

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAD EVERET BRACKEEN, et al.,

and

STATE OF TEXAS,
STATE OF LOUISIANA, and
STATE OF INDIANA,

Plaintiffs,

v.

RYAN ZINKE, in his official capacity as
Secretary of the United States Depart-
ment of the Interior, et al.,

Defendants,

CHEROKEE NATION, et al.,

Intervenor-Defendants.

Case No. 4:17-cv-00868-O

STATE PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs State of Texas, State of Louisiana, and State of Indiana (collectively, "State Plaintiffs"), by and through counsel, and pursuant to Federal Rule of Civil Procedure 56(a) and LR 56, respectfully move this Court for summary judgment on Counts I, II, III, IV, and VII in their Second Amended Complaint. ECF No. 35. There are no genuine issues of material fact and the State Plaintiffs are entitled to judgment as a matter of law. Each of the matters required by Local Civil Rule 56.3(a) are set forth in the accompanying Memorandum in Support.

In support of this Motion, State Plaintiffs rely on the following:

1. State Plaintiffs' Appendix in support, filed contemporaneously herewith;

2. Plaintiffs' Second Amended Complaint, ECF No. 35;
3. State Plaintiffs' Response in Opposition to Defendants' Motions to Dismiss and Memorandum in Support of Motion for Summary Judgment, filed contemporaneously herewith; and
4. All further evidence necessary to support this Motion.

State Plaintiffs respectfully request the following relief against the Defendants, their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly:

1. A declaratory judgment that ICWA and the Final Rule violate the Tenth Amendment to the United States Constitution;
2. A declaratory judgment that ICWA and the Final Rule violate Article I of the United States Constitution;
3. A declaratory judgment that ICWA and the Final Rule violate the Fifth Amendment to the United States Constitution;
4. A declaratory judