recorded, whether handwritten, typed, drawn, sketched, printed, computer-generated, microfiched, microfilmed, or recorded by any physical, mechanical, electronic or electrical means whatever, whether produced, reproduced, or stored on paper, cards, disc, tape, film, electronic facsimile, computer storage, or any other media, whether an original, master, or duplicate including without limitation, books, records, papers, film, videotape, sound recordings, pamphlets, brochures, circulars, advertisements, specifications,

blueprints, maps, telegrams, notes, notebooks, work sheets, electronic mail transmissions, reports, diaries, or items similar to any of the foregoing. "Document" or "documents" shall further collectively include the original, duplicate original, and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineation, receipt stamps, notation, indication of copies sent or received, or otherwise.

B. Words used in the singular shall be construed to include the plural, and vice versa. Words used with reference to a person of the male gender shall also be construed to refer to a person of the female gender, and vice versa.

C. "Identify" or "identity" shall have the following meanings:

(1) When used in reference to an organization, the response shall state the full name and present or last known address of the corporation, partnership, firm or other entity.

(2) When used in reference to an individual, the response shall state his or her full name, present or last known address, present or last known business affiliation and job description, any past or present affiliation with you, the manner in which he relates to any of the issues or facts in this litigation, and the source and extent of his or her knowledge about any of these facts or issues. If you do not know the present address or present employer of any such person, please so indicate and state his last known address and last known employer.

(3) When used in reference to a document, the response shall state the type of document (e.g., memorandum, letter, note, contract), its date, author(s), addressee(s) (if any), synopsis of content, and present location. In lieu of providing this information, you may attach a copy of the document to your answers.

(4) When used in reference to a source of information, the response shall identify each individual providing information. The response shall also state whether the information has been reduced to writing or other tangible form. If so, this writing or other record shall be identified in the manner described in subparagraph (3) above.

D. "Describe" or "state" means the following: Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or facts, and particularize as to:

(1) the identity of each person involved in each such event, including, but not limited to persons employed by you and those persons purporting to act for you;

(2) the specific acts of each person participating in each such event;

(3) the date and time of each such event;

(4) the address and location of each such event; and,

(5) the identity of each person present during each such event.

E. Documents to be identified or facts to be stated are described as those which "relate to" any entity, a person, an action, a document, or an event. The term "relate to" means to name, to refer to either directly or indirectly, to comment upon, analyze, review, report on, form the basis of, be considered in the preparation of, result from, be in any way connected with, emanate from, or have any logical relation to the entity, person, document, event, or action.

F. "Person" or "individual" means any natural person, corporation, partnership, other business association or entity recognized by law, and the employees or independent contractors thereof, and any domestic or foreign government body, commission, board, agency, branch, department, component or element thereof.

G. "And" as well as "or" shall be construed in either the disjunctive or conjunctive form as necessary to bring within the scope of the interrogatory any information which may otherwise be construed outside its scope.

H. "You" or "your" means any of the Plaintiffs who are designated as class

representatives in this lawsuit, and any agent of theirs.

I. "Communication" means any transmission of words or thoughts by a person or between or among two or more persons, including but not limited to spoken words, discussions, conferences, conversations, negotiations, agreements, understandings, interviews, inquiries, promises, correspondence, statements, whether oral or written, and whether transmitted in person or by electronic or other means, including but limited to radio, telphonic, fax, email or other means.

J. "Plaintiffs' Trust Compensation Plan" means the paper entitled "Plaintiffs' Plan for Determining Accurate Balances in the Individual Indian Trust," filed by Plaintiffs on January 6, 2003.

K. "Plaintiffs' Trust Management Plan" means the paper entitled "Plaintiffs' Compliance Action Plan Together with Applicable Trust Standards," filed by Plaintiffs on January 6, 2003.

L. "Allottee" has the meaning that Plaintiffs' ascribed to it when used in Plaintiffs' Trust Compensation Plan.

INSTRUCTIONS

A. In answering these interrogatories, furnish all information, however obtained, including hearsay, that is available to you, including information known by or in the possession of yourself, your employees, subcontractors, experts, agents, attorneys, or appearing in your documents, not merely information within the personal knowledge of the individual(s) executing the answers to interrogatories.

B. If you cannot answer the following interrogatories in full after exercising due

diligence to secure the information, so state, and answer to the extent possible. Specify your inability to answer the remainder, and state whatever information or knowledge you have concerning the unanswered portion.

C. Where exact statistical or numerical information, including dates, or times, cannot be furnished, estimated or approximate information is to be supplied. Where an estimation or approximation is supplied, it should be so indicated, and an explanation provided as to the basis upon which the estimate or approximation was made. State in detail the reason(s) why exact statistical or numerical information cannot be furnished.

