



Court Decision on Objection

by:
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Answer to Objection

The BIA filed their *Response* to the *Objection* filed on March 14, 2011. The *Response* was filed on March 31.

In Rebuttal to the Shareholders *Objection* filed on March 14, the BIA Responded by claiming that Shareholders did not exhaust all administrative remedies.

Administrative remedies refer to the many letters written to the BIA from Shareholders and interested parties, seeking assistance in the 2006 election and indicating failure to protect the interest of the Mineral Trust as well as the BIA's refusal to carry out its fiduciary duty to the Shareholders in both the 1906 Act and the 2004 Act.

The Judge found that Shareholders **did** satisfy that part of the Administrative Requirements **BUT** that Shareholders failed to carry out a third requirement being that they give "notice" in their letters stating:

"that, unless the official involved either takes action on the merits of the written request within 10 days of receipt of such request by the official, or establishes a date by which action will be taken, an appeal shall be filed in accordance with this part." (25 C.F.R. § 2.8 (a) (3).

The Judge further found that even if the Shareholders had satisfied the above referenced CFR, they would not have been in full compliance because:

Persons aggrieved by agency (BIA) action or inaction had the "right to seek further review from the next agency official identified in the regulations."

So because the Shareholders were never informed of a right to appeal the BIA's decisions, the judge decided we never completed the process required by the regulations

to exhaust administrative remedies.

The Judge also found that because Shareholders didn't appeal to a superior authority concerning the BIA's failure to act in response to their request, there was no final agency action for purposes of judicial review. Therefore, the judge finds that until the appeals process is carried out in full, the case is dismissed.

Part C: *"The Magistrate Judge Correctly Recommended that the Court Grant the Federal Defendants' Motion to Dismiss and Require Plaintiffs to follow the Requirements for Exhaustion and Finality Set Forth in 25 C.F.R. Part 2"*

IMPORTANT

It is very important that you understand that this case was **NOT DISMISSED ON THE MERITS OF THE CASE!!** In other words:

The Case as we KNOW has merit and the Judge is NOT arguing otherwise.

The Judge is merely ruling on a technicality which requires the we go through the process of exhausting administrative remedies.

This is what is known as "The Court Dance" which all suits experience. This is nothing new to the system.

So --- Again, this calls for MONEY. If you value your headright and expect to receive a settlement check, you are going to have to fight to keep it.

We have got to have money to fight this case. If you think you don't have money to support this case now, how much do you think you'll have when you no longer receive your headright payment?

This is no time for complacency and no time for procrastination. It is in fact complacency and procrastination that has landed you where you are today.

The question now is do we dance to the Court or do we pack it in and give up?

Each Shareholder has a stake in this case. If you

snooze you lose and that's a fact!

I can tell you that that the main financial support for this case has come from one main individual and a substantial amount has been paid by this person.

Without your participation, the case is going to be lost because there is just so much ONE person can do.

Either pay up or expect the case to be closed.

This Dismissal is only temporary. We need to Appeal!

<http://osagemineralstrustprotection.com/action.htm>

There will be more information on this Decision soon.