IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DASON MUSICK, Plaintiff, v. PRAIRIE BAND OF THE POTAWATOMI NATION; TANNER LEMERY, in his individual capacity; DEREK TUCK, in his individual capacity; TERRY CLARK, in his individual capacity, THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY, KANSAS; JACKSON COUNTY SHERIFF TIM MORSE, in his official capacity, Defendants.	Civil Action No. 2:24-CV-002299

MEMORANDUM IN SUPPORT OF THE PRAIRIE BAND POTAWATOMI NATION'S MOTION TO DISMISS

INTRODUCTION

Defendant Prairie Band of Potawatomi Nation ("Tribe") respectfully moves to dismiss Plaintiff's Complaint (Doc. 1) pursuant to Fed. R. Civ. P. 12(b)(1) and (6). This case arises out of interactions between Plaintiff Dason Musick and Defendant(s) tribal police officers where the officers arrested Plaintiff for disorderly conduct, trespass and intoxication in the parking lot of the Prairie Band Casino as he attempted to drive away. Doc. 1, ¶¶ 9, 19 – 21.

Plaintiff's Complaint asserts vicarious liability claims for negligence, gross negligence, false imprisonment and outrage against the Tribe under the Kansas Tort Claims Act. Doc. 1, ¶¶ 38, 41 – 62. However, the Tribe is a federally recognized

Indian tribe that "enjoys sovereign immunity from suit absent their express waiver or abrogation of immunity by Congress."[1] Doc 1, ¶ 2; *Michigan v. Bay Mills Indian Cmty*., 572 U.S. 782, 788-90 (2014); *Kiowa Tribe of Okla. V. Mfg. Tech, Inc*., 523 U.S. 751, 754 (1998); *Puyallup Tribe, Inc., v. Dep't of Game of State of Wash*., 433 U.S. 165, 172 – 173 (1977). As shown below, the doctrine of tribal sovereign immunity bars Plaintiff's claims against the Tribe.

Moreover, pursuant to the doctrine of tribal exhaustion, and as a matter of comity, the Court should not exercise jurisdiction and "stay its hand" where Plaintiff's claims are properly subject to tribal jurisdiction and Plaintiff has failed to exhaust tribal remedies. *United States v. Tsosie*, 92 F.3d 1037, 1041 (10th Cir. 1996); *Becker v. Ute Indian Tribe of Uintah & Ouray Rsrv*., 11 F.4th 1140 (10th Cir. 2021).

Furthermore, Plaintiff's Complaint fails to state claims against the Tribe where they are based on alleged violation(s) of K.S.A. 22-2401a and application of the Kansas Tort Claims Act. Doc. 1, ¶¶ 10 – 15, 22, 28, 32, 38. To be clear, the Tribe is not subject to state law and the Tribe does not consent to state law. *McClanahan v. State Tax Comm'n of Arizona*, 411 U.S. 164, 170 – 171 (1973).

[1] Defendant requests that the Court take judicial notice that it is a federally recognized tribe of "sovereign character" which is not disputed by Plaintiff. See Doc 1, § 2. See also Fed. R. Evid. 201; *Puente v. Spanish Nat'l State*, 116 F.2d 43, 45 (2nd Cir. 1940) (acknowledging that courts may appropriately take judicial notice of the sovereign character of parties); *Cowlitz Tribe of Indians v. City of Tacoma*, 253 F.2d 625, 626 (9th Cir. 1958).

Last, Plaintiff's tort-based claims against the Tribe are precluded by the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679(d)(1), which is Plaintiff's exclusive remedy against the United States where the tribal police officers were acting within the scope of their employment pursuant to a "638 contract" with the United States. FTCA 28 U.S.C. § 2679(d).

Accordingly, the Tribe is entitled to dismissal of Plaintiff's claim against it under Fed. R. Civ. P. 12(b)(1) and (6). Moreover, this Court should not grant Plaintiff any leave to amend because amendment would be futile. *Duncan v. Manager, Dep't of Safety, City & Cnty. of Denver*, 397 F.3d 1300, 1315 (10th Cir. 2005).

