

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>WILLIAM S. FLETCHER, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO: 02-CV-427 GFK-PJC</b>
	)	
	)	<b>CLASS ACTION</b>
<b>THE UNITED STATES OF</b>	)	
<b>AMERICA, et al.,</b>	)	
	)	
<b>Defendants,</b>	)	

**NOTICE OF PENDENCY OF CLASS ACTION**

You have been identified as someone who may be an enrolled tribal member of a federally recognized Native American Tribe and receive or received distributions from the Osage trust funds. If so, a class action lawsuit may affect your rights.

*A court authorized this notice. This is not a solicitation from a lawyer.*

- ♦ Native American persons have sued the United States of America, the Department of the Interior, the Secretary of the Interior, the Bureau of Indian Affairs, and the Assistant Secretary of the Interior for Indian Affairs (“Defendants”) alleging that they have not been provided with an accounting of the Osage trust funds.
- ♦ The Court has allowed this lawsuit to be a class action on behalf of all Native American persons who receive or received headright distributions from the Osage trust funds.
- ♦ The Court has not decided whether the Defendants did anything wrong. However, your legal rights are affected and you have a choice to make now.
- ♦ Your options are explained in this notice. To ask to be excluded, you must act before **March 2, 2015**.
- ♦ Lawyers must prove the claims against the Defendants. A date for a final determination of this class action has not been set by the Court.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT**

<p align="center"><b>DO NOTHING</b></p>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting relief that may come from the resolution of this case. But, you give up any rights to sue the Defendants separately about the same legal claims in this lawsuit.</p>
<p align="center"><b>ASK TO BE EXCLUDED</b></p>	<p><b>Get out of this lawsuit. Keep rights.</b></p> <p>If you ask to be excluded and relief is later awarded to the class members in a settlement or by judicial determination, you will not share in that. But, you keep any rights to sue the Defendants separately about the same legal claims in this lawsuit.</p>

I. BASIC INFORMATION

A. Why did I get this Notice?

Class Representatives, who are all enrolled tribal members, have information showing that you may be an enrolled tribal member of a federally recognized tribe and that you may receive or have received quarterly headright distributions. This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court reaches a determination. This case is to decide whether the claims being made against the Defendants, on your behalf, are correct. Judge Gregory K. Frizzell, of the United States District Court for the Northern District of Oklahoma, is overseeing this class action. This federal lawsuit is known as *Fletcher, et al. v. United States, et al.*, Case No. 02-CV-427.

B. What is this lawsuit about?

This lawsuit is about whether the Class members have received an accounting for the Osage trust funds pursuant to Section 4 of the Act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, 34 Stat. 539 (June 28, 1906) (hereinafter the “1906 Act”), and pursuant to other law.

C. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, William Fletcher and Charles Pratt) sued the Defendants on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The persons who sued the Defendants – and all the Class Members like them – are called the Plaintiffs. The governmental bodies and officers they sued (in this case the United States of America, the Department of the Interior, the Secretary of the Interior, the Bureau of Indian Affairs, and the Assistant Secretary of the Interior for Indian Affairs) are called the Defendants. One court resolves the issues and legal claims for everyone who has not asked to be excluded from the Class.

D. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a final determination because it meets the requirement of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

II. THE CLAIMS IN THE LAWSUIT

A. What are the claims in the lawsuit?

The Plaintiffs claim that the United States must account to the Plaintiffs and to the Class as required by applicable law. The Plaintiffs allege that if the Defendants cannot account then the Defendants should be required to restore the Osage trust funds “placed to the credit of the individual members of the [] Osage Tribe.” The Defendants contend that they have already accounted.

You may request a copy of at the Third Amended Complaint by contacting the Administrator at the address below.

B. How does the Defendant answer?

Defendants contend that they have indeed fulfilled all the requirements of any applicable law.

C. Has the Court decided who is right?

The Court has not yet decided whether the Plaintiffs or Defendants are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Court still must render its decision on the facts that will be presented in this case.

D. Is any relief available now?

The Court has not yet decided the merits of this case and there has been no settlement. There is no guarantee that any relief ever will be obtained. If any relief is obtained on your behalf, you will be notified.

III. WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

A. Am I part of this Class?

You must be an enrolled tribal member of any federally recognized Native American Tribe and receive or received distributions from the Osage trust funds (commonly referred to as “headright payments”) after May 30, 2002.

B. If you are still not sure whether you are included, you can get free assistance by calling or writing to the following:

Administrator Osage Headright Class Action  
c/o Indian & Environmental Law Group  
1723 E. 15<sup>th</sup> Street, Suite 100  
Tulsa, OK 74104  
(918) 347-6169

IV. YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class (do nothing) or ask to be excluded before **March 2, 2015**.

