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9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 THE HOPI TRIBE )

12 Plaintiff, )

13 **COMPLAINT**

14 v. )

15 THE NAVAJO NATION )

16 Defendant. )

17  
18 1. The Hopi Tribe, on behalf of itself and its members, files this Complaint  
19 against the Navajo Nation, and states as follows:

20 Introduction

21 2. The Hopi Tribe seeks to enforce the terms of an Intergovernmental Compact  
22 (the "Compact") between the Hopi Tribe and the Navajo Nation that allow the Hopi Tribe  
23 to access designated areas of the Navajo Reservation for specific religious purposes.

24 3. The Compact resolved decades of litigation between the Hopi and the  
25 Navajo regarding their respective rights in and to lands in northeastern Arizona. *See*  
26 *generally Masayesva v. Zah*, 65 F.3d 1445 (9th Cir. 1995). The terms and provisions of  
27 the Compact were approved and made a part of the Order and Final Judgment resolving  
28 the parties' dispute regarding rights to an area in northeastern Arizona commonly referred  
to as the 1934 Act Reservation. *See Honyoama v. Shirley*, Case No. 74-842, Order & Final  
Judgment (D. Ariz. Dec. 5, 2006), at 3.

1           4.     In the Compact, the Navajo Nation agreed to exercise its sovereign power to  
2 allow Hopi religious practitioners to engage in certain religious practices, including the  
3 sacred gathering of golden eagles, in designated areas of the Navajo Reservation, without  
4 interference from the Navajo Nation government.

5           5.     On a confidential map attached as Exhibit B to the Compact, the Hopi Tribe  
6 designated certain areas of religious importance to the Hopi for eagle gathering, which are  
7 located on the Navajo Reservation.

8           6.     The Navajo Nation agreed that it would not prevent members of the Hopi  
9 Tribe from accessing the Exhibit B areas for eagle gathering, and relinquished its authority  
10 to enforce laws that could interfere with Hopi religious access, including trespass and  
11 wildlife laws.

12          7.     The Hopi and the Navajo now have conflicting views about the meaning and  
13 intent of the Compact.

14          8.     The Navajo Nation has prevented Hopi practitioners from conducting  
15 religious ceremonies at specific shrines located on “allotments” (parcels of land held in  
16 trust by the United States for individual Navajos) on the Navajo Reservation, going so far  
17 as to arrest and criminally cite a member of the Hopi Tribe for accessing an allotment, and  
18 the Navajo Nation has announced that it will continue preventing members of the Hopi  
19 Tribe from engaging in religious activities permitted under the Compact if those religious  
20 activities involve coming onto allotments.

21          9.     The Navajo Nation has attempted to disavow its authority to regulate and  
22 exercise sovereign powers over allotments in the manner provided in the Compact.

23          10.    The Navajo Nation’s actions constitute a breach of its obligations under the  
24 Compact and deny the members of the Hopi Tribe their fundamental right to practice their  
25 religion.

26          11.    The Compact created a Joint Commission (the “Commission”) to administer  
27 and facilitate the terms of the Compact. *See generally* Article 8. The Compact further  
28 provided that any disputes arising under the Compact would be subject to arbitration

1 before the Commission in the first instance, *see* Art. 8.3, and required the Commission to  
2 “decide and resolve” such disputes within 180 days, *see* Art. 8.4.

3 12. If the Commission failed to decide and resolve a dispute by issuing a written  
4 Decision and Award within 180 days, the Compact further provided that either party could  
5 then commence litigation in the United States District Court for the District of Arizona for  
6 any relief that the Commission could have awarded. Art. 8.8.

7 13. The parties consented to the jurisdiction of the Commission and the United  
8 States District Court for the District of Arizona, and waived their sovereign immunity for  
9 purposes of arbitration or lawsuits initiated under the Compact. Art. 8.9.

10 14. Pursuant to the dispute resolution provisions of the Compact, the Hopi Tribe  
11 filed a Demand for Arbitration with the Commission in October 2012 to resolve its dispute  
12 with the Navajo Nation regarding the meaning of the Compact.