BACKGROUND

Plaintiff filed this lawsuit alleging that he was wrongfully detained and arrested by tribal police for disorderly conduct, trespass and intoxication in the parking lot of the Prairie Band Casino, and then wrongfully transported to the tribal police station and on to the Jackson County Jail where he was booked, charged and prosecuted by Jackson County. Doc. 1, ¶ 9.

The crux of Plaintiff's negligence, gross negligence, false imprisonment and outrage claims, identified as Counts I, II and III, against the Tribe are (wrongfully) based on application of Kansas law to the Tribe. The Complaint first alleges that the Tribe has no authority to conduct law enforcement activities on tribal land because,

allegedly, the Tribe has not complied with Kansas law, specifically K.S.A. 22-2401a,[2] requiring that the Tribe "file a map with the Jackson County clerk" identifying the reservation boundaries and "purchase liability insurance coverage" in order to conduct law enforcement activities on tribal land. Doc. 1, ¶¶ 10 – 14, 22. Plaintiff further alleges that the Tribe's police station is not on tribal land[3] and, consequently, tribal police had no authority to transport him to the station absent an agreement with the State of Kansas authorizing these law enforcement activities. Doc. 1, ¶¶ 23 – 24, 28.

Plaintiff's Complaint then alleges that the Tribe is "subject to suit under the Kansas Tort Claims Act pursuant to K.S.A. 22-2401a and the Compact between the PBPN and the State of Kansas." Doc. 1, ¶ 38. However, the Complaint fails to make any allegations demonstrating how the Kansas Tort Claims Act purportedly applies

[2] Generally speaking, K.S.A. 22-2401a identifies the jurisdiction and liability of law enforcement officers within the State of Kansas, including tribal police officers. The Act's provisions purportedly authorize the powers and authority of tribal police officers only "if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the tribe's reservation" and "as long as such Native American Indian Tribe maintains in force … liability insurance of such tribal law enforcement agency …." Sections (b)(1)(A) and (b)(1)(B). Moreover, the Act purportedly authorizes lawsuits against tribes and their law enforcement officers "as if the tribe was the state pursuant to the Kansas tort claims act" and purports to "waive its [tribal] sovereign immunity." Section (b)(2).

[3] The Tribe denies Plaintiff's allegation that its police station is not on tribal land. The Tribe always has asserted that its police station is within the boundaries of its reservation and always has asserted jurisdiction over its police station.

to the Tribe under K.S.A. 22-401a or the [Gaming] Compact, which the Tribe adamantly denies, and fails to attach a copy of the Compact to his Complaint.[4] Moreover, the Complaint fails to allege that Plaintiff exhausted his tribal remedies (which is the appropriate forum for tort-based claims against the Tribe which stem from Plaintiff's interaction(s) with tribal police at the Prairie Band casino on tribal land).

APPLICABLE LEGAL STANDARD

"[T]he party invoking federal jurisdiction," in this case, Plaintiff, "bears the burden of establishing its existence." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 104 (1998). Tribal sovereign immunity is a matter of subject matter jurisdiction. *Queens LLC v. Seneca-Cayuga Nation*, 635 F. Supp. 3d 1199, 1203 (N.D. Okla. 2022) (citing *Miner Elec., Inc. v. Muscogee (Creek) Nation*, 505 F.3d 1007, 1009 (10th Cir. 2007).

Dismissal under Fed. R. Civ. P. 12(b)(1) is not a judgment on the merits of a plaintiff's case, but only a determination that the court lack authority to adjudicate

[4] See **Exhibit 1**, Gaming Compact. Where a plaintiff does not incorporate by reference or attach a document to its complaint, but the document is referred to in the complaint and is central to the plaintiff's claim, a defendant may submit an indisputably authentic copy to the court to be considered on a motion to dismiss. *Cuervo v. Sorenson*, 112 F.4th 1307 (10th Cir. 2024). Defendant requests that the Court take judicial notice of the Gaming Compact because it is an undisputed public record of the Tribe and the State of Kansas. Fed. R. Evid. 201; *Cachil Dehe Band of Wintun Indians v. Cal.*, 547 F.3d 962, 969 n.4 (9th Cir. 2008), cert. denied, 556 U.S. 1182 (2009).

the matter. *Gad. V. Kansas State Univ.*, 787 F.3d 1032, 1035 (10th Cir. 2015) (recognizing federal courts are courts of limited jurisdiction and may only exercise jurisdiction when specifically authorized to do so). A court lacking jurisdiction "must dismiss the cause at any stage of the proceeding in which it becomes apparent that jurisdiction is lacking." *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 906 F.3d 926, 931 (10th Cir. 2018) (quoting *Basso v. Utah Power & Light Co.*, 495 F.2d 906, 909 (10th Cir. 1974).

