

**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.	)	
	)	

**PROVISIONAL RESPONSE TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT (DOC. 28)**

COME NOW the Defendants by and through their counsel of record, C. Bryant Rogers, VanAmberg, Rogers, Yepa, Abeita, Gomez & Wilkinson, LLP, and for its Provisional Response to Plaintiffs' Motion for Partial Summary Judgment (Doc. 28) state as follows:

1. For the reasons set out in Defendants' pending Motion to Stay (Doc 31), Defendants do not believe they should be required to respond to Plaintiffs' Doc. 28 Motion. However, since this Court may not rule upon Defendants' pending Motion to Dismiss for Plaintiffs' failure to exhaust tribal remedies (Doc. 6, modified by Doc. 22), or on Defendants' pending Motion to Stay these proceedings (Doc. 31), before Defendants' 14-day deadline to respond to Plaintiffs' Doc. 28 Motion expires on September 29, 2022, Defendants' hereby file the following provisional Response to that Doc. 28 Motion, with the request that the Court not reach or rule upon that Motion, but instead dismiss this action for Plaintiffs' failure to exhaust their tribal remedies.

2. In the event this Court nonetheless reaches and rules upon Plaintiffs' Doc. 28 Motion, Defendants request that the Court deny that Motion based on this Provisional Response and the grounds set out in Defendants' separate Memorandum of Law supporting this provisional Response.

WHEREFORE, Defendants pray that this Court enter an Order declining to reach or rule upon this Motion, but instead dismissing this action as requested by Defendants at Docs. 6 and 22, or if the Court reaches and rules upon this Motion, that the Court enter an Order denying this Motion and for such other and further relief as the Court deems just.

Respectfully submitted,

VanAMBERG, ROGERS, YEPA, ABEITA
GOMEZ & WILKINSON, LLP

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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 September 26, 2022, at the addresses listed with the Clerk of the Court and to Brandon Sibley at 17517 Cline Drive, Maurepas, LA 70449.

/s/ C. BRYANT ROGERS
C. BRYANT ROGERS