

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**ELOUISE PEPION COBELL, et al.,** )  
**on their own behalf and on behalf of** )  
**all those similarly situated,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**GALE NORTON,** )  
**Secretary of the Interior, et al.,** )  
 )  
**Defendants.** )

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**Civil Action No. 96-1285 (RCL)**

**ORDER**

In accordance with the Memorandum Opinion issued this date, and upon consideration of the plaintiffs' Motion [2746] to Require Defendants to Give their Beneficiaries Notice of their Continuing Inability or Refusal to Discharge their Fiduciary Duties, the opposition thereto, the reply brief, the applicable law, and the entire record herein, it is hereby

ORDERED that the plaintiffs' Motion [2746] to Require Defendants to Give their Beneficiaries Notice of their Continuing Inability or Refusal to Discharge their Fiduciary Duties is GRANTED; it is further

ORDERED that the following language from the second ordered paragraph of the Court's December 23, 2002 Memorandum and Order [1692] is VACATED:

The instant Order does not prohibit defendants from communicating with class members in the ordinary course of business on routine matters unrelated to the instant litigation.

It is further ORDERED that the Interior must, within twenty (20) days of this date, complete all preparations and distribute all instructions necessary to ensure the implementation

of this Order; and it is further

ORDERED that, beginning twenty-one (21) days from this date and continuing until either the conclusion of this litigation or further Order of the Court, all written communications, including electronic mail (“e-mail”) and facsimile communications, from Interior, its agents, representatives, employees, officials, or counsel to any current or former Individual Indian Money (“IIM”) Trust account holder must include the following notice:

Please be aware that past and present Individual Indian Money (“IIM”) Trust account holders may be members of a class action lawsuit, Cobell v. Norton, No. 1:96CV01285 (D.D.C.) (Judge Lamberth). The defendants in this lawsuit, the Secretary of the United States Department of the Interior and the Secretary of the United States Department of the Treasury, are the federal government’s Trustee-Delegates for the IIM Trust. The Court in the Cobell case has ruled that the Department of the Interior must provide each IIM Trust beneficiary with a complete and accurate accounting of his or her IIM Trust account. Because other related matters are not yet resolved, the Cobell case is still pending and the accounting has not yet been completed.

While the Cobell case is ongoing, the Court has determined that it is essential to ensure that communications from the Department of the Interior do not adversely affect the rights of IIM Trust account holders who are also members of the Cobell lawsuit. For that reason, this notice is included with this communication for the information of current and former IIM Trust account holders.

Evidence introduced in the Cobell case shows that any information related to the IIM Trust, IIM Trust lands, or other IIM Trust assets that current and former IIM Trust account holders receive from the Department of the Interior may be unreliable. Current and former IIM Trust account holders should keep in mind the questionable reliability of IIM Trust information received from the Department of the Interior if and when they use such information to make decisions affecting their IIM Trust assets.

Current and former IIM account holders have the right to consult with the attorneys for the class in Cobell v. Norton regarding this notice or any other matter related to the IIM Trust. For further information you may access the Cobell class website, [www.indiantrust.com](http://www.indiantrust.com) or contact the following attorneys representing the Cobell class: Dennis M. Gingold, Esq., 607 14th Street, N.W.,

9th Floor, Washington, DC 20005, phone: (202) 824-1448, fax: (202) 318-2372, email: dennismgingold@aol.com, or Keith Harper, Esq., Native American Rights Fund, 1712 N Street, N.W., Washington, DC 20036-2976, phone: (202) 785-4166, fax: (202) 822-0068, email: harper@narf.org.

It is further ORDERED that, within thirty (30) days of this date, Interior shall file with the Court and serve upon the plaintiffs a certification detailing the arrangements that Interior has made for implementation of this Order, including all instructions and other notices regarding this Order distributed to Interior bureaus, offices, employees, or agents, and certifying that the notice specified herein is being distributed in compliance with this Order; and it is further

ORDERED that no communications of any kind between Interior and any person or entity shall be suspended, halted, withheld, or delayed in any manner or for any period of time as a result or consequence of this Order. This Order does not affect either: (1) the processing or distribution by Interior, its agents, representatives, employees, or officials of any checks or other funds in any form to any person; or (2) oral communications between Interior, its agents, representatives, employees or officials and any person, whether in person or by telephone.

It is further ORDERED that the plaintiffs shall, within a reasonable time after this date, file with the Court and serve upon the defendants a proposed notice to the plaintiff-class concerning the plaintiffs' Petition for Interim Fees Under the Equal Access to Justice Act, as well as a proposed plan for distributing that notice to the class.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, July 12, 2005.