IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ELOUISE PEPION COBELL, et al.,	)
Plaintiffs,	)
v.	)
GALE A. NORTON, Secretary of the Interior, et al.,	)
Defendants.	)

Case No. 1:96CV01285
(Judge Lamberth)

DEPARTMENT OF THE INTERIOR'S RESPONSE TO SUPPLEMENTAL REPORT OF THE SPECIAL MASTER REGARDING THE SECURITY OF TRUST DATA AT THE DEPARTMENT OF THE INTERIOR

On November 14, 2001, the Special Master issued his Report and Recommendation of the Special Master Regarding the Security of Trust Data at the Department of Interior ("the Special Master's Report"). In their November 29, 2001 Response to the Special Master's Report ("Response"), the Interior Defendants argued the Special Master's Report was not entitled to review under the "clearly erroneous" standard of Fed.R.Civ.P. 53(e)(2) because it was not accompanied by a "transcript of the proceedings and of the evidence and the original exhibits" (Fed.R.Civ.P. 53(e)(1)) and did not identify all of the "government employees and private contractors" interviewed. Response at 3 n. 3.

On December 20, 2001, the Special Master filed his Supplemental Report which "briefly sets out the methodology employed by the Special Master in obtaining the information which formed the basis for the [Special Master's] Report." Supplemental Report at 2. The Special Master also provided the parties with all documents which he consulted (id. at 6) and identified

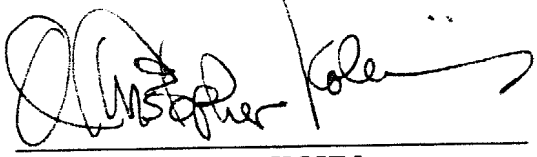
the persons interviewed in drafting the Special Master's Report (id. at 2-4). The Supplemental Report and the provision of the documents which the Special Master consulted address, for purposes of the Special Master's Report,[1] the Interior Defendants' arguments noted above.

The Supplemental Report does not address the substantive objections raised in the Interior Defendants' Response. As indicated in the Response, the Department of the Interior is taking action to safeguard trust data and is addressing critical problems identified in the Special Master's Report. Further, appointment of a receiver is neither warranted nor permissible under applicable law.

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Assistant Attorney General

STUART E. SCHIFFER
Deputy Assistant Attorney General



J. CHRISTOPHER KOHN
Director, Bar No. 212357
SANDRA P. SPOONER
Deputy Director
JOHN T. STEMPLEWICZ
Senior Trial Attorney
MATTHEW J. FADER
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station

[1]Interior Defendants reserve the right to argue that future reports are not entitled to deference if the procedural requirements of Fed.R.Civ.P. 53 and other applicable law are not observed.

P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

OF COUNSEL:

Sabrina A. McCarthy
Department of the Interior
Office of the Solicitor

Dated: December 31, 2001

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on December 31, 2001 I served the foregoing Department of The Interior's Response to Supplemental Report of The Special Master Regarding The Security of Trust Data at the Department of the Interior by facsimile upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, NW
Washington, D.C. 20036-2976
202-822-0068

Dennis M Gingold, Esq.
Mark Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
202-318-2372

by facsimile and by U.S. mail upon:

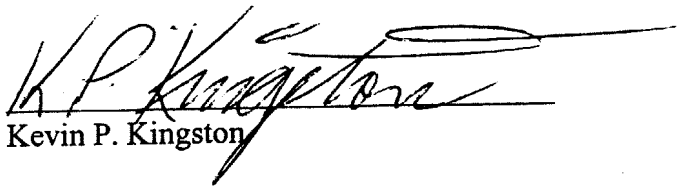
Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., N.W.
12th Floor
Washington, D.C. 20006
(202) 986-8477

and by hand:

Joseph S. Kieffer, III
Court Monitor
420 - 7th Street, N.W.
Apartment 705
Washington, D.C. 20004

by U.S. Mail upon:

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530



Kevin P. Kingston