

White Earth Band of Ojibwe
Tribal Court
Court Administrator Cover Sheet

Date: September 14, 2021
Regarding Case: General Civil
File No. GC21-0428

To: (list names and addresses)

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Enclosed Documents: Order Dismissing DNR and Staying Further Proceedings Pending Appeal

By:  _____

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WHITE EARTH BAND OF OJIBWE
TRIBAL COURT

MANOOMIN; THE WHITE EARTH BAND
OF OJIBWE,

Plaintiffs,

vs.

ORDER DISMISSING DNR AND STAYING
FURTHER PROCEEDINGS PENDING
APPEAL

MINNESOTA DEPARTMENT OF
NATURAL RESOURCES,

Defendants.

Court File No. GC21-0428

In this case the Plaintiffs seek declaratory and injunctive relief against the Minnesota Department of Natural Resources (“DNR”), its commissioner, two named DNR employees, and ten unnamed DNR conservation officers. The Plaintiffs allege causes of action based upon tribal codes, the 1855 Treaty with the Chippewa, (the “1855 Treaty”), and the U.S. Constitution. The Defendants moved this Court to dismiss the action, asserting that all Defendants are immune from suit and that this Court lacks subject matter jurisdiction over the causes of action alleged herein under Montana v. United States, 450 U.S. 544 (1981).

On August 18, 2021 this Court, per the Honorable Chief Judge David DeGroat, denied the motion to dismiss in a general order that did not differentiate between the two defenses invoked by the Defendants. Judge DeGroat then recused and the undersigned issued an order clarifying the order denying dismissal on August 27, 2021. In that order the Court indicated it would rule on the Defendants’ stay request once an appeal was filed and also gave the Plaintiffs time to show cause why Defendant DNR should not be dismissed as a party on sovereign immunity grounds.

The Plaintiffs then requested hearing on their motion for a preliminary injunction and also indicated that they did not oppose dismissal of the Minnesota DNR on sovereign immunity grounds. The Court scheduled hearing on the preliminary injunction for September 20, 2021 after failing to get a response from the Defendants on scheduling.

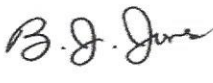
The Defendants have now filed an appeal dated September 13, 2021 from this Court’s

orders denying dismissal.¹

ORDER

1. Defendant Department of Natural Resources is DISMISSED as a party Defendant;
2. Further proceedings in this matter shall be STAYED pending appeal except insofar as necessary for this Court to protect its jurisdiction. The hearing set for September 20, 2021 is hereby cancelled.

Date: 9/14//21

By: 
Associate Judge BJ Jones
White Earth Tribal Court

¹ This Court will leave the issue of timeliness up to the Court of Appeals and the issue whether this appeal as a matter of right