

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELOUISE PEPION COBELL, <u>et al.</u>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 96-01285 (RCL)
)	
)	
GALE A. NORTON, Secretary of the Interior, <u>et al.,</u>)	
)	
Defendants)	
_____)	

FIFTEENTH REQUEST FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that this request is hereby made in accordance with F.R.C.P. 26(b) and F.R.C.P. 34 and that the Interior defendants shall produce the following documents and other information, including all such documents and information in the custody and control of the individuals named below, on or before the close of business on May 16, 2005 at the offices of plaintiffs' counsel Dennis M. Gingold, 607 14th St., N.W., 9th Floor, Washington, D.C. 20005.

DEFINITIONS

A. All Documents. As used herein the terms "ALL DOCUMENTS," "DOCUMENTS," "ALL E-MAIL DOCUMENTS" and "DOCUMENT" include a writing or recording (regardless of medium and including all electronically stored DOCUMENTS and other information) as defined in Federal Rules of Evidence, Rule 1001 (which is defined as consisting of "letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation").

Specific examples of the documents and other information being sought (and which are encompassed by such defined terms in the unlikely event they are not encompassed by the definition set forth in Rule 1001) include: All writings, any printed, typewritten, or handwritten or graphic matter, regardless of medium on which it is produced, reproduced or stored, including without limitation, correspondence, letters, memoranda, e-mail, e-mail backup tapes, phone records, reports, charts, diagrams, blueprints, site plans, business records, personal records, maps, pamphlets, handwritten notes, marginalia, minutes of meetings, notes of meetings or conversations, catalogues, advertising pamphlets, written agreements, contracts, photographs, sound recordings, papers, books, files, computer print-outs, diaries and diary entries, calendars, tables, compilations, graphs, recommendations, studies, worksheets, logs, workpapers, summaries, information stored by a computer or on a computer disk, diskette, tape, card or other form of computer memory storage, as well as any electronic recording, tape recording, photograph, video, film, microfilm, microfiche, or similar recording of words, images, sound recordings, pictures, other data or data compilations or information of any kind, including any medium from which information can be obtained and translated into usable form, and all telegrams, transmission by any of the following: telefax, e-mail, facsimile, telex or cable.

This Request specifically requires YOU to produce ALL DOCUMENTS maintained or presently located on your employees' and agents' person, at their residences, on their private e-mail accounts or anywhere else in their possession, custody, or control.

When requested to produce a DOCUMENT you are required to produce all VERSIONS thereof.

B. Version. "VERSION" or "VERSIONS" means any of the following:

1) Any prior, current, or subsequent version or draft of a DOCUMENT, including without limitation all amendments, alterations, drafts, runs and modifications.

2) Any duplicate (as that term is defined in Federal Rules of Evidence, Rule 1001(4), which defines a duplicate as “a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.”) of a DOCUMENT falling within one or more categories of this Request for Production of Documents, which duplicate is, or at any time has been, different from the DOCUMENT of which it is a duplicate – including without limitation a duplicate with deleted information (e.g., edits, the date/time of creation, receipt or opening of such duplicate DOCUMENT), a duplicate that bears added notations, marginalia, and/or have had other DOCUMENTS affixed or attached thereto such as stapled or paper-clipped notes and "Post-It" type self-stick removable notes. All DOCUMENTS commonly known as “duplicate originals,” *i.e.*, counterparts signed by different signatories, are expressly included in this definition of VERSION.

C. Delegates, Entities and Their Agents. Whenever reference is made or information is sought with respect to an entity such as a tribe, corporation, partnership or governmental agency or organization that can act only through individual agents, reference to the acts of such entity are intended to include all acts taken by its agents, directors, officers, employees, contractors, members, and shareholders who have or claim to have authority to act on behalf of such entity.

