

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IOWA TRIBE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 5:15-CV-01379-R
	)	
STATE OF OKLAHOMA,	)	
	)	
Defendant.	)	

**DEFENDANT’S RESPONSE TO PLAINTIFF IOWA TRIBE OF OKLAHOMA’S  
MOTION FOR SUMMARY JUDGMENT WITH BRIEF IN SUPPORT**

**COMES NOW** Defendant State of Oklahoma (“*Defendant*” or “*State*”) and for its response to Plaintiff Iowa Tribe of Oklahoma’s (“*Plaintiff*” or the “*Tribe*”) Motion for Summary Judgment states the following:

**Response to Plaintiff’s Undisputed Material Facts**

1. State admits Plaintiff’s Fact No. 1.
2. State admits Plaintiff’s Fact No. 2.
3. State admits Plaintiff’s Fact No. 3.
4. State admits Plaintiff’s Fact No. 4.
5. State admits Plaintiff’s Fact No. 5.
6. State admits Plaintiff’s Fact No. 6.
7. State admits Plaintiff’s Fact No. 7, but denies that inference that more than one (1) arbiter was involved in resolving this dispute.
8. State admits Plaintiff’s Fact No. 8.

9. State admits Plaintiff's Fact No. 9.
10. State admits Plaintiff's Fact No. 10.
11. State admits Plaintiff's Fact No. 11.
12. State admits Plaintiff's Fact No. 12.
13. State admits Plaintiff's Fact No. 13.

### **Arguments & Authorities**

#### **I. THE COURT SHOULD CERTIFY THE ARBITER'S AWARD.**

The State and the Tribe have entered into the Model Tribal Gaming Compact ("Compact"), which contains dispute resolution provisions providing for the enforcement or *de novo* review of an arbiter award in federal district court. A copy of the executed Compact is attached as Exhibit 1. The dispute resolution provisions of the Compact are valid and arbitration is the appropriate forum to interpret phrase(s) contained within the Compact. Choctaw Nation v. State, 724 F.Supp.2d 1182, 1186 (W.D.Okla. 2010). Here, the State is neither appealing the Arbiter's Award (the "*Award*") nor raising any affirmative defenses or arguments precluding certification. Accordingly, certification of the Award is proper by this Court. Id. at 1187.

### Conclusion

There is no genuine dispute over any material fact that would preclude summary judgment, which entitles the Tribe to judgment as a matter of law. Therefore, the State respectfully requests this Court grant the relief requested by the Tribe and certify the Award.

Respectfully submitted,

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*Attorney for Defendant, State of  
Oklahoma*

*Certificate of Service*

I hereby certify that on March 6, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven K. Mullins

William David McCullough, Jr.

s/Jeffrey C. Cartmell  
Jeffrey C. Cartmell