Additionally, where the interests of a sovereign Indian nation are implicated, "federal policy supporting tribal self-government requires federal courts, as a matter of comity, to stay their hands in order to give tribal courts a full opportunity to first determine their own jurisdiction." *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9 (1987) (citing *Nat'l Farmers Union Ins. Cos. v. Crow Tribe*, 471 U.S. 845, 976-977 (1985).

When a court lacks subject matter jurisdiction, it must dismiss the action under Fed. R. Civ. P. 12(b)(1).

A plaintiff must plead factual allegations sufficient to "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 554, 570 (2007). A claim is facially plausible when the plaintiff "pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The plaintiff must provide "factual allegations plausibly suggesting (not merely consistent with) an

entitlement to relief" and a complaint must contain "more than labels and conclusions;" it must "be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S at 555, 557. Failure to adequately plead a claim for relief requires dismissal under Fed. R. Civ. P. 12(b)(6).

ARGUMENT

I. Plaintiff's claims are barred by tribal sovereign immunity.

Indian tribes enjoy sovereign immunity from suit absent their express waiver or abrogation of immunity by Congress. See *Michigan v. Bay Mills Indian Cmty*., 572 U.S. 782, 788–90 (2014); Kiowa Tribe of Okla. v. Mfg. Techs., Inc., 523 U.S. 751, 754 (1998); *Puyallup Tribe, Inc. v. Dep't of Game of State of Wash*., 433 U.S. 165, 172–73 (1977). Tribal sovereign immunity is jurisdictional. Its recognition is not discretionary, and it bars suit against a tribe irrespective of the substantive allegations of the claim. *Pan Am. Co. v. Sycuan Band of Mission Indians*, 884 F.2d 416, 418 (9th Cir. 1989); *People of State of Cal. ex rel. Cal. Dep't of Fish & Game v. Quechan Tribe of Indians*, 595 F.2d 1153, 1155-56 (9th Cir. 1979).

"Time and time again," the United States Supreme Court has recognized that tribal sovereign immunity is "settled law" and has consistently dismissed suits brought against tribes without congressional authorization or a waiver by the tribe. *Bay Mills*, 572 U.S. at 789. Where sovereign immunity exists, a court must dismiss any claim against the tribe for lack of subject matter jurisdiction. See *E.F.W. v. St.*

Stephen's Indian High Sch., 264 F.3d 1297, 1302-03 (10th Cir. 2001) (holding that tribal sovereign immunity "is a matter of subject matter jurisdiction"); *Miner Elec., Inc. v. Muscogee (Creek) Nation*, 505 F.3d 1007 (10th Cir. 2007) ("Tribal sovereign immunity is a matter of subject matter jurisdiction, which may be challenged by a motion to dismiss under Fed. R. Civ. P. 12(b)(1).").

Here, because the Tribe has not waived sovereign immunity, dismissal is properly granted. Nevertheless, to the extent that Plaintiff may argue that Kansas law, K.S.A. 22-2401a(b)(2), waives the Tribe's immunity, wherein it authorizes lawsuits against tribes and their police officers "as if the tribe was the state pursuant to the Kansas tort claims act" and purports to "waive its [tribal] sovereign immunity," this position fails for two reasons.

First, "as a matter of federal law, an Indian tribe is subject only to suit where Congress has authorized the suit or the tribe has waived its immunity." *Miner Elec., Inc., supra* at 1009 (10th Cir. 2007). A waiver of tribal immunity must be clear and unequivocal; it cannot be implied. *Id*. at 1010. Again, the Tribe has not waived sovereign immunity[5] and Congress has not authorized Plaintiff's lawsuit against it.

