
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

Jeffrey L. Viken United States Chief Judge Presiding

Courtroom Deputy - KLE
Courtroom - RC #1

Court Reporter – Judy Thompson
Date – December 13, 2018

5:18-cv-5087

Charmaine White Face

Plaintiff,

vs.

Jerrilyn Church

James Driving Hawk

Oglala Sioux Tribe
Cheyenne River Sioux Tribe

Defendant.

Patrick A. Lee

Rebecca Kidder and Colin Hampson

Diana Ryan

Steven Gunn

TIME HEARING SCHEDULED TO BEGIN: 1:30 p.m.

TIME:

1:38 p.m. Enter Motion hearing before the Honorable Jeffrey L. Viken, United States Chief Judge, presiding.

Counsel note their appearances for the record.

The Court reviews the history of the case and notes the Motion for Emergency Temporary Injunction filed by Charmaine White Face [8].

The Court notes the Motion to Dismiss filed by Jerrilyn Church and Motion to Dismiss filed by James Driving Hawk.

Mr. Lee addresses the Court as to subject matter jurisdiction. The Court inquires further. Charmaine White Face adds further information.

Ms. Ryan addresses the Court as to subject matter jurisdiction. The Court inquires. Mr. Hampson responds and adds further information. Ms. Ryan makes remarks as to the treaty right. Mr. Lee replies.

3:09 p.m. Court in recess.

3:35 p.m. Court resumes.

The Court announces it has no subject matter jurisdiction over the complaint and dismisses it without prejudice.

The Court finds the Motion for leave to file as Amicus Curiae is moot.

The Court will enter an Order.

Mr. Lee addresses the Court. The Court responds.

3:44 p.m. Court Adjourned.