

**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,**

APPENDIX E

Plaintiffs,

vs.

No. CIV 90-0957 LH/KBM ACE

**DIRK KEMPTHORNE, Secretary of the
Interior, et al.,**

Defendants.

**ORDER APPROVING MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED THIRD PARTIAL SETTLEMENT AGREEMENT**

THIS MATTER comes before the Court on the parties' joint motion for preliminary approval of the parties' Third Partial Settlement Agreement settling all claims for equitable relief and for an order directing that notice be sent to the Class under Rule 23 FRCP. After considering the Motion, conducting a hearing on the motion on _____ 2008, and reviewing all attachments and being fully apprised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Parties' Joint Motion for Preliminary Approval of Third Partial Settlement Agreement and for an Order That Notice Be Sent to the Class **IS GRANTED**.

2. The evidentiary hearing to consider final approval of the Third Partial Settlement Agreement will be conducted on _____ 2008, at _____ o'clock at the United States Courthouse and Federal Building, 5th and Gold Avenue, NE, Albuquerque,

New Mexico before the Honorable C. LeRoy Hansen, Senior United States District Judge.

3. Class Counsel are directed to send notice to the Class of this preliminary approval and the essential terms and conditions of the Third Partial Settlement Agreement substantially in the form attached to the Third Partial Settlement Agreement as Appendix F. The notice to the Class will be published and sent to class members by the means and in the manner set forth in the Third Partial Settlement Agreement.

4. Class Counsel may file an application for fees and expenses for obtaining this settlement no later than the date on which notice is sent to the Class.

5. Following the evidentiary hearing the Court will either approve or disapprove the Third Partial Settlement Agreement and Class Counsel's application for fees and expenses.

IT IS SO ORDERED THIS ____ DAY OF _____ 2008.

United States District Judge