

IN THE SUPREME COURT  
OF THE IOWA TRIBE OF OKLAHOMA

FILED IN THE  
IOWA TRIBE OF OKLAHOMA  
DISTRICT COURT

IOWA TRIBE OF OKLAHOMA )

Plaintiff, )

v. )

MONSTER TECHNOLOGY GROUP LLC; )

and, AMERICAN ARBITRATION )

ASSOCIATION, )

Defendants. )

MAR 01 2022

IN THE OFFICE OF THE  
COURT ADMINISTRATOR

BY Mc Clellan

Case No. CIV-21-02

On Appeal from the  
District Court of the Iowa Tribe  
of Oklahoma

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OPINION

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**THIS MATTER** comes before the Court from an **ORDER** from the District Court of the Iowa Tribe of Oklahoma, Case No. CIV-21-02.

On April 21, 2021, Defendant filed a *Notice of Interlocutory Appeal* in the District Court of the Iowa Tribe of Oklahoma.

On October 25, 2021, Plaintiff filed a *Motion to Dismiss Appeal* in the Supreme Court of the Iowa Tribe of Oklahoma.

In response, on November 3, 2021, Defendant filed *Appellant's Response to Motion to Dismiss Appeal* in the Supreme Court of the Iowa Tribe of Oklahoma. In that filing, Defendant urged the court to "grant expedited review of the appeal, on the basis of the record now before the Court."

In response, Plaintiff filed *Reply in Support of Motion to Dismiss Appeal* in the Supreme Court of the Iowa Tribe of Oklahoma.

Oral arguments were held on Plaintiff’s Motion to Dismiss Appeal on January 28, 2022, via Zoom.<sup>1</sup> Plaintiff and Defendant presented Oral Arguments to an En Banc Supreme Court.

Despite the *Notice of Interlocutory Appeal* filed with the District Court, Defendant (or, “would-be Appellant”) failed to comply with the Iowa Tribe of Oklahoma Appellate Procedure, including Sections 103(B)(3), 103(C)<sup>2</sup>, and the entirety of Section 109.

While the Supreme Court has the authority to suspend the requirements of appellate procedure, the Court declines to do so in this instance. Rather, the Supreme Court chooses to exercise its authority under Title 1 Section 101 (A) by dismissing the purported appeal for failure of the would-be Appellant to comply with the provisions of Iowa Tribe of Oklahoma Appellate Procedure.

The purported appeal is **HEREBY DISMISSED** by a **UNANIMOUS COURT**.

Dated this 18<sup>th</sup> day of February, 2022.

**SO ORDERED**

Lisa B. Otipoby Herbert

Lisa Otipoby Herbert, Chief Justice

Alyssa D. Campbell

Alyssa Campbell, Associate Justice

**Casey Ross**

Casey Ross, Associate Justice

**SUPREME COURT OF THE  
IOWA TRIBE OF OKLAHOMA**



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<sup>1</sup> A technical difficulty caused the planned recording to fail, so there is no recording of the Oral Argument.  
<sup>2</sup> The Court must presume the would-be Appellant intended to seek permission for an interlocutory appeal of the District Court’s denial of Defendant’s Motion to Dismiss. This presumption is necessary, because there is no appeal as a matter of right for review of such a decision under Section 103(A). While Section 103(C) sets forth the procedure for requesting permission, such procedure was not followed. The Court does not opine on the assumption, but articulates it here to enumerate the applicable procedural provision for reference of Defendant.

Signature:   
Casey Ross (Feb 18, 2022 16:42 CST)

Email: casey@nativeadvocates.com

Signature:   
Lisa B. Otipoby Herbert (Mar 1, 2022 13:16 CST)

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