

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)

SECOND AMENDED ORDER¹

_____ In accordance with the Court's Memorandum Opinion issued contemporaneously with this Order, 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 1993 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

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

without prejudice.² It is further

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 19th day of February, 2004.

REGGIE B. WALTON
United States District Judge

²The Court will issue a scheduling order regarding the briefing schedule for the issues on which rulings have been reserved at the status conference to be held on December 10, 2003.