

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

May 22, 2013

Before

KENNETH F. RIPPLE, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

SARAH EVANS BARKER, *District Judge*\*

No. 12-2617

DEBORAH JACKSON, et al.,

*Plaintiffs-Appellants,*

*v.*

PAYDAY FINANCIAL, LLC, et al.,

*Defendants-Appellees.*

Appeal from the United States  
District Court for the Northern District  
of Illinois, Eastern Division.

No. 1:11-cv-09288

**Charles P. Kocoras**, *Judge.*

## ORDER

This case is currently under advisement. By letters submitted under Rule 28(j), the parties have raised two significant factual issues which may have bearing on the outcome of this case.

First, by letters dated January 31 and February 4, 2013, the parties dispute whether the applicable tribal law is readily available to the public and, if so, under what conditions.

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\* The Honorable Sarah Evans Barker, Judge of the United States District Court for the Southern District of Indiana, sitting by designation.

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Second, by letters dated April 3 and 5, 2013, the parties indicate that the governing authority of the Cheyenne River Sioux Tribe may not have an authorized arbitration mechanism available to the parties, thus making it uncertain whether the arbitrator and method of arbitration required under the contract is actually available.

While still retaining jurisdiction, the court remands these two questions to the district court for appropriate findings of fact. The district court may receive evidence from the parties and, if it so desires, hold a hearing to assist in making these factual determinations.

We are aware of the busy docket and heavy workload of the district court, but would appreciate the district court dealing with this matter as expeditiously as it can. At the conclusion of the proceedings the district court should transmit its findings of fact to this court and the parties shall have fifteen (15) days after the filing to state their position in light of the district court's findings. The statement of position may be filed by letter or memorandum.

The invitations recently issued to the Federal Trade Commission and the Attorney General of Illinois remain outstanding and the briefing schedule set forth in those orders remains in effect. If those parties accept our invitation to submit amicus briefs, they may also submit a letter or memorandum stating their position on the findings of the district court within fifteen (15) days of those findings.

The clerk shall transmit a copy of this order and the letters submitted under Rule 28(j) to the district court.