

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, *et al.*,

Plaintiffs,

v.

GALE NORTON, *et al.*,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Civil Action
No. 1:96 CV 01285 RCL

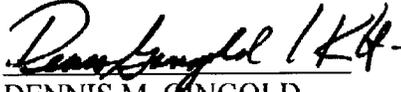
PLAINTIFFS' FOURTH SET OF INTERROGATORIES

Plaintiffs hereby requests that defendants answer, within thirty (30) days hereof, the following interrogatories, separately, fully, in writing and under oath, in the manner and form as provided in Rule 33 of the Federal Rules of Civil Procedure.

December 16, 2002

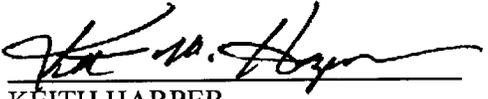
Of Counsel
JOHN ECCOHAWK
Native American Rights Fund
1506 Broadway
Boulder, Colorado 80302
(303) 447-8760

Respectfully submitted,


DENNIS M. GINGOLD
D.C. Bar No. 417748

MARK KESTER BROWN
D.C. Bar No. 470952

1275 Pennsylvania Ave., N.W.
Ninth Floor
Washington, D.C. 20004
(202) 661-6382


KEITH HARPER
D.C. Bar No. 451956
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 785-4166

DEFINITIONS

A. Documents. As used herein the term "DOCUMENT" includes a writing and recording as defined in Federal Rules of Evidence, Rule 1001 (which is defined as consisting of "letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation").

Specific examples of the documents being sought (and which are encompassed by such defined terms in the unlikely event they are not encompassed by the definition set forth in Rule 1001) include: Any printed, typewritten, or handwritten or graphic matter, regardless of medium on which it is produced, reproduced or stored, including without limitation, correspondence, letters, memoranda, e-mail, reports, charts, diagrams, blueprints, site plans, business records, personal records, maps, pamphlets, handwritten notes, minutes of meetings, notes of meetings or conversations, catalogues, advertising pamphlets, written agreements, contracts, photographs, sound recordings, papers, books, files, computer print-outs, diaries and diary entries, calendars, tables, compilations, graphs, recommendations, studies, worksheets, logs, workpapers, summaries, information stored by a computer or on a computer disk, diskette, tape, card or other form of computer memory storage, as well as any electronic recording, tape recording, photograph, video, film, microfilm, microfiche, or similar recording of words, images, sounds, pictures, or information of any kind, and all telegrams, transmission by any of the following: telefax, e-mail, facsimile, telex or cable.

The term "DOCUMENTS" includes DOCUMENTS maintained or presently located on your employees' and agents' person, at their residences, on their private e-mail accounts or anywhere else in their possession, custody, or control.

B. Version. "VERSION" or "VERSIONS" means any of the following:

- 1) Any prior or subsequent version or draft of a DOCUMENT, including without limitation all amendments, alterations, drafts, runs and modifications.
- 2) Any duplicate (as that term is defined in Federal Rules of Evidence, Rule 1001(4), which defines a duplicate as "a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.") of a DOCUMENT falling within one or more categories of this Request for Production of Documents, which duplicate is, or at any time has been, different from the DOCUMENT of which it is a duplicate – including without limitation duplicates that bear added notations, marginalia, and/or have had other DOCUMENTS affixed or attached thereto such as stapled or paper-clipped notes and "Post-It" type self-stick removable notes. All DOCUMENTS commonly known as "duplicate originals," *i.e.*, counterparts signed by different signatories, are expressly included in this definition of VERSION.

C. Identification. An interrogatory that contains a request to state the "IDENTITY" of or to "IDENTIFY" something, means:

(1) **With respect to DOCUMENTS**, for each such DOCUMENT state the date the DOCUMENT bears or was generated, its author(s), its addressee(s), its recipients and its present custodian;

(2) **With respect to PERSONS**, for each living individual state the first and last name, job title, and address where each such individual resides or is employed; if such individual is deceased, state the first and last name, date of death and IDENTIFY all DOCUMENTS that constitute the probate decision or final order with respect to the probate of such individual's estate. For each PERSON that is not an individual, set forth the name, address of principal place of business, telephone number and state of incorporation or formation of the firm, association, organization, partnership, business, trust, corporation or public utility;

