

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI (Northern (Jackson))**

HOWARD BROWN and	)	
BRANDON SIBLEY,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	Civil Action No. 3:22-cv-00256-DPJ-FKB
	)	
CHOCTAW RESORT	)	
DEVELOPMENT ENTERPRISE,	)	
ET AL.,	)	
	)	
Defendants.	)	
	)	

**REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FOR FAILURE TO
EXHAUST TRIBAL REMEDIES AS TO ALL BUT PLAINTIFFS’ 42 U.S.C. § 1983
CLAIMS**

COME NOW the Defendants by and through their counsel of record, C. Bryant Rogers, VanAmberg, Rogers, Yepa, Abeita, Gomez & Wilkinson, LLP, and for their Reply to “Plaintiffs’ Motion to Strike Defendants’ Motion to Dismiss” (Docs. 9 and 10), state as follows:

1. Defendants understand Plaintiffs’ “Motion to Strike” to constitute a response to both of Defendants’ pending Motions to Dismiss and the Memoranda filed in support of those Motions. (Docs. 4-7).
2. This Reply is filed in support of Defendants’ “Motion to Dismiss for Failure to Exhaust Tribal Remedies as to all but Plaintiffs’ 42 U.S.C. § 1983 Claims.” (Docs. 6 and 7).
3. Plaintiffs offer several arguments in opposition to Defendants’ contention that Plaintiffs’ have a duty to exhaust their tribal court remedies before seeking relief in this Court on the other (non-§ 1983) claims they have pled. None of those arguments have merit.
4. First, Plaintiffs suggest that the fact that Plaintiffs’ have Article III standing to assert their claims excuses their duty to exhaust tribal remedies. (Doc. 9 submission, pp. 1-3).

Reply: This would also be true for all federal question claims pled against any tribal defendants as to which exhaustion of tribal remedies is required per *National Farmers Union Ins. Cos. v. Crow Tribe of Indians*, 471 U.S. 845 (1985). So, this provides no basis to avoid compliance with Plaintiffs’ duty to exhaust tribal remedies.

5. Second, Plaintiffs argue that their federal law claims can only be adjudicated in a federal court and that this somehow excuses their duty to exhaust tribal remedies. (Doc.9, pp. 1-4).

Reply: As previously shown, tribal courts can hear and decide private party claims grounded in federal law so long as no state official is joined as a defendant. *See*, Doc. 7, pp. 9 and 10 and fn. 3.

Further, none of the non-§ 1983 claims¹ pled by Plaintiffs are actually based on statutes which make federal courts the exclusive forum for hearing those claims. This is in stark contrast to the few federal statutes where the Congress has made the federal courts the exclusive forum for deciding particular claims *e.g.*, *El Paso Natural Gas Company vs. Neztosie*, 526 U.S. 473, 119 S.Ct. 1430 (1999) (Price Anderson Act makes federal courts the exclusive forum for adjudicating tort claims arising from nuclear industry operations); *Blue Legs v. U.S. Bureau of Indian Affairs*, 867 F.2d 1094, 1097-1098 (8th Cir. 1989) (tribal exhaustion doctrine is not

¹ Plaintiffs’ “claim” that a federal grand jury should be empaneled to examine whether federal criminal charges should be filed against Defendants per 18 U.S.C. § 241 and 242 for enforcing a tribal mask mandate at a tribally-owned, on-reservation facility does not actually state any kind of viable civil claim for relief, a point Defendants intend to raise in a Rule 12(b)(6) Motion to Dismiss in the Choctaw Courts. It is well-settled that these statutes do not create any kind of private right of action. *Abou-Hussein v. Gates*, 657 F.Supp.2d 77 (D.D.C. 2009), *aff’d*, 2010 WL 2574084, *cert. den.* 562 U.S. 1201 (18 U.S.C. §§ 241 and 242 do not confer any private right of action); *accord*, *Horn v. Peck*, 130 F.Supp. 536 (W.D.Mich. 1955); *Lundt v. Hodges*, 627 F.Supp. 373 (N.D. Iowa 1985); *Powers v. Karen*, 768 F.Supp. 1522 (E.D.N.Y. 1991); *Rockefeller v. U.S. Court of Appeals Office for Tenth Circuit*, 248 F.Supp.2d 17 (D.D.C. 2003)

applicable to Resource Conservation and Recovery Act claims since Congress gave federal courts exclusive jurisdiction over such claims).

