

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

**HOWARD BROWN and ,
BRANDON SIBLEY,**

Plaintiffs,

V.

**CHOCTAW RESORT
DEVELOPMENT ENTERPRISE,
ET AL.,**

Defendants.

Civil Action No. 3:22-cv-00256-DPJ-FKB

NOTICE OF OBJECTIONS TO DISCOVERY

COME NOW all Defendants by and through their counsel of record, C. Bryant Rogers of VanAmberg, Rogers, Yepa, Abeita, Gomez & Wilkinson, LLP, and hereby objects to the service of the discovery requests appended hereto as Exhibit A, on the following grounds:

1. Plaintiffs filed this suit on May 13, 2022.
2. Plaintiffs sent those certain discovery requests attached hereto as Exhibit A to Defendants by mail on June 6, 2022, but those were not received by Defendants until June 14, 2022.
3. No conference of the parties (or attorneys) as required by F.R.Civ.P. 26(f) has yet occurred. Hence, the issuance of those discovery requests was barred by F.R.Civ.P. 26(d)(1):

(1) *Timing.* A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(10)(B), or when authorized by these rules, by stipulation, or by court order.

4. Further, on June 20, 2022, Defendants filed Motions per Rules 12(b)(1) and 12(b)(6) which invoke the automatic stay respecting any such Rule 26(f) conference on all discovery per Local Uniform Civil Rule 16(3)(B):



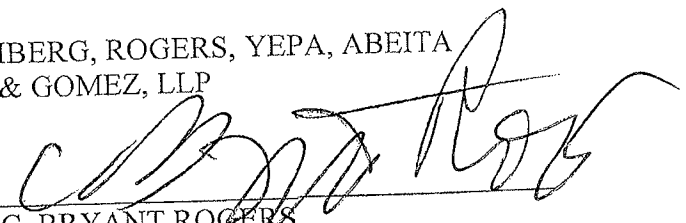
(B) A motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

5. All the foregoing is confirmed by the Court's "Text Only Order" of June 21, 2022, copy attached as Exhibit B.

6. Therefore, Defendants have no duty to respond to and will not be responding to any of the discovery requests appended hereto as Exhibit A.

Respectfully submitted,

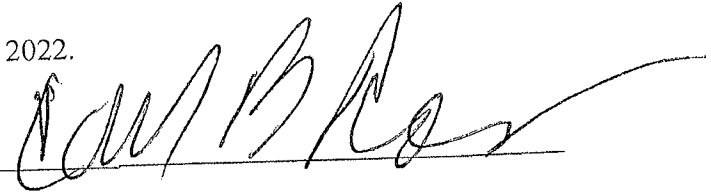
VanAMBERG, ROGERS, YEPA, ABEITA
& GOMEZ, LLP

By: 

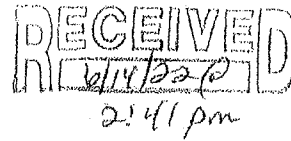
C. BRYANT ROGERS
Post Office Box 1447
Santa Fe, NM 87504-1447
Phone: (505) 988-8979
Fax: (505) 983-7508
E-mail: cbrogers@nmlawgroup.com

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 June 21, 2022.



S:\Rogers\Choctaw\CRDE-Brown v. CRDE Objections to Discovery 062022.doc



Brandon A. Sibley
17517 Cline Drive
Maurepas, LA 70449
Phone: (225) 369-7806
Fax: (985) 238-3818
Bsibley97@gmail.com

Howard G. Brown
1344 Lakeridge Drive
Baton Rouge, LA 70802
Phone: (504) 756-1987
Fax: (985) 238-3818
hgarybrown@gmail.com

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI
NORTHERN DIVISION

Case No 22CV256-DPJ-FKB

HOWARD BROWN
BRANDON SIBLEY,
Plaintiffs,

v.

CHOCTAW RESORT DEVELOPMENT ENTERPRISE,
WILLIAM SONNY JOHNSON in his individual and professional capacity,
MISSISSIPPI BAND OF CHOCTAW INDIANS,
BEN CYRUS in his individual and official capacity as Chief of the MISSISSIPPI BAND of
CHOCTAW INDIANS,
JOANN "DOE" in her individual and professional capacity,
CHRIS "DOE" in his individual and professional capacity,
JOHN DOE 1 in his individual and professional capacity,
JOHN DOE 2 in his individual and professional capacity,
Defendants.

REQUEST FOR ADMISSIONS

FRCP 36

PLAINTIFF Howard Gary Brown, requests DEFENDANTS MISSISSIPPI BAND OF CHOCTAW INDIANS and CHOCTAW RESORT DEVELOPMENT ENTERPRISE to admit the following:

1. Admit Plaintiffs were denied access to the public accommodation commonly referred to as Golden Moon Hotel and Casino.

RESPONSE:

2. Admit that Plaintiffs were seized in their free movement in the public accommodation commonly referred to as Golden Moon Hotel and Casino.

RESPONSE:

3. Admit Plaintiffs were denied evidence of law/policy restricting fundamental rights.

RESPONSE:

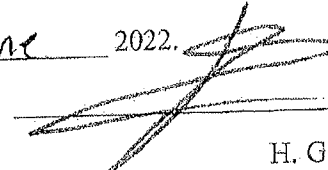
4. Admit that Plaintiffs have equal access-equal treatment and right of self determination.

RESPONSE:

5. Admit that Plaintiff Howard Gary Brown video recorded the incident in question, until the threat of confiscation of property occurred by Defendants.

RESPONSE:

RESPECTFULLY SUBMITTED this 6th day of June 2022.