Second, it is "well settled that 'state laws generally are not applicable to tribal Indians on an Indian reservation except where Congress has expressly provided that

[5] To the extent that Plaintiff may argue that the Tribe voluntarily waived immunity under K.S.A. 22-2401a, the exact opposite is true because the Complaint alleges that the Tribe does not comply with K.S.A. 22-2401a.

State laws shall apply." *McClanahan, supra* at 170 – 171. This is so because the Supreme Court has held: "[t]he Constitution vests in Federal Government with the exclusive authority over relations with Indian tribes." *Montana v. Blackfeet*, 471 U.S. 759, 764 (1985) (construing U. S. Const. art. I, § 8, cl. 3, and citing *Oneida Indian Nation v. Cnty. Of Oneida*, 414 U.S. 611, 670 (1974), and *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 561 (1832)); *accord Seminole Tribe v. Florida*, 517 U.S. 44, 62 (1996). Accordingly, tribal sovereignty is "subordinate to, only the Federal Government, not the States." *Washington v. Confederated Tribes of Colville Indian Rsrv.*, 447 U.S. 134, 154 (1980); see also *New Mexico c. Mescalero Apache Tribe*, 462 U.S. 324, 332 (1983).

Simply stated, the Tribe has not waived sovereign immunity, Kansas law cannot waive the Tribe's sovereign immunity and the Tribe does not submit to any purported immunity-waiver provision in K.S.A. 22-2401a. For these reasons, dismissal is proper.

II. Plaintiff's claims are barred by the tribal exhaustion rule.

The tribal exhaustion rule directs that, "as a matter of comity, a federal court should not exercise jurisdiction over cases arising under its federal question or diversity jurisdiction, of those cases are also subject to tribal jurisdiction, until the parties have exhausted their tribal remedies." *United States v. Tsosie*, 92 F.3d 1037, 1041 (10th Cir. 1996); *Becker v. Ute Indian Tribe of Uintah & Ouray Rsrv.*, 11 F.4th

1140 (10th Cir. 2021). Congress developed the tribal exhaustion rule because of its "strong interest in promoting tribal sovereignty, including the development of tribal courts." *Smith v. Moffett*, 947 F.2d 442, 444 (10th Cir. 1991).

Indeed, "the existence and extent of a tribal court's jurisdiction will require a careful examination of tribal sovereignty [and] the extent to which that sovereignty has been altered, divested, or diminished … that examination should be conducted in the first instance in the Tribal Court itself." *Nat'l Farmers Union Ins. Co., supra* at 855-856. The tribal exhaustion doctrine exists to preserve tribal sovereignty and prevent the federal courts from running roughshod over tribal legal systems. *Norton v. Ute Indian Tribe of the Uintah*, 862 F.3d 1236, 1242-43 (10th Cir. 2017).

When a federal court has subject-matter jurisdiction concurrently with a tribe, "jurisdiction presumptively lies in the tribal court … unless Congress has expressly limited that jurisdiction." *Tsosie, supra* at 1041. The Tenth Circuit takes "a strict view of the tribal exhaustion rule and [has] held that federal courts should abstain when a suit sufficiently implicates Indian sovereignty or other important interests." *Kerr-McGee Corp. v. Farley*, 115 F.3d 1498, 1507 (10th Cir. 1997).

The Tenth Circuit recognizes four narrow exceptions to the tribal exhaustion rule. The exceptions are (1) "where an assertion of tribal jurisdiction is motivated by desire to harass or is conducted in bad faith," *Becker, supra* at 1149; (2) "where the action is patently violative of express jurisdictional prohibitions," *Id.*; (3) "where

exhaustion would be futile because of the lack of an adequate opportunity to challenge the tribal court's jurisdiction," *Id*.; and (4) "where it is clear that the tribal court lacks jurisdiction and that judicial proceedings would serve no purpose other than delay." *Thlopthlocco Tribal Town v. Stidham*, 762 F.3d 1226, 1239 (10th Cir. 2014).