D. If you object to or otherwise decline to answer any portion of an interrogatory, please provide all information called for by that portion of the interrogatory to which you do not object or to which you do not decline to answer. If you state an objection to an interrogatory on the ground that it is too broad (i.e., asks for information outside the scope of Rule 26), provide the information that you contend would be within the scope of Rule 26. If you object to an interrogatory on the ground that to provide an answer would constitute an undue burden, provide all requested information that can be supplied without undertaking an undue burden. For those portions of an interrogatory to which you object or otherwise decline to answer, state the reason for such objection or declination.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons who provided information to Plaintiffs that was included in Plaintiffs' Trust Compensation Plan and, for each person so identified, give a summary of the information that was provided by that person and included in Plaintiffs' Trust Compensation Plan.

INTERROGATORY NO. 2: Identify all persons who provided information to Plaintiffs that

was included in Plaintiffs' Trust Management Plan and, for each person so identified, give a summary of the information that was provided by that person and included in Plaintiffs' Trust Management Plan.

INTERROGATORY NO. 3: Describe how Plaintiffs' Trust Compensation Plan would account for instances where mineral rights on Indian reservation land are not owned pro rata by the tribe, the individual allottee, and other non-Indian entities.

INTERROGATORY NO. 4: Describe how Plaintiffs' Trust Compensation Plan would account for instances where mineral rights are owned by the tribe even though an allottee may own the surface rights for the land where the production well is located.

INTERROGATORY NO. 5: Identify how Plaintiffs "determined that the most appropriate index to compute interest on the monies generated from Allotted Lands was the long term corporate bond index" (Plaintiffs' Trust Compensation Plan at 51).

INTERROGATORY NO. 6: Identify (a) why Plaintiffs "believe that qualified experts can be retained" to identify "the members of the class in the Cobell lawsuit" (Plaintiffs' Trust Compensation Plan at 52); and (b) precisely how such experts would conduct "such a search" (Id.).

INTERROGATORY NO. 7: Identify precisely how Plaintiffs propose to make "the proper determinations of amounts to be credited to individual accounts" under Plaintiffs' Trust Compensation Plan (Plaintiffs' Trust Compensation Plan at 53).

INTERROGATORY NO. 8: Define the meaning that Plaintiffs ascribe to the term "allotted land percentages," as used (frequently) in Plaintiffs' Trust Compensation Plan.

INTERROGATORY NO. 9: For each named plaintiff addressed in the Revised Interim Final Report of Joseph R. Rosenbaum, dated November 19, 2001, please state whether you agree with the results compiled. If you do not, please state in detail each and every instance in which you disagree and identify all documents which support your contention.

INTERROGATORY NO. 10: Describe any changes in existing statutes that would be necessary to implement and carry out the Plaintiffs' Trust Management Plan.

INTERROGATORY NO. 11: Describe any changes in funding of trust-related activities in current or future fiscal years that would be necessary to implement and carry out the Plaintiffs' Trust Management Plan.

INTERROGATORY NO. 12: Describe the "divergent interests of individual Indian trust beneficiaries and tribal leaders" that "require the complete separation of trust administration" (Plaintiffs' Trust Management Plan at 42).

INTERROGATORY NO. 13: Describe the effect that implementation of the Plaintiffs' Trust Management Plan would have on Indian tribes that are currently performing trust-related activities that affect individual Indian beneficiaries.

INTERROGATORY NO. 14: Describe the basis for Plaintiffs' "belie[f]" that it is possible to comply with "the ordinary, applicable Indian preference policy of the Department of Interior" (Plaintiffs' Trust Management Plan at 33 n.43) while implementing and carrying out the Plaintiffs' Trust Management Plan, including but not limited to removing conflicted personnel (id. at 33), "appoint[ing] new and independent trust administration management" (id. at 33-36, 38), and "segregat[ing] administration of IIM trust records from tribal and other DOI records" (id. at 42).

INTERROGATORY NO. 15: For each of the titled positions identified in the Plaintiffs' Trust Management Plan (see generally id. at 33-40), describe how each position would fit into the organizational structure of the Department of the Interior and, if applicable, how each position would fit into the organizational structure of an entity other than the Department of Interior.

INTERROGATORY NO. 16: Describe who would be in charge of trust reform if the Plaintiffs' Trust Management Plan were implemented as written.

INTERROGATORY NO. 17: Describe how the Trust Manager would "segregate administration of IIM trust records from tribal and other DOI records" and achieve the "complete separation of trust administration" (Plaintiffs' Trust Management Plan at 42-43).

INTERROGATORY NO. 18: For each action required to be taken or completed within a certain number of days, as identified in the Plaintiffs' Trust Management Plan (see generally Id. at 33-47), describe the basis for asserting that each particular action can be taken or completed within the prescribed number of days.

INTERROGATORY NO. 19: Describe the complete basis for the statement in Plaintiffs' Response to Defendants' Historical Accounting Plan for Individual Indian Money Accounts at 26 (filed January 31, 2003) that "the vast majority of trust records necessary to support a complete and accurate historical accounting either do not exist or have been destroyed by the trustee-delegates."

Dated: February 21, 2003

Respectfully submitted,

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CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on February 21, 2003 I served the foregoing *Interior Defendants' Set of Interrogatories, Dated February 21, 2003* by hand upon:

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