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., Defendants.	Case No. 1:96CV01285 (Judge Lamberth)

INTERIOR DEFENDANTS' MOTION FOR LEAVE TO SUPPLEMENT THEIR MOTION AND SUPPLEMENT TO MOTION FOR A PROTECTIVE ORDER AS TO DISCOVERY BY THE SPECIAL MASTER-MONITOR AND AS TO THE RULE ANNOUNCED BY THE SPECIAL MASTER-MONITOR CONCERNING DEPOSITION QUESTIONING

The Secretary of the Interior and the Assistant Secretary-Indian Affairs (the "Interior Defendants") hereby move for leave to file the following Supplement to their January 23, 2003 Motion For A Protective Order that (1) discovery by the Special Master-Monitor to the Interior Defendants not be had; and (2) the Special Master-Monitor not attempt to make dispositive substantive rulings at depositions and compel witnesses, under threat of potential disciplinary action against their counsel, to answer questions over the objections and instruction of their counsel. The reason Interior Defendants are requesting this Supplement is that, on January 24, 2003, the Special Master-Monitor served additional discovery requests on Interior Defendants ("January 24, 2003 Requests") (Exhibit 1). These additional requests provide further support for the merits of a protective order and fall within the relief requested by our January 23, 2003 motion. The Special Master-Monitor was previously served a copy of Interior Defendants'

Motion on January 23, 2003. Interior Defendants have notified the Special Master-Monitor that his requests are encompassed by the relief sought in our pending motion and therefore, it would not be appropriate for us to respond to his discovery requests pending the Court's ruling on our motion.[1] Exhibit 2.

For the reasons previously set forth in Interior Defendants' January 23, 2003 Motion For A Protective Order and accompanying Memorandum of Points and Authorities (which are incorporated by reference in their entirety), as well as the additional reasons cited herein, Interior Defendants request that the Court enter the proposed protective order attached to its January 23, 2003 Motion and grant such other and further relief to which the Interior Defendants may be entitled.

BACKGROUND

The Special Master-Monitor's January 24, 2003 Requests demonstrate that he continues to actively participate in discovery for Trial Phase 1.5. The January 24, 2003 Requests seek seven different categories of documents and one of those categories contains eight different subparts. Exhibit 1. The subject matter of the requests ranges from Judgment Accountings to the Interior Defendants' Historical Accounting Plan filed with the Court on January 6, 2003 ("Historical Accounting Plan"). In certain instances, the nature of the Special Master-Monitor's requests go beyond asking merely for categories of documents and instead, purport to require Interior Defendants to justify their decisions regarding various aspects of their Historical

[1] On January 31, 2003, Government counsel conferred by telephone with Plaintiffs' counsel Keith Harper, who indicated that Plaintiffs opposed this Supplement to Interior Defendants' Motion.

Accounting Plan. For example, he requests "any and all documents . . . regarding . . . the final decision" with respect to various aspects of the Historical Accounting Plan. Exhibit 1 at 3-4. In addition, the seven categories and subparts are broadly worded, requiring "any and all" documents. Id. at 2-4. Despite the broad nature of the requests, the Special Master-Monitor requests that Interior Defendants produce documents to him by February 7, 2003, only 10 business days following his requests. Id. at 4.

SUPPLEMENTAL ARGUMENT

I. A Protective Order is Warranted with Respect to the Special Master-Monitor's January 24, 2003 Discovery Requests

A. The Special Master-Monitor's January 24, 2003 Requests Further Demonstrate That He Has Become A De Facto Litigant In The Case

The January 24, 2003 Requests serve as further evidence that, rather than focusing on the oversight and monitoring roles set forth in the Appointment Order, the Special Master-Monitor has undertaken his own affirmative discovery campaign against Interior Defendants and has transformed his position from a judicial officer to a litigant. His January 24, 2003 Requests focus on the adequacy of the judgment accountings and the Historical Accounting Plan. Exhibit 1 at 2-4. These subject matters are outside the scope of both his monitoring authority and his authority to supervise discovery for Phase 1.5.

B. The Special Master-Monitor's January 24, 2003 Request Further Demonstrates That His Active Participation In Discovery Conflicts With His Oversight Responsibility

The Special Master Monitor's January 24, 2003 Requests do not appear to seek documents concerning the status of trust reform, but instead seeks documents concerning the

adequacy of the judgment accountings and the Historical Accounting Plan ordered by the Court. The adequacy of the Historical Accounting Plan or any accountings is not a matter that has been referred to the Special Master-Monitor and an investigation to that end is therefore beyond the scope of his authority. The Historical Accounting Plan and accountings are matters to be addressed by the Court, about which the Court has authorized Plaintiffs to seek discovery. Cobell v. Norton, 226 F. Supp.2d 1, 163 (D.D.C. 2002). In seeking such discovery in advance of, and in addition to, Plaintiffs, the Special Master-Monitor is putting himself in a position where he would be required to oversee discovery disputes between the parties, while seeking his own parallel discovery concerning what is at issue in the litigation. An inherent conflict exists. To avoid such conflicts, the Court should allow discovery between the parties to proceed without simultaneous discovery from the Special Master-Monitor.

C. The Special Master-Monitor's January 24, 2003 Requests Unnecessarily Seek Discovery Already Propounded By Plaintiffs For Trial Phase 1.5

On December 16, 2002, Plaintiffs served their Eighth Request for Production of Documents ("Plaintiffs' RFP8"). Exhibit 3. The Special Master-Monitor's discovery requests are, in substantial respects, already covered by Plaintiffs' discovery requests, making the Special Master-Monitor's requests unnecessary, in addition to their impropriety as noted above. Both the Special Master-Monitor's requests and Plaintiffs' requests are broadly worded in that they ask for all documents pertaining to a particular subject matter. The subject matters in their respective requests overlap as follows: (1) the documents requested in the Special Master-Monitor's Requests Nos. 1 through 4 are already the subject of Plaintiffs' RFP8 Categories 155-165; (2) the documents requested in the Special Master Monitor's Request No. 6 are already the subject of

Plaintiffs' RFP8 category 173; and (3) the documents requested by the Special Master Monitor's Request No. 7 are already the subject of Plaintiffs' RFP8 category 19. The extent to which the Special Master-Monitor's discovery requests duplicate Plaintiffs' RFP8 demonstrates the unduly burdensome nature of having the Special Master-Monitor also propound discovery. See Exhibit 1 at 4. A less burdensome and practical alternative would be for Interior Defendants to provide the Special Master-Monitor with copies of documents as they are produced to Plaintiffs in response to RFP8 and not pursuant to separate requests by the Special Master-Monitor.

