



**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

(Authorizing Anthony Lee to Hire John Strafaci to Assist With Pequot Litigation)

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** Tribal Attorney Anthony Lee manages the White Mountain Apache Tribe's litigation and has previously informed the Tribal Council of a pending litigation claim by the Tribe against the Mashantucket Pequot Tribal Nation (herein referred to as "Pequot"); and
- WHEREAS,** the Tribal Council is also aware that the Tribe's Legal Department is understaffed and underfunded and it would be present a major logistical challenge should the Tribe ask the legal department to administer major litigation for the Tribe in addition to carrying out the usual responsibilities of in-house counsel; and
- WHEREAS,** recognizing this limitation, the Tribal Attorney requests the Tribal Council to consider authorizing the hiring of outside counsel to assist with the potential Pequot settlement and/or litigation as may be required; and
- WHEREAS,** because this litigation is unique and would require that legal action be carried out in another Tribal jurisdiction, namely the Pequot Tribal Court, it would be in the Tribe's best interest to hire outside counsel that is specialized in handling such litigation, licensed to practice in the Court, and residing in close proximity to the Court in order to help prevent excessive spending on travel and lodging expenses among others difficult obstacles that this litigation presents; and
- WHEREAS,** the Tribal Attorney has previous experience with the Pequot judicial system, is licensed to practice in the Court and is familiar with numerous attorneys that have worked within the jurisdiction of the Tribal Court; and
- WHEREAS,** Tribal Attorney Anthony Lee has identified a strong candidate, M. John Strafaci, to work on the Pequot litigation and has negotiated very reasonable attorneys fees, a 15% contingency fee, for the work required that is superior to the legal fees requested by other Tribal contract attorneys; and
- WHEREAS,** due to the Tribe's unique legal predicament and the fact that immediate action is required from the Legal Department concerning the Pequot litigation, the Tribal Council finds it in the best interest of the Tribe to authorize Tribal Attorney Anthony Lee to hire M. John Strafaci for the purpose of assisting with the Pequot legal claim, settlement negotiations, and potentially in preparation for litigation in the event that settlement before trial is not achieved.
- WHEREAS,** the Tribal Council further finds that hiring outside counsel to assist with the Tribe's Pequot litigation claim requires immediate attention and due to stringent

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Tribal Court procedural rules, this request must be considered and made outside of the Tribal Council's regularly scheduled meeting; and

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

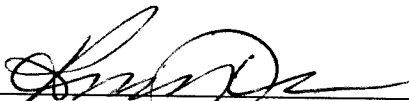
BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby authorizes Tribal Attorney Anthony Lee to hire M. John Strafaci for the purpose of carrying out settlement negotiations and litigation in the Mashantucket Pequot Tribal Court if necessary.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

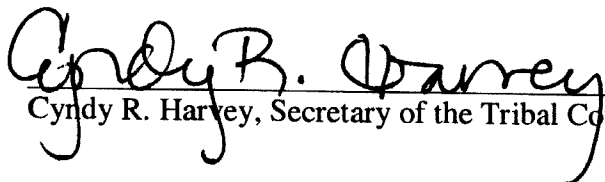
BE IT FURTHER RESOLVED by the Tribal Council that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on September 14, 2009, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (d), (k), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Chairman of the Tribal Council



Cyndy R. Harvey, Secretary of the Tribal Council

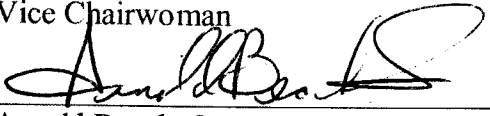
Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 09-2009-306 initiated the 14th day of September 2009. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Ronnie Lupe
Tribal Chairman
Date Signed

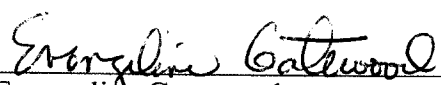
TCS Initials

Margaret Baha-Walker
Vice Chairwoman
Date Signed


TCS Initials


Arnold Beach, Sr.
District I Council Member
Date Signed
09/15/09

TCS Initials


Evangeline Gatewood
District I Council Member
Date Signed
09/17/09

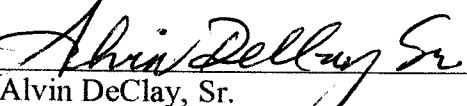
TCS Initials


Victoria Brewer
District II Council Member
Date Signed
9/14/09

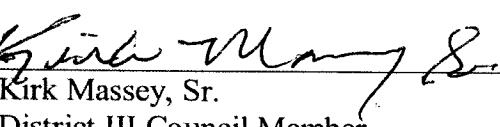
TCS Initials

Rubert Lupe, Sr.
District II Council Member
Date Signed

TCS Initials


Alvin DeClay, Sr.
District III Council Member
Date Signed
09-14-09

TCS Initials


Kirk Massey, Sr.
District III Council Member
Date Signed
9/14/09

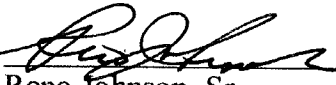
TCS Initials

Noland Clay
District IV Council Member
Date Signed

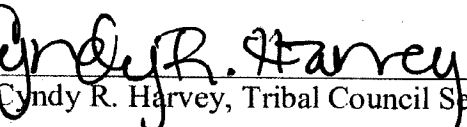
TCS Initials

Wayne Colelay, Jr.
District IV Council Member
Date Signed

TCS Initials


Reno Johnson, Sr.
District IV Council Member
Date Signed
9-14-09

TCS Initials

ATTEST:

Cyndy R. Harvey, Tribal Council Secretary

9.17.09
Date Signed