

Native American Law Report

March 2015 • Volume 1, Issue #1

High Court Denies Certiorari In Case Involving Sale Of Interest In Casino

WASHINGTON, D.C. — The U.S. Supreme Court on Feb. 23 denied a petition for writ of *certiorari* in case for breach of contract after the buyers and guarantors breached their payment obligations for the purchase of membership interest in a casino, leaving stand lower court decisions finding that the plaintiffs could not unilaterally modify the guaranty agreement and that the Indian tribe and its authority had not waived its defenses to the claims. **SEE PAGE 4.**

California Federal Judge: Water Right Reserved, But Land Act Extinguished Claim

RIVERSIDE, Calif. — A federal judge in California on March 20 granted partial summary judgment in favor of the Agua Caliente Band of Cahuilla Indians and the United States' claim that the government implicitly reserved appurtenant water sources, including underlying groundwater, when it created the tribe's reservation, but granted the defendants partial summary judgment on the tribe's aboriginal title claims, saying a land act effectively extinguished any such right. **SEE PAGE 10.**

Government Asks Judge To Dismiss Indian Tribe's ACA Employer Mandate Challenge

CHEYENNE, Wyo. — An Indian tribe waived its objections to the Patient Protection and Affordable Care Act (ACA)'s large employer mandate by not raising them during the rulemaking process, and its action runs afoul of the Anti-Injunction Act's (AIA) bar on tax challenges taxes, the government told a federal judge on March 19. **SEE PAGE 15.**

Tribe Members' Class Claims For Compensation Filed Too Late, Judge Finds

SIOUX FALLS, S.D. — Class claims filed by four members of the Cheyenne River Sioux Tribe alleging that the United States violated its trust and fiduciary duties by taking their land without just compensation are barred by the statute of limitations and because there is no waiver of sovereign immunity, a South Dakota federal judge ruled Feb. 26 in granting the government's motion to dismiss the claims. **SEE PAGE 21.**

Chippewa Indian Tribe Opposes High Court Review Of Hunting Decision

WASHINGTON, D.C. — The Lac Courte Oreilles Band of Lake Superior Chippewa Indians on March 9 asked the U.S. Supreme Court to deny a petition for writ of *certiorari* filed by the State of Wisconsin and leave intact a Seventh Circuit U.S. Court of Appeals decision finding that the tribe had met its burden to show that a total ban on the nighttime hunting of deer was no longer necessary to ensure public safety. **SEE PAGE 22.**

Wyoming Federal Judge: Eagle Permit Violates Exercise Of Religion

CHEYENNE, Wyo. — Calling the issue one of first impression, a Wyoming federal judge on March 12 held that the First Amendment to the U.S. Constitution forbids the federal government from imposing the burden of law on one federally recognized Indian tribe's free exercise of religion for the benefit of another Indian tribe. **SEE PAGE 23.**

Parties File Summary Judgment Motions In 'Redskins' Trademarks Suit

ALEXANDRIA, Va. — The owners of the Washington Redskins professional football team on Feb. 23 filed a motion for summary judgment in a Virginia federal court in its challenge to the cancellation of six federal trademark registrations relating to the team, while the defendants on Feb. 26 filed a motion for partial summary judgment, saying that there was no error committed in the cancellation of the marks because the evidence shows the marks "may disparage" Native Americans. **SEE PAGE 27.**

Supreme Court Denies Review Of Ruling On Washington Escrow Statute

WASHINGTON, D.C. — The U.S. Supreme Court March 9 denied a petition for review of a ruling requiring a tobacco distributor owned by the Yakama Indian Nation to escrow funds to reimburse the State of Washington for health care costs related to tobacco use. **SEE PAGE 29.**

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JG Myers



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The Indian Law Reports ,1882 **American Law Reports** ,1997 American law reports annotated ,1922 **The Indian Law Reports** ,1970-12 *Indian Law Reporter* ,2002 **American Law Reports Annotated** ,1948 *The Indian Law Reports* India. High Court (Kolkata, India),1914 **Digest of Indian Law Reports and Law Reports Indian Appeals** Reginald M. A. Branson,1884 Special Report Lucy Alf Younes,1986 **Final report** United States. American Indian Policy Review Commission,1977

Native American Law Report Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has been apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Native American Law Report**," written by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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