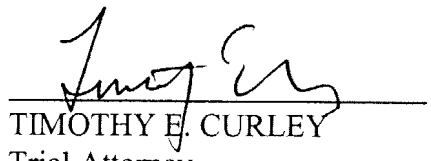
CONCLUSION

For the foregoing reasons, the Court should grant Interior Defendants' Motion For Leave. In addition, the Court should grant the Interior Defendants' Motion for a Protective Order that discovery by the Special Master-Monitor not be had, and that substantive discovery disputes arising during depositions, including those relating to an instruction that a witness not answer a question, be submitted to the Court for resolution.

Dated: January 31, 2003

Respectfully submitted,
ROBERT D. McCALLUM
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

SANDRA P. SPOONER
Deputy Director
JOHN T. STEMPLEWICZ
Senior Trial Attorney



TIMOTHY E. CURLEY
Trial Attorney
DC Bar No. 470450
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

Joseph S. Kieffer, III.
Special Master - Monitor
420 7th Street, N.W. #705
Washington, D.C. 20004
(202) 248-9543

Interior Office: (202) 208-4078 Facsimile: (202) 478-1958 Cellular: (202) 321-6022

January 24, 2003

Sandra P. Spooner
Deputy Director
Commercial Litigation Branch
U. S. Department of Justice
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875

Re: Cobell et al. v. Norton et al.
Civil Action No. 1:96 CV 01285

Dear Ms. Spooner:

Re: Trust Reform Status – Document Production I

As I have previously indicated, I will be increasing my review of the Interior Defendant's trust reform efforts to comply with the Court's September 17, 2003, Memorandum and Order which states in part:

> **"The Special Master-Monitor shall monitor the status of trust reform and the Interior defendants' efforts as they relate to the duties declared by the Court and prescribed in the 1994 Act."** *Id.* at 3.

Pursuant to that Order, I will begin my review with a determination of the status of the historical accounting as most recently described by defendants in the Eleventh Quarterly Status Report, filed with the Court on November 1, 2002,[1] the July 2, 2002 "Report to Congress on the Historical Accounting of Individual Indian Money Accounts," and the "Historical Accounting Plan for Individual Indian Money Accounts" ("Historical Accounting Plan"), filed with the Court on January 6, 2003.

My review will encompass developments in the progress of the historical accounting project by the Office of Historical Trust Accounting ("OHTA"). In part, this review will

[1] And the Twelfth Quarterly Status Report due to be filed on February 3, 2003.

EXHIBIT 1
Defendants' 01-31-03
Motion for Leave to Supplement

enable me to update the status of that project since I last reported to the Court about it in the Fifth Report of the Court Monitor, filed on February 1, 2002.

In regard to this review, I have previously sought the production of documents from the Interior defendants about what is commonly referred to by defendants as the historical accounting of the Judgment and Per Capita IIM Accounts. As of this date, you have not fully responded to my requests and remain in default of those requests by failing to produce the documents or certify that the defendants have no further documents responsive to those requests, as I have directed you do.[2] This document request does not abrogate your responsibility to fulfill defendants' obligations to comply with the September 17, 2002 Memorandum and Order of the Court by producing all relevant documents subject to my letter requests of December 22, 2002, January 2, 2003, January 8, 2003, January 15, 2003 and January 16, 2003.

I identify the following documents to be produced to me by close of business February 7, 2003. Please certify in your response that you have either produced all responsive documents, refuse to produce documents and the reasons why, and that you have caused reasonable inquiry to be made pursuant to Rule 11 of the Federal Rules of Civil Procedure and no other documents could be found than those produced. Also, should you assert a claim of attorney-client privilege, deliberative process privilege, or work product doctrine over any of the subject documents, please have the Department of Interior officials, responsible for review of the documents for assertion of these claims, provide certifications in writing supporting these claims where required by statute or case law.

1. Any and all documents and correspondence between OHTA managers and staff and the firms of Chavarria, Dunne & Lamey LLC and Grant Thorton LLP regarding the accountings performed and being performed to date on the Judgment and Per Capita IIM Accounts as described in the January 6, 2003, Historical Accounting Plan at pages III-2 – III-4. These documents should include but not be limited to all transmittal letters of reports and draft reports, including copies of those reports, as well as those transmittal letters for CD&L's initial October 31, 2001 reconciliation report and June 7, 2002 update report, Grant Thornton's June 14, 2002 updated quality control review report ("QCR") and Grant Thornton's April 8, 2002 final report, produced by you and mentioned in Mr. Edwards' memorandum to Mr. Thomas Slonaker, dated July 16, 2002, also produced by you.

2. Any and all documents and correspondence between DOI and OHTA officials

[2] Your last letter response on January 17, 2003, to my letter requests, while claiming Attachments IV and V, documents subject to my requests, were protected by the attorney-client and deliberative process privileges and the work product doctrine, did not address my further requests for responsive documents nor did it certify there were no such documents within the Department of the Interior or elsewhere.

and the firms of Chavarria, Dunne & Lamey LLC and Grant Thorton LLP regarding the retention of their services and the terms of engagement for the reconciliation effort including formal contracts or letter agreements regarding the Judgment and Per Capita IIM Accounts and the quality control review of that reconciliation, including any changes to those contracts and/or agreements including the scope of work to be performed by these firms.

3. Any and all documents and correspondence between DOI and OHTA officials and the firms of Chavarria, Dunne & Lamey LLC and Grant Thorton LLP regarding the status of the reconciliation of the Judgment and Per Capita IIM Accounts and/or any documents and correspondence regarding issues concerning the completeness of the Judgment and Per Capita IIM Accounts and the accuracy of the information contained in those accounts on which the reconciliation was or will be based.

4. Any and all documents and correspondence between OHTA managers and staff and any other Bureau or division of the Department of the Interior regarding issues concerning the completeness of the Judgment and Per Capita IIM Accounts and the accuracy of the information contained in those accounts on which the reconciliation was or will be based.