(3) **With respect to COMMUNICATIONS** (including representations, warranties, and statements of all types), for each such COMMUNICATION, state:

A. the IDENTITY of each PERSON who is a party to a COMMUNICATION;

B. the IDENTITY of each PERSON present during each such COMMUNICATION; and

C. the date of each such COMMUNICATION;

(4) **With respect to contracts, agreements, understandings or transactions**, state:

A. the IDENTITY of the parties thereto;

B. a description of the contract, agreement or transaction;

C. the date thereof;

D. the IDENTITY of each PERSON who participated in the NEGOTIATION and/or signing thereof;

E. the IDENTITY of all DOCUMENTS that discuss, concern or reflect any such NEGOTIATION(S), including without limitation all notes and memoranda thereof;

F. If the contract, agreement or transaction has been reduced, in whole or in part, to a writing, the IDENTITY of such writing;

G. The consideration, monetary or otherwise, exchanged.

(5) **With respect to NEGOTIATION(S) not resulting in a contract, agreement, understanding or transaction, state:**

A. the IDENTITY of each PERSON who participated in the NEGOTIATION(S);

B. a description of the contract, agreement or transaction to which the NEGOTIATION(S) pertained;

C. the date of the NEGOTIATION(S);

D. the IDENTITY of all DOCUMENTS that discuss, concern or reflect any such NEGOTIATION(S), including without limitation all notes and memoranda thereof.

D. Delegates, Entities and Their Agents. Whenever reference is made or information is sought with respect to an entity such as a TRIBE, corporation, partnership or governmental agency or organization that can act only through individual agents, reference to the acts of such entity are

intended to include all acts taken by its agents, officers, employees, members and shareholders who have or claim to have authority to act on behalf of such entity.

E. Person. As used herein, the term "PERSON" includes both singular and plural, and refers to any natural person, TRIBE, firm, association, partnership, joint venture, corporation, governmental agency or organization, estate, trust, receiver, syndicate, or any other group or combination acting as a unit or affiliated entity. Whenever reference is made herein to any act by a PERSON, such reference is intended to, and does, include reference to any act or conduct performed by such PERSON'S agents, employees, and/or REPRESENTATIVES unless a contrary intention is expressed.

F. Representative. "REPRESENTATIVE" or "REPRESENTATIVES" refers to and includes any PERSON (as defined herein) who acts, has at any time acted, has at any time by any PERSON been requested or solicited to act, or has purported to act at the request of, or for the benefit of, or on behalf of any PERSON, including without limitation all agents acting on behalf of their principals.

G. Related Party. As used herein, the term "RELATED PARTY" means a PERSON or entity related to another by reason of any of the following:

1) Individuals being members of the same family. The family of an individual shall include his brothers and sisters (whether by whole or half blood), present spouse, prior spouses, ancestors, and lineal descendants.

2) A PERSON or entity and a partnership if the PERSON or entity is a general partner of the partnership or owns 50% or more of the capital interest, or the profits interest in such partnership.

3) A PERSON or entity and a corporation if the PERSON: (i) owns or holds 50% or more of the value of the outstanding stock of the corporation, or (ii) controls, either directly or indirectly through a RELATED PARTY, 50% or more of the voting power of the corporation.

4) Two corporations that are members of the same "controlled group" as that term is defined in Section 267 of the Internal Revenue Code, including without limitation, parent-subsiary corporations and brother-sister corporations.

5) Any trust, together with the trustees, fiduciaries and beneficiaries of such trust, with respect to which a RELATED PARTY is a trustor, fiduciary or beneficiary.

6) An entity with respect to which a RELATED PARTY owns or holds 50% or more of the equity or voting interest in such entity.

H. Conjunctions. As used herein, the conjunctions "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such dual construction serves to bring within the scope of any interrogatory any piece of information that would otherwise not be brought within its scope.

I. Number and Gender. As used herein, the singular form shall include the plural (and vice versa) and the masculine shall include the feminine and/or neuter (and conversely) whenever

such construction serves to bring within the scope of any interrogatory any piece of information that would otherwise not be brought within its scope.

