

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-02577-RPM

CHOCTAW NATION OF OKLAHOMA and
HOUSING AUTHORITY OF THE CHOCTAW NATION OF OKLAHOMA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;
SHAUN DONOVAN, Secretary of Housing and Urban Development;
DEBORAH A. HERNANDEZ, General Deputy Assistant Secretary for Public and Indian
Housing; and
GLENDA GREEN, Director, Office of Grants Management, Office of Native
American Programs,

Defendants.

FINAL JUDGMENT

Pursuant to the Findings, Conclusions and Order for Judgment entered by Senior District Judge Richard P. Matsch on June 25, 2014, it is

ORDERED that Defendants shall restore to Plaintiffs Choctaw Nation of Oklahoma and Housing Authority of the Choctaw Nation of Oklahoma (“Plaintiff Choctaw”) the amount of \$841,316.00, for Indian Housing Block Grant (“IHBG”) funds that were illegally recaptured from Plaintiff Choctaw. Any such restoration shall be in addition to the full IHBG allocation that would otherwise be due to Plaintiff Choctaw under the Native American Housing Assistance and Self-Determination Act (“NAHASDA”) in a given fiscal year as calculated without application of the amount of this Judgment; it is

FURTHER ORDERED that Defendants shall make restoration of the IHBG funds from all available sources, including, but not limited to, either or both IHBG funds carried-forward from previous fiscal years and IHGB funds appropriated in future grant years; it is

FURTHER ORDERED that the restoration of funds to Plaintiff Choctaw shall be completed and Defendants shall implement restoration of the funds by making adjustments to Plaintiff Choctaw's IHBG allocation(s) no later than 18 (eighteen) months from the date of this Judgment; it is

FURTHER ORDERED that with respect to grant funding for those fiscal years from FY 1997 through and including FY 2008, Defendants shall refrain from threatening to or implementing any recapture of IHBG funds from Plaintiff Choctaw and shall not act upon any threatened recapture without first complying with the requirements of Section 401(a) of the NAHASDA [25 U.S.C. § 4161(a)] as that subsection existed prior to the effective date of Public Law 110-411; and it is

FURTHER ORDERED that Plaintiff Choctaw is awarded its costs to be taxed upon the filing of a Bill of Costs pursuant to D.C.COLO.LCivR 54.1.

Date: June 25, 2014

FOR THE COURT:
JEFFREY P. COLWELL, CLERK OF THE COURT

By:

s/M. V. Wentz

Deputy Clerk

APPROVED:
s/Richard P. Matsch

Richard P. Matsch, Senior District Judge