

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

MUSCOGEE (CREEK) NATION,
a federally recognized Indian Tribe,

Plaintiff,

v.

Case No. 23-cv-490-JDR-CDL

CITY OF TULSA; MONROE NICHOLS IV,
in his official capacity as Mayor of City of
Tulsa; DENNIS LARSEN, in his official
capacity as Chief of Police, Tulsa Police
Department; and JACK BLAIR, in his official
capacity as City Attorney for City of Tulsa,

Defendants.

**JOINT MOTION TO ENTER ORDER APPROVING PARTIES' JOINT SETTLEMENT
AGREEMENT AND DISMISSING THE LITIGATION**

The Muscogee (Creek) Nation ("Nation") and the City of Tulsa and its Mayor, Chief of Police, and City Attorney (collectively "City"), after engaging in negotiations for the purpose of resolving their dispute, have agreed upon terms of settlement in the above-captioned matter. The Nation and City now jointly submit this Motion respectfully requesting that the Court enter an Order approving their proposed Joint Settlement Agreement and dismissing the instant matter. In support of this Motion, the Parties stipulate and state as follows:

1. On November 15, 2023, the Nation filed its Complaint seeking a declaration that the City lacks criminal jurisdiction over Indians for conduct arising within the Nation's Reservation, and a preliminary and permanent injunction against its assertion of any such jurisdiction. Dkt. 2. The Nation filed a Motion for Preliminary Injunction on that same date. Dkt. 9. On December 8, 2023, the City filed a Motion to Dismiss, arguing that the Court should

abstain from ruling on the Nation's Motion for Preliminary Injunction and dismiss the case. Dkt. 28.

2. On December 16, 2024, the Parties jointly moved to stay the proceedings so that they could conduct settlement negotiations, Dkt. 117, and the Court granted a stay through January 17, 2025, Dkt. 118. On January 15, 2025, the Parties jointly moved for a two-month extension of the stay so that they could continue their settlement negotiations, Dkt. 119, which the Court also granted, Dkt. 120. On March 14, 2025, the Parties jointly moved for an additional two-month extension of the stay in order to conclude their settlement negotiations, Dkt. 122, which the Court likewise granted, Dkt. 123. The Parties jointly moved for a 30-day extension of the stay on May 15, 2025, Dkt. 142, which the Court granted, Dkt. 143. And on June 17, 2025, the parties moved for a final extension of one week in order for them to submit the negotiated settlement agreement to the National Council and Mayor for their approval, Dkt. 145, which the Court granted, Dkt. 146.

3. After engaging in said negotiations, the Parties agree that it is in the best interest of effectuating their shared public safety and law enforcement goals within their respective jurisdictions, and accordingly in the best interest of the citizens of the City of Tulsa and of the Reservation community, to settle this matter in lieu of litigating disputes over jurisdiction, upon the terms agreed upon and reflected in the Joint Settlement Agreement Between Plaintiff Muscogee (Creek) Nation and Defendant City of Tulsa et al., which Joint Settlement Agreement is attached to this Motion.

4. The Parties declare that their Joint Settlement Agreement is the product of good-faith negotiation between the Parties to advance their mutual interests in jurisdictional clarity and

cooperative governance and to advance the public's paramount interest in public safety and effective law enforcement, consistently with federal law.

5. The Parties' Joint Settlement Agreement is consistent with the Nation's jurisdiction over Indian defendants within Indian Country, *see* 25 U.S.C. § 1301(2) (recognizing that Indian Tribes' "powers of self-government" include "the inherent power ...to exercise criminal jurisdiction over all Indians"), and reflects the value and importance of cooperative inter-governmental law enforcement as a means of effectively ensuring public safety and thereby advancing the public interest in Indian country, *see McGirt v. Oklahoma*, 591 U.S. 894, 937 (2020) (noting "the spirit of good faith, comity and cooperative sovereignty" which animates the "hundreds of intergovernmental agreements" between the State of Oklahoma and its local and municipal governments and Indian tribes (citation omitted)); *see also* Intergovernmental Cross-Deputization Agreement Between the United States, The Muscogee (Creek) Nation, and Political Subdivisions of the State of Oklahoma.¹

Wherefore, for the reasons stated herein, the Parties respectfully request that the Court

- (1) grant the United States' Motion to Withdraw its Motion to Intervene, which the Parties understand will be filed contemporaneously with this Motion;
- (2) dismiss all other pending or future motions to intervene in this matter;
- (3) deny Governor Stitt's Notice of Required Dismissal under Federal Rule of Civil Procedure 19;
- (4) approve the Parties' Joint Settlement Agreement; and
- (5) issue a final and binding Order of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2), subject to the following conditions of dismissal:

¹ <https://www.sos.ok.gov/documents/filelog/63941.pdf>.

- a) dismissal shall be conditioned on the Parties' compliance with the terms of the Joint Settlement Agreement, and the Court shall retain jurisdiction to enforce and/or to modify the terms of the Agreement, subject and pursuant to the Agreement's dispute resolution provisions, *see* Joint Settlement Agreement ¶¶ 17–18; and
- b) dismissal shall be without prejudice to the Nation's ability to bring new or renewed suit to secure and uphold its jurisdiction to the fullest extent authorized under federal law, should Tulsa elect to modify or terminate the Agreement.

Dated: June 25, 2025

Respectfully submitted,

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CERTIFICATE OF MAILING

I certify that on June 25, 2025, this document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

/s/ Riyaz A. Kanji
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