5. Any and all documents and correspondence between OHTA managers and staff and any DOI officials, contractors, or consultants regarding "final decisions" made by DOI officials concerning the limitations placed on the historical accounting including:

    a) the final decision to reconcile only land-based IIM accounts greater than $5,000 as noted at page I-1 of the Historical Accounting Plan.
    b) the final decision to limit the historical accounting to transaction-by-transaction accounting of only Judgment and Per Capita IIM Accounts as noted at page I-1 of the Historical Accounting Plan.
    c) the final decision to limit the historical accounting to dates before 1938 as noted at page II-2 of the Historical Accounting Plan
    d) the final decision to conduct a statistical sampling of some IIM accounts as noted at page II-3 of the Historical Accounting Plan.
    e) the final decision not to conduct an historical accounting for closed accounts of deceased predecessors of current IIM account holders as noted a page II-3 of the Historical Accounting Plan.
    f) the final decision to accept as "presumptively valid" the probates of deceased IIM account holders' land ownership as noted as

page II-4 of the Historical Accounting Plan.

g) the final decision to not account for funds generated from trust lands that were paid directly to the Indian owner of the land without the funds coming into Interior's possession as noted at page II-4 of the Historical Accounting Plan.

h) the final decision regarding the statement that "Interior has concluded that relying solely on the transaction-by-transaction accounting approach is not warranted, and is confident that sampling is an effective technique to verify the accuracy and completeness of the land-based IIM account transaction histories" made at page III-7 of the Historical Accounting Plan.

For purposes of this request, "final decision" means only that, not the interim advice or recommendations made to the decision-maker, but the final decision taken by that decision-maker following any deliberative process on which that decision was based.

6. A copy of the "Accounting Standards Manual that OHTA issued on July 2, 2002 and noted in the Eleventh Quarterly Status Report at page 59.

7. Any and all final submissions on file at the Department of the Interior for the Eleventh Quarterly Report's sections IV. A through F and V. A through E. For this request, the definition of "final submissions" is those final drafts of the subject sections submitted under the responsible official's signature whose signature is designated as "on file" at the conclusion of each of the sections in the Eleventh Quarterly Status Report.

To the extent any request is vague or ambiguous in your estimation, please contact me for further explanation rather than waiting until your February 7, 2003 response to raise that issue. Any request for an extension of time should be accompanied by the declaration of the responsible Interior official regarding why that request is required.

Sincerely yours,

Joseph S. Kieffer, III.
Special Master – Monitor

cc: Dennis Gingold, Esq.
Keith Harper, Esq.
Elliot Levitas, Esq.

United States Department of Justice
Civil Division
Commercial Litigation Branch

Sandra P. Spooner
Deputy Director

P.O. Box 875, Ben Franklin Station
Washington, D.C. 20044-0875

Tel: (202) 514-7194
Fax: (202) 307-0494
Email:sandra.spooner@usdoj.gov

January 31, 2003

BY FACSIMILE

Joseph S. Kieffer, III
Special Master-Monitor
420 7th Street, N.W.
#705
Washington, D.C. 20004

Re: Cobell v. Norton

Dear Mr. Kieffer:

This replies to your letter of January 24, 2003, requesting documents. On January 23, 2003, Interior Defendants filed and served a Motion for a Protective Order against, among other things, all pending and future discovery by the Special Master-Monitor. That motion encompasses your January 24, 2003 request. Therefore, it would be inappropriate for us to respond to your request while this matter is pending before the Court.

Very truly yours,

Sandra P. Spooner

cc: Dennis Gingold, Esq.
Keith Harper, Esq.

EXHIBIT 2
Defendants' 01-31-03
Motion for Leave to Supplement

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	Civil Action
v.	)	No. 1:96 CV 01285 RCL
	)	
GALE NORTON, *et al.*,	)	
	)	
Defendants.	)	
	)	

PLAINTIFFS' EIGHTH REQUEST FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiffs requests that defendants identify and produce for inspection and copying at the offices of the Native American Rights Fund, 1712 N Street, NW, Washington, D.C. 20036, at the hour of 10:00 a.m. **on January 15, 2003**, the items – regardless of medium – specified in the attachment to this Request which are in their possession, under their control, or under the control of any of their attorneys, agents or representatives, whether or not are controlled, housed, stored or held in official systems. **This Request specifically requires YOU to produce ALL 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.**

EXHIBIT 3
Defendants' 01-31-03
Motion for Leave to Supplement

Pursuant to Rule 26(e)(2), you are under a continuing duty to supplemental your response to this discovery and your production of documents as relevant documents become available. *See Klonoski v. Mahlab*, 156 F.3d 255, 268 (1st Cir. 1998) (Rule 26(e) imposes a broad requirement on parties to update their earlier discovery responses); *see also Association of American Physicians and Surgeons, Inc. v. Clinton*, 837 F. Supp. 454 (D.D.C. 1993) (duty to supplement response promptly; responding party cannot dribble out documents).

December 16, 2002

Respectfully submitted,

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

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

MARK KESTER BROWN
D.C. Bar No. 470952

1275 Pennsylvania Avc., 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. All Documents. As used herein the terms "ALL DOCUMENTS," "DOCUMENTS" and "DOCUMENT" include a writing and recording (regardless of medium) 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.

This Request specifically requires YOU to produce ALL 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.

When requested to produce a DOCUMENT you are required to produce all VERSIONS thereof.

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. 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, directors, officers, employees, members and shareholders who have or claim to have authority to act on behalf of such entity.

D. 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.

E. 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.

F. 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-subsidiary 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.

G. 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 request or category any DOCUMENT that would otherwise not be brought within its scope.

H. 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 request or category any DOCUMENT that would otherwise not be brought within its scope.

I. Communication. As used herein, the term "COMMUNICATION" or "COMMUNICATIONS" means the transmittal of information,[1] 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.

J. 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.

K. File(s). As used herein, any request for "FILE(S)" requires you to produce all relevant filing folders, buckets, containers, *etc.*, and all DOCUMENTS contained therein in the order in which such DOCUMENTS are ordinarily maintained.

---

[1] gibberish 1

L. **Reference to Interrogatories and/or Requests for Admissions.** Whenever reference is made to an Interrogatory or Request for Admission, it shall refer to one contained in the Interrogatories 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. IIM TRUST – the Individual Indian Monies Trust.

L. 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.

DOCUMENTS TO BE PRODUCED

CATEGORY NO. 1: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1990's.

CATEGORY NO. 2: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1980's.

CATEGORY NO. 3: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1970's.

