IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

REPLY TO PLAINTIFFS' OPPOSITION TO INTERIOR DEFENDANTS' MOTION FOR ADJUSTMENT OF THE JUNE 2002 COMPENSATION REQUEST OF THE COURT MONITOR

The Secretary of the Interior and the Assistant Secretary - Indian Affairs ("Interior Defendants") file this Reply in response to the Plaintiffs' Opposition to their Motion For Adjustment Of The June 2002 Compensation Request Of The Court Monitor, dated July 18, 2002, and in support of their Motion for Adjustment, filed on July 17, 2002.

This Court should grant Interior Defendants' Motion for Adjustment because the Court Monitor's June 2002 compensation request is not reasonable or proper for the reasons articulated in the motion: (1) it fails to provide sufficiently detailed information about the work performed and instead provides vague descriptions which neglect to explain the subject matter addressed by such work; and (2) certain charges reflect activities beyond the scope of the Court Monitor's appointment orders. Further, as demonstrated in the motion, the compensation request's vague descriptions constrain Interior Defendants' ability to fully assess or object to the Court Monitor's fees. Consequently, the relief requested by the Interior Defendants – revision of the Court Monitor's invoice and the opportunity to review and object to the revised invoice – is warranted.

Moreover, Plaintiffs fail to oppose, or even address, Interior Defendants' arguments that adjustment of the Court Monitor's June 2002 compensation request is necessary because the request does not provide sufficient detail regarding the work performed and its lack of specificity precludes Interior Defendants from being able to fully assess or object to it. See Defs.' Mem. In Support Of Mot. For Adjustment, July 17, 2002, at 2-6. Nor does Plaintiffs' incorporation by reference of their Consolidated Opposition To Interior Defendants' Motion To Revoke The Appointment Of Joseph S. Kieffer, III, And To Clarify The Role And Authority Of A Court Monitor And Opposition To Interior Defendants' Motion For Reconsideration Of The May 31, 2002 Order To Pay The Court Monitor The Sum Of $54,307.34 ("Consolidated Opposition") cure their failure to refute Interior Defendants' arguments. Plaintiffs' Consolidated Opposition also neglected to oppose Interior Defendants' argument in their Motion for Reconsideration that the Court Monitor's May 2002 compensation request does not contain detailed descriptions of his activities sufficient to provide assurance that the fees charged are reasonable and properly within the scope of his appointment orders and, therefore, is not reasonable or proper.

In fact, Plaintiffs' sole response to Interior Defendants' Motion for Adjustment is their citation to and incorporation of their Consolidated Opposition. Therefore, Interior Defendants hereby incorporate by reference, as if restated herein in its entirety, their Reply To Plaintiffs' Opposition To Interior Defendants' Motion For Reconsideration Of The May 31, 2002 Order To Pay The Court Monitor The Sum Of $54,307.24, filed on July 11, 2002.

Conclusion

For the reasons set forth herein and in Interior Defendants' Motion For Adjustment, Interior Defendants respectfully request that this Court direct the Court Monitor to revise his

June 2002 invoice to include sufficiently detailed information about his work and to delete all charges for activities beyond the scope of his appointment orders. In addition, Interior Defendants request an opportunity to review and object to the Court Monitor's revised June 2002 invoice.

Dated: July 23, 2002

Respectfully submitted,
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Assistant Attorney General
STUART E. SCHIFFER
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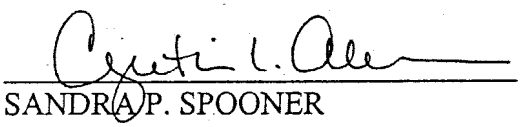
J. CHRISTOPHER KOHN
Director



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CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on July 23, 2002 I served the Foregoing *Reply to Plaintiffs' Opposition to Interior Defendants' Motion for Adjustment of the June 2002 Compensation Request of the Court Monitor*, by facsimile in accordance with their written request of October 31, 2001 upon:

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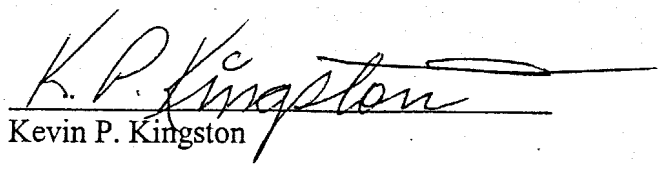

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