J. Communication. As used herein, the term "COMMUNICATION" or "COMMUNICATIONS" means the transmittal of information, whether oral or written, between PERSONS or entities, in any form – whether face-to-face, by telephone, by mail, by messenger or transmitted electronically, by telecopier, wire, modem or otherwise. DOCUMENTS that typically reflect COMMUNICATIONS include handwritten notes, telephone memoranda slips, daily appointment books and diaries, bills, checks, correspondence and memoranda (contained in Chron FILES and otherwise), and includes all drafts of such DOCUMENTS.

K. Negotiation. As used herein, the term "NEGOTIATION" or "NEGOTIATIONS" means and includes any conversations and/or COMMUNICATIONS, whether written or oral, that occurred in reaching, or in attempting to reach, an agreement on a subject or issue.

L. Reference to Request for Production of Documents and/or Requests for Admissions.
Whenever reference is made to a Request for Production of Documents or Request for Admission, it shall refer to one contained in the Request for Production of Documents or Requests for Admissions served concurrently herewith unless a contrary intention is expressed.

SPECIAL DEFINITIONS

A. YOU or YOUR shall mean defendants, and each of them, and their REPRESENTATIVES.

B. Interior's Quarterly/Status Reports

(1) Interior's *Status Report to the Court Number Eleven* shall be defined as "11th QR" or "QR11" or "Eleventh Status Report."

(2) Any prior Status Report to the Court that is a part of the Court-ordered quarterly reporting requirement shall be referred to in similar fashion by its ordinal number. *E.g.*, "10th QR," "QR10," "Tenth Status Report," "7th QR" or "QR7," or "Seventh Status Report," *et cetera*.

C. DATACOM – DataCom Inc.

D. DATA CLEANUP – The term "data cleanup" shall mean the rendering of data to be accurate; to the extent it would result in a greater number of documents being produced or identified, the term shall also encompass any definitions or uses of the term in any of the following contexts:

(1) in any of the Quarterly or Status Reports filed by defendants or the HLIP 2000; (2) in the testimony of Ross Ridgeway in the Second Contempt Trial; and (3) in the testimony of Thomas M. Thompson in the Second Contempt Trial.

E. THIRD PARTY DOCUMENT COLLECTION PROJECT – The Collection of Information from Outside Sources Project referenced in the Eighth Quarterly Report, including from TRIBES.

F. CDL – Chavarria, Dunne & Lamey.

G. D&T – Deloitte & Touche LLP.

H. E&Y – Ernst & Young LLP.

I. TRIBES – All federally-recognized tribes, including, but not limited to, tribes that are parties to compacting and contracting agreements.

J. EBBERT AFFIDAVIT – Affidavit of Richard P. Ebbert filed with this Court on or about January 5, 2001.

K. THE REFUND – The refund by MMS of the \$10,075 geothermal lease rent, which refund was authorized by the BLM in September 2001, that is referenced in the EBBERT AFFIDAVIT.

L. ORIGINAL ALLOTMENT – The first transfer of a parcel of land to the United States as trustee for the benefit of an individual Indian.

M. ORIGINAL ALLOTTEES – The original beneficiaries of an ORIGINAL ALLOTMENT.

N. SUBSEQUENT ALLOTMENT – A parcel of land held in trust during the relevant date or timeframe (see below) by the United States government as trustee in whole or in part for the benefit of individual Indian beneficiaries. The term SUBSEQUENT ALLOTMENT is intended to include property held in trust during the relevant time period even if such property was not part of an ORIGINAL ALLOTMENT (*e.g.*, if the land was later taken into trust at the request of an individual Indian beneficiary). The relevant timeframe for this definition is intended to refer to allotments as of the present time unless the Interrogatory states an earlier timeframe.

O. SUBSEQUENT ALLOTTEE – An individual Indian who hold or has held a beneficial interest in a SUBSEQUENT ALLOTMENT.

P. ALLOTTEE – Individuals who are either an ORIGINAL ALLOTTEE or a SUBSEQUENT ALLOTTEE.

Q. ALLOTMENT – An allotment that is either an ORIGINAL ALLOTMENT or a SUBSEQUENT ALLOTMENT.

R. IIM TRUST – the Individual Indian Monies Trust.

S. IIM TRUST BENEFICIARY – An individual Indian on whose behalf, as trust beneficiary, an IIM TRUST account is, or at any time has been, should be, or should have been, maintained by the United States or its agents; the term “IIM TRUST BENEFICIARY” shall include all heirs and successors-in-interest, including executors and personal representatives with respect to an IIM TRUST BENEFICIARY’S estate.

