

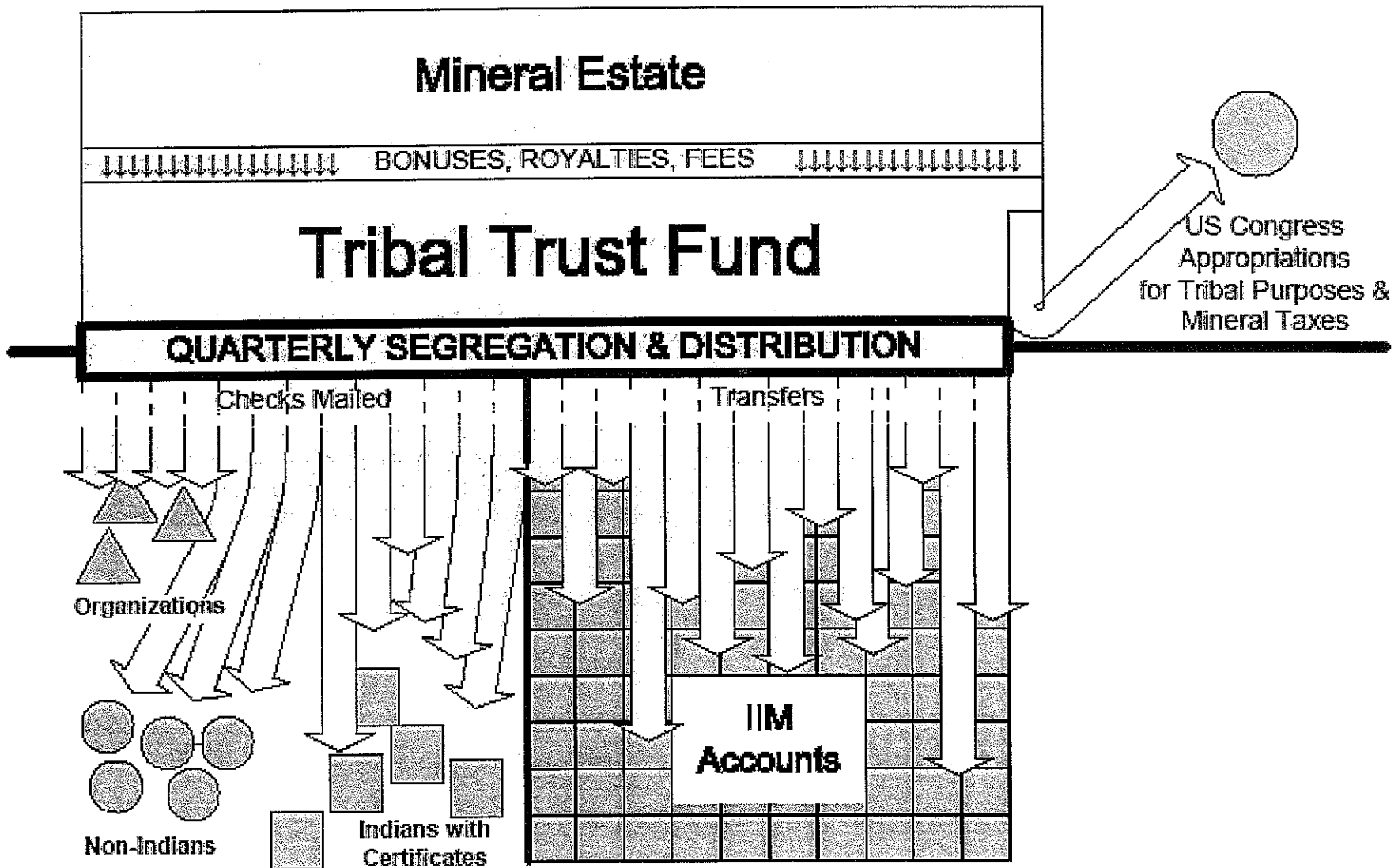
OSAGE NATION TRIBAL TRUST LITIGATION

PUBLIC MEETING

JUNE 11, 2009

PAWHUSKA, OKLAHOMA

STRUCTURE OF OSAGE MINERALS TRUST UNDER 1906 ACT



Tribal Trust Lawsuit: Structure

- Case covers up to 140 years, so split into 3 parts or phases (our judge uses the word “tranches”)
- “Tranche 1”: Sample of four oil leases for five months in 1970s and 1980s.
- “Tranche 1½”: Applying the Tranche 1 rulings to 1972-2000 period for all leases
- “Tranche 2”: Everything Else

Oil-Royalty Undercollection, July 1974 to December 2000	\$ 283,657,867.90
7386/7886 Underinvestment and Investment Underperformance, Fiscal 1973 to Fiscal 1992	\$ 25,717,467.30
7386 Deposit Lag, Fiscal 1973 to Fiscal 1992	\$ 854,630.95
TOTAL	\$ 310,229,966.16

Cobell 2008 Trial

- Plaintiffs argued that the Osage Nation's tribal trust account is an IIM account
- Plaintiffs' purpose was to have money that is owed to the Osage Nation ("restitution") distributed equally to all IIM account holders, whether or not they have headrights

THE COURT: Oh, he's making a lot of assumptions. I'm happy to hear them. What I want to know is whether the Plaintiffs' position is that all Native Americans are entitled to an undifferentiated share of all the money that may have been held for the Osage.

BY MR. GINGOLD: What we've said in our briefs is this Court can make a determination on how the funds should be distributed. We believe, however, it's within the discretion of this Court, your Honor. We believe, however, because we're seeking benefit conferred, it is proper to distribute the funds on a per capita basis. To the extent that an individual --

THE COURT: Have you told the Osage about that?

MR. GRINGOLD: Yes, as a matter of fact we did. We went down to the Osage when we filed this action in 1996. We met with the Osage individuals in the Osage tribe and they endorsed us, and Ms. Cobell and I and others were down there. Yes, we did, your Honor.

THE COURT: Okay. Proceed.

Cobell 2008 Trial

- We successfully argued that the Osage tribal trust account is not an IIM account, so as to protect all such money for distribution **ONLY** to headright holders

Cobell appeal

- Plaintiffs appealed 3 issues, including whether the Osage tribal trust fund is an IIM account
- We briefed and argued the issue
- Appeals court's decision likely by the end of the summer