H. Gary Brown

REQUEST FOR PRODUCTION

FRCP 34

PLAINTIFF Howard Gary Brown, requests DEFENDANTS MISSISSIPPI BAND OF CHOCTAW INDIANS and CHOCTAW RESORT DEVELOPMENT ENTERPRISE to produce the following:

1. Please provide the statutory authority allowing or granting the DEFENDANTS MISSISSIPPI BAND OF CHOCTAW INDIANS and CHOCTAW RESORT DEVELOPMENT ENTERPRISE the right to deprive others of their rights.

RESPONSE:

2. Please provide the law passed or ruling that suspended the United States Constitution and due process.

RESPONSE:

3. Please provide all video surveillance both indoor and outdoor, digital or otherwise, regarding the incident in question.

RESPONSE:

4. Please provide identity of all Jane and John Does in addition to any correlating badge numbers and employer thereof as is outlined in Rule 26 of the FRCP.

RESPONSE:

RESPECTFULLY SUBMITTED this 6th day of June 2022.

H. Gary Brown

VERIFICATION OF REQUEST FOR ADMISSIONS & PRODUCTION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

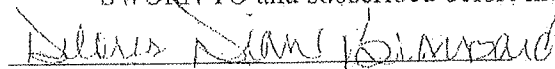
BEFORE ME personally appeared Howard Gary Brown who, being by me first duly sworn and identified in accordance with Louisiana law, deposes and says:

1. My name is Howard Gary Brown.
2. I have read and understood the attached foregoing request for admissions and production filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.


H. Gary Brown, Affiant

SWORN TO and subscribed before me this 6th day of June, 2022.



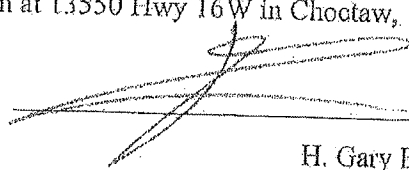
Notary Public

My commission expires:

Delores Diane Broussard
Notary No. 61017
Livingston Parish, Louisiana
My Commission is for Life

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY, I CERTIFY that a copy of the foregoing was provided by regular U.S. mail to William Sonny Johnson at 13550 Hwy 16W in Choctaw, Mississippi 39350 this 6th day of June, 2022.


H. Gary Brown

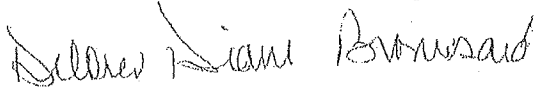
STATE OF LOUISIANA

EAST BATON ROUGE PARISH

BEFORE ME personally appeared Howard Gary Brown who, being by me first duly sworn and identified in accordance with Louisiana law, did execute the foregoing in my presence this 6th day of June 2022.

Notary public

My commission expires:

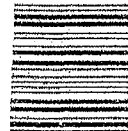


Delores Diane Broussard
Notary No. 61017
Livingston Parish, Louisiana
My Commission is for Life

Howard Brown
c/o 1344 Lakeridge Drive
Baton Rouge, Louisiana



1000



38350

U.S. POSTAGE PAID
FCA LETTER
BATON ROUGE, LA
70801
JUN 07 22
AMOUNT
\$0.58
R2305K138393-03

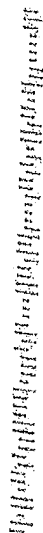
General Post-office, Non domestic, zip exempt.

RECEIVED
6/14/22
2:41 pm

William Sonny Johnson
13550 Hwy 16W
Choctaw, MS 39350

~~ROUGE~~

3835083509 0007



J. Tixier

From: cmecfhelpdesk@mssd.uscourts.gov
Sent: Tuesday, June 21, 2022 9:28 AM
To: Courtmail@mssd.uscourts.gov
Subject: Activity in Case 3:22-cv-00256-DPJ-FKB Brown et al v. Choctaw Resort Development Enterprise et al Order Staying Discovery

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of Mississippi

Notice of Electronic Filing

The following transaction was entered on 6/21/2022 at 10:28 AM CDT and filed on 6/21/2022

Case Name: Brown et al v. Choctaw Resort Development Enterprise et al

Case Number: 3:22-cv-00256-DPJ-FKB

Filer:

Document Number: No document attached

Docket Text:

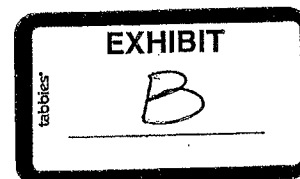
TEXT-ONLY ORDER STAYING DISCOVERY pursuant to L.U.Civ.R. 16(b)(3)(B) pending a decision on the Motion to Dismiss for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State Claims upon Which Relief can be Granted Under 42 U.S.C. § 1983 at docket no. [4]. No further written order shall issue from the Court. (A copy has been mailed to Pro Se Plaintiff Howard Brown, 1344 Lakeridge Drive, Baton Rouge, LA 70802 and Pro Se Plaintiff Brandon Sibley, 17125 Cline Drive, Maurepas, LA 70449. Signed by Magistrate Judge F. Keith Ball on 6/21/2022. (JEJ)

3:22-cv-00256-DPJ-FKB Notice has been electronically mailed to:

Carl Bryant Rogers cbrogers@nmlawgroup.com, jtixier@nmlawgroup.com,
kbuvinghausen@nmlawgroup.com

3:22-cv-00256-DPJ-FKB Notice has been delivered by other means to:

Brandon Sibley
17125 Cline Drive
Maurepas, LA 70449



Edward Brown
344 Lakeridge Drive
Baton Rouge, LA 70802