

CHEYENNE RIVER SIOUX TRIBAL COURT
CHEYENNE RIVER SIOUX TRIBE
CHEYENNE RIVER SIOU INDIAN RESERVATION

IN CIVIL COURT
IN GENERAL SESSION

LONG FAMILY LAND AND CATTLE
COMPANY- RONNIE AND LILA LONG,

R-120-99

Plaintiffs,

vs.

ORDER

EDWARD AND MARY MACIEJEWSKI,
RALPH AND NORMA J. PSICKA,
And THE BANK OF HOVEN, nka PLAINS
COMMERCE BANK,

Defendants.

The Defendant Bank has moved this Court to dismiss several counts of the Plaintiffs' complaint to narrow the issues for trial. The Court has reviewed the complaint of the Plaintiffs and all other pleadings filed in this matter and based upon that review it is hereby

ORDERED, ADJUDGED, AND DECREED that Count 4 of the Complaint, insofar as it prays for rescission of the voluntary deed of conveyance executed by the personal representative of the estate of Kenneth L. Long for an alleged fraud in the inducement, is DISMISSED without prejudice to any rights of the Plaintiff to assert such an action in state court. To the extent the count requests rescission based upon failure of consideration the motion is DENIED, and it is further

ORDERED, ADJUDGED, AND DECREED that the motions to dismiss the other counts are DENIED, and it is further

ORDERED, ADJUDGED, AND DECREED that the Court will permit testimony regarding the circumstances surrounding the execution of the voluntary deed of conveyance only insofar as it is relevant to the Plaintiff's other counts and is pertinent to the Plaintiffs' claims that they gave consideration to the Bank for the alleged promises made by the Bank and the Bank breached those promises.

So ordered this 5th day of December 2002.

BY ORDER OF THE COURT:

BJ Jones
Special Judge

ATTEST: _____
Clerk of Courts