

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

THE INTER-TRIBAL COUNCIL	)	
OF ARIZONA, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 15-342L
	)	(Judge Hertling)
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT  
ON CLAIM I IN THE SECOND AMENDED COMPLAINT  
AND REQUEST FOR ORAL ARGUMENT ON THE MOTION**

Pursuant to RCFCs 7(b) and 56(a), Plaintiff the Inter-Tribal Council of Arizona (ITCA) moves for summary judgment on Claim I (breach of trust for failure to hold in trust sufficient security for Indian educational Trust Fund Payments required by the Arizona-Florida Land Exchange Act of 1988, Pub. L. No. 100-696, 102 Stat. 4577) of its Second Amended Complaint, (ECF No. 58, filed Apr. 16, 2018), on the grounds that there is no genuine dispute as to any material fact in support of this Claim and ITCA is entitled to judgment as a matter of law on this Claim. With its motion, ITCA submits a Statement of Undisputed Material Facts and a Memorandum stating with particularity the grounds in support of its motion. ITCA requests oral argument on its motion.

Dated this 31<sup>st</sup> day of March 2023.

Respectfully submitted,

/s/ Melody L. McCoy

Melody L. McCoy

Native American Rights Fund

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Council of Arizona, Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2023 a copy of the foregoing, Plaintiff's Motion for Summary Judgment on Claim I in the Second Amended Complaint and Request for Oral Argument on the Motion, was electronically filed with the Clerk of the Court for the United States Court of Federal Claims by using the CM/ECF system. The following participants in this case were registered CM/ECF users at the time of this filing and that service will be accomplished by the CM/ECF system to the following:

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Dated this 31<sup>st</sup> day of March, 2023.

Respectfully submitted,

/s/ Melody L. McCoy  
Melody L. McCoy  
*Attorney for Plaintiff*