## RESOLUTION OF THE GOVERNING BODY OF
## THE THREE AFFILIATED TRIBES OF THE
## FORT BERTHOLD RESERVATION

WHEREAS,   This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS,   The Consitution and Bylaws of the Three Affiliated Tribes authorize and empower the Tribal Business Council to present and prosecute any claims of the Three Affiliated Tribes before any court, and to employ attorneys of record for such services and to determine their fees; and

WHEREAS,   In March, 1980, the Three Affiliated Tribes instituted a civil action, in the Dirstrict Court of Ward County, Northwest Judicial District, against Wold Engineering, wherein said Tribes sought monetary damages on a claim that said Wold Wold Engineering had negligently designed the water intake system for the Four Bears Village, situated within the esterior boundaries of the Fort Berthold Reservation; and

WHEREAS,   In an Opinion filed July 1, 1982, the Supreme court of North Dakota, on appeal, affirmed the Judgment of the District Court dismissing the Complaint of the Three Affiliated Tribes for lack of subject matter jurisdiction over a civil action instituted by an Indian tribe as Plaintiff against non-Indians as defendants, wherein the cause of action arose within the exterior boundaries of an Indian reservation; and

WHEREAS,   On August 6, 1982, the Tribal Business council authorized John O. Holm to executed the appeal process to the United States Supree Court; and

WHEREAS,   John O. Holm has filed the initial Petition for Writ of Certiorari and the expenses and legal fees for such action amount to $1656.75.

NOW, THEREFORE, BE IT RESOLVED, That the sum of $1656.75 be paid to John O. Holm for expenses and services in htat execution of the Petition for Writ of Certeriorari.

## CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitues a quorum, _10_ were present at a _SPECIAL_ Meeting, thereof duly called, noticed, convened and held on the _4th_ day of _October_ , 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of _10_ members, _0_ members opposed, _0_ members abstained, _0_ members not voting and that said resolution has not been rescinded or amended
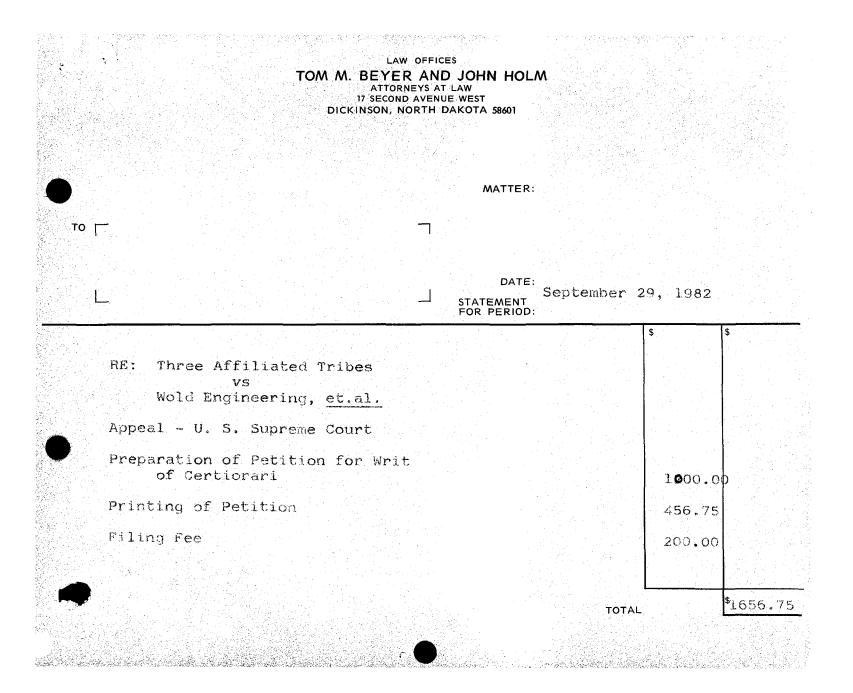
in any way.

Chairman  (Voting)   ~~(Not Voting)~~.

DATED THIS _4th_ DAY OF _October_, 1982.

_____
SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

_____
CHAIRMAN, TRIBAL BUSINESS COUNCIL

LAW OFFICES
# TOM M. BEYER AND JOHN HOLM
ATTORNEYS AT LAW
17 SECOND AVENUE WEST
DICKINSON, NORTH DAKOTA 58601

MATTER:

TO

DATE: September 29, 1982

STATEMENT
FOR PERIOD:

| | $ | $ |
|---|---|---|
| RE:  Three Affiliated Tribes<br>vs<br>Wold Engineering, et.al. | | |
| Appeal - U. S. Supreme Court | | |
| Preparation of Petition for Writ<br>of Certiorari | 1000.00 | |
| Printing of Petition | 456.75 | |
| Filing Fee | 200.00 | |
| TOTAL | | $1656.75 |

September 30, 1982


Tribal Business Council
Three Affiliated Tribes
New Town, North Dakota   58763

RE:  Appeal to the U.S. Supreme Court
     Three Affiliated Tribes vs Wold Engineering

Dear Tribal Business Council:

Enclosed please find seven (7) copies of the Petition For A Writ of Certiorari From North Dakota Supreme Court in the case of Three Affiliated Tribes vs Wold Engineering.  Please also find a proposed resolution authorizing payment for the expenses and fees incurred in the preparing of the Petition for Writ and Filing Fee.

I would appreciate it if you would consider the matter and if appropriate authorize payment as soon as possible.

I will notify you as soon as I hear anything on the matter.  I must caution you that the chances of any case being accepted by the Supreme Court to be heard is very very slim.  At this time, they will not have their October calendar clear by the February term, which puts more pressure on the Court to refuse to hear this case.  In a case like ours they can refuse to hear the case if they so desire.  The figures range from those cases they accept in one in four hundred, I believe it is now.

I fyou have any questions, please feel free to contact me.

Sincerely,

John O. Holm
by kb
John O. Holm

JOH/kb
Enclosures