INTERROGATORIES

INTERROGATORY NO. 1: Identify by name and geographic location the reservations of which any portion was ever allotted to individual Indians.

INTERROGATORY NO. 2: For each reservation that YOU are called to identify in Interrogatory No. 1, identify by listing separately, with appropriate summary information, each and every ORIGINAL ALLOTMENT and the size of each such ORIGINAL ALLOTMENT (*i.e.*, the number of acres).

INTERROGATORY NO. 3: For each reservation that YOU are called to identify in Interrogatory No. 1, IDENTIFY each of the ORIGINAL ALLOTTEES, including the IDENTITY of the probate DOCUMENTS called for in Definition C.(2), *supra*, at page 5.

INTERROGATORY NO. 4: For each reservation that YOU are called to identify in Interrogatory No. 1, IDENTIFY each of the SUBSEQUENT ALLOTTEES holding an interest as of January 1, 1995, including the IDENTITY of the probate DOCUMENTS called for in Definition C.(2), *supra*, at page 5, if any.

INTERROGATORY NO. 5: For each reservation that YOU are called to identify in Interrogatory No. 1, IDENTIFY each of the PERSONS who would have held a present interest in a SUBSEQUENT ALLOTMENT as of January 1, 1995 had the probate of their predecessor-in-interest been finalized. If you have IDENTIFIED a PERSON in YOUR response to Interrogatory No. 4 with respect to the same property interest, you do not need to repeat reference to that PERSON in response to this Interrogatory as to that property interest.

INTERROGATORY NO. 6: For each reservation that YOU are called to identify in Interrogatory No. 1, IDENTIFY each of the SUBSEQUENT ALLOTTEES holding an interest as of January 1, 2000, including the IDENTITY of the probate DOCUMENTS called for in Definition C.(2), *supra*, at page 5, if any.

INTERROGATORY NO. 7: For each reservation that YOU are called to identify in Interrogatory No. 1, IDENTIFY each of the PERSONS who would have held a present interest in a SUBSEQUENT ALLOTMENT as of January 1, 2000 had the probate of their predecessor-in-interest been finalized. If you have IDENTIFIED a PERSON in YOUR response to Interrogatory No. 6 with respect to the same property interest, you do not need to repeat reference to that PERSON in response to this Interrogatory as to that property interest.

INTERROGATORY NO. 8: For each reservation that YOU are called to identify in Interrogatory No. 1, identify by listing separately, with appropriate summary information, each and every ALLOTMENT and the size of each such ALLOTMENT (*i.e.*, the number of acres) as of January 1, 2000.

INTERROGATORY NO. 9: For each reservation that YOU are called to identify in Interrogatory No. 1, identify by listing separately, with appropriate summary information, each ALLOTMENT that has passed out of the IIM Trust, *i.e.*, is no longer held by the United States as trustee for individual Indians, and the date it passed out of trust.

INTERROGATORY NO. 10: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1900.

INTERROGATORY NO. 11: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1910.

INTERROGATORY NO. 12: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1920.

INTERROGATORY NO. 13: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1930.

INTERROGATORY NO. 14: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1940.

INTERROGATORY NO. 15: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1950.

INTERROGATORY NO. 16: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1960.

INTERROGATORY NO. 17: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1970.

INTERROGATORY NO. 18: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1980.

INTERROGATORY NO. 19: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 1990.

INTERROGATORY NO. 20: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of 2000.

INTERROGATORY NO. 21: For each reservation that YOU are called to identify in Interrogatory No. 1, state the number of probates of individual Indians that were open and not yet finally adjudicated (*i.e.*, all appeals therefrom having been finally determined), as of the present.

INTERROGATORY NO. 22: State the amount of time you contend is reasonable for the processing of THE REFUND by MMS.

INTERROGATORY NO. 23: State the amount of time you contend is reasonable for MMS to process a refund similar to THE REFUND once such refund has become undisputed.

INTERROGATORY NO. 24: State the number of refunds of monies owed to second or third parties that MMS has processed since January 1, 1990.

INTERROGATORY NO. 25: State the average amount of time it took MMS to process the refunds referenced in the prior Interrogatory.

INTERROGATORY NO. 26: State the number of refunds of monies owed to second or third parties that MMS has processed since January 1, 2001.

INTERROGATORY NO. 27: State the average amount of time it took MMS to process the refunds referenced in the prior Interrogatory.

INTERROGATORY NO. 28: State the number of refunds of monies owed by MMS to second or third parties at any time during the period January 1, 1990 to January 1, 2000 that remain unpaid and is not the subject of a stated dispute. IDENTIFY each and every DOCUMENT that discusses, concerns or reflects such unpaid refunds.

INTERROGATORY NO. 29: State the number of refunds of monies owed by MMS to second or third parties at any time during the period January 1, 2000 to September 1, 2002 that remain unpaid and is not the subject of a stated dispute. IDENTIFY each and every DOCUMENT that discusses, concerns or reflects such unpaid refunds.

INTERROGATORY NO. 30: Has any action been taken with respect to any of the facts or matters alleged in the EBBERT AFFIDAVIT. If so, state with particularity the action taken, and IDENTIFY every PERSON who has knowledge or claims to have knowledge of any such action,

and IDENTIFY each and every DOCUMENT that discusses, concerns or reflects any such action.

INTERROGATORY NO. 31: Have any of the individuals identified in the EBBERT AFFIDAVIT been disciplined or had any adverse employment action taken against them since the date of the EBBERT AFFIDAVIT. If so, state with particularity the action taken, and IDENTIFY every PERSON who has knowledge or claims to have knowledge of any such action, and IDENTIFY each and every DOCUMENT that discusses, concerns or reflects any such action.

INTERROGATORY NO. 32: Do you contend that any of the statements or acts attributed to defendants' employees in the EBBERT AFFIDAVIT did not occur. If so, with respect to each such statement or act you contend did not occur, state each and every fact upon which YOU base such contention, the IDENTITY of every PERSON who has knowledge or claims to have knowledge of such fact, and the IDENTITY of each and every DOCUMENT that discusses, concerns, reflects or supports such contention.

INTERROGATORY NO. 33: Do you contend that any of the statements or acts attributed to defendants' employees in the EBBERT AFFIDAVIT were unauthorized acts or statements. If so, with respect to each such statement or act you contend did not occur, state each and every fact upon which YOU base such contention, the IDENTITY of every PERSON who has knowledge or claims to have knowledge of such fact, and the IDENTITY of each and every DOCUMENT that discusses, concerns, reflects or supports such contention.

INTERROGATORY NO. 34: IDENTIFY all PERSONS who are or have been employees of the Department of Interior or any of its agencies or bureaus who have been detailed to their homes since January 1, 1990.

INTERROGATORY NO. 35: State the total number of employees of the Department of Interior and all its agencies and bureaus at present and in 1990.

INTERROGATORY NO. 36: State the total number of employees of the Department of Interior and all its agencies and bureaus who are involved in trust reform.

INTERROGATORY NO. 37: State the total number of employees of the Department of Interior and all its agencies and bureaus who have been terminated, disciplined, or had adverse employment action taken against them for poor performance since January 1, 1990.

INTERROGATORY NO. 38: State the total number of employees of the Department of Interior and all its agencies and bureaus who are or have been involved in trust reform, and who have been terminated, disciplined, or had adverse employment action taken against them for poor performance since January 1, 1990.

INTERROGATORY NO. 39: IDENTIFY and state the total number of Justice Department lawyers and other professional staff who at any time have been assigned any responsibility regarding, pertaining, or relating to the government's defense of the Cobell litigation at any time since June 10, 1996. With respect to each such individual IDENTIFIED, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 40: The amount, broken out by individual or entity paid, of:

- (1) the amounts of salary, bonuses, and cash awards paid the individuals whose IDENTITIES are called for in the prior Interrogatory;
- (2) payments to contractors and consultants;
- (3) payments to clerical staff;
- (4) payments for travel expenses;
- (5) payments to court reporters;
- (6) payments for equipment; and
- (7) payments for printing, postage, and messengers;

associated with the government's defense of the Cobell litigation since June 10, 1996.

