

COUNSEL OF RECORD REPORT #16

I am extremely pleased to announce to all of you Plaintiffs in *Felter v. Kempthorne* that the Court of Appeals rendered an order, dated January 18, 2007, remanding your lawsuit to the U.S. District Court for the District of Columbia. The Circuit Court directed Judge Roberts to decide on the issue of whether P.L. Law 108-108 modified the federal statute of limitations law, 28 U.S.C. § 2401(a) to exempt *Felter* from the general rule that lawsuits against the United States must be filed not later than 6 years after the causes of action accrue. This is certainly a “Victory” in a long and difficult case.

When Judge Roberts notifies us that he has again assumed legal jurisdiction over *Felter*, he will issue an order notifying us and the defendant United States of dates for filing legal briefs on whether P.L. 108-108 applies to “save” our lawsuit. As of February 7, 2007, I have not received any orders from U.S. District Court Judge Roberts noticing us that the case is back before him for further action.

We have all fought very hard on sheer dedication and courage against all odds! One of the most significant cases in American legal history arising out of the “termination” era remains alive and well. I certainly appreciate the commitment of those *Felter* plaintiffs who have put all of your hearts and souls behind this effort to keep this lawsuit going. Without your financial assistance in the form of “contributions”, we may not have succeeded in getting the Court of Appeals to remand the case.

Once again, many of you have failed to keep your part of the bargain when you decided to join this lawsuit. Those of you who have not paid up your accounts as promised are not respecting the efforts of those who have been contributing the funds necessary for this case to go on to a complete victory.

Many of us have spent long hours and made extreme sacrifices in the course of fighting against the defendants’ motion to dismiss and filing the appeal. We are keeping the fires alive in this case on our desire to see that the “Journey for Justice” keep rolling along. We have made no excuses in making sure that the legal rights of all you who have not paid at all or in full are there in the lawsuit with all the rest who have paid. I won’t hear any more excuses as payment can be made in some amount or the other. Just do it!!

We have every reason to all be proud that our case was sent back to Judge Roberts. There will be more work in the days to come that will require more time and effort. Keep up your Prayers and I will let all of you know when Judge Roberts' files his Briefing Order.

Dennis G. Chappabitty
Counsel of Record in *Felter v. Kempthorne*