In this regard, Plaintiffs reference 42 U.S.C. §§ 2000a(a) , 2000a-1 and 2000a-2 in their Complaint at page 2. Those statutes provide, *inter alia*:

2000a(a):

Equal access

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

2000a-1:

All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

2000a-2:

No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any person of any right or privilege secured by section 2000a or 2000a-1 of this title, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 2000a or 2000a-1 of this title, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 2000a or 2000a-1 of this title.

However, nowhere in their Complaint do they set out any factual allegations that they were subjected to any adverse discriminatory treatment by Defendants on account of their religion. Specifically, nowhere do Plaintiffs set out any factual allegations claiming that they were treated differently in regard to enforcement of the Tribe's mask mandate (applicable to all hotel patrons except children under two, Complaint, ¶s 24 and 35) than any other Golden Moon Hotel and Casino patrons on account of their religion. The absence of any such allegation is fatal to any claim based on those statutes. *Fall v. L.A. Fitness*, 161 F.Supp. 3d 601, 607-608 (S.D.

Ohio 2016) (Muslim plaintiff failed to state religious discrimination claim under § 2000a(a) where complaint failed to allege facts showing plaintiff was treated differently than non-Muslim customers); *Jalal v. Lucille Roberts Health Clubs, Inc.*, 254 F.Supp.3d 602, 607 (S.D. NY 2017) (dismissing § 2000a(a) religious discrimination claim for failure to allege Jewish plaintiff was treated differently in dress code enforcement than other non-Jewish customers); *McKinnon v. Yum! Brands, Inc.*, 2017 WL 3659166 (D. Id) (§ 2000a(a) claim for discrimination in use of public accommodation based on plaintiff's religion requires proof that plaintiff was treated differently because of his religion than other persons not of his religion); *McCoy v. Homestead Studio Suites Hotels*, 390 F.Supp.2d 577, 585-586 (S.D. TX 2005) (plaintiff failed to prove actionable § 2000a(a) religious discrimination claim due to absence of factual allegations that they were subjected to a different treatment under hotel policy based on their religion as compared to other customers not of their same religion).

Thus, Plaintiffs here have at most pled (*see*, Complaint, ¶s 76, 106-109) some kind of free-exercise of religion claim based on the U.S. Constitution's Bill of Rights. *See, Kennedy v. Bremerton School District*, 142 S.Ct. 2407 (2022). But, the U.S. Constitution's Bill of Rights does not apply to Indian Tribes. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978); *Talton v. Mayes*, 163 U.S. 986 (1896).

In summary, the Plaintiffs are not complaining that they were (because of their religion) denied equal treatment on the same basis as other patrons; but, instead, are complaining that they were not treated differently than other patrons, because of their asserted religion conviction against wearing a mask (and were not allowed to enter the facility without complying with the mask mandate).

Thus, even if 42 U.S.C. § 2000a-6 is construed to make federal courts the exclusive forum for adjudicating public accommodation claims arising under 42 U.S.C. §§ 2000a(a), a-1, or a-2 alleging discrimination against a person based on their religion, this Complaint does not plead any such claim; hence, nothing in Plaintiffs' reference to those statutes provides any basis for excusing Plaintiffs' from their duty to exhaust their tribal remedies.

Again, just being a case presenting a federal question does not give Plaintiffs any excuse from their duty to exhaust their tribal remedies. This would also be true for all federal question claims pled against any tribal defendants as to which exhaustion of tribal remedies is required per *National Farmers Union Ins. Cos. v. Crow Tribe of Indians*, 471 U.S. 845 (1985).

6. Third, Plaintiffs argue that the fact some of their claims arise under the U.S. Constitution somehow excuses their duty to exhaust tribal remedies.

