

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HOOPA VALLEY TRIBE, on its own behalf, and in )  
its capacity as *parens patriae* on behalf of its members; )  
Elton Baldy; Oscar Billings; Benjamin Branham, Jr.; )  
Lila Carpenter; William F. Carpenter, Jr.; Margaret )  
Mattz Dickson; Freedom Jackson; William J. )  
Jarnaghan, Sr.; Joseph LeMieux; Clifford Lyle )  
Marshall; Leonard Masten, Jr.; Danielle Vigil-Masten )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
UNITED STATES OF AMERICA, )  
) )  
Defendant. )

Case No. 08-72 L

Judge Lawrence S. Margolis

**DECLARATION OF  
THOMAS P. SCHLOSSER  
REGARDING APPENDIX**

Thomas P. Schlosser being first duly sworn upon oath deposes and states as follows:

1. I am the attorney of record for Plaintiffs in this action. I have personal knowledge of the matters set forth below and, if called as a witness, could testify competently to them.
2. I was responsible for compiling the Appendix to the Hoopa Valley Tribe and individual Hoopa tribal members' motion for partial summary judgment, which is filed concurrently herewith. Included as exhibits in the Appendix to the Hoopa motion and memorandum are a collection of public documents including Exhibits 1, 2, 3, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38 and 39. These documents are true and complete copies of letters, memoranda, opinions, papers and resolutions which I received from the United States Department of the Interior. However, the original date of Exhibit 23 is illegible. Exhibit 26 was jointly prepared by the Hoopa Valley Tribe and the Yurok Tribe councils. Exhibit 33 is a copy of a petition I submitted to the Interior Board of Indian Appeals. The remaining exhibits in the Appendix are copies of published government records, reports, notices or filings.

3. Attached as Exhibit 40 to the Appendix to the Hoopa motion and memorandum is a copy of a check in the amount of \$15,652.89, the original of which was made out to a member of the Yurok Tribe and dated January 15, 2008. On the basis of my inquiries and review of published reports in the local press, it is my belief that each member of the Yurok Tribe enrolled as of December 5, 2007, was issued a check or equivalent payment in the same amount. In 2007, the Yurok Tribe voted to distribute 90% of the Settlement Fund proceeds in per capita payments. The exact number of Yurok tribal enrollees as of the qualification date is unknown to plaintiffs but was reported by the press to be 5200. If each of 5200 Yurok tribal members received the amount shown on Exhibit 40, the total per capita distribution would be \$81,395,028, which is approximately 90% of the amount noted in Mr. Swimmer's letter of March 1, 2007. App. 372. The total number of Hoopa Valley Tribe members enrolled as of December 5, 2007 was 2213.

I testify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 2nd day of April, 2008, in Seattle, Washington.

s/ Thomas P. Schlosser  
Thomas P. Schlosser

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2008, a copy of, Declaration of Thomas P. Schlosser Regarding Appendix, was electronically sent via the CM/ECF system by the United States Court of Federal Claims on the following party:

Devon Lehman McCune  
Email: [devon.mccune@usdoj.gov](mailto:devon.mccune@usdoj.gov)

s/ Thomas P. Schlosser  
Thomas P. Schlosser, Attorney of Record  
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