

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FARMERS UNION OIL COMPANY,

CIV. 07-1004

PLAINTIFF,

vs.

STELLA GUGGOLZ; WILLIAM P.
ZUGER, TRIBAL COURT JUDGE
OF THE STANDING ROCK SIOUX
TRIBAL COURT OF THE STANDING
ROCK INDIAN RESERVATION; AND
THE STANDING ROCK SIOUX
TRIBAL COURT.

DEFENDANTS.

**ANSWER OF WILLIAM P. ZUGER,
TRIBAL COURT JUDGE, AND
STANDING ROCK SIOUX
TRIBAL COURT**

COME NOW defendants William P. Zuger, Tribal Court Judge of the Standing Rock Sioux Tribal Court of the Standing Rock Indian Reservation, and the Standing Rock Sioux Tribal Court, and for their Answer to the plaintiff's Complaint [doc. 1] state:

1. The averments contained in paragraph 1 are plaintiff's characterizations of this action, to which no answer is required under Fed. R. Civ. P. 8(b). To the extent an answer is required, defendants admit so much of paragraph 1 as alleges that plaintiff seeks injunctive and declaratory relief in this action and deny the remainder of the paragraph, including that portion of the paragraph that alleges that "the Standing Rock Sioux Tribal Court may not exercise jurisdiction over the subject matter of the civil action" brought against plaintiff in the Tribal Court.

2. Paragraphs 2-13 are admitted.

3. Paragraphs 14-15 contain plaintiff's legal conclusions, to which no answer is required. To the extent an answer is required, paragraphs 14-15 are denied. The second and third sentences of paragraph 15 appear to quote the Supreme Court's decision in Montana v. U.S., 450 U.S. 544 (1981). The decision speaks for itself.

4. Paragraph 16 contains plaintiff's legal conclusions, to which no answer is required. To the extent an answer is required, paragraph 16 is denied. This paragraph appears to quote, paraphrase, or otherwise describe the Memorandum Opinion issued by William P. Zuger, Associate Tribal Judge of the Standing Rock Sioux Tribal Court, on February 8, 2007, a copy of which is attached to plaintiff's Complaint as Exhibit B. The Memorandum Opinion speaks for itself.

5. In response to paragraph 17, defendants restate, and incorporate herein by reference, their answers to paragraphs 1-16.

6. Paragraphs 18-20 are denied.

7. Defendants admit so much of paragraph 21 as alleges that "[t]he Standing Rock Sioux Tribal Court has ordered the matter to Trial on Wednesday, November 14, 2007." Defendants deny the remainder of paragraph 21.

8. Paragraph 22 is denied.

9. In response to paragraph 23, defendants restate, and incorporate herein by reference, their answers to paragraphs 1-22.

10. Defendants deny so much of paragraph 24 as alleges that "the Standing Rock Sioux Tribal Court may not exert jurisdiction over Plaintiff in the action filed in tribal court, COMP 06-681." Defendants admit the remainder of paragraph 24.

11. Paragraph 25 is denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint [doc. 1] fails to state a claim upon which relief can be granted.
2. The claims against the Standing Rock Sioux Tribal Court are barred by the doctrine of tribal sovereign immunity and should be dismissed.
3. Plaintiff has not exhausted its remedies in the tribal court system of the Standing Rock Sioux Tribe. The claims against all defendants should be dismissed or held in abeyance pending exhaustion by plaintiff of its tribal court remedies.

Dated: July 12, 2007

Respectfully submitted,

**WILLIAM P. ZUGER, TRIBAL COURT
JUDGE, AND STANDING ROCK SIOUX
TRIBAL COURT**

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CERTIFICATE OF SERVICE

I certify that on July 12, 2007, I caused a true and accurate copy of the foregoing ANSWER OF WILLIAM P. ZUGER, TRIBAL COURT JUDGE, AND STANDING ROCK SIOUX TRIBAL COURT to be served electronically through the Notice of Electronic Filing service provided by the Court or by first-class mail upon the following counsel of record:

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