CATEGORY NO. 4: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1960's.

CATEGORY NO. 5: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1950's.

CATEGORY NO. 6: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1940's.

CATEGORY NO. 7: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1930's.

CATEGORY NO. 8: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1920's.

CATEGORY NO. 9: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1910's.

CATEGORY NO. 10: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1900's.

CATEGORY NO. 11: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the decade of the 1890's.

CATEGORY NO. 12: A copy, front and back, of all checks or other negotiable instruments that the United States government or any of its agents paid that constitute disbursements to individual IIM trust beneficiaries with respect to their trust property, which checks or other negotiable instruments were issued in the period 1887 to 1889.

CATEGORY NO. 13: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect a matter material to the management of the IIM Trust. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY or allotment.

CATEGORY NO. 14: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect a matter material to the preservation of all or any of the assets in the IIM Trust. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY or allotment.

CATEGORY NO. 15: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect a matter material to the reporting on the status or value of all or any of the assets in the IIM Trust. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY or allotment.

CATEGORY NO. 16: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect a matter material to the accounting for the rents, profits and proceeds of all or any of the assets in the IIM Trust. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY or allotment.

CATEGORY NO. 17: ALL VERSIONS OF DOCUMENTS that constitute a DOCUMENT that the Special Master ruled, in his May 19, 1999 *Opinion and Order* at page 8, that defendants

have a fiduciary obligation to disclose to plaintiffs in accordance with their management and administration of the IIM Trust.

CATEGORY NO. 18: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute one or more of the correspondence referenced at page 2 of the April 19, 2002 letter from Anthony Gamboa to Bert Edwards that is attached as an exhibit to *Plaintiffs' Consolidated Motion for Leave to Amend and Motion to Amend Plaintiffs' February 15, 2002 Summary Judgment Contempt Motion and a Contempt Finding Pursuant to Fed. R. Civ. P. 56(g) in Accordance with Newly Discovered Evidence: The April 19, 2002 Letter of GAO General Counsel Anthony Gamboa to OHTA Director Bert Edwards* (filed June 4, 2002), which documents are described as follows: "Under separate cover, we will provide you with copies of the written correspondence exchanged between GAO and Justice, Interior, and Treasury to which we refer in Enclosure II."

CATEGORY NO. 19: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION Interior's *Status Report to the Court Number Eleven*, including all drafts thereof and suggested changes thereto.

CATEGORY NO. 20: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the "agreement on a proposed reorganization plan with the Tribal Task Force." *See* 11th QR at 3.

CATEGORY NO. 21: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of "The proposal by the tribes contain[ing] language that was unacceptable to DOI." *See* 11th QR at 3.

CATEGORY NO. 22: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Significant progress to address trust management deficiencies was accomplished during this reporting period." *See* 11th QR at 4.

CATEGORY NO. 23: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the Indian Trust Business Plan. *See* 11th QR at 4.

CATEGORY NO. 24: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "[Ms. Erwin's] management skills are already making a difference in holding managers accountable for getting work done, and she is working to reorganize the Office of Special Trustee to make it more effective." *See* 11th QR at 5.

CATEGORY NO. 25: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the "As-Is" trust business model. *See* 11th QR at 6.

CATEGORY NO. 26: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the "To-Be" trust business model. *See* 11th QR at 6.

CATEGORY NO. 27: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Results from a broad systems certification process conducted in January - February 2002 indicated that approximately ninety-four percent (94%) of the DOI's IT systems did not house IITD." *See* 11th QR at 8.

CATEGORY NO. 28: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The relative security and integrity of DOI's computer systems is gradually improving." *See* 11th QR at 8.

CATEGORY NO. 29: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the August 26, 2002 Deputy Secretary memorandum "*Information Technology Investment Management.*" *(See* 11th QR at 9).

CATEGORY NO. 30: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of IT security program-level assessment guide. *See* 11th QR at 9.

CATEGORY NO. 31: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the draft Strategic Plan to Reach A-130, Appendix II compliance. *See* 11th QR at 9.

CATEGORY NO. 32: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the guidelines for preparing asset valuations, risk assessments, system security plans, contingency plans, and technical memoranda issued by DOI's CIO Security Officer as referenced at page 9 of the 11th QR.

CATEGORY NO. 33: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between SAIC, on the one hand, and defendants or their REPRESENTATIVES or any third party, on the other hand, with respect to the contract referenced at page 9 of the 11th QR.

CATEGORY NO. 34: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect one or more of the two security incidents/breaches referenced at page 9 of the 11th QR.

CATEGORY NO. 35: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect one or more security incident at the Department of Interior, including, but not limited to those reported through DOI's incident handling process. *See* 11th QR at 9.

CATEGORY NO. 36: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the July 16, 2002 guidelines entitled "*Hardening of Information Technology Systems.*" *See* 11th QR at 10.

CATEGORY NO. 37: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the Technical Reference Model. *See* 11th QR at 10.

CATEGORY NO. 38: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect Interior's IT Security and Capital Asset Planning activities. *See* 11th QR at 10.

CATEGORY NO. 39: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of Interior's August 2002 IT Security Awareness Brochure. *See* 11th QR at 10-11.

CATEGORY NO. 40: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of inventories and priority lists for DOI IT systems. *See* 11th QR at 11.

CATEGORY NO. 41: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the Interior Asset Valuation Guide. *See* 11th QR at 11.

CATEGORY NO. 42: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the draft IT asset valuation process. *See* 11th QR at 11.

CATEGORY NO. 43: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the July 15, 2002 report entitled "Optimizing the Indian Affairs Information Technology Infrastructure." *See* 11th QR at 11.

CATEGORY NO. 44: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect Interior's August 2002 "corrective action approach." *See* 11th QR at 11.

CATEGORY NO. 45: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect SAIC's work in connection with the NIST 800-26 Review and Mitigation. *See* 11th QR at 12.

CATEGORY NO. 46: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between SeNet International, on the one hand, and defendants or their REPRESENTATIVES or any third party, on the other hand, regarding or as a result of: the September 11, 2002 contract award. *See* 11th QR at 12.

CATEGORY NO. 47: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the September 23, 2002 document generated by defendant McCaleb outlining the security requirements for reconnecting to the Internet. *See* 11th QR at 12.