D. Person. As used herein, the term "PERSON" includes both singular and plural, and refers to any natural person, tribe, firm, association, partnership, joint venture, corporation, governmental

agency or organization, estate, trust, receiver, syndicate, or any other group or combination acting as a unit or affiliated entity. Whenever reference is made herein to any act by a PERSON, such reference is intended to, and does, include reference to any act or conduct performed by such PERSON'S agents, contractors, partners, predecessors, successors, employees, and/or REPRESENTATIVES unless a contrary intention is expressed.

E. Representative. "REPRESENTATIVE" or "REPRESENTATIVES" refers to and includes any PERSON (as defined herein) who acts, has at any time acted, has at any time by any PERSON been requested or solicited to act, or has purported to act at the request of, or for the benefit of, or on behalf of any PERSON, including without limitation all agents acting on behalf of their principals.

F. Related Party. As used herein, the term "RELATED PARTY" means a PERSON or entity related to another by reason of any of the following:

- 1) Individuals being members of the same family. The family of an individual shall include his brothers and sisters (whether by whole or half blood), present spouse, prior spouses, ancestors, and lineal descendants.
- 2) A PERSON or entity and a partnership if the PERSON or entity is a general partner of the partnership or owns 50% or more of the capital interest, or the profits interest in such partnership.
- 3) A PERSON or entity and a corporation if the PERSON: (I) owns or holds 50% or more of the value of the outstanding stock of the corporation, or (ii) controls, either directly or indirectly through a RELATED PARTY, 50% or more of the voting power of the corporation.

4) Two corporations that are members of the same "controlled group" as that term is defined in Section 267 of the Internal Revenue Code, including without limitation, parent-subsidary corporations and brother-sister corporations.

5) Any trust, together with the trustees, fiduciaries and beneficiaries of such trust, with respect to which a RELATED PARTY is a trustor, fiduciary or beneficiary.

6) An entity with respect to which a RELATED PARTY owns or holds 50% or more of the equity or voting interest in such entity.

G. Conjunctions. As used herein, the conjunctions "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such dual construction serves to bring within the scope of any request or category any DOCUMENT that would otherwise not be brought within its scope.

H. Number and Gender. As used herein, the singular form shall include the plural (and vice versa) and the masculine shall include the feminine and/or neuter (and conversely) whenever such construction serves to bring within the scope of any request or category any DOCUMENT that would otherwise not be brought within its scope.

SPECIAL DEFINITIONS

1. YOU or YOUR shall mean Interior defendants, and each of them, and their REPRESENTATIVES, including without limitation personal representatives and personal counsel.
2. TRUST DATA – All electronic DOCUMENTS that relate to, refer to, or embody, in whole or part, directly and indirectly, and generally or specifically, the IIM TRUST, an IIM TRUST BENEFICIARY, or LAND TRANSACTIONS, whether or not such DOCUMENTS identify

by name, account number or similar such identifier the IIM TRUST, an IIM TRUST BENEFICIARY, OR LAND TRANSACTION.

3. IIM TRUST – the Individual Indian Monies Trust or the Individual Indian Trust.
4. IIM TRUST BENEFICIARY – An individual Indian on whose behalf, as trust beneficiary, an IIM TRUST account is, or at any time has been, should be, or should have been, maintained by the United States or its agents and an individual Indian who holds or has held a beneficial interest, divided or undivided, in TRUST LAND, including restricted land; the term “IIM TRUST BENEFICIARY” shall include all heirs and successors-in-interest, including executors and personal representatives with respect to an IIM TRUST BENEFICIARY’S lands or estate.
5. LAND TRANSACTIONS – all requested, noticed, pending, completed, voided, invalidated, unconsummated, withdrawn, and voluntary and involuntary land transactions, including but not limited to commercial, industrial, recreational, agricultural, and other types of leases; rights-of-way; easements; other encumbrances, land sales and land exchanges; grazing and range permits; trespass damages assessments, and condemnation.

