

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**RAMAH NAVAJO CHAPTER,  
OGLALA SIOUX TRIBE, and PUEBLO  
OF ZUNI**, for themselves and on behalf  
of a class of persons similarly situated,

Plaintiffs,

vs.

No. CIV 90-0957 LH/KBM **ACE**

**DIRK A. KEMPTHORNE**, Secretary of the  
Interior, in his official capacity, et al.

**[PROPOSED] RELEASE  
APPENDIX D**

In consideration of the mutual agreements and undertakings set out in the parties' Third Settlement Agreement (PSA III) of \_\_\_\_\_ (Docket No. \_\_\_\_), the Class as defined in Section II.C.1 of PSA III, including each of the named Plaintiffs and each individual member of the Class, hereby release and discharge the Defendants as defined in Section II.C.2 of PSA III, from all Settled Claims as defined in Section VI.A of PSA III.

Notwithstanding anything to the contrary herein, the Defendants are obligated to, and not released from, their promises set forth in Section III, IV of the PSA III or any other additional obligations as are prescribed in the PSA III. Such duties, promises and liabilities are not merged and survive the making of the release hereunder and the execution and delivery of the PSA III.

**COUNSEL FOR PLAINTIFFS AND THE CLASS**

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Michael P. Gross

Class Counsel

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C. Bryant Rogers  
Co-Class Counsel

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Lloyd B. Miller  
Co-Class Counsel for the  
Direct Contract Support Cost Claim