

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PUEBLO OF ZUNI, on behalf of itself
and all others similarly situated,

Plaintiff,

v.

Case No. CV 01-1046 WJ/WPL

UNITED STATES OF AMERICA; et al.,

Defendants.

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION
AND FOR APPROVAL OF CLASS NOTICE

Pursuant to Federal Rule of Civil Procedure 23(b)(3), Plaintiff Pueblo of Zuni respectfully
moves the Court for certification of the following class:

All Indian Tribes and Tribal organizations that have contracted with the Indian Health Service under the Indian Self-Determination Act, 25 U.S.C. §§ 450 - 458aaa-18, at any time from fiscal year 1993 to the present (including FY 2005).

Class certification is sought with respect to the following four claims:

1. Claims under the ISDA for statutory or contractual damages relating to contracts in effect at any time during fiscal year 1995 to the present and arising out of the Defendants' common course of conduct of denying full funding of contract support cost requirements associated with "new or expanded" contracts.
2. Claims under the ISDA for statutory or contractual damages relating to contracts in effect at any time during fiscal year 1995 to the present and arising out of the Defendants' common course of conduct of denying full funding of contract support cost requirements associated with "ongoing" contracts.
3. Claims under the ISDA for statutory or contractual damages relating to contracts in effect at any time during fiscal year 1995 to the present and arising out of Defendants' common course of conduct of denying full funding of contract support

costs by use of a methodology for determining indirect administrative contract support costs that undercalculates those costs.

4. Claims falling substantively within either Claims 1, 2 and/or 3, but relating to contracts in effect for fiscal years 1993 or 1994.

In support of this Motion the Court is respectfully referred to the accompanying Memorandum in Support of Class Certification and for Approval of Class Notice, and exhibits attached thereto.

Undersigned counsel has conferred with opposing counsel regarding this Motion and is authorized to state that the Defendants oppose the Motion.

Respectfully submitted this 5th day of June 2006.

Attorneys for Plaintiff

SONOSKY, CHAMBERS, SACHSE,
ENDRESON & MIELKE, LLP

/s/ Lloyd B. Miller

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I sent by electronic mail, or caused to be sent by electronic mail, a true and correct copy of the **PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND FOR APPROVAL OF CLASS NOTICE** with proposed **ORDER**, to the following attorneys of record (or their co-counsel) this 5th day of June, 2006:

Rachel J. Hines, Esq.
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/s/ Lindy O. Bockhorst

By: _____
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