

1 **JOINT RESOLUTION APPROVING THE PELT CASE**

2 **FINAL SETTLEMENT AGREEMENT**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David Clark**

6 Senate Sponsor: Michael G. Waddoups

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**LONG TITLE**

8 **General Description:**

9 This resolution approves the final settlement agreement in the Pelt case.

10 **Highlighted Provisions:**

11 This resolution:

- 12 ▶ approves the final settlement agreement in the Pelt v. State of Utah case.

13 **Special Clauses:**

14 None

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*Be it resolved by the Legislature of the state of Utah:*

16 WHEREAS, the State of Utah was sued by certain Utah Navajos, as beneficiaries of the  
17 Utah Navajo Trust Fund, alleging violation of the State of Utah's responsibility as trustee to  
18 administer the Utah Navajo Trust Fund;

19 WHEREAS, the plaintiffs moved to certify the case as a class action, which the federal  
20 district court granted;

21 WHEREAS, the parties have entered into a final settlement agreement;

22 WHEREAS, by entering into this settlement, the state of Utah agrees, if the settlement  
23 is approved by the United States District Court, to pay \$33,000,000 as full settlement of the  
24 lawsuit as follows: \$1,000,000 upon final approval of the settlement by the Court or July 15,  
25 2010, whichever is later; \$5,000,000 to be paid on July 15, 2011; \$13,500,000 to be paid on  
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28 July 16, 2012; and \$13,500,000 to be paid on July 15, 2013;

29 WHEREAS, by entering into this settlement, all Utah Navajos and others who may  
30 have a claim against the state concerning the trust fund release, on the merits and with  
31 prejudice, all claims, causes of action, damages, or other forms of relief from the time the  
32 Navajo trust fund was created until July 1, 1992;

33 WHEREAS, a settlement of more than \$1,000,000 requires the Governor's and the  
34 Legislature's approval before a government entity may sign such an agreement;

35 WHEREAS, the Governor approved the final settlement agreement on March 3, 2010:

36 NOW, THEREFORE, BE IT RESOLVED that the Utah Legislature approves the *Pelt*  
37 *v. State of Utah* Final Settlement Agreement.

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**Legislative Review Note**  
**as of 3-3-10 12:13 PM**

**Office of Legislative Research and General Counsel**