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## Press Release

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### **FREDERICKS PEEBLES & MORGAN LLP ACHIEVES MAJOR VICTORY FOR KIALEGEE TRIBAL TOWN OF OKLAHOMA.**

WASHINGTON, DC (Dec. 22, 2014) - Fredericks Peebles & Morgan LLP (FPM) achieved a major victory for the Kialegee Tribal Town of Oklahoma today when a panel of the U.S. Court of Appeals for the Tenth Circuit on rehearing unanimously overturned the district court decision in State of Oklahoma v. Hobia. Ruling that Oklahoma had failed to state a claim against the Tribe, the Tenth Circuit ordered the lower court to vacate its injunction against the Tribe and to dismiss the State's complaint with prejudice. FPM partners Matthew Kelly and Martha King led the Firm's representation of Kialegee Tribal Town. FPM is a national Indian law firm that advocates for the rights of tribes as well as tribal business entities and organizations.

After entering a gaming compact with Kialegee in 2011, Oklahoma sued the Tribe less than a year later to stop the Tribe from building a casino on a restricted Indian allotment near Tulsa. The State claimed that the allotment was not gaming-eligible under the Indian Gaming Regulatory Act, and the district court agreed, issuing an injunction even before construction was completed. The district court's holding could have given the State jurisdiction to challenge any gaming by a tribe no matter its location.

On behalf of Kialegee, Fredericks Peebles & Morgan immediately appealed, arguing that the district court misconstrued IGRA's language and improperly limited the Tribe's sovereign immunity. The appeal was abated while the U.S. Supreme Court decided Michigan v. Bay Mills Indian Community, which considered jurisdictional issues identical to those raised by FPM on behalf of the Kialegee Tribal Town.

On November 11, 2014, a unanimous panel of the Tenth Circuit overturned the district court's decision, remanding the case with instructions to vacate the injunction and dismiss the State's suit with prejudice. Agreeing with FPM's arguments, the Tenth Circuit held that IGRA applies only to class III gaming on Indian lands. In a significant victory for all Oklahoma gaming tribes, the court also ruled that an arbitration provision in the State's model gaming compact barred claims against tribal officials for alleged compact violations.

FPM partner Matthew Kelly hailed today's decision, which denied the State's request for a rehearing *en banc* and re-issued the court's original decision reversing the lower court and dismissing the State's complaint. "This is a major win for our clients," Kelly said. "The decision puts states on notice that they cannot harass tribal leaders who legitimately seek to promote a

tribe's interests. Kialegee Tribal Town can now continue its pursuit of nation-building and needed economic development.”

**FREDERICKS PEEBLES & MORGAN LLP** is a national law practice devoted exclusively to representing Tribes, Tribal governments, and Tribal businesses in litigation, energy resources, economic development, treaty rights, government and government relations, among other areas. The firm has offices in California, Colorado, Nebraska, North and South Dakota, Michigan, and Washington, DC.