13 15. The Hopi Tribe’s Demand for Arbitration only sought relief against the  
14 Navajo Nation. The Hopi Tribe asserted no claims against the United States, individual  
15 allotment holders, or any other parties. The Hopi Tribe asked the Commission to enter a  
16 declaratory judgment regarding the meaning of the Compact, finding that members of the  
17 Hopi Tribe are entitled to access the Exhibit B areas without interference from the Navajo  
18 Nation, and an injunction preventing the Navajo Nation from interfering with Hopi  
19 religious practices undertaken in accordance with the Compact.

20 16. The parties engaged in document discovery, retained expert witnesses, and  
21 conducted multiple depositions in preparation for an arbitration hearing on the Hopi  
22 Tribe’s Demand.

23 17. The Commission, however, did not decide and resolve the parties’ dispute as  
24 required by the Compact. The Commission determined that “it lacks jurisdiction to  
25 consider the dispute involving allotted lands since it has no jurisdiction over the allotment  
26 holders and the U.S. Secretary of the Interior (the allotment trustee) under the  
27 Intergovernmental Compact.” Order dated Apr. 17, 2013, at 2.  
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1           18.     The Commission dismissed the Hopi Demand as it related to allotments  
2 without prejudice (there was also a second dispute, not relevant here, as to which the  
3 Commission retained jurisdiction), concluding that: “All Commissioners agreed that  
4 should the U.S. Courts determine that the Commission has jurisdiction over allotments  
5 then the Commission would take such jurisdiction.” *Id.*

6           19.     The Commission did not hear any evidence from the parties, and did not  
7 decide the meaning of the disputed provision of the Compact allowing members of the  
8 Hopi Tribe access to the Exhibit B areas without interference. Instead, the Commission  
9 concluded that: “The jurisdiction lies with the United States District Court.” *Id.*

10           20.     Accordingly, the Hopi Tribe brings this Complaint and requests that this  
11 Court enter a declaratory judgment that the Navajo Nation agreed in the Compact not to  
12 interfere with Hopi religious practitioners exercising their rights under the Compact to  
13 access the small number of eagle gathering shrines located on allotments. The Hopi Tribe  
14 maintains that, in the Compact, the Navajo Nation agreed that it would not stop members  
15 of the Hopi Tribe from accessing designated shrines, including those on allotments on the  
16 Navajo Reservation, for sacred eagle gathering ceremonies. The Hopi Tribe further  
17 requests that the Court enter an order enjoining the Navajo Nation from violating the  
18 Compact by interfering with the religious activities of Hopi practitioners on the few eagle  
19 shrines that occur on allotments.

20           21.     The Hopi Tribe is not asking the Court to enter any relief against the United  
21 States or individual allotment holders. The Hopi Tribe only seeks to bind the Navajo  
22 Nation, a party to the Compact.

23           22.     In the alternative, if this Court determines that it cannot hear and resolve this  
24 dispute about the meaning of the Compact, the Hopi Tribe requests that the Court vacate  
25 the Commission’s decision on the allotment issue under the Federal Arbitration Act, 9  
26 U.S.C. § 10(a), and order the Commission to hold an evidentiary hearing and enter a ruling  
27 on the meaning and intent of the Compact. Otherwise, the Hopi Tribe will be left without  
28 a forum for having this dispute resolved, and the Navajo will continue to exercise self-help

1 to prevent Hopi practitioners from engaging in religious ceremonies guaranteed by the  
2 Compact, federal law, and the United States Constitution.

3 Jurisdiction

4 23. This Court has jurisdiction pursuant to the Order and Final Judgment entered  
5 by this Court in *Honyoama v. Shirley*, Case No. 74-842 (D. Ariz. Dec. 5, 2006). In its  
6 Order and Final Judgment, this Court concluded that it “retains jurisdiction over the parties  
7 and the subject matter for the purpose of proceedings to vacate, modify, or enforce any  
8 arbitration decision and award made under Section 8.4 of the Intergovernmental Compact,  
9 or original enforcement proceedings under Sections 8.7 or 8.8 thereof.” *Id.* at 3-4.

10 24. The Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1353 and  
11 1362, and 25 U.S.C. §§ 345, 640d-7(a). The matters in controversy arise under the  
12 Constitution, laws, or treaties of the United States.

13 25. This Court has authority to grant declaratory and injunctive relief pursuant to  
14 28 U.S.C. §§ 2201-2202.

