

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

| | | |
|------------------------------------|---|----------------------------|
| THE CHEROKEE NATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 11-CV-648-TCK-TLW |
| |) | |
| RAYMOND NASH, LARRY WASSON, |) | |
| ROBERT ALLEN, KATHY WASHINGTON, |) | |
| LISA DUKE, KEN SALAZAR, SECRETARY |) | |
| OF THE INTERIOR, AND THE UNITED |) | |
| STATES DEPARTMENT OF THE INTERIOR, |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF, CHEROKEE NATION’S RESPONSE TO FEDERAL DEFENDANTS’ COUNTERCLAIM FOR DECLARATORY RELIEF

Comes now the Plaintiff, the Cherokee Nation and for its Response to the Federal Defendants Counterclaim, [hereinafter ‘Federal Counterclaim’] filed herein on July 2, 2012, (Docket No. 118) does hereby allege and state the following:

1. Plaintiff, the Cherokee Nation, admits allegations contained in paragraphs 1 and 2 of the Federal Counterclaim.
2. Plaintiff, the Cherokee Nation, admits to a portion of paragraph 3 of the Federal Counterclaim, that it is an Indian tribe recognized by the United States of America. The Cherokee Nation specifically denies that its sovereign immunity does not extend to this suit.
3. Plaintiff, the Cherokee Nation, admits allegations contained in paragraphs 4 of the Federal Counterclaim.
4. Plaintiff, the Cherokee Nation, admits allegations contained in paragraphs 5-15 of the Federal Counterclaim.
5. Plaintiff, the Cherokee Nation, admits allegations contained in paragraph 16 of the Federal Counterclaim.

6. Plaintiff, the Cherokee Nation, admits allegations contained in paragraph 17 of the Federal Counterclaim.
7. Plaintiff, the Cherokee Nation, specifically denies the allegations contained in paragraph 18 of the Federal Counterclaim which alleges that Article IX of the Treaty guaranteed the Freedmen and their descendents rights of citizenship.
8. Plaintiff, the Cherokee Nation, denies the allegations contained in paragraph 19 of the Federal Counterclaim.

WHEREFORE, the Plaintiff herein prays that the relief requested herein by the Federal Defendants be denied.

Respectfully submitted:

/s/A.Diane Hammons
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CERTIFICATE OF SERVICE

I hereby certify that on August 6th, 2012, I electronically transmitted the Reply and Motion to Dismiss to the Court via ECF for filing and also electronically transmitted a copy of the same via email to the following:

Amber Blaha
Jonathan T. Velie
Alvin Dunn

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