CATEGORY NO. 48: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between BearingPoint Inc., on the one hand, and defendants or their REPRESENTATIVES or any third party, on the other hand, regarding the systems boundary assessment. *See* 11th QR at 12.

CATEGORY NO. 49: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect Interior's Departmental Enterprise Architecture. *See* 11th QR at 15.

CATEGORY NO. 50: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the Trust Architecture Work Plan completed August 6, 2002. *See* 11th QR at 15.

CATEGORY NO. 51: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the August 20, 2002 draft architecture plans presented to the Associate Deputy Secretary. *See* 11th QR at 15.

CATEGORY NO. 52: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the "general evaluation of [IT] systems." *See* 11th QR at 17.

CATEGORY NO. 53: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a "request for assistance in locating these missing records has been sent to the Office of Historical Trust Accounting." *See* 11th QR at 19.

CATEGORY NO. 54: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute one or more of the "general inventories of cadastral survey needs on Indian lands." *See* 11th QR at 19.

CATEGORY NO. 55: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the training course "Land Tenure in Indian Country." *See* 11th QR at 19., including without limitation all course materials and syllabi.

CATEGORY NO. 56: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the BIA/BLM general inventory of 2001. *See* 11th QR at 20.

CATEGORY NO. 57: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the "OHTA Cadastral Survey Pilot on acreage errors and location errors." *See* 11th QR at 20.

CATEGORY NO. 58: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute "plans for replacing BLM's depleted workforce of land surveyors." *See* 11th QR at 21.

CATEGORY NO. 59: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the Department of the Interior Indian Trust Lands Boundary Standards. *See* 11th QR at 21.

CATEGORY NO. 60: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the delay in conducting a nationwide BLM/BIA inventory of survey needs. *See* 11th QR at 22.

CATEGORY NO. 61: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "MRM's Indian mineral revenue backlogs arising from the system shutdown have now been eliminated and MRM is processing current revenues on a routine cycle." *See* 11th QR at 23.

CATEGORY NO. 62: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "continued recovery efforts associated with the system shutdown of December 2001." *See* 11th QR at 23.

CATEGORY NO. 63: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "comprehensive process that provides managers with a framework for making staffing decisions." *See* 11th QR at 25.

CATEGORY NO. 64: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "assess[ment of] trust management operations as managed in the Bureau of Indian Affairs." *See* 11th QR at 25.

CATEGORY NO. 65: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute an individual development plan. *See* 11th QR at 26.

CATEGORY NO. 66: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that : "Each of the managers responsible for trust projects or related trust activity within DOI was asked to submit his or her report of activity during the past three months." *(See* 11th QR at 29), including without limitation all VERSIONS of such reports of activities.

CATEGORY NO. 67: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute information "provided to Congress at a hearing in June 2002." *See* 11th QR at 30.

CATEGORY NO. 68: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "unclaimed property act" proposal (*See* 11th QR at 32.), including without limitation all VERSIONS of such proposal.

CATEGORY NO. 69: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "self-managed trust" proposal *(See* 11th QR at 32.), including without limitation all VERSIONS of such proposal.

CATEGORY NO. 70: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "partitioning" proposal *(See* 11th QR at 32.), including without limitation all VERSIONS of such proposal.

CATEGORY NO. 71: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Plans are being formalized to hold a session for the self-governance tribes (compacting/contracting tribes) to gather best practices as well as document any variances." *(See* 11th QR at 35-36.), including without limitation all VERSIONS of any such plans.

CATEGORY NO. 72: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Each member of the team was responsible for getting input from their respective agency managers and staff." *(See* 11th QR at 37.), including without limitation all VERSIONS of any such input and all COMMUNICATIONS with respect thereto.

CATEGORY NO. 73: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "development of standardized trust business processes." (*See* 11th QR at 38.), including without limitation all VERSIONS of any such trust business processes.

CATEGORY NO. 74: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 75: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the period January 1, 2000 to the present. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 76: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the period January 1, 1998 through December 31, 1999. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 77: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the

period January 1, 1996 through December 31, 1997. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 78: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the period January 1, 1994 through December 31, 1995. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 79: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the period January 1, 1992 through December 31, 1993. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 80: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the period January 1, 1990 through December 31, 1991. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 81: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1980's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 82: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1970's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 83: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1960's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 84: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the

decade of the 1950's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 85: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1940's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 86: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1930's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 87: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1920's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 88: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the current probate staffing, caseload and/or any backlog with respect thereto at any point during the decade of the 1910's. *See* 11th QR at 39. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 89: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect proceeds of IIM TRUST property that have been held undistributed – at any time during the existence of the IIM TRUST – pending final adjudication of probate proceeding, including without limitation the ultimate distribution of such proceeds. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 90: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the revision of the "draft probate handbook" *(See* 11th QR at 39), including without limitation all approved or proposed "replacement pages."

CATEGORY NO. 91: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "trust business process 'To-Be' modeling workshop...held September 3-6, 2002, in Albuquerque, NM" (*see* 11th QR at 40), including without limitation all course materials and syllabi, and ALL

VERSIONS OF DOCUMENTS, electronic and otherwise, that discuss, concern, reflect or constitute the "record of the workshop proceedings" created by a contractor who "facilitated the workshop using mobile workstations and collaboration software to foster an open dialog and record the workshop proceedings," and all VERSIONS of the "[m]ore than one thousand comments [that] were entered into the collaboration software." *Id.*

CATEGORY NO. 92: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the "'straw man' of the 'To-Be' trust business model." *See* 11th QR at 410.

CATEGORY NO. 93: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the "CLS Beta test conducted at the end of May," as well as any subsequent CLS alpha or beta tests. *See* 11th QR at 41.

CATEGORY NO. 94: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the "operating flaws that were disclosed by the CLS Beta test conducted at the end of May." *See* 11th QR at 41.

CATEGORY NO. 95: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the "August 1, 2002, test results." *See* 11th QR at 41.

CATEGORY NO. 96: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that Number of Cases Processed and Decided – July through September 2002. During this reporting period, BIA and OHA deciding officials received 728 cases and issued decisions in 941 cases." *See* 11th QR at 41.

CATEGORY NO. 97: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Tenth Status Report.

CATEGORY NO. 98: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Ninth Status Report.

CATEGORY NO. 99: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Eighth Status Report.

CATEGORY NO. 100: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Seventh Status Report.

CATEGORY NO. 101: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Sixth Status Report.