Reply: This argument fails for several reasons. Initially, none of the Constitutional protections of the Bill of Rights imposed on the federal government by the Fifth Amendment or on the States by the Fourteenth Amendment, apply to Indian tribes. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978); *Talton v. Mayes*, 163 U.S. 376 (1896). As noted by Plaintiffs (Doc. 9, ¶s 13, 14), the Congress has imposed similar federal law restrictions on Indian tribes via the Indian Civil Rights Act ("ICRA"), 25 U.S.C. §§ 1301, 1302 and the Mississippi Band of Choctaw Indians ("MBCI") has incorporated the same standards into its own Tribal Constitution. However, there exists no private right of action to enforce these ICRA standards in federal court, *Martinez, supra* at 69-72; and, allegations of violations of the Tribe's own constitutional provisions are not actionable under § 1983 and do not otherwise state federal questions under 28 U.S.C. § 1331. (See, authorities cited at Doc. 5, pp. 5-6).

Thus, nothing in Plaintiffs’ Constitutional arguments excuse their duty to exhaust tribal remedies.

7. Fourth, Plaintiffs argue that they have a right to engage in discovery to support their federal law claims and that this excuses their duty to exhaust tribal remedies. (Doc. 9 submission, ¶ 15).

Reply: No discovery is warranted, needed or required for this Court to rule on Defendants’ Motion to Dismiss based on Plaintiffs’ Failure to Exhaust Tribal Remedies. All facts necessary for this Court to rule on that Motion are set out in the Complaint itself or in documents there referenced or otherwise available to the Court in regard to Defendants’ 12(b)(6) motion. In such circumstances, Rule 12(b)(6) motions are routinely and properly ruled upon without allowing discovery. *See*, authorities cited at Doc. 7, pp. 6-7.

8. Fifth, Plaintiffs’ claim that the fact that they tried to persuade Defendants “to settle this matter out of court,” excuses their duty to exhaust tribal remedies. ¶ 7, Doc. 9 submission.

Reply: This argument on its face identifies no grounds for excusing Plaintiffs from their duty to exhaust their tribal remedies.

9. Sixth, Plaintiffs argue that the tribal ordinance and Executive Order and the mask mandate issued pursuant thereto could not lawfully be applied to them when they sought to enter the Golden Moon Hotel and Casino per their hotel reservation there—contending that the mask mandate could only be applied to tribal members—and that this excuses their duty to exhaust their tribal remedies. (Doc. 9 submission, ¶s 11 and 18).

Reply: Whether the Tribe’s Ordinance 50A and Chief Ben’s Executive Order and the mask mandate issued pursuant thereto could lawfully be applied to Plaintiffs, who voluntarily

came into a tribal facility on the reservation, is a merits question that must first be addressed by the Choctaw Courts. Defendants note, however, that the MBCI has the inherent right to exclude non-members from the reservation, and imposing the subject mask mandate as a condition of entry unto a tribal facility on the reservation was simply a lesser included power derivative of the Tribe's right to exclude. *Duro v. Reina*, 495 U.S. 676, 696-697 (1990); *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982) (since tribe has a right to exclude non-members from entering its reservation lands, it can impose conditions on non-member entry onto those reservation lands). Here, Plaintiffs admit that the masking requirement was uniformly imposed on all who entered the Golden Moon Hotel and Casino except those under two (2) years old. *See*, Complaint, ¶s 24 and 35.

10. Seventh, they argue that the full faith and credit clause of the U.S. Constitution and some other rulings in other courts regarding Covid-19 mask mandates issued by other governmental entities excuse their duty to exhaust their tribal remedies. (Doc. 10, p. 5).

Reply: This argument presents questions on the merits that must first be addressed by the Choctaw Courts, *e.g.*, questions about the Tribal Council's authority under the Tribal Constitution to authorize the mask mandate, about the Tribal Chief's authority under the Tribal Constitution and Ordinance 50-A to issue and order enforcement of the mask mandate, and the impact (if any) on the Choctaw Court's prerogatives with respect to any rulings respecting enactment and enforcement of the mask mandate in light of the full faith and credit clause—and the extent to which that clause even applies to tribal courts, *e.g.*, *Wilson v. Marchington*, 127 F.3d 805 (9th Cir. 1997) (the full faith and credit clause does not apply to Indian tribes or their tribal court judgments). The existence of those kinds of questions does not excuse Plaintiffs' duty to exhaust their tribal remedies; they enforce that duty.

