

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CADDO NATION OF OKLAHOMA)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-16-0559-HE
)	
WICHITA AND AFFILIATED TRIBES,)	
TERRI PARTON, in her)	
official capacity as Tribal President)	
of Wichita and Affiliated Tribes,)	
JESSE E. JONES, in his official capacity as)	
Vice President of the Wichita and Affiliated)	
Tribes,)	
MYLES STEPHENSON, JR., in his official)	
capacity as Secretary of the Wichita and)	
Affiliated Tribes,)	
S. ROBERT WHITE, JR., in his official)	
capacity as Treasurer of the Wichita and)	
Affiliated Tribes,)	
SHIRLEY DAVILA, in her official capacity)	
as Committee Member of the Wichita and)	
Affiliated Tribes,)	
GLADYS WALKER, in her official capacity)	
as Committee Member of the Wichita and)	
Affiliated Tribes, and)	
KAREN THOMPSON, in her official capacity)	
as Committee Member of the Wichita and)	
Affiliated Tribes)	
)	
Defendants.)	

TEMPORARY RESTRAINING ORDER

Plaintiff Caddo Nation of Oklahoma filed this action against the Wichita and Affiliated Tribes and other defendants seeking declaratory and injunctive relief. Plaintiff's claims are based on its concerns that defendant is building a history center on a

site that Caddo elders believe holds the remains of Caddo ancestors and cultural artifacts. Plaintiff claims the land on which the center is being built is held jointly in trust by the United States for the Wichita Tribe, the Caddo Nation and the Delaware Nation. Plaintiff filed a motion seeking a temporary restraining order (“TRO”) enjoining defendants from continuing construction of the history center until the court rules on its motion for preliminary injunction.

A hearing was held this date regarding plaintiff’s motion for TRO. Plaintiff argued that defendants failed to comply with its obligations under the National Environmental Policy Act and National Historic Preservation Act. Plaintiff also asserted that defendants has begun to pour the concrete floor for the history center and claimed that, once completed, the concrete would prevent it from being able to conduct the ground-penetrating radar required to determine whether any human remains, funerary objects or cultural items are located at the building site.

At the end of the hearing the court concluded that, under the unusual circumstances existing here, a short TRO is warranted to maintain the status quo for a brief period until it has time to be advised of the status of the construction and consider the parties’ submissions and arguments. *See Gen. Motors Corp. v. Urban Gorilla, LLC*, 500 F.3d 1222, 1226 (10th Cir. 2007) (“To obtain a [temporary restraining order], the movant must show: (1) a substantial likelihood of success on the merits; (2) irreparable harm to the movant if the injunction is denied; (3) the threatened injury outweighs the harm that the preliminary injunction may cause the opposing party; and (4) the injunction,

if issued, will not adversely affect the public interest.”). The court directed the parties to file a joint statement by noon on **May 27, 2016**, regarding the status of the construction site, addressing whether the pouring of the floor has been completed.

IT IS HEREBY ORDERED: Defendants and their officers, agents and employees are enjoined from proceeding with any construction activities on the history center on the lands located one and one-quarter miles north of Anadarko until **Wednesday, June 1, 2016**, or further order of the court.

Because of the short term of the TRO, the court concludes the effect on defendants will be minimal and no security is required.

IT IS SO ORDERED.

Dated this 26th day of May, 2016.


JOE HEATON
CHIEF U.S. DISTRICT JUDGE