Here, Plaintiff's Complaint alleges that federal jurisdiction exists because "the claims involve a federal question [against Defendant tribal police officers] under Section 1983." Doc. 1, ¶ 8. However, this does not negate proper dismissal of Plaintiff's claims under the tribal exhaustion rule because *Tsosie* instructs that when a federal court has subject-matter jurisdiction concurrently with a tribe, "jurisdiction presumptively lies in the tribal court … unless Congress has expressly limited that jurisdiction." *Tsosie, supra* at 1041. This is especially so where Plaintiff's claims against the Tribe involve questions regarding tribal sovereign immunity and the jurisdiction of civil claims by the Tribe pursuant to the Gaming Compact, his claims are based in tort which are appropriately adjudicated by the Tribal Court,[6] and the

[6] Plaintiff's Complaint alleges that the Tribe's Gaming Compact with the State of Kansas triggers application of the Kansas Tort Claims Act against the Tribe. Doc. 1, ¶ 38. The Gaming Compact, Section 3(D), Tort Remedies for Patrons, directs that "tort claims arising from alleged injuries to patrons of the Tribe's gaming facilities shall be subject to disposition as if the Tribe was the State, pursuant to the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., as amended hereafter, which is hereby ***adopted*** by the Tribe in its entirety for this specific purpose only …." See **Exhibit 1**, Gaming Compact. In other words, the Tribe adopts – as its own tribal law – the Kansas Tort Claims Act to adjudicate tort claims brought by casino

incident(s) giving rise to his lawsuit stem from activities occurring on tribal land, in the parking lot of the Prairie Band Casino, and involving tribal police officers.

The Tribal Court is the most appropriate forum to adjudicate Plaintiff's claims against the Tribe (and Defendant tribal police officers). This Court is proper to dismiss Plaintiff's claims against the Tribe and to direct Plaintiff to exhaust his remedies in the Tribal Court.

III. Plaintiff's Complaint fails to state a claim against the Tribe where his claims are based on Kansas law.

Fed. R. Civ. Pro. 12(b)(6) authorizes a court to dismiss a complaint for failure to state a claim. *Iqbal*, 556 U.S. at 678. "The [factual] allegations must be enough that, if assumed to be true, the plaintiff plausibly (not just speculatively) has a claim for relief." *Robbins v. Oklahoma*, 519 F.3d 1242, 1247 (10th Cir. 2008). When

---

patrons in the Tribal Court. This is consistent with the Gaming Compact, Section 14, wherein the "Tribe shall exercise civil jurisdiction over Indians and non-Indians" with regard to "all transactions or activities which relate to Class III gaming on the Reservation." However, in the present lawsuit, the Kansas Tort Claims Act has ***no application*** to the Tribe whatsoever because Section 3(D) only adopts the Kansas Tort Claims Act for "injuries to patrons of the Tribe's gaming facilities," and Section 5(H) provides that "'Gaming Facility' means any building, room or rooms in which Class III gaming as authorized by this Compact is conducted." Turning to Plaintiff's Complaint, his alleged injuries does not occur in a "building, room or rooms" on the gaming floor. Rather, Plaintiff claims his injuries occurred in the parking lot and away from the casino.

assessing the legal sufficiency of a complaint, a court first discards allegations in the complaint that are "legal conclusions" or "threadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Id*.

Here, Plaintiff's claims against the Tribe are based solely on purported application of the "Kansas Tort Claims Act pursuant to K.S.A. 22-2401a and the Compact between the PBPN and the State of Kansas." Doc. 1, ¶ 38. However, as shown above, it is "well settled that 'state laws generally are not applicable to tribal Indians on an Indian reservation except where Congress has expressly provided that State laws shall apply." *McClanahan, supra* at 170 – 171.

Furthermore, where "state laws generally are not applicable to tribal Indians," Plaintiff's Complaint fails to allege any material facts to demonstrate how – under the circumstances presented in this lawsuit – K.S.A. 22-2401a applies to the Tribe (particularly where the Complaint also alleges that the Tribe does not voluntarily comply with – or submit to – K.S.A. 22-2401a), and fails to allege any material facts to demonstrate how the Kansas Tort Claims Act may be enforced against the Tribe pursuant to K.S.A. 22-2401a or the Tribe's Compact with the State of Kansas. Rather, Plaintiff's Complaint offers one sentence – an unsupported legal conclusion – that "the PBPN is subject to suit" under Kansas law.

