

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TUNICA-BILOXI TRIBE OF
LOUISIANA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendants.

Civil Action No. 02-2413 (RBW)

THIRD AMENDED ORDER¹

_____ In accordance with the Court's Amended Memorandum Opinion issued on
January 22, 2004, it is hereby

ORDERED that the Defendants' Motion to Dismiss [#13] is granted in part
and denied in part as follows:

ORDERED that plaintiffs' claims in their First and Second Claims for
Relief regarding fiscal years prior to 1995 and after fiscal year 2001 are dismissed. It is
further

ORDERED that plaintiffs' claims that the Secretary breached the implied
covenant of good faith and fair dealing contains in the First and Second Claims for relief
are dismissed. It is further

ORDERED that the defendants' request for dismissal of plaintiffs'
remaining claims in their First and Second Claims for Relief is denied at this time
without prejudice. It is further

¹All of the Court's orders are directed to plaintiffs' Second Amended Class Action Complaint.

ORDERED that the plaintiffs' Third Claim for Relief, which alleged that the Secretary breached his duty of trust is dismissed. It is further

ORDERED that the defendants' request for dismissal of defendants Charles W. Grim, Earl E. Devaney, and Timothy Vigotsky is granted. It is further

ORDERED that the defendants' request for dismissal of the United States as a named defendant is denied. It is further

ORDERED that plaintiffs' motion for oral argument regarding defendants' motion to dismiss [#32] is denied.

SO ORDERED on this 2nd day of March, 2004.

REGGIE B. WALTON
United States District Judge