15 26. Venue is proper in this District under 28 U.S.C. § 1391(b) because a  
16 substantial part of the events and omissions giving rise to the claims occurred in this  
17 district. In addition, both parties agreed in the Compact that judicial review would only be  
18 appropriate in this District.

19 Parties

20 27. The Hopi Tribe is a federally-recognized, sovereign, self-governing Indian  
21 tribe with a reservation located in northeastern Arizona. Hopis and their ancestors have  
22 resided in and used the areas within and adjoining their present-day reservation for at least  
23 a thousand years. Since time immemorial, Hopi clans have undertaken religious  
24 pilgrimages to sacred shrines in northeastern Arizona, including shrines within the  
25 boundaries of the present-day Navajo reservation.

26 28. The Navajo Nation is a federally-recognized, sovereign, self-governing  
27 Indian tribe with a large reservation located in northeastern Arizona, northwestern New  
28

1 Mexico, and southeastern Utah. The Navajo Reservation entirely surrounds the Hopi  
2 Reservation.

3 General Allegations

4 29. The Hopi religion is inseparable from the surrounding landscape. Each year,  
5 Hopi clans visit specific religious shrines as part of sacred religious pilgrimages to gather  
6 golden eagles. Some of these religious shrines are located within the boundaries of the  
7 Navajo Reservation.

8 30. For decades, the Hopi and the Navajo disputed their respective rights in and  
9 to lands located in northeastern Arizona. *See generally Masayeva v. Zah*, 65 F.3d 1445  
10 (9th Cir. 1995).

11 31. In 1974, Congress passed the Navajo-Hopi Land Settlement Act (the “1974  
12 Settlement Act”), which, among other things, enabled the Navajo and Hopi to sue each  
13 other as a means of settling their land dispute. *Id.*; *see also* 25 U.S.C. § 640d-7(a).

14 32. The 1974 Settlement Act also provided for “the use of and right to access to  
15 identified religious shrines for the members of each tribe on the reservation of the other  
16 tribe where such use and access are for religious purposes.” 25 U.S.C. § 640d-20. The  
17 Secretary of the Interior was directed to provide such use and access to religious shrines on  
18 the other tribe’s reservation. *Id.*

19 33. Following decades of litigation in this Court and years of mediation under  
20 the auspices of a Senior Judge of the United States Court of Appeals for the Ninth Circuit,  
21 the Honorable William Canby, the Hopi and Navajo, exercising their authority as  
22 sovereign Indian nations, entered into the Compact on November 3, 2006.

23 34. The United States Secretary of the Interior signed and approved the  
24 Compact. The Secretary of the Interior signed the Compact “for approval of the  
25 agreements and creation of the beneficial interests and use and access rights upon and to  
26 certain trust lands set forth in this Compact.” Art. 7.3.

27 35. Among other things, the parties agreed that members of each tribe could  
28 access designated religious sites on lands of the other without interference.

1           36. The Compact contains highly confidential information relating to the parties’  
2 religious practices.

3           37. On a confidential map attached as Exhibit B to the Compact, the Hopi Tribe  
4 designated certain areas of religious importance to the Hopi for eagle gathering, which are  
5 located on the Navajo Reservation.

6           38. The Navajo Nation agreed that it would not prevent members of the Hopi  
7 Tribe from accessing the Exhibit B areas for specific religious purposes, and relinquished  
8 its authority to enforce laws that could interfere with Hopi religious access, including  
9 trespass and wildlife laws.

10          39. Section 2.4 of the Compact provides that:

11                   The Navajo Nation grants to the Hopi Tribe, for the use and  
12 benefit of all current and future enrolled members of the Hopi  
13 Tribe, a permanent, irrevocable, prepaid, non-exclusive  
14 easement, profit, license, and permit to come upon the Navajo  
15 Lands, and to gather and remove fledgling Golden Eagles and  
16 hawks within the areas depicted on Exhibit B, and to gather  
17 and remove minerals and plant materials for religious and  
18 medicinal purposes from the Navajo Lands generally;  
19 provided, however, that such materials and things shall not be  
20 gathered for sale or other commercial purposes. This Compact  
21 does not grant to the Hopi Tribe or its members any easement,  
22 profit, license, permit, or right to gather or remove any Golden  
23 Eagle or hawk from any part of the Navajo Lands outside the  
24 areas depicted on Exhibit B, and this Compact does not  
25 prevent, limit or restrict the Navajo Nation from enforcing any  
26 law governing trespass, hunting or interference with wildlife  
27 against any person who comes upon any part of the Navajo  
28 Lands outside the areas depicted on Exhibit B for the purpose  
of gathering or removing any Golden Eagle or hawk. This  
Compact does not waive, limit or restrict any right the Hopi  
Tribe or its members may have under the United States  
Constitution or federal law to come upon any part of the  
Navajo Lands outside the areas depicted on Exhibit B for the  
purpose of gathering or removing any Golden Eagle or hawk.

