

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

**1. CADDO NATION OF  
OKLAHOMA,**

**Plaintiff,**

**v.**

**Case No. 5:16-cv-00559-W**

**1. WICHITA AND AFFILIATED  
TRIBES;**

**2. TERRI PARTON, in her official  
capacity as Tribal President of  
Wichita and Affiliated Tribes;**

**3. JESSE E. JONES, in his official  
capacity as Vice President of the  
Wichita and Affiliated Tribes;**

**4. MYLES STEPHENSON, JR., in  
his official capacity as Secretary of  
the Wichita and Affiliated Tribes;**

**5. S. ROBERT WHITE, JR., in his  
official capacity as Treasurer of  
the Wichita and Affiliated Tribes;**

**6. SHIRLEY DAVILA, in her official  
capacity as Committee Member of  
the Wichita and Affiliated Tribes;**

**7. GLADYS WALKER, in her  
official capacity as Committee  
Member of the Wichita and  
Affiliated Tribes; and**

**8. KAREN THOMPSON, in her  
official capacity as Committee  
Member of the Wichita and  
Affiliated Tribes,**

**Defendants.**

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**JOINT STATEMENT OF THE CADDO NATION, THE WICHITA TRIBE, AND  
WICHITA TRIBE ELECTED OFFICIALS ON THE CURRENT STATUS OF  
CONSTRUCTION OF THE WICHITA HISTORY CENTER**

Plaintiff Caddo Nation of Oklahoma (“Caddo Nation”) and Defendants Wichita and Affiliated Tribes (“Wichita Tribe”) and Wichita Tribe elected officials<sup>1</sup> submit this joint statement on the current status of construction at the site of the Wichita History Center, located on a parcel of land east of Highway 281, approximately one and ¼ miles north of Anadarko, Oklahoma.

1. Construction on the Wichita History Center began on or about the second week of April, 2016, and has been ongoing for the last 42 work days. Declaration of Berry Skipper, at ¶ 2, *attached as "Exhibit 1."*
2. Prior to May 25, 2016, construction activity included preparatory dirt work, including building a dirt pad for the foundation of the History Center and digging trenches to prepare for the pouring of perimeter footings.
3. On May 25, 2016, at approximately 2:00 PM, the construction crew began pouring the perimeter footings, which consist of a concrete and rebar structure following the perimeter of the History Center.
4. The concrete pour for the perimeter footings was interrupted by several protestors after it was approximately two-thirds completed.
5. On May 26, 2016, between approximately 5:30 AM and 8:00 AM, the remaining one-third of the concrete needed for the perimeter footings was poured.

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<sup>1</sup> Defendants note they appear specially solely for the purpose of responding to the Court's request and do not waive any defenses, including defenses regarding sovereign immunity or their inability to be sued in federal court.

6. At this point, the remainder of the foundation of the History Center has not been completed. Pictures of History Center site, taken May 27, 2016, *attached as* "Exhibit 2."
7. Construction has not commenced on other deep excavation facilities, including any drainage systems for storm water, water lines from either the Rural Water District or City of Anadarko, or sanitation drainage or sewer lines.
8. Further, asphalt or other materials necessary for the planned parking lot have not been laid.

Respectfully submitted this 27<sup>th</sup> day of May, 2016.

s/ Michael McMahan

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s/ Abi Fain

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*Attorneys for Plaintiff*

**DECLARATION OF BERRY SKIPPER**

**Berry Skipper declares pursuant to 28 U.S.C. § 1746 as follows:**

1. I am over 18 years of age. I am employed as a project manager for Builder's Unlimited, in charge of supervising the construction of the Wichita History Center for the Wichita and Affiliated Tribes ("Wichita Tribe"), and have so been serving since Builder's Unlimited entered the agreement to construct the History Center in November, 2015. My business address is 4677 S. 83rd East Ave., Tulsa, OK 74145. I have personal knowledge of the facts stated herein and, if called to do so, could and would competently testify to the facts set forth herein. I am providing this Declaration in support of the parties' joint statement to the court regarding the status of construction, at the request of the Wichita and Affiliated Tribes.

2. Construction work for the Wichita History Center began on or about the second week of April, 2016, and has been ongoing for the last 42 work days.

3. Prior to May 25, 2016, construction work included preparatory dirt work, including building the dirt pad for the foundation of the history center. The pad for the foundation consists of approximately four feet of fill dirt that raised the elevation of the museum site above the surrounding terrain.

4. During construction, I have closely supervised construction work, including scraping of dirt done at the site. The only unusual items I have seen unearthed are fragments of modern ceramics which an archaeological consultant has declared to be of no consequence and of no historical, cultural, or social value, and some concrete debris. Upon discovering the concrete debris, the Bureau of Indian Affairs ("BIA") was contacted and informed us that the BIA knew an old school building was previously located near the site,

was burned, and the debris from the building was buried. My construction crew reburied the concrete debris and avoided the area where it was found, per the instructions of the BIA.

5. On May 16, 2016, trenches were dug to prepare for the pouring of the perimeter slab form. The perimeter slab form is a concrete and rebar structure which follows the perimeter of the History Center, and must be poured before the concrete foundation is installed at the location.