CATEGORY NO. 102: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Fifth Status Report.

CATEGORY NO. 103: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Fourth Status Report.

CATEGORY NO. 104: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Third Status Report.

CATEGORY NO. 105: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the Second Status Report.

CATEGORY NO. 106: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases processed and decided for the period covered by the First Status Report.

CATEGORY NO. 107: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The Office of Trust Funds Management (OTFM) distributed and closed 992 estate accounts representing 961 estates." *See* 11th QR at 41.

CATEGORY NO. 108: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Tenth Status Report.

CATEGORY NO. 109: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Ninth Status Report.

CATEGORY NO. 110: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Eighth Status Report.

CATEGORY NO. 111: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Seventh Status Report.

CATEGORY NO. 112: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Sixth Status Report.

CATEGORY NO. 113: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Fifth Status Report.

CATEGORY NO. 114: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Fourth Status Report.

CATEGORY NO. 115: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Third Status Report.

CATEGORY NO. 116: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the Second Status Report.

CATEGORY NO. 117: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the number of cases distributed and closed for the period covered by the First Status Report.

CATEGORY NO. 118: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "These [probate] numbers are the best information available and are subject to verification." *See* 11th QR at 42.

CATEGORY NO. 119: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "An accurate statement of the probate workload cannot be made until a reconciliation is made with the CLS database noted above. There could be significant changes in the figures based on the on-site hand count verification entered into the CLS database." *See* 11th QR at 42.

CATEGORY NO. 120: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the "list of Critical Data Elements (CDEs)." *See* 11th QR at 47.

CATEGORY NO. 121: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the definition of Critical Data Elements and how such definition was arrived at.

CATEGORY NO. 122: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect what elements were included in or excluded from the list of Critical Data Elements.

CATEGORY NO. 123: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between DATACOM, on the one hand, and defendants or their REPRESENTATIVES or any third party, on the other hand, with respect to the DATA CLEANUP project, including without limitation all contract documents.

CATEGORY NO. 124: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between DATACOM, on the one hand, and defendants or their REPRESENTATIVES, on the other hand, with respect to the DATA CLEANUP project.

CATEGORY NO. 125: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect defendants' failure or delay in achieving DATA CLEANUP. With respect to this Category only, defendants are not required to produce DOCUMENTS that pertain exclusively to only one IIM TRUST BENEFICIARY, decedent, heir, or allotment.

CATEGORY NO. 126: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a quantification of the amount of data cleaned up or not cleaned up.

CATEGORY NO. 127: ALL VERSIONS OF DOCUMENTS that discuss or constitute a metric or metrics in the context of DATA CLEANUP.

CATEGORY NO. 128: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect defendants' failure or delay in achieving data conversion.

CATEGORY NO. 129: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect defendants' data warehousing efforts. *See* 11th QR at 48.

CATEGORY NO. 130: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Title Examination (Chain Sheet Preparation)." *See* 11th QR at 48.

CATEGORY NO. 131: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Chain Sheet Review." *See* 11th QR at 48.

CATEGORY NO. 132: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Reviewing and Acquiring Legal Land Documents." *See* 11th QR at 48.

CATEGORY NO. 133: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Preparing Documents for Encoding in the LRIS." *See* 11th QR at 48.

CATEGORY NO. 134: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Multiple Owner Identification (MOID) Tasks." *See* 11th QR at 48.

CATEGORY NO. 135: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Document (land title/encumbrance to land title) Processing Tasks." *See* 11th QR at 48.

CATEGORY NO. 136: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Non-Enrolled Identification Number Tasks." *See* 11th QR at 48.

CATEGORY NO. 137: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Current Document Type Modifier Tasks." *See* 11th QR at 48.

CATEGORY NO. 138: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Document Chaining Tasks at the Flathead Agency." *See* 11th QR at 48.

CATEGORY NO. 139: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Realty/Title Land Tract Match Tasks." *See* 11th QR at 48.

CATEGORY NO. 140: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Track M990 Title Ownership Chaining Task at the Fort Peck Agency." *See* 11th QR at 48.

CATEGORY NO. 141: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . REM/Land Ownership ID/TFAS Account Comparison Match Task." *See* 11th QR at 49.

CATEGORY NO. 142: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Document Recording and Microfilm Task at the Eastern Region." *See* 11th QR at 49.

CATEGORY NO. 143: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . Drafting and Encoding Administrative Probate Modification Tasks." *See* 11th QR at 49.

CATEGORY NO. 144: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that the "contractor's data cleanup efforts and accomplishments were in . . . LRIS Death Notification Encoding Task at the Southwest Region." *See* 11th QR at 49.

CATEGORY NO. 145: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a DOCUMENT that defendants have gathered from a third party as part of the THIRD PARTY DOCUMENT COLLECTION PROJECT, including from TRIBES. *See* Eighth Quarterly Report at 31.

CATEGORY NO. 146: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between any third party that is a subject or a potential subject of the THIRD PARTY DOCUMENT COLLECTION PROJECT, including from TRIBES, on the one hand, and defendants or their REPRESENTATIVES, on the other hand.

CATEGORY NO. 147: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the THIRD PARTY DOCUMENT COLLECTION PROJECT, or any aspect thereof.

CATEGORY NO. 148: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between any trade group, on the one hand, and defendants or their REPRESENTATIVES, on the other hand with respect to the THIRD PARTY DOCUMENT COLLECTION PROJECT.

CATEGORY NO. 149: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between any third party that is a subject or a potential subject of the THIRD PARTY DOCUMENT COLLECTION PROJECT, on the one hand, and defendants or their REPRESENTATIVES, on the other hand, with respect to the subject of the destruction or preservation of third party documents and in particular that third parties refrain from destroying their records.

CATEGORY NO. 150: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect any decision as to what categories of third parties defendants would or would not contact as part of the THIRD PARTY DOCUMENT COLLECTION PROJECT, including without limitation DOCUMENTS relating to the December 8, 2001 OHTA determination. *See* Eighth Quarterly Report at 34.

CATEGORY NO. 151: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "On July 9, 2002, OHTA's Executive Director and Deputy Director provided a briefing for Staff of the Senate Interior Appropriations Subcommittee." *See* 11th QR at 50.

CATEGORY NO. 152: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "On August 1, 2002, another briefing was provided to a Staff member of the House Appropriations Committee by OHTA's Executive Director and Deputy Director." *See* 11th QR at 50.