39. In addition, in years when the Hopi Tribe obtains a federal permit, the  
Navajo agreed not to require members of the Hopi Tribe to obtain a Navajo permit to

1 collect golden eagles from the areas on the Exhibit B map, and agreed to take steps to  
2 facilitate access to the Exhibit B areas by providing police escorts if requested by members  
3 of the Hopi Tribe.

4 41. In breach of the Compact, in May 2012, Navajo law enforcement personnel  
5 arrested and criminally charged a Hopi religious practitioner for accessing a religious  
6 shrine located on the Exhibit B map because the Navajo claimed the shrine was located on  
7 an “allotment.”

8 42. Allotments are parcels of land held in trust by the United States for  
9 individual Navajos. The United States abandoned the policy of allotting lands to  
10 individual Indians nearly 100 years ago, and, given the passage of time, allotments today  
11 commonly have dozens, if not hundreds, of owners, each holding a tiny fractional interest  
12 in the land that they often do not use or occupy.

13 43. Prior to the incident in May 2012, the Navajo Nation had been aware of Hopi  
14 gathering at religious shrines on allotments for decades. The Navajo Nation regularly  
15 issued permits to the Hopi Tribe to collect eagles from allotments. The Navajo Nation also  
16 provided police escorts to Hopi practitioners during their religious pilgrimages to shrines  
17 on allotments.

18 44. In further breach of the Compact, in May 2013, the Navajo Nation deployed  
19 law enforcement officers to prevent Hopi practitioners from accessing another sacred  
20 shrine because it is allegedly located on an allotment. This particular shrine to which the  
21 Navajo denied access this past May is one that the Navajo have knowingly allowed Hopi  
22 religious practitioners to access and use for decades.

23 45. The Navajo Nation has warned the Hopi Tribe that it will criminally  
24 prosecute any members of the Hopi Tribe who come onto allotments during their religious  
25 ceremonies.

26 46. The Navajo position is that it does not have the authority to regulate and  
27 exercise sovereign powers over allotments in the manner provided in the Compact.  
28



1           47. As a matter of inherent sovereignty and federal law, the Navajo Nation has  
2 legislative, executive, and judicial jurisdiction and sovereignty over the allotments within  
3 the boundaries of the Navajo Reservation, including the ones located within the Exhibit B  
4 areas.

5           48. On October 23, 2012, after unsuccessfully attempting to negotiate a  
6 resolution with the Navajo Nation, the Hopi Tribe filed a Demand for Arbitration with the  
7 Commission established to resolve disputes arising under the Compact.

8           49. The Hopi Tribe requested that the Commission issue an order confirming  
9 that the Navajo Nation agreed in the Compact that members of the Hopi Tribe can access  
10 the areas depicted on the Exhibit B map for eagle gathering without interference from the  
11 Navajo Nation, and enjoining the Navajo Nation from arresting or interfering with Hopi  
12 religious practitioners who access the Exhibit B areas in accordance with the terms of the  
13 Compact.

14           50. In its Demand for Arbitration, the Hope Tribe did not make claims or seek  
15 relief against the United States, individual allotment holders or any other parties.

16           51. Section 8.3 of the Compact provides that “[a]ny dispute arising under this  
17 Compact that is not resolved by negotiation may be submitted to the Joint Commission for  
18 arbitration .... Arbitration before the Joint Commission shall be the only procedure and the  
19 only forum for resolution of such disputes unless and until the Joint Commission shall fail  
20 to make a decision within the period specified in Section 8.4.”

21           52. Section 8.4 states that when a party submits a dispute to the Commission, the  
22 Commission “shall decide and resolve the dispute by issuing a written Decision and Award  
23 signed by a majority of the 5 members within 180 days after the date on which the demand  
24 for arbitration shall have been mailed to the last of the members of the Joint Commission  
25 and the other party.”