As shown above, there is no viable "path" for application of the Kansas Tort Claims Act on the Tribe where the Complaint alleges that the Tribe does not

voluntarily comply with – or submit to – K.S.A. 22-2401a and, pursuant to the Compact, the Tribe adopts the Kansas Tort Claims Act for adjudicating injured patrons' claims in Tribal Court arising on the gaming floor (which is not present here).

Simply stated, Plaintiff's Complaint fails to state viable claims against the Tribe and dismissal is proper.

IV. The Federal Tort Claims Act is Plaintiff's exclusive remedy against the Tribe.

The Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679(d), makes the United States liable for torts committed by tribal police officers acting within the scope of their employment and carrying out a function covered by an operative "638 contract" under the Indian Self-Determination Act, 25 U.S.C. §§ 5301–5423, at the time of the alleged misconduct. *Shirk v. U.S. ex rel. Dep't of Interior*, 773 F.3d 999, 1003 (9th Cir. 2014). The FTCA is an exclusive remedy. 28 U.S.C. § 2679(b)(1).

Here, the Tribe's police officers acted as federal employees where they performed their functions pursuant to a 638 contract between the Tribe and the Bureau of Indians Affairs. **Exhibit 2**, Contract No. A22AV00208 ("Sec. 8, Federal Tort Claims Act (FTCA): 1. FTCA Coverage: For purposes of FTCA coverage, the Contractor and its employees … are deemed to be employees of the Federal

government while performing work under this contract.")[7] Alternatively, Plaintiff's claims against the Tribe and its police officers should have been pursued against the United States under the Federal Tort Claims Act, his exclusive remedy for any alleged wrongful acts committed by the Tribe and its police officers.

V. This Court should deny Plaintiff leave to amend his Complaint as futile.

While Fed. R. Civ. Pro. 15(a)(2) provides that leave to amend shall be given freely, a court may deny leave to amend where the amendment would be futile. *Duncan v. Manager, Dep't of Safety, City & Cnty. of Denver*, 397 F.3d 1300, 1315 (10th Cir. 2005).

Turning to the present matter, it is obvious that amendment would be futile. Not only does the Tribe's sovereign immunity completely bar Plaintiff's tort-based claims against it, the tribal exhaustion rule weighs heavily against jurisdiction of this Court where Plaintiff has failed to exhaust tribal remedies in the Tribal Court. Moreover, there is no application of the Kansas Tort Claims Act against the Tribe, wiping out the basis of Plaintiff's tort-based claims.

CONCLUSION

This is a text-book case where tribal sovereign immunity and the tribal

[7] Defendant requests that the Court take judicial notice of **Exhibit 2**, the Tribe's 638 Contract with the United States Department of the Interior, Bureau of Indian Affairs, because it is not subject to reasonable dispute where it "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201.

exhaustion rule require dismissal. The weakness in Plaintiff's claims is underscored by his failure to present any viable claims against the Tribe, instead relying only on state law to which the Tribe is not subjected. This Court should grant the motion to dismiss for lack of subject-matter jurisdiction and for failure to state a claim, without leave to amend.

Dated: September 30, 2024

RESPECTFULLY SUBMITTED,

BAKER STERCHI COWDEN & RICE, LLC

By: */s/ James S. Kreamer*

James S. Kreamer KS#14374
9393 W. 110th St., Suite 500
Overland Park, Kansas 66210
Phone: (913) 451-6700
Fax: (816) 472-0288
kreamer@bscr-law.com

-AND-

ROPERS MAJESKI PC

By: /s/ Jana M. Simmons

JANA M. SIMMONS, appearing pro hac vice
801 S. Figueroa Street, Suite 2100
Los Angeles, CA 90017
Telephone: 213-312-2000
Facsimile: 213-312-2001
jana.simmons@ropers.com

ATTORNEYS FOR DEFENDANT PRAIRIE BAND POTAWATOMI NATION

CERTIFICATE OF SERVICE

I certify that on this 30th day of September, 2024, the above and foregoing was electronically filed with the courts CM/ECF filing system which will give notice to all counsel of record.

/s/ James S. Kreamer