



Mealey's Native American Law Report follows litigation in federal, state and tribal courts relevant to Native American law. Coverage also includes regulatory and legislative developments, as well as rulings by administrative agencies tasked with enforcing laws that impact Native American law.

Litigation Snapshot

A number of courts have been interpreting issues under the Indian Gaming Regulatory Act, including whether the law gives tribes immunity from state law, whether one tribe can build a casino on land held by another tribe and whether a tribe has to pay rent withheld from gaming establishments. Tribes have been involved in disputes over water and land rights and local taxation, and several members of Congress introduced a bill to reaffirm the trust status of tribal trust lands in an attempt to clear up uncertainties arising from a 2009 U.S. Supreme Court decision.

Areas of Coverage

- » Jurisdiction of tribal, federal and state courts, sovereign immunity, and Indian status
- » Land claims
- » Natural resources
- » Environmental regulation
- » Utilities
- » Taxation
- » Gaming industry
- » Government services
- » Labor laws
- » Family law

Who Needs to Know

- » Attorneys who focus on Native American law
- » Corporate counsel and compliance officers at Native American-owned companies
- » Tribal leaders and tribal government officials
- » Judges and court staff across the entire U.S. federal judiciary
- » Professors, students, and library staff at every accredited law school in the U.S.

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MEALEY'S NATIVE AMERICAN LAW

U.S. Supreme Court

Justices To Decide Whether Omaha Reservation Boundaries Remain Intact

WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 1 granted certiorari to review whether the original boundaries of the Omaha Indian Reservation were reduced by an 1882 federal act such that a town in Nebraska is no longer within the reservation's borders (*State of Nebraska, et al. v. Mitch Parker, et al.*, No. 14-1406, U.S. Sup.).

Supreme Court: Regulation Of Private Land In National Parks Warrants Review

WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 1 granted certiorari to decide whether a 1980 Alaskan lands act bars the National Park Service (NPS) from regulating property within national parks owned by other parties, including Native Americans (*John Sturgeon v. Sue Masica, et al.*, No. 14-1209, U.S. Sup.).

High Court Denies Cert In Thorpe Dispute, 3 Other Native American Cases

WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 5 declined to review four cases involving Native American issues, including a dispute over the remains of legendary Indian athlete Jim Thorpe.

Gaming

California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses

LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking \$215 million in lost profits caused by the state's

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 Links to the full article, related stories, related documents and comments section.

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Mealey's Native American Law

October 14, 2015
Illinois Appeals Court Affirms Dismissal Of Contract Claims Against Tribe
 CHICAGO — A state trial court correctly dismissed a Native American tribe and a tribal entity from a breach of contract action because the tribe has sovereign immunity for the claims and did not explicitly waive that immunity, an Illinois appeals court held Oct. 13 (*ACF Leasing, et al. v. Oneida Seven Generations Corp., et al.*, No. 1-14-3443, Ill. App., 1st Dist., 2015 Ill. App. Unpub. LEXIS 2320).

October 12, 2015
Government, Indian Tribe Move Jointly To Stay Case About Fracking On Tribal Lands
 DENVER — The Southern Ute Indian Tribe and the U.S. Department of the Interior (DOI) on Oct. 9 filed a joint motion in Colorado federal court staying a lawsuit the tribe brought to contest the final rule the DOI seeks to implement regarding use of hydraulic fracturing techniques in oil and gas development on tribal lands (*Southern Ute Indian Tribe v. U.S. Department of Interior, et al.*, No. 15-1303, D. Colo.).

October 8, 2015
Judge Enjoins Land Agency From Enacting New Fracking Rules For Federal Lands
 CHEYENNE, Wyo. — The federal judge in Wyoming presiding over a lawsuit brought by the State of Wyoming and others, including a Native American tribe, against the U.S. Bureau of Land Management (BLM) with regard to new federal regulations governing hydraulic fracturing on federal lands on Sept. 30 issued a preliminary injunction preventing the BLM from enforcing the final rule (*State of Wyoming v. U.S. Department of the Interior, et al.*, No. 15-00043, D. Wyo.).

October 8, 2015
U.S. To Pay \$940 Million To Settle Class Claims Of Tribes Over Contract Rates
 ALBUQUERQUE, N.M. — A New Mexico federal judge on Sept. 30 preliminarily approved a class action settlement under which the U.S. government will pay \$940 million to resolve 25-year-old claims of several Native American tribes that the Department of the Interior (DOI) improperly calculated indirect cost rates for tribes and tribal contractors entering contracts or self-governance agreements with the Bureau of Indian Affairs (BIA) to take over operation of certain BIA programs and services pursuant to the Indian Self Determination Act of 1975 (ISDA) (*Ramah Navajo Chapter, et al. v. Sally Jewell, et al.*, No. 90-957, D. N.M.).

October 8, 2015
California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses
 LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking \$315 million in lost profits caused by the incorrect number of gaming licenses, a state appellate court held Oct. 5 (*San Pasqual Band of Mission Indians v. State of California, et al.*, No. B254870, Calif. App., 2nd Dist., Div. 8, 2015 Cal. App. Unpub. LEXIS 7145).

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California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses

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(October 08, 2015, 10:51 AM ET) — LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking \$315 million in lost profits caused by the state's failure to issue the tribe the correct number of gaming licenses, a state appellate court held Oct. 5 (*San Pasqual Band of Mission Indians v. State of California, et al.*, No. B254870, Calif. App., 2nd Dist., Div. 8, 2015 Cal. App. Unpub. LEXIS 7145).

(Opinion available. Document #96-151309-027Z)

Gaming Compact

In 1999, the San Pasqual Band of Mission Indians and California entered into a compact governing the tribe's operation of a casino on its land in San Diego County.

In 2014, the tribe sued the state and the California Gambling Control Commission in the Los Angeles County Superior Court, alleging breach of the gaming compact. The tribe asserted that the compact authorized it to operate up to 2,000 slot machines at its casino but that the state wrongfully refused for several years to issue it the requisite number of gaming licenses, resulting in \$315,000,000 of lost profits over five years.

The Superior Court granted summary judgment to the state after finding that Section 5.4 of the compact bars monetary damages as a remedy to either party in any action arising under the compact.

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