CATEGORY NO. 153: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "OHTA provided additional briefings to personnel of the Office of Management and Budget and to senior DOI personnel regarding various aspects of the Report." *See* 11th QR at 50.

CATEGORY NO. 154: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the *Report to Congress on the Historical Accounting of Individual Indian Money Accounts*. *See* 11th QR at 50.

CATEGORY NO. 155: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the purported efforts of Chavarria, Dunne & Lamey ("CDL") "to reconcile a number of judgment and per capita IIM accounts." *See* 11th QR at 51.

CATEGORY NO. 156: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the October 31, 2001 CDL Report. *See* 11th QR at 52, 53.

CATEGORY NO. 157: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the June 7, 2002 CDL Report Update. *See* 11th QR at 52, 53.

CATEGORY NO. 158: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the July 31, 2002 CDL Report Update. *See* 11th QR at 52, 53.

CATEGORY NO. 159: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the August 30, 2002 CDL Report Update. *See* 11th QR at 52, 53.

CATEGORY NO. 160: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the August 31, 2002 CDL Report Update. *See* 11th QR at 52, 53.

CATEGORY NO. 161: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the October 2, 2002 CDL Report Update. *See* 11th QR at 52, 53.

CATEGORY NO. 162: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of any and all subsequent CDL Reports. *See* 11th QR at 52.

CATEGORY NO. 163: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between Grant Thornton or any of its REPRESENTATIVES, on the one hand, and defendants or their REPRESENTATIVES, on the other hand, with respect to OHTA or any of its endeavors. *See* 11th QR at 53.

CATEGORY NO. 164: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute any "reconciliation procedures" created for any trust accounts. *See* 11th QR at 54.

CATEGORY NO. 165: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the work allegedly completed by CDL on August 31, 2002. *See* 11th QR at 54.

CATEGORY NO. 166: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the work of Deloitte & Touche LLP ("D&T") in "conducting a historical accounting for the 37 IIM land-based accounts in the Easter Region." *See* 11th QR at 54.

CATEGORY NO. 167: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a D&T's "additional analysis of the IRMS and TFAS data to determine the source of funds for all Eastern Region IIM land-based IIM accounts." *See* 11th QR at 55.

CATEGORY NO. 168: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect to "accounting or the new TFAS accounts [] in the Southwest Region" allegedly performed or to be performed by Ernst & Young LLP ("E&Y"). *See* 11th QR at 55.

CATEGORY NO. 169: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "This plan was reviewed and approved by Grant Thornton." *See* 11th QR at 55.

CATEGORY NO. 170: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The first facet of this project has been completed and interim reports of findings have been provided to each Land Title Records Office and an overall report finalized for OHTA." *See* 11th QR at 56.

CATEGORY NO. 171: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the second facet of the Land Title Project: "completeness of the ownership data (i.e., whether all individual owners are recorded in LRIS)." *See* 11th QR at 56.

CATEGORY NO. 172: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "In June 2002, Gustavson Associates (Gustavson) completed a pilot study to search and identify oil and gas records on allotted lands and submitted a report with its findings. . . . Gustavson briefed DOI and Justice staff on its findings on July 23, 2002." *(See* 11th QR at 58.), including without limitation all VERSIONS of such pilot study.

CATEGORY NO. 173: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the *Accounting Standards Manual. See* 11th QR at 59.

CATEGORY NO. 174: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "OST has received positive feedback as a result of these efforts." *See* 11th QR at 62.

CATEGORY NO. 175: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "OCC is scheduled to begin working with OST during the next reporting period to help establish a grading system to evaluate the error rate, compliance with established trust standards, and corrective measures at each location providing trust services." *See* 11th QR at 62.

CATEGORY NO. 176: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "OCC is scheduled to begin working with OST during the next reporting period to help establish a grading system to evaluate the error rate, compliance with established trust standards, and corrective measures at each location providing trust services." *See* 11th QR at 62.

CATEGORY NO. 177: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The Department is making great strides in improving information security." *See* 11th QR at 63.

CATEGORY NO. 178: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Numerous deficiencies existed in the data because of inconsistent application of any 'standard' method of data input, account/data review, or standardized use of system codes." *See* 11th QR at 64.

CATEGORY NO. 179: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The Solicitor has recommended restricting the accounting lacking mandatory documents, because the address must be verified to ensure the proper beneficiary is receiving trust assets." *See* 11th QR at 65.

CATEGORY NO. 180: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "OST is exploring ways in which it can store additional information in TFAS to provide performance statements to account holders which will identify the source of income and a listing of all assets owned." *See* 11th QR at 65.

CATEGORY NO. 181: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the ownership research conducted by CDL during the week of July 8, 2002. *See* 11th QR at 66.

CATEGORY NO. 182: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the ownership research conducted by BIA during the week of July 22, 2002. *See* 11th QR at 66.

CATEGORY NO. 183: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the *Draft Recommended Prospective Action for the SDA Document Preparation and Encoding (Draft)*. *See* 11th QR at 67.

CATEGORY NO. 184: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect "monthly status meeting with the BIA, Office of Trust Risk Management and the contractor as part of coordinating efforts to resolve SDA issues." *See* 11th QR at 67.

CATEGORY NO. 185: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation concerning the $780,000 reduction in reported fund balance discrepancies. *See* 11th QR at 68.

CATEGORY NO. 186: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "The Acting Director initiated an assessment of the ongoing activities of OTR an downward adjustment draft OTR work plan was developed." *See* 11th QR at 70.

CATEGORY NO. 187: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute proposed records retention schedules. *See* 11th QR at 70.

CATEGORY NO. 188: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the course "Trust Foundations: An Introduction to Trust Reform and Change."(*See* 11th QR at 74.), including without limitation all course materials and syllabi.

CATEGORY NO. 189: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect audits of any individual Indian trust assets since 1995, including but not limited to audits performed pursuant to a compacting or contracting function. *See* 11th QR at 78.

CATEGORY NO. 190: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of "reports" completed by OTRM staff. *See* 11th QR at 79.

CATEGORY NO. 191: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "In his report for July-September the Regional Appraiser report that, 'after 7 years [the backlog] is under control.'" *See* 11th QR at 83.

CATEGORY NO. 192: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "'the team cleaned up about 250 backlogged appraisal requests that had been identified by the Agency to be high in priority.' Appraisal reports were completed for 152; the remaining 98 requests were canceled." *See* 11th QR at 83.

