

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**PUEBLO OF SANTA CLARA, and  
SANTA CLARA DEVELOPMENT CORPORATION,**

**Plaintiffs,**

**No. CIV. \_\_\_\_\_**

**v.**

**HONORABLE SARAH SINGLETON, District  
Judge, New Mexico First Judicial District,  
Division II; WILFRED PADILLA; and,  
VIRGINIA PADILLA,**

**Defendants.**

**COMPLAINT FOR DECLARATORY RELIEF**

Plaintiffs Pueblo of Santa Clara and Santa Clara Development Corporation (“SCDC”),  
for their complaint against the Defendants allege as follows:

**INTRODUCTION**

This is an action for declaratory relief, by which Plaintiffs seek, pursuant to 42 U.S.C. § 1983 (SCDC) and 28 U.S.C. § 2201 (Santa Clara Pueblo), a declaration that the Indian Gaming Regulatory Act does not permit the shifting of jurisdiction from tribal courts to state courts over personal injury lawsuits brought against tribes or tribal entities with respect to claims arising within Indian country, and that thus the New Mexico state courts do not have jurisdiction over the case captioned *Wilfred Padilla and Virginia Padilla v. Santa Clara Pueblo, and Santa Clara Development Corporation, d/b/a Santa Claran Casino, D-101-CV-2016-00737*.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this case under 28 U.S.C. §§ 1331 (federal question), 1362 (action brought by Indian tribe), and 28 U.S.C. 1343 (protection of civil rights).

2. Venue is proper under 28 U.S.C. § 1391(b), inasmuch as the actions from which the claims arise occurred or are occurring within the District of New Mexico.

### **PARTIES**

3. Plaintiff Pueblo of Santa Clara (“Pueblo”) is a federally recognized Indian tribe located in New Mexico.

4. Plaintiff Santa Clara Development Corporation (“SCDC”) is a tribally chartered corporation wholly owned by the Pueblo of Santa Clara, doing business on Santa Clara Pueblo lands in the State of New Mexico.

5. Defendant Judge Sarah Singleton is a New Mexico state district court judge, sitting in Division II of the First Judicial District (Santa Fe County), who is currently presiding over a civil lawsuit captioned *Wilfred Padilla and Virginia Padilla v. Santa Clara Pueblo, and Santa Clara Development Corporation, d/b/a Santa Claran Casino, D-101-CV-2016-00737* (the “Padilla Lawsuit”).

6. Defendants Wilfred Padilla and Virginia Padilla (together, the “Padilla Plaintiffs”) are the plaintiffs in the *Padilla* Lawsuit.

### **STATEMENT OF FACTS**

7. Santa Clara Development Corporation operates the Santa Claran Casino (“Casino”), located on Santa Clara Pueblo lands, and thus within Santa Clara Indian country, under the terms of a class III gaming compact entered into between the Pueblo and the State of

New Mexico (the “Compact”) pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-2721 (1994) (“IGRA”), specifically § 2710(d), which Compact was approved by the Secretary of the Interior and at the time of the accident alleged by the Padilla Plaintiffs was in effect. (Subsequently, in 2015, the parties entered into a new compact, but none of those changes are material here.)

8. The Padilla Plaintiffs allege that on March 5, 2015, Wilfred Padilla slipped and fell on the Casino floor due to a known defect in the floor carpet. The Plaintiffs further allege that they suffered injuries as a result.

9. The Padilla Plaintiffs filed the *Padilla* Lawsuit against the Pueblo and SCDC pursuant to Section 8(A) of the Compact.

10. In Section 8(A) of the Compact, the Pueblo agreed to waive its sovereign immunity for personal injury claims alleged to have been proximately caused by the conduct of the Pueblo’s Gaming Enterprise (SCDC), brought by visitors to the casino, and agreed to proceed with such claims in binding arbitration or “in a court of competent jurisdiction.” Section 8(A) provides, in part, that “any such claim [for personal injury] may be brought in state district court, including claims arising on tribal land, *unless it is finally determined by a state or federal court that IGRA does not permit the shifting of jurisdiction over visitors’ personal injury suits to state court.*” 2007 Compact, § 8(A) (emphasis added).

11. IGRA does allow the parties to a class III gaming compact to agree to apply “the criminal and civil laws and regulations of the . . . State that are directly related to, and necessary for, the licensing and regulation of [gaming],” and it further allows the parties to allocate “criminal and civil jurisdiction between the tribe and the state necessary for the enforcement of

such laws and regulations.” 25 U.S.C. § 2710(d)(3)(C)(i) and (ii). There is no other language in IGRA permitting the shifting of jurisdiction between the tribe and the state, and in particular nowhere does IGRA permit the shifting of jurisdiction over private personal injury suits to state court.

12. Absent congressional legislation to the contrary, state courts may not exercise jurisdiction over suits against Indian tribes, tribal members or tribal entities arising from alleged wrongs committed within Indian country; nor may a tribe, whether unilaterally or by agreement with a state, validly agree to any such shift in jurisdiction, and the attempted exercise of such jurisdiction by state courts directly undermines “the authority of tribal courts over Reservation affairs,” and thus infringes on “the right of [the Pueblo] to govern [itself].” *Williams v. Lee*, 358 U.S. 217, 223 (1959).

13. Accordingly, New Mexico state courts do not have subject matter jurisdiction over lawsuits against tribes or tribal entities that arise on tribal land, including the suit brought by the Padilla Plaintiffs against the Pueblo and SCDC.

#### **CLAIM FOR DECLARATORY JUDGMENT**

14. Judge Singleton, in presiding over the *Padilla* Lawsuit, is acting under color of state law, and without jurisdiction over the subject matter of the lawsuit.

15. Judge Singleton’s actions in presiding over the *Padilla* Lawsuit have deprived SCDC of its liberty interest secured by the due process clause of the 14<sup>th</sup> Amendment to the U.S. Constitution to have the *Padilla* Lawsuit tried in a court that has jurisdiction over the subject matter.

16. Judge Singleton, in presiding over the *Padilla* Lawsuit, and the Padilla Plaintiffs,

in pursuing their claims in state court, are infringing on the right of the Pueblo to exercise jurisdiction over reservation affairs through its tribal court.

17. Therefore, an actual and justiciable controversy exists between the Pueblo and SCDC on one side and Judge Singleton and the Padilla Plaintiffs on the other.

WHEREFORE, Plaintiffs respectfully request that this Court issue an order:

A. Declaring that the Indian Gaming Regulatory Act does not permit the shifting of jurisdiction from tribal courts to state courts over personal injury lawsuits brought against tribes or tribal gaming enterprises, for alleged wrongs arising or occurring within Indian country, and that Defendant Singleton may not exercise jurisdiction over the *Padilla* Lawsuit;

B. Granting such other and further relief as the Court deems just and appropriate in the premises.

Respectfully submitted,

ROTHSTEIN, DONATELLI, HUGHES,  
DAHLSTROM, SCHOENBURG & BIENVENU, LLP

By: Richard W. Hughes 5-13-2016  
Richard W. Hughes  
Donna M. Connolly  
P.O. Box 8180  
1215 Paseo De Peralta  
Santa Fe, NM 87504-8180  
(505) 988-8004  
*Attorneys for Plaintiffs*