



INTERIOR BOARD OF INDIAN APPEALS

Offshore Systems, Inc., and Constantine Lekanoff, Jr., Lorraine Swinney,
Mary Lekanoff, Peter Lekanoff, Helen Lekanoff, Lydia C. Landt, Alice Shaisnikoff,
Michael Lekanoff, and Estate of Vincent Victor Lekanoff v. Alaska Regional Director,
Bureau of Indian Affairs

52 IBIA 176 (10/22/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

OFFSHORE SYSTEMS, INC.,)	Order Dismissing Appeals
and)	
CONSTANTINE LEKANOFF, JR.,)	
LORRAINE SWINNEY, MARY)	
LEKANOFF, PETER LEKANOFF,)	
HELEN LEKANOFF, LYDIA C.)	
LANDT, ALICE SHAISNIKOFF,)	
MICHAEL LEKANOFF, and)	
ESTATE OF VINCENT VICTOR)	
LEKANOFF,)	Docket Nos. IBIA 07-77-A
)	IBIA 07-84-A
Appellants,)	
)	
v.)	
)	
ALASKA REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	October 22, 2010

Appellant Offshore Systems, Inc. (OSI), Docket No. IBIA 07-77-A, and Appellants Constantine Lekanoff, Jr., Lorraine Swinney, Mary Lekanoff, Peter Lekanoff, Helen Lekanoff, Lydia C. Landt, Alice Shaisnikoff, Michael Lekanoff, and the Estate of Vincent Victor Lekanoff (collectively, Lekanoff Heirs), Docket No. IBIA 07-84-A, appealed to the Board of Indian Appeals (Board) from the January 9, 2007, decision of the Alaska Regional Director, Bureau of Indian Affairs (Regional Director), adjusting, effective October 1, 2006, the rental payment for Lease No. 82-2 between the Lekanoff Heirs, as lessors, and OSI, as lessee. The lease covers Native Allotment No. A-059486.

At the request of the parties, the Board stayed appeal proceedings while the parties sought to negotiate a settlement. On August 9, 2010, the Board received from OSI a stipulated Notice of Dismissal (Stipulation) for both appeals. The Stipulation recites that OSI has agreed to purchase the shares of a majority of the landowners of Native Allotment

No. A-059486.¹ The Stipulation was executed on behalf of Appellants OSI, Constantine Lekanoff, Jr., Lorraine Swinney, Lydia C. Landt, Michael Lekanoff, and the Estate of Vincent Victor Lekanoff. The Regional Director joined in the Stipulation. Separately, the Board also received from Samuel J. Fortier, Esq., signed statements from Appellants Helen Lekanoff and Alice Shaisnikoff in which each authorizes him to dismiss her claims in Docket No. IBIA 07-84-A.

Following receipt of the Stipulation, the Board issued an order on August 19, 2010, noting that it had not received any pleadings from or on behalf of two remaining appellants, Mary Lekanoff and Peter Lekanoff, with respect to their positions concerning the dismissal or continued prosecution of their claims in Docket No. IBIA 07-84-A. Accordingly, the Board ordered these two appellants to notify the Board by September 13, 2010, whether one or both of them intended to pursue their appeal against the Regional Director. The Board advised these appellants that the failure to respond to the Board's order could result in the dismissal of their claims without further notice.

On September 7, 2010, the Board received from the Regional Director a notarized statement executed by Peter Lekanoff, in which he agreed to dismiss his claims. The Board has received no response to its August 19 order from or on behalf of Mary Lekanoff.

The Board agrees that dismissal of these appeals is appropriate. First, and based on the Stipulation that was submitted on behalf of, *inter alia*, OSI, the Board hereby dismisses Docket No. IBIA 07-77-A.

Second and as noted above, the Stipulation also was filed on behalf of Constantine Lekanoff, Jr., Lorraine Swinney, Lydia C. Landt, Michael Lekanoff, and the Estate of Vincent Victor Lekanoff, appellants in Docket No. IBIA 07-84-A. Separate statements signed by Appellants Alice Shaisnikoff, Helen Lekanoff, and Peter Lekanoff confirm their desire to dismiss their claims in Docket No. IBIA 07-84-A. Therefore, as to these eight appellants, their requests to dismiss their claims in Docket No. IBIA 07-84-A are granted. The Board appreciates the successful efforts of the parties and their counsel in resolving these appeals.

¹ The stipulation stated that OSI has agreed to purchase the shares of the majority of the "appellees." Notice of Dismissal at 1. Because the only appellee in these appeals is the Regional Director, the Board presumes that the stipulation refers to the beneficial landowners of Native Allotment No. A-059486, for whom the United States holds title in trust.

The only remaining appellant in Docket No. IBIA 07-84-A is Mary Lekanoff. She has not appeared before the Board in this appeal since February 2010 when the Board granted her attorney's request to withdraw as counsel. In particular, the Board has not received a response from her to the Board's August 19 order for a statement concerning her intent to continue her appeal. Therefore, as to Mary Lekanoff, we dismiss her claims in Docket No. IBIA 07-84-A for failure to prosecute.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses IBIA 07-77-A and IBIA 07-84-A.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge