

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LUCILA CASTANEDA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 24-cv-00548-SRB
	)	
AHTNA ENGINEERING SERVICES, LLC,	)	
d/b/a ADVANCIA + AHTNA	)	
JOINT VENTURE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Plaintiff Lucila Castaneda’s (“Plaintiff”) Motion for Partial Summary Judgment. (Doc. #28.) For the reasons set forth below, the motion is GRANTED IN PART and DENIED IN PART.

**I. FACTUAL BACKGROUND**

This case involves claims of age discrimination in violation of the Missouri Human Rights Act (“MHRA”) and retaliation in violation of the Family Medical Leave Act (“FMLA”). The alleged facts involving the discrimination and retaliation are not at issue here as Plaintiff seeks resolution on a “purely legal question which has no disputed facts.” (Doc. #28, p. 1.)

Defendant Advancia Technologies, LLC (“Advancia”) is an Oklahoma LLC, and its sole member is the Potawatomi Business Development Corporation (“PBDC”). PBDC is a corporation organized under the Constitution of the Forest County Potawatomi Community and is wholly owned and controlled by Forest County Potawatomi Community. The Forest County Potawatomi Community is a recognized Indian Tribe of the United States Department of the Interior.

On December 3, 2024, Plaintiff filed this pending motion for summary judgment seeking a judgment that Advancia is a qualifying employer under the MHRA. Advancia argues that it falls within the definition of “Indian Tribe” under the MHRA’s exclusions, and therefore, is not subject to the MHRA. The parties’ arguments are addressed below.

## **II. LEGAL STANDARD**

Under Rule 56, summary judgment is warranted “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

## **III. DISCUSSION**

Plaintiff argues that she is entitled to partial summary judgment on the issue of whether Advancia is an employer under the MHRA. Specifically, Plaintiff argues that Advancia does not fall under MHRA’s exclusions.

The MHRA provides that an “employer” under the statute is

a person engaged in an industry affecting commerce who has *six or more employees* for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state but does not include corporations and associations owned or operated by religious or sectarian organizations.

Mo. Rev. Stat. § 213.010(8) (emphasis added).

However, the MHRA excludes from the definition of employer an “Indian tribe[s.]” Mo. Rev. Stat. § 213.010(d).

The parties do not dispute that Advancia has six or more employees. However, Advancia argues that it falls within the exclusion of “Indian Tribe” because it is “an entity [that] is formed by, owned by, and controlled by a federally recognized tribe, and which exists for the benefit of the tribe.” (Doc. #34, p. 12.)

Upon review, the Court agrees with Plaintiff. “The primary rule of statutory construction is to ascertain the intent of the legislature from the language used, to give effect to that intent if possible, and to consider words used in the statute in their plain and ordinary meaning.” *Howard v. Cty of Kan. Cty*, 332 S.W.3d 772, 779 (Mo. 2011). “If the intent of the legislature is clear and unambiguous, by giving the language used in the statute its plain and ordinary meaning, then [this Court is] bound by that intent and cannot resort to any statutory construction in interpreting the statute.” *Id.* at 787.

Here, the Court agrees with Plaintiff that the plain language of “the statute excludes only ‘an Indian tribe’ from its definition of employer” and that “Advancia is not an Indian tribe; it is a limited liability company[.]” (Doc. #29, p. 8.) Advancia argues that the Court should look to federal Title VII caselaw interpreting a near identical definition of employer to include “more than the tribal body” itself; however, the Court rejects that approach. (Doc. #34, p. 15.) The Court did not find, nor did the parties point to, any Missouri caselaw interpreting the definition of “Indian tribe” under the MHRA. Yet, the Court need not look further than the plain language of “Indian tribe” as Missouri caselaw does provide that “[f]ederal employment discrimination case law is only relevant to [the] application of the MHRA when consistent with the plain language or meaning of the MHRA.” *Jones v. Cty of Kan. Cty*, 569 S.W.3d 42, 59 (Mo. Ct. App. 2019) (overruled in part on other grounds)). Here, even if there is Title VII caselaw that supports Advancia’s argument, it would be inconsistent with the plain language of “Indian tribe” under the MHRA, and therefore, not binding under these facts.

Thus, for the reasons stated above and for Plaintiff’s other stated reasons, Plaintiff is entitled to partial summary judgment that Advancia is an employer under the MHRA.<sup>1</sup>

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<sup>1</sup> Plaintiff also argues that she is entitled to summary judgment that Advancia does not have sovereign immunity. Advancia argues that since it is not requesting a declaration that sovereign immunity applies at this time, it is

#### **IV. CONCLUSION**

Accordingly, Plaintiff's Motion for Partial Summary Judgment (Doc. #28) is GRANTED IN PART and DENIED IN PART. It is GRANTED to the extent that Plaintiff is awarded a declaration that Advancia is an employer under the MHRA. It is DENIED WITHOUT PREJUDICE to the extent Plaintiff seeks a declaration that Advancia is not entitled to sovereign immunity.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2025

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unnecessary to decide this issue at this time. The Court agrees. Although the parties discuss the potential applicability of a Tenth Circuit Court of Appeals factor test to determine whether sovereign immunity applies, this case is still in its infancy. The Court finds it premature to make a ruling on this issue. Therefore, Plaintiff's request for a declaration that Advancia is not entitled to sovereign immunity is DENIED WITHOUT PREJUDICE.