26           53. Under Section 8.8, “[i]n the event the Joint Commission shall fail to issue a  
27 Decision and Award within the period set forth in Section 8.4, either party may then  
28

1 commence litigation in the United States District Court for the District of Arizona for any  
2 relief that the Joint Commission could have awarded.”

3 54. Under Section 8.6, a decision of the Commission may be vacated or  
4 modified under the terms of the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, as it existed  
5 on December 5, 2006, the Compact’s Effective Date.

6 55. Under Section 8.9, each party consented to suit and waived its sovereign  
7 immunity for purposes of any arbitration proceedings and proceedings brought in the  
8 United States District Court for the District of Arizona in accordance with the terms of the  
9 Compact.

10 56. On November 30, 2012, the Navajo Nation filed a Motion to Dismiss the  
11 Hopi Demand, disputing that it agreed in the Compact that Hopi practitioners are permitted  
12 to access allotments within the Exhibit B areas without interference from the Navajo  
13 Nation, and further arguing that federal court is the only venue in which the rights at issue  
14 can be resolved.

15 57. The Commission preliminarily denied the Navajo Motion to Dismiss and  
16 scheduled a week-long arbitration hearing for April 2013 to hear evidence concerning the  
17 meaning of the Compact. Accordingly, between November 2012 and April 2013, the  
18 parties engaged in extensive document and deposition discovery and prepared for a 5-day  
19 evidentiary hearing on the merits of the dispute.

20 58. On April 8, 2013, the day the hearing was scheduled to begin, the  
21 Commission announced that it desired to hear further argument on the Navajo Nation’s  
22 Motion to Dismiss, rather than consider any evidence from the parties.

23 59. After hearing argument from each party’s counsel, the Commission indicated  
24 its belief that it did not have jurisdiction to hear the dispute and that federal court was the  
25 proper forum.

26 60. At a hearing the next day, April 9, 2013, the Hopi Tribe requested that the  
27 Commission reconsider its decision regarding its jurisdiction over the Hopi Demand, and  
28 counsel for the Hopi Tribe described the substantial evidence that the Hopi Tribe would

1 present in support of its claims, including the testimony of numerous Hopi and Navajo  
2 witnesses. The Hopi Tribe also tendered to the Commission its exhibit and witness lists  
3 and several transcripts of testimony relevant to its claims.

4 61. The Commission denied the Hopi Tribe's request to reconsider its decision  
5 regarding its jurisdiction over the Hopi Demand.

6 62. The Hopi Tribe also asked that the Commission's decision be without  
7 prejudice so that the Commission could reopen the matter if this Court were to determine  
8 that the Commission is the proper forum in which to resolve this dispute.

9 63. On April 17, 2013, the Commission issued a Decision and Order directing  
10 the parties to this Court, stating that "jurisdiction lies with the United States District  
11 Court." In its Decision and Order, the Commission explained that it could not "consider  
12 the dispute involving allotted lands since it has no jurisdiction over the allotment holders  
13 and the U.S. Secretary of the Interior (the allotment trustee) under the Intergovernmental  
14 Compact."

15 64. The Commission dismissed the Hopi Demand without prejudice, however,  
16 stating that it would hear and resolve the dispute if this Court were to determine that the  
17 Commission had jurisdiction.

18 65. Given the Commission's ruling, the Hopi Tribe brings this Complaint and  
19 requests that this Court hear the evidence and enter a ruling on the meaning of the  
20 Compact.

21 66. The Hopi Tribe seeks a declaratory judgment that, in the Compact, the  
22 Navajo Nation agreed that it would not prevent members of the Hopi Tribe from accessing  
23 eagle gathering shrines located on allotments within the Exhibit B areas, and an order  
24 enjoining the Navajo Nation from arresting, citing or otherwise interfering with Hopi  
25 religious practices undertaken in accordance with the Compact.

26 67. In the alternative, if the Court determines that it cannot hear the evidence and  
27 rule on the meaning of the Compact, the Hopi Tribe requests that the Court vacate the  
28 Commission's decision that it does not have jurisdiction to hear and resolve the dispute,

1 and enter an order requiring the Commission to hold an evidentiary hearing and rule on the  
2 merits of the Hopi Tribe's claims.