11. Eighth, they argue that their demand that a federal grand jury be empaneled to address crimes they claim occurred per 18 U.S.C. §§ 241 and 242 (Complaint, ¶ 4) excuses their duty to exhaust tribal remedies. (Doc. 9 submission, ¶s 21-26).

Reply: Initially, while this Court may have the authority in narrow circumstances per Rule 6(a)(1), Federal Rules of Criminal Procedure, to empanel a federal grand jury “when the public interest requires” to investigate allegations of activity in violation of federal criminal statutes, none of the factual allegations of Plaintiffs’ Complaint allege any such federal criminal law violations and, as shown in fn. 1, *supra*, Plaintiffs’ request (Complaint, ¶ 4) that this Court “convene a federal grand jury to investigate” their mask mandate claims does not actually state any claim upon which relief can be granted, hence, presents no impediment to dismissal for Plaintiffs’ failure to exhaust tribal remedies. Further, Plaintiffs’ Complaint does not set out any facts which if true would show that a federal crime has occurred. In particular, Plaintiffs’ contention that the facts alleged in the Complaint show that a federal crime under 18 U.S.C. §§ 241 and 242 has occurred which warrants invocation of a federal grand jury per Rule 6(a)(1) fails because a predicate to the existence of a crime under 18 U.S.C. §§ 241 or 242 based on Constitutional claims as here pled by Plaintiffs is that those Constitutional claims be based on the U.S. Constitution; and, that the defendants involved be persons or entities whose conduct is constrained by those Constitutional provisions, *e.g.* the free exercise, due process and equal protection clauses Plaintiffs rely upon. But, it is well-settled that none of the .U.S. Constitutional provisions invoked by Plaintiffs apply to Indian tribes or their officials or employees. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978); *Talton v. Mayes*, 163 U.S. 986 (1896). As noted by Plaintiffs (Doc. 9, ¶s 13, 14), the Congress has imposed similar federal law restrictions on Indian tribes via the Indian Civil Rights Act (“ICRA”), 25 U.S.C. §§ 1301, 1302 and the MBCI

has incorporated the same standards into its own Tribal Constitution. However, there exists no private right of action to enforce these ICRA standards in federal court, *Santa Clara Pueblo*, *supra* at 69-80; and, allegations of violations of the Tribe's own Constitutional provisions are not actionable under § 1983 and do not otherwise state federal questions under 28 U.S.C. § 1331. *See*, authorities cited at Doc. 5, pp. 5-6. In the alternative, this Court has the discretion to reject Plaintiffs' grand jury demand, both on the above grounds and because nothing in the Complaint shows that "the public interest requires" that any such grand jury be empaneled.² *See, Maehr v. U.S.*, 2019 WL 3940931 (D.Co.) (rejecting plaintiff's request that the Court empanel a federal grand jury to investigate certain IRS actions because *inter alia* (1) the actions alleged were not criminal acts, and (2) nothing supported Plaintiff's request that the "pubic interest" required the empaneling of a grand jury); *Fleshner v. Wiley*, 2016 WL 845274 (N.D. IW) (rejecting plaintiff's

