



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Recommended Litigation Action)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and

WHEREAS, In 2017, the Tribe filed suit against the United States in the United States Court of Federal Claims, seeking monetary damages against the U.S. for breaches of fiduciary duties from 1946 to the present; and

WHEREAS, The Tribe’s Attorney General and contract legal counsel recommend approving action set forth in the attorney-client communications memorandum pertaining to the litigation dated January 9, 2021.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the actions set forth in the January 9, 2021 memorandum, subject to legal review by the Office of the Attorney General.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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

The foregoing resolution was on **JANUARY 27, 2021** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Resolution No. 1-2021-13



Gwendena Lee-Gatewood, Chairwoman

1/27/21

Date



Doreen T. Numkena, Tribal Secretary

1-27-2021

Date