6. On May 25, 2016, my construction crew began pouring the perimeter footing about 2:00 PM. After the pour was approximately two-thirds completed, it was interrupted by several protestors who interfered and prevented the project from proceeding by standing in front of the concrete trucks and concrete pump

7. A full load of concrete and a pump truck were still onsite and waiting to be poured when the disruption began. This concrete was rendered unusable and disposed of off-site.

8. My construction crew returned the next morning, May 26, 2016, at approximately 5:30 AM to continue pouring the perimeter footings. The perimeter footings were completed at approximately 8:00 AM. The construction crew continued working on the perimeter footings for the rest of the day on May 26, 2016, until I was told to stop work.

**Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of May, 2016.**

  
BERRY SKIPPER

**Exhibit B: Pictures of the Wichita History Center Construction Site, taken May 27, 2016**



**Construction Site of the Wichita History Center and poured Perimeter Slab Form, facing southwest**



**Construction Site east of Highway 281, facing south towards the Wichita Travel Plaza**



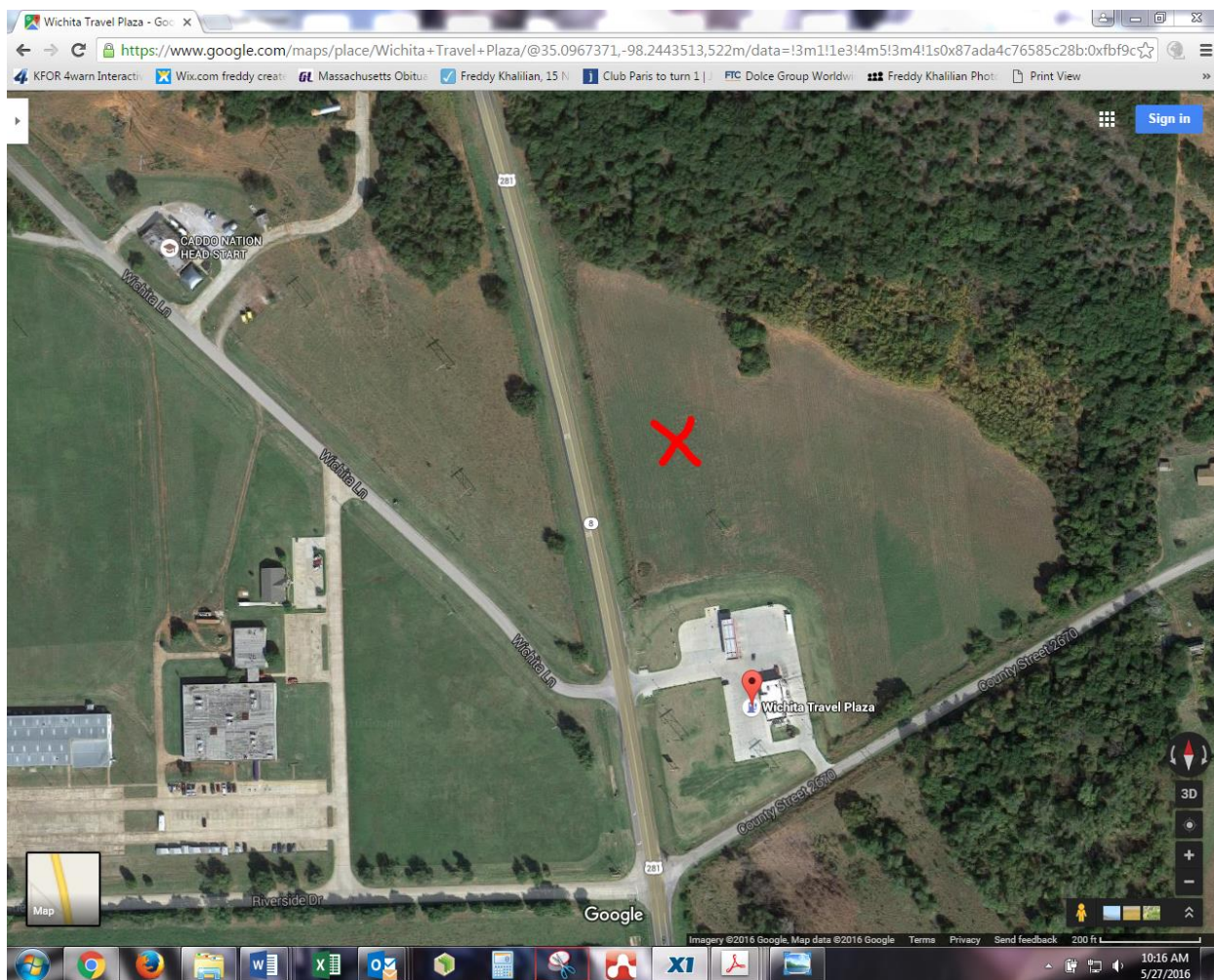


**Construction Site showing elevated dirt pad, facing north**





**Construction Site showing elevated dirt pad, facing north**



Google Maps aerial satellite image of construction site, with approximate location of the history center marked by a red "X"