² While some federally issued mask mandates have been ruled unlawful because they exceeded the issuing agency's statutory authority. *Health Freedom Defense Fund, Inc. v. Biden*, 2022 WL 1134138 (M.D. Fla.) (CDC exceeded its statutory authority in issuing federal mask mandate) (cited by Plaintiffs); *National Federation of Independent Business v. Department of Labor*, 142 S.Ct. 661 (2022) (OSHA exceeded its statutory authority in issuing federal mask mandate), no court has ruled that governmental action to adopt and enforce such a mask mandate violates any federal criminal law. Even in *Biden, supra*, the court recognized that there was an urgent public interest in finding ways to limit the spread of that virus, the emergence of which constituted a "public health emergency." *Id.* Many courts have upheld such mask mandates as a legitimate public health emergency tool for combatting the spread of the Covid-19 virus, even in the face of claims that such mandates violate a plaintiff's federal Constitutional right to the free exercise of religion, *e.g.*, *Denis v. IGE*, 538 F.Supp.3d 1063 (D. Hw. 2021) (rejecting plaintiff's claim that Governor's mask mandate violated any of their Constitutional rights, including the right to free exercise of his religion); *Delaney v. Baker*, 511 F.Supp.3d 55 (S. Mass. 2021) (rejecting plaintiff's claim that state mask mandate impermissibly burdened the free exercise of his religion); *Stewart v. Justice, II*, 502 F.Supp.3d 1057 (S.D.W.V. 2020) (rejecting plaintiff's claims that state mask mandate violated various Constitutional rights); *accord, Young v. James*, 2020 WL 6572798 (S.D. NY); *Minnesota Voters Alliance v. Walz*, 492 F.Supp.3d 822 (D. Mn. 2020); *Helbachs Café, LLC v. City of Madison*, 2021 WL 5327946 (W.D. Wis.); *Forbes v. County of San Diego*, 2021 WL 843175 (S.D. Ca.). It is clear from the face of Ordinance 50-A and the Chief's Executive Order here at issue, that the same public health emergency concerns that gave rise to the mask mandates upheld in those rulings gave rise to the Choctaw mask mandate here at issue.

request that the Court convene a federal grand jury because doing so would encroach on the Executive Branch's prerogatives on when to initiate new criminal proceedings and dismissing that claim). If anything, the authorities cited in fn.2 *supra* rebut any notion that "criminalizing" a governmental Covid-19 mask mandate would be "in the public interest. Including this grand jury request in their Complaint does not excuse Plaintiffs from exhausting their tribal remedies as to their remaining non-§ 1983 claims and this Court may retain and separately rule upon Plaintiffs' grand jury request requiring exhaustion of tribal remedies as to the remainder of Plaintiffs' non-§ 1983 claims. Defendants can then address this grand jury claim by a separate motion to dismiss per Rule 12(b)(6), F.R.Civ.P., if that "claim" is separately retained by the Court and if the Court does not otherwise separately rule upon that matter in addressing the instant motion.

12. Ninth, they argue (at ¶ 28 of their Doc. 9 submission) that they "did not speak to or interact with, in any way, with any (then) current employees of the Choctaw Resort Development Enterprise nor any members of the Tribe to obtain a reservation for the Golden Moon Hotel and Casino," and at ¶ 33 that "Choctaw Resort Development Enterprise has contractual relationships with marketing firms, a YouTube channel, television and radio commercials, billboards, and does sponsor televised ball parks inviting all to come to their facility and is factually involved in advertisement and marketing to bring visitors to the casino," and that this somehow excuses their duty to exhaust their tribal remedies.

Reply: Plaintiffs' Complaint alleges (¶s 25, 26, 27-80) that they had a reservation to stay at the Golden Moon Hotel and Casino and their argument above repeats that admission. The fact that they did not communicate with Defendants when obtaining that reservation does not alter the fact that they had the reservation and that by their acceptance of that reservation they entered into

a private, voluntary consensual relationship with the Tribe within the meaning of the *Montana* test. *See, Montana v. U.S.*, 450 U.S. 544 (1981).

Further, as noted in Doc. 7, at pp. 16-18, since Plaintiffs here would also be Plaintiffs in any suit they would file on their claims in the Choctaw Court to start exhaustion of their tribal remedies, that Court would have jurisdiction to adjudicate those claims under *Williams v. Lee*, 358 U.S. 217, 220, 223 (1959) wholly independent of the *Montana* test:

There can be no doubt that to allow the exercise of state jurisdiction here would undermine the authority of the tribal courts over Reservation affairs and hence would infringe on the rights of the Indians to govern themselves. It is immaterial that respondent is not an Indian. He was on the reservation and the transaction with an Indian took place there... The cases in this court have consistently guarded the authority of Indian governments over their reservations. (Citations omitted). (Emphasis added).

13. Tenth, Plaintiffs contend at ¶s 27 and 36 of their Doc. 9 submission that:

27.: Defendants' Counsel alleges that the Plaintiffs entered a private, voluntary, and consensual commercial relationship with Defendants which triggers the Montana Jurisdiction, but fails to include any affidavits, testimony, or any admissible evidence to substantiate his claim.

36.: Defendants' Counsel has failed to provide any firsthand witness testimony (i.e. Admissible evidence) in contradiction to the Plaintiffs' complaint, and as such, has failed to provide this Court with any justification for dismissal or removal of the current action.

And that this somehow excuses their duty to exhaust their tribal remedies.

Reply: No extraneous evidence is needed to show that exhaustion of tribal remedies is required here. This is clear based solely upon the allegations in Plaintiffs' Complaint. Many cases so hold. *See, Reply to Plaintiffs' Fourth argument set out, supra.*

14. Eleventh, Plaintiffs contend that Defendants' argument that *Williams v. Lee* supports the existence of tribal court jurisdiction over any suit Plaintiffs' would seek to file in the Choctaw Court pressing their claims has been rendered moot by the U.S. Supreme Court's ruling

in *Oklahoma v. Castro-Huerta*, No. 21-429, 142 S.Ct. 2486 (U.S. (2022)), and that this somehow excuses them from exhausting their tribal remedies.

Reply: Nothing in *Oklahoma v. Castro-Huerta* changed the *Williams v. Lee* rule. *Castro-Huerta* only ruled that state courts have concurrent jurisdiction with federal courts to adjudicate state law charges against non-Indians for crimes they are accused of committing against Indians occurring in their Indian Country. Further, the import of *Williams v. Lee* re the appropriate forum for adjudicating Plaintiffs' civil claims against the Tribe as pled is not its holding that state courts may not lawfully exercise jurisdiction over suits against tribal defendants for causes of action which arose on their reservation lands, but that tribal courts rather than state courts are the appropriate forum to hear and decide such suits. *Williams v. Lee*, 358 U.S. 217, 220, 223 (1959):

There can be no doubt that to allow the exercise of state jurisdiction here would undermine the authority of the tribal courts over Reservation affairs and hence would infringe on the rights of the Indians to govern themselves. It is immaterial that respondent is not an Indian. He was on the reservation and the transaction with an Indian took place there... The cases in this court have consistently guarded the authority of Indian governments over their reservations. (Citations omitted). (Emphasis added).

15. Plaintiffs suggest that questions regarding the scope of the Defendants' sovereign immunity somehow excuse their duty to exhaust their tribal remedies (Doc. 10, pp. 3-4).

Reply: The Tribe's sovereign immunity bars the involuntary joinder of the Tribe itself and its officials/employees when sued in their official capacity, except in an *Ex Parte Young* scenario in which injunctive relief is sought against a tribal official sued in his official capacity to enjoin an ongoing constitutional or statutory violation. *Ex Parte Young*, 209 U.S. 123 (1908); *Kiowa Tribe v. Manufacturing Technologies*, 523 U.S. 751 (1998); *Michigan vs. Bay Mills Indian Community, et al.*, 134 S.Ct. 2024 (2014).

None of that law is relevant here in this proceeding since Defendants have not filed pleadings invoking the sovereign immunity defense in this forum. Instead, they have noted their intent to raise that and other defenses as appropriate in any subsequent tribal court proceedings. (Doc. 6, ¶ 8).

Hence, nothing regarding the scope or effect of the Tribe's sovereign immunity which may be invoked later excuses Plaintiffs' duty to exhaust their tribal remedies.

CONCLUSION

None of the arguments put forward by Plaintiffs in their Docs. 9 and 10 submissions provide any basis for excusing their duty to exhaust their tribal remedies nor give this Court any basis to not enforce that duty. Hence, all of Plaintiffs' non-§ 1983 claims should be dismissed so that Plaintiffs can exhaust their tribal remedies.

Respectfully submitted,

VanAMBERG, ROGERS, YEPA, ABEITA
& GOMEZ, LLP

By: /s/ C. BRYANT ROGERS
C. BRYANT ROGERS
Post Office Box 1447
Santa Fe, NM 87504-1447
Phone: (505) 988-8979
Fax: (505) 983-7508
E-mail: cbrogers@nmlawgroup.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to the Plaintiffs by United States Mail, postage prepaid, on July 18, 2022.

/s/ C. BRYANT ROGERS
C. BRYANT ROGERS