3 First Claim For Relief - Breach Of The Compact

4 68. The prior allegations are incorporated by reference as if fully set forth below.

5 69. In the Compact, the Navajo Nation agreed that it would not prevent members  
6 of the Hopi Tribe from accessing the areas designated on the Exhibit B map, including  
7 allotments, for specific religious purposes.

8 70. As a sovereign Indian tribe, the Navajo Nation has the authority to fulfill this  
9 agreement by refraining from enforcing any laws against Hopi practitioners within the  
10 Exhibit B areas that could interfere with Hopi religious practices.

11 71. The Navajo Nation has arrested and criminally charged a Hopi practitioner  
12 for accessing a shrine on an allotment within the Exhibit B areas, prevented Hopi  
13 practitioners from accessing allotments within the Exhibit B areas, and advised the Hopi  
14 Tribe that it will continue to stop members of the Hopi Tribe from accessing shrines on  
15 allotments located on the Exhibit B map.

16 72. The Navajo Nation's conduct is a material breach of the Compact and denies  
17 the members of the Hopi Tribe their fundamental right to practice their religion.

18 73. The Hopi Tribe filed a Demand for Arbitration with the Commission to  
19 vindicate its rights under the Compact and prevent the Navajo Nation from continuing to  
20 violate the Compact.

21 74. The Commission declined to consider the evidence relating to the meaning  
22 of the Compact, and declined to decide and resolve the parties' dispute within 180 days of  
23 the Hopi Demand for Arbitration. Instead, the Commission directed the parties to this  
24 Court, which it stated has jurisdiction to resolve the dispute.

25 75. In the Compact, the parties agreed that if the Commission does not decide  
26 and resolve a dispute within 180 days, either party can commence litigation in this Court  
27 for any relief that the Commission could have awarded.

28

1           76. The relief the Hopi Tribe seeks is solely against the Navajo Nation, and  
2 would not prejudice the ability of the United States to take actions on behalf of individual  
3 Navajos, if it were to determine that such actions were appropriate.

4           77. By entering into the Compact, the Navajo Nation consented to this suit and  
5 waived its sovereign immunity for purposes of this litigation.

6           78. Wherefore, the Hopi Tribe requests that the Court enter a declaratory  
7 judgment that the Navajo Nation agreed in the Compact that it would not prevent members  
8 of the Hopi Tribe from accessing eagle gathering shrines on the Exhibit B map, including  
9 any shrines located on allotments, and that the Navajo Nation has the authority to fulfill  
10 this agreement by not deeming Hopi practitioners' exercise of their religious rights under  
11 the Compact a trespass or other violation of law.

12           79. The Hopi Tribe further requests that the Court enjoin the Navajo Nation from  
13 taking any civil, criminal or other enforcement measures, including making arrests or  
14 issuing citations, against Hopi religious practitioners for accessing areas within Exhibit B,  
15 including allotments, for religious eagle gathering, or otherwise interfering with Hopi  
16 religious practitioners acting in accordance with the terms of the Compact.

17                                   Second Claim For Relief - Federal Arbitration Act -  
18                                   Failure To Hear Evidence Pertinent And  
19                                   Material To the Controversy

20           80. The prior allegations are incorporated by reference as if fully set forth below.

21           81. The Hopi Tribe makes this Second Claim for Relief in the alternative in the  
22 event that this Court declines to hear the evidence and enter a ruling on the merits of the  
23 dispute set forth herein, and has filed concurrently with this Complaint a Motion to Vacate  
24 that describes the grounds for vacating the Commission's Decision and Order.

25           82. The Federal Arbitration Act (the "Arbitration Act"), as it existed on  
26 December 5, 2006, authorizes a district court to issue an order vacating an arbitration  
27 award where the arbitrators "refus[ed] to hear evidence pertinent and material to the  
28 controversy; or of any other misbehavior by which the rights of any party have been  
prejudiced . . . ." 9 U.S.C. § 10(a)(3).





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96. In the alternative, enter an order (A) vacating the April 17, 2013 Decision and Order of the Commission, (B) finding that the Commission has jurisdiction to decide this dispute, and (C) requiring the Commission to hold an evidentiary hearing and enter a ruling on the merits.

97. Such other and further relief as this Court deems appropriate.

Dated: July 5, 2013

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