

**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

- WHEREAS,** the White Mountain Apache Tribal Council is the governing body of the White Mountain Apache Tribe; and
- WHEREAS,** 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 on 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
- WHEREAS,** 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
- WHEREAS,** the White Mountain Apache Tribal government has suffered loss and injury by diverting limited funds available for health services to treat and care for patients afflicted with lung cancer and other respiratory diseases caused by the use of smoking and smokeless tobacco; and
- WHEREAS,** the tobacco companies have targeted Native Americans, in particular Native American youth, including the White Mountain Apache Tribe 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
- WHEREAS,** the White Mountain Apache 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 White Mountain Apache Tribe; and
- WHEREAS,** 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 White Mountain Apache Tribe against the tobacco companies; and
- WHEREAS,** the Attorneys possess the expertise, resources and financial capability to bring a lawsuit on behalf of the White Mountain Apache Tribe 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

Resolution No. 02-99-41

**WHEREAS**, time is of the essence because the United States Congress is likely to place a moratorium on further litigation against the tobacco companies; and

**WHEREAS**, it is in the best interest of the White Mountain Apache Tribe that legal counsel be retained immediately to litigate a claim on behalf of the Tribe; and

**WHEREAS**, Tribal Council directs the Tribal Chairman to negotiate and 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 the White Mountain Apache Tribe, if doing so is deemed to be in the best interest of the Tribe.

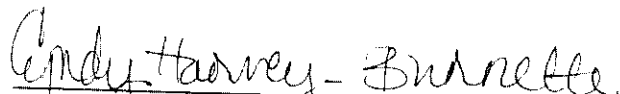
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Chairman of White Mountain Apache Tribe to negotiate and finalize, if appropriate, the Professional Services Contract for Tobacco Litigation and execute the same for and on behalf of the White Mountain Apache Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves, upon recommendation from the Tribal Chairman, the Professional Services Contract for Tobacco Litigation, attached hereto and incorporated herein as Exhibit "A", with the Branch Law Firm and Albert A. Hale, of Counsel to the Branch Law Firm, for litigation against the tobacco companies.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Attorney is hereby authorized to coordinate the negotiation and finalization of the Professional Services Contract for Tobacco Litigation at the direction of the Tribal Chairman.

The foregoing resolution was on February 5, 1999 duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (d), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council