In responding to this Interrogatory, you may redact the names of the individuals **governmental** employees involved, but with respect to each such governmental individual, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 41: IDENTIFY and state the total number of Treasury Department lawyers and other professional staff who at any time have been assigned any responsibility regarding, pertaining, or relating to the government's defense of the Cobell litigation at any time since June 10, 1996. With respect to each such individual IDENTIFIED, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 42: The amount, broken out by individual or entity paid, of:

- (1) the amounts of salary, bonuses, and cash awards paid the individuals whose IDENTITIES are called for in the prior Interrogatory;
- (2) payments to contractors and consultants;
- (3) payments to clerical staff;
- (4) payments for travel expenses;
- (5) payments to court reporters;
- (6) payments for equipment; and
- (7) payments for printing, postage, and messengers;

associated with the government's defense of the Cobell litigation since June 10, 1996.

In responding to this Interrogatory, you may redact the names of the individuals **governmental** employees involved, but with respect to each such governmental individual, state

the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 43: IDENTIFY and state the total number of Interior Department lawyers and other professional staff who at any time have been assigned any responsibility regarding, pertaining, or relating to the government's defense of the Cobell litigation at any time since June 10, 1996. With respect to each such individual IDENTIFIED, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 44: The amount, broken out by individual or entity paid, of:

- (1) the amounts of salary, bonuses, and cash awards paid the individuals whose IDENTITIES are called for in the prior Interrogatory;
- (2) payments to contractors and consultants;
- (3) payments to clerical staff;
- (4) payments for travel expenses;
- (5) payments to court reporters;
- (6) payments for equipment; and
- (7) payments for printing, postage, and messengers;

associated with the government's defense of the Cobell litigation since June 10, 1996.

In responding to this Interrogatory, you may redact the names of the individuals **governmental** employees involved, but with respect to each such governmental individual, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 45: IDENTIFY and state the total number of Federal Reserve Bank lawyers and other professional staff who at any time have been assigned any responsibility regarding, pertaining, or relating to the government's defense of the Cobell litigation at any time since June 10, 1996. With respect to each such individual IDENTIFIED, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 46: The amount, broken out by individual or entity paid, of:

- (1) the amounts of salary, bonuses, and cash awards paid the individuals whose IDENTITIES are called for in the prior Interrogatory;
- (2) payments to contractors and consultants;
- (3) payments to clerical staff;
- (4) payments for travel expenses;
- (5) payments to court reporters;
- (6) payments for equipment; and
- (7) payments for printing, postage, and messengers;

associated with the government's defense of the Cobell litigation since June 10, 1996.

In responding to this Interrogatory, you may redact the names of the individuals **governmental** employees involved, but with respect to each such governmental individual, state the years during which they were involved in such defense and the percentage of their working time such defense entailed.

INTERROGATORY NO. 47: The amount, broken out by individual or entity paid, of all compensation for personal counsel for individuals who are, or have been, the subject of any motion for order to show cause in this litigation.

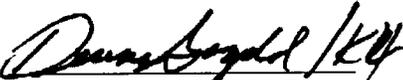
INTERROGATORY NO. 48: Have any of the bills submitted by such personal counsel been challenged or disputed in whole or in part. If so, IDENTIFY each and every DOCUMENT that discusses, concerns, reflects or constitutes any such challenge or dispute.

INTERROGATORY NO. 49: Have any of the bills submitted by such personal counsel not been paid within 60 days of presentation (a "NONPAYMENT"). If so, IDENTIFY the PERSONS not paid within 60 days of presentation and IDENTIFY each and every DOCUMENT that discusses, concerns or reflects any such NONPAYMENT.

December 16, 2002

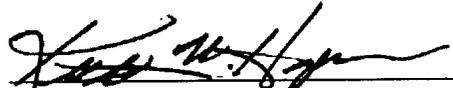
Of Counsel
JOHN ECCOHAWK
Native American Rights Fund
1506 Broadway
Boulder, Colorado 80302
(303) 447-8760

Respectfully submitted,


DENNIS M. GINGOLD
D.C. Bar No. 417748

MARK KESTER BROWN
D.C. Bar No. 470952

1275 Pennsylvania Ave., N.W.
Ninth Floor
Washington, D.C. 20004
(202) 661-6382


KEITH HARPER
D.C. Bar No. 451956
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 785-4166

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Plaintiffs' Fourth Set of Interrogatories* was served upon the following by hand, on this day, December 16, 2002.

Mark Nagle
United States Attorney's Office
555 Fourth Street, N.W.
Washington, D.C. 20001

Christopher J. Kohn
U.S. Department of Justice
Civil Division
Room 10036
1100 L. Street, N.W.
Washington, D.C. 20005


KEITH HARPER