

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

OCT 16 2002

CLERK

CASIMIR LEBEAU and VERNON	*	
ASHLEY,	*	CIV 99-4106
	*	
Plaintiffs,	*	
	*	
-vs-	*	JUDGMENT
	*	
UNITED STATES OF AMERICA,	*	
	*	
Defendant.	*	
	*	

In accordance with the Memorandum Opinion and Order, Doc. 85, filed with the Clerk on September 25, 2001, and the Memorandum Opinion and Order, Doc. 122, filed with the Clerk on July 29, 2002 and with the Order filed this date with the Clerk,

IT IS ORDERED, ADJUDGED and DECREED that judgment is entered in favor of the defendant United States of America and the intervenors-defendants, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Tribe and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes, and against plaintiffs on plaintiffs' claim that the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 ("the 1998 Act"), Pub. L. No. 105-387, 112 Stat. 3471 (codified at 25 U.S.C. § 1300d-21 *et seq.*) violated plaintiffs' Fifth Amendment rights.

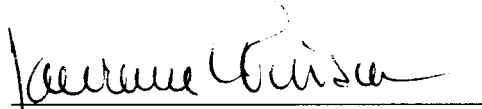
IT IS FURTHER ORDERED, ADJUDGED and DECREED that judgment is entered in favor of the defendant United States of America and the intervenors-defendants, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Tribe and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes, and against plaintiffs on plaintiffs' claim that enactment of the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 ("the 1998 Act"), Pub. L. No. 105-387, 112 Stat. 3471 (codified at 25 U.S.C. § 1300d-21 *et seq.*) itself constituted a breach of trust.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that judgment is entered in favor of the plaintiffs, Casimer LeBeau and Vernon Ashley, and against the defendant United States of America on plaintiffs' breach of trust claim for delay in distribution of the funds appropriated and

allocated by Pub. L. No. 90-352, 82 Stat. 239 and Pub. L. No. 92-555, 86 Stat. 1168 (codified at 25 U.S.C. § 1300d *et seq.* (1983)) and that plaintiffs, Casimer LeBeau and Vernon Ashley, are each entitled to damages from the defendant United States of America in the amount of \$905.33.

Dated this 16th day of October, 2002.

BY THE COURT:




Lawrence L. Piersol

Chief Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY