

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

METROPOLITAN LIFE INSURANCE )  
COMPANY and TRINET HR XI, Inc., )  
Plaintiffs, )

v. )

DURIN MUNDAHL, Individually, and as )  
the Personal Representative of the Estate )  
of Joye M. Braun, and MORGAN )  
BRINGS PLENTY, Individually, )  
Defendants. )

Civ. No.:24-cv-3029

**DEFENDANTS’ DURIN  
MUNDAHL, INDIVIDUALLY,  
AND AS PERSONAL  
REPRESENTATIVE OF THE  
ESTATE OF JOYE M. BRAUN,  
AND MORGAN BRINGS  
PLENTY’S JOINT *BRIEF* IN  
SUPPORT OF DEFENDANT’S  
MOTION FOR ORDER ISSUING  
STAY, OR TO DISMISS ACTION,  
AND SUGGESTIONS  
IN SUPPORT**

COME NOW the Defendants, Durin Mundahl, and Morgan Brings Plenty, by and through their counsel of record, Robin Zephier, and move this Court to issue a stay in the above captioned matter, or alternatively, to dismiss this action, in order that the Cheyenne River Tribal Court and the tribal court of appeals be given a full opportunity to evaluate the Plaintiffs’ challenge to its jurisdiction under the tribal exhaustion doctrine.

As this Court is fully aware, on November 6, 2024, the Defendants initiated a civil action in the Cheyenne River Tribal Superior Court (Case no. 24C037) against these Plaintiffs alleging a five-count civil complaint for breach of contract, bad faith, punitive damages, fraud/conspiracy and a declaratory judgment. The jurisdictional basis for filing in the Tribal Court was the Plaintiffs’ consensual contracts of insurance underwritten and provided to the Defendants’

deceased mother, in consideration of the monthly payment of insurance premium to Plaintiffs, who was an enrolled member of the Cheyenne River Tribe, resided and worked on the reservation until her death. Her work required she perform her duties primarily on the reservation via her computer and the internet. The Defendants further allege that Plaintiffs consensually provided insurance coverage to the decedent through online solicitation, contracting and policy maintenance, utilizing mutual access to the internet at her residence on the Cheyenne River Tribal reservation.

The Plaintiffs subsequently filed a complaint (Doc.# 1) and a motion for issuance of a preliminary injunction (Doc. # 13) in the captioned matter. The Defendants' response to the Motion for Preliminary Injunction is filed contemporaneously with this Motion to Stay. The Defendants incorporate herein by this reference their joint response in opposition to Plaintiffs' injunction motion, particularly the statement of uncontroverted material facts, affidavits and documentary exhibits, and the standards of review. The Defendants allege that Plaintiffs are challenging the jurisdiction of the Tribal Court at the objection of the Defendants.

Based upon the foregoing, together with the incorporated Defendants' Response in Opposition, affidavits and the filed documentary exhibits, as well as Defendants' arguments and authorities in the Response in opposition, the Defendants respectfully request this Court immediately issue an order staying the captioned matter until the Cheyenne River Tribal Superior Court, and the tribal court of appeals have ruled appropriately on all issues. Alternatively, the Defendants further suggest that, in lieu of a stay, the Court dismiss Plaintiffs' action without prejudice.

WHEREFORE, the Defendants jointly move this Honorable Court for a stay of the captioned proceedings, or alternatively, for a motion to dismiss the action without prejudice,

pending exhaustion of the Cheyenne River Tribal Superior Court and the tribal court of appeals' judicial actions and opinions on all issues, based upon this motion and Defendants' Response in opposition to the Plaintiffs' Motion for Preliminary Injunction, and for such other and further reasons as this Court deems just, equitable and proper.

Dated this 15<sup>th</sup> day of July, 2025.

ZEPHIER & LAFLEUR

/s/ Robin L. Zephier  
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