CATEGORY NO. 193: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Develop draft Standard Operating Procedures (SOP) for the distribution of estates affected by the Youpee decision." *See* 11th QR at 86.

CATEGORY NO. 194: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Collaborate with the Rosebud Sioux Tribe to develop a cooperative agreement to define the Tribe's role in the consolidation project." *See* 11th QR at 86.

CATEGORY NO. 195: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Collaborated with the Tribal Land Enterprise Board of Directors to identify 42 targeted tracts and continue the review of an additional 58 tracts. The goal is to purchase the individual interests and obtain 100% tribal interest. These tracts may provide future economic development opportunities for the Tribe." *See* 11th QR at 86.

CATEGORY NO. 196: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Implement a database to track 4,000+ applications of individual who wish to sell their interests." *See* 11th QR at 87.

CATEGORY NO. 197: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Develop SOP for the ILCP draft manual and reconcile agency records for the tracts targeted for purchase." *See* 11th QR at 87.

CATEGORY NO. 198: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Develop SOP for the landowner interest inventory. The inventory will become part of the tracking database for this project." *See* 11th QR at 87.

CATEGORY NO. 199: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Reconcile land interest inventory between agency records and the certified Title Status Reports (TSRs)." *See* 11th QR at 87.

CATEGORY NO. 200: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Complete reconciliation of 15 targeted tracts." *See* 11th QR at 87.

CATEGORY NO. 201: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Identify 250 additional owners/estates in the 15 targeted tracts as a result of Youpee re-distribution." *See* 11th QR at 87.

CATEGORY NO. 202: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Reconcile additional tracts to determine if the identified owners have other interests in order to make offers to purchase their other interests in lands located on the Rosebud Reservation." *See* 11th QR at 87.

CATEGORY NO. 203: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Coordinate with the Office of Trust Funds Management (OTFM) to create a process to timely disburse the sale proceeds." *See* 11th QR at 87.

CATEGORY NO. 204: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or support YOUR allegation that "Request and receive a Reservation-wide Mineral Appraisal from the Bureau of Land Management." *See* 11th QR at 87.

CATEGORY NO. 205: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a VERSION of the study completed by Booz Allen Hamilton in April 2002. *See* 11th QR at 87.

CATEGORY NO. 206: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute one or more of the proposed revisions of 25 C.F.R. 2 – Appeals from Administrative Actions. *See* 11th QR at 91.

CATEGORY NO. 207: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute the Financial Conflicts of Interest proposal. *See* 11th QR at 93-94.

CATEGORY NO. 208: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect the Affidavit of Richard P. Ebbert filed with this Court on or about January 5, 2001 (the "Ebbert Affidavit").

CATEGORY NO. 209: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect why the $10,075 refund referenced in the Ebbert Affidavit, which refund was authorized in September 2001, has not been paid.

CATEGORY NO. 210: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect geothermal lease number 52964 that is the subject of the Ebbert Affidavit.

CATEGORY NO. 211: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION from, or a document generated by, BLM or MMS personnel with respect to any matter referenced in the Ebbert Affidavit, including without limitation COMMUNICATIONS from, or documents generated by Mary Mitchell, Mary Smith, Barbara Lambert, Corinne Billingsley (including witness statements from any such individuals).

CATEGORY NO. 212: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect whether refunds are being processed, and if so the timeliness of such refunds, in the Denver, Colorado office of the Minerals Management Service.

CATEGORY NO. 213: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect whether or not payments by check can be made manually from the Denver, Colorado office of the Minerals Management Service.

CATEGORY NO. 214: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between any member or members of Congress or their REPRESENTATIVES, on the one hand, and defendants or their REPRESENTATIVES, on the other hand, with respect to one or more of the subject matters referenced in any of the Categories of this Request for Production of Documents.

CATEGORY NO. 215: ALL VERSIONS OF DOCUMENTS that discuss, concern, reflect or constitute a COMMUNICATION between YOU or any of your REPRESENTATIVES, on the one hand, and any of the individuals who are the subject of any motion for order to show cause presently before the Special Master or who have made an appearance with respect to such proceeding or their REPRESENTATIVES or counsel, on the other hand, that discusses, concerns or relates to that proceeding or any aspect thereof.

CATEGORY NO. 216: ALL VERSIONS OF DOCUMENTS that discuss, concern or reflect compensation paid to personal counsel for individuals who are, or have been, the subject of any motion for order to show cause in this litigation.

CATEGORY NO. 217: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 48 of *Plaintiffs' Fourth Set of Interrogatories.*

CATEGORY NO. 218: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 49 of *Plaintiffs' Fourth Set of Interrogatories*.

CATEGORY NO. 219: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 28 of Plaintiffs' Fourth Set of Interrogatories.

CATEGORY NO. 220: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 29 of Plaintiffs' Fourth Set of Interrogatories.

CATEGORY NO. 221: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 30 of Plaintiffs' Fourth Set of Interrogatories.

CATEGORY NO. 222: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 31 of Plaintiffs' Fourth Set of Interrogatories.

CATEGORY NO. 223: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 32 of Plaintiffs' Fourth Set of Interrogatories.

CATEGORY NO. 224: ALL VERSIONS OF DOCUMENTS the IDENTITY of which is called for in Interrogatory No. 33 of Plaintiffs' Fourth Set of Interrogatories.

December 16, 2002

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

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ***Plaintiffs' Eighth Request for Production of Documents*** 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

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on January 31, 2003 I served the foregoing *Interior Defendants' Motion for Leave to Supplement Their Motion and Supplement to Motion for a Protective Order as to Discovery by the Special Master-Monitor and as to the Rule Announced by the Special Master-Monitor Concerning Deposition Questioning* by facsimile in accordance with their written request of October 31, 2001.

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

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

By U.S. Mail upon:

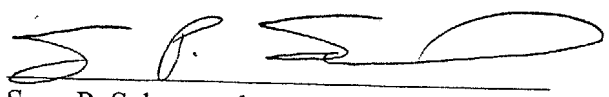
Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

By facsimile and U.S. Mail upon:

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

By Hand upon:

Joseph S. Kieffer, III
Special Master Monitor
420 7th Street, N.W.
Apartment 705
Washington, D.C. 20004
(202) 478-1958



Sean P. Schmergel