A. What happens if I do nothing at all?

You don’t have to do anything now if you want to keep the possibility of getting relief through this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain any relief, either as a result of a judicial determination or a settlement, you will be notified. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose, you will not be able to sue, or continue to sue, any of the Defendants about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this Class Action.

B. Why would I ask to be excluded?

If you exclude yourself from the Class, which means to remove yourself from the Class, and is sometimes called “opting-out” of the Class, you will not get any relief from

this lawsuit even if the Plaintiffs obtain relief as a result of a judicial determination or from a settlement (that may or may not be reached) between the Defendants and the Plaintiffs. You may, however, be able to sue the Defendants yourself. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action. If you start your own lawsuit against the Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do choose to exclude yourself, you should talk to your own lawyer soon because your claims may be subject to a statute of limitations – in other words, your claims may at some time in the future expire and may be barred if you do not bring them soon.

C. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must sign an "Exclusion Request" in the form of a letter sent by mail, stating that you want to be excluded from this Class Action. A sample Exclusion Request is attached to this Notice. Be sure to include your name and address, and to sign the letter. You must mail your Exclusion Request, postmarked by **March 2, 2015** to:

Administrator Osage Headright Class Action  
c/o Indian & Environmental Law Group  
1723 E. 15<sup>th</sup> Street, Suite 100  
Tulsa, OK 74104  
(918) 347-6169

You may also call or write and ask that an exclusion form be sent to you.

V. THE LAWYERS REPRESENTING YOU

A. Do I have a lawyer in this case?

Yes. You have lawyers currently representing your interests in this case. The Court decided that the following law firms are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel."

Jason B. Aamodt  
Krystina E. Phillips  
Dallas L.D. Strimple  
INDIAN & ENVIRONMENTAL LAW GROUP, PLLC  
1723 E. 15th Street, Suite 100  
Tulsa, Oklahoma 74104  
Telephone: (918) 347-6169

Facsimile: (918) 398-0514

and

G. Steven Stidham  
SNEED LANG, PC  
1700 Williams Center Tower I  
One West Third Street  
Tulsa, Oklahoma 74103-3522  
Telephone: (918) 583-3145  
Facsimile: (918) 582-0410

and

Amanda S. Proctor  
SHIELD LAW GROUP PLC  
400 Riverwalk Terrace, Suite 240  
Jenks, Oklahoma 74307  
Telephone: (800) 655-4820  
Facsimilie: (800) 619-2107

B. How will the lawyers be paid?

If the lawyers get relief for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants the lawyers' request, the fees and expenses would be paid by the Defendants.

## VI. JUDICIAL DETERMINATION

A. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims. The Judge will reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any relief for the Class.

B. Do I have to come to any court proceedings?

You do not need to attend any court proceedings. Class Counsel and Class Representatives will present their case for the entire class and the Defendants will present their defenses. You are, or your own lawyer is welcome to attend at your own expense.

C. Will I get any money or other relief?

This is a claim for an accounting. If the Plaintiffs obtain any relief, you will be notified about how to participate. It is not presently known how long this will take, or whether the Court will order any remedy for the Plaintiffs.

VII. GETTING MORE INFORMATION

A. Are more details available?

For more information, you may contact the Administrator for a copy of the Court's Orders, the Complaint, and the Defendants' Answer, as well as other information. You may also speak with one of the lawyers for the Class by calling Class Administrator at 918-347-6169 or you may reach the Administrator by writing to:

Administrator Osage Headright Class Action  
c/o Indian & Environmental Law Group  
1723 E. 15<sup>th</sup> Street, Suite 100  
Tulsa, OK 74104  
(918) 347-6169

Dated: August 19, 2014

# EXCLUSION REQUEST FORM

**I understand that by returning this form, I won't be included in the Class Action Lawsuit and I won't get any relief from this lawsuit even if the Plaintiffs obtain any as a result of a judicial determination or settlement (that may or may not be reached) between Plaintiffs and Defendants.**

**Please exclude me from the Class in *Fletcher, et al. v. United States, et al.*, Case No. 02-CV-427**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Signature \_\_\_\_\_

If you want to exclude yourself from this lawsuit you must sign and date this form, provide your address information and send it to the following address

No Later Than **March 2, 2015** to:

Administrator Osage Headright Class Action  
c/o Indian & Environmental Law Group  
1723 E. 15<sup>th</sup> Street, Suite 100  
Tulsa, OK 74104  
(918) 347-6169