DOCUMENTS AND INFORMATION TO BE PRODUCED

CATEGORY NO. 1: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the certification and accreditation of information technology systems owned, controlled, or operated by, or on behalf of, the Interior defendants (“Interior IT Systems”) that house or access, or have housed or accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 2: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received

by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – flaws, weaknesses, deficiencies, vulnerabilities, or the trustworthiness of, Interior IT Systems and IT Systems owned, controlled, or operated by, or on behalf of third parties, including contractors and tribes pursuant to contract, compact, cooperative agreement, or otherwise (“Third Party IT Systems”) that house or access, or have housed and accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 3: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – flaws, weaknesses, deficiencies, vulnerabilities, or the trustworthiness of, Interior IT Systems and Third Party IT Systems that prior to December 5, 2001 housed or accessed TRUST DATA.

CATEGORY NO. 4: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the integrity of TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 5: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the integrity of TRUST DATA prior to December 5, 2001.

CATEGORY NO. 6: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – any third party evaluation or risk assessment of Interior IT Systems and Third Party IT Systems that house or access, or have housed or accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 7: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – any third party evaluation or risk assessment of Interior IT Systems and Third Party IT Systems that prior to December 5, 2001 housed or accessed TRUST DATA..

CATEGORY NO. 8: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received

by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – any Inspector General evaluations, risk assessments, or findings as to Interior IT Systems and Third Party IT Systems that house or access, or have housed or accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 9: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – any Inspector General evaluations, risk assessments, or findings as to Interior IT Systems and Third Party IT Systems that prior to December 5, 2001 housed or accessed TRUST DATA.

CATEGORY NO. 10: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the nature, scope, accuracy, completeness, and quality of certifications and accreditations of Interior IT Systems that house or access, or have housed or accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 11: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – an inventory of Interior IT Systems that house or access, or have housed or accessed, TRUST DATA at any time since December 5, 2001.

CATEGORY NO. 12: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – an inventory of Interior IT Systems that prior to December 5, 2001 housed or accessed TRUST DATA.

CATEGORY NO. 13: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – an inventory of Third Party IT Systems that house or access, or have housed or accessed, TRUST DATA any time since December 5, 2001.

CATEGORY NO. 14: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received

by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – an inventory of Third Party IT Systems that prior to December 5, 2001 housed or accessed TRUST DATA.

CATEGORY NO. 15: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – resumes or curriculum vitae of each Interior Department official engaged in or in any way responsible for the certification and accreditation of Interior IT Systems and Third Party IT Systems that house or access, or have housed and accessed, TRUST DATA.

CATEGORY NO. 16: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – all directions, guidance, policy, and instructions provided by the Office of the Chief Information Officer, the Office of the Secretary, the Office of the Solicitor, the Office of the Special Trustee, the Office of the Inspector General, or the Department of Justice regarding the certification and accreditation process.

CATEGORY NO. 17: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the process employed, and the standards developed, implemented, and enforced to identify each Interior IT System and Third Party IT System that houses or accesses TRUST DATA.

CATEGORY NO. 18: ALL VERSIONS OF DOCUMENTS in the custody and control of the Interior defendants or their REPRESENTATIVES and all DOCUMENTS transmitted to, or received by, the Interior defendants or their REPRESENTATIVES that in whole or in part embody, refer to, or relate to – directly or indirectly, generally or specifically, and implicitly or explicitly – the trust executive steering committee since December 5, 2001.

Respectfully submitted,

/s/ Dennis Gingold

Of Counsel:

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Attorneys for Plaintiffs

April 13, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing FIFTEENTH REQUEST FOR PRODUCTION OF DOCUMENTS was served on the Interior defendants via facsimile on this day, April 13, 2005 and the following individual by facsimile or regular mail.

Earl Old Person (*Pro se*)
Blackfeet Tribe
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406.338.7530 (fax)

/s/ Geoffrey Rempel

Geoffrey Rempel