

Little Traverse Bay Bands of Odawa Indians

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Petoskey, Michigan 49770

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RESOLUTION 02219904

Approving the Professional Services Contract For Tobacco Litigation with Branch Law Firm and Albert A. Hale, Attorney at law, Of Counsel, for litigation against the tobacco companies, and authorizing the Tribal Chairman of the Little Traverse Bay Bands of Odawa Indians to finalize and execute the Contract.

WHEREAS:

1. The Little Traverse Bay Bands of Odawa Indians Tribal Council is the governing body of the Little Traverse Bay Bands of Odawa Indians; and
2. Pursuant to a Global Settlement Agreement between the 50 states and 5 territories of the United States and the American tobacco companies, the states and territories will be reimbursed billions of dollars spent in Medicare expenses for diseases caused by smoking tobacco and tobacco use. The settlement funds will also pay for health related programs such as smoking cessation programs; and
3. Indian nations have been excluded from the Global Settlement Agreement. Therefore, Indian nations, as sovereign governmental entities, can bring lawsuits against tobacco companies just as the states have done; and
4. The Little Traverse Bay Bands of Odawa Indians Tribal government has suffered loss and injury by diverting limited funds available for health services to treatment and care of patients afflicted with lung cancer and other respiratory diseases caused by the use of smoking and smokeless tobacco; and
5. The tobacco companies have targeted Native Americans, in particular Native American youth, including the Little Traverse Bay Bands of Odawa Indians and its youth, with their advertising campaigns. As a result, more Native Americans, especially the youth, are smoking or using smokeless tobacco than the general population in the United States; and
6. The Little Traverse Bay Bands of Odawa Indians Tribal Council has the duty and obligation to protect and preserve the health, welfare and safety of its members, and to seek redress for their injury or injury to the Tribe; and
7. The Branch Law Firm, along with Albert A. Hale, Attorney at Law, and Of Counsel to the Branch Law Firm (hereinafter referred to as "Attorneys"), proposes to represent the Little

Traverse Bay Bands of Odawa Indians against the tobacco companies; and

8. The Attorneys possess the expertise, resources and financial capability to bring a lawsuit on behalf of the Little Traverse Bay Bands of Odawa Indians against the tobacco companies. The Branch Law Firm has represented the State of New Mexico in litigation against the tobacco companies and secured a settlement of over \$1.168 billion; and

9. Time is of the essence because the United States Congress is likely to place a moratorium on further litigation against the tobacco companies; and

10. It is in the best interest of the Little Traverse Bay Bands of Indians that the Attorneys be retained immediately to litigate a claim on behalf of the Tribe against the tobacco companies and to authorize the Tribal Chairman to finalize the Professional Services Contract for Tobacco Litigation, attached hereto and incorporated herein as Exhibit "A", and to execute the same for and on behalf of the Little Traverse Bay Bands of Odawa Indians.

NOW THEREFORE IT IS RESOLVED:

1. The Little Traverse Bay Bands of Odawa Indians Tribal Council hereby approves the Professional Services Contract For Tobacco Litigation, attached hereto and incorporated herein as Exhibit "A", with the Branch Law Firm and Albert A. Hale, Attorney at Law, Of Counsel to the Branch Law Firm, for litigation against the tobacco companies.

2. The Little Traverse Bay Bands of Odawa Indians Tribal Council further authorizes and directs the Tribal Chairman to finalize the Professional Services Contract For Tobacco Litigation and execute the same for and on behalf of the Little Traverse Bay Bands of Odawa Indians.

Certification

As Tribal Secretary, the undersigned certifies that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on February 21, 1999, at which a quorum was present, by a vote of

7 in favor, 0 opposed and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Ettawageshik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorothy Gasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barry Laughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shirley Oldman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rita Shananaquet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alice Yellowbank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: 2-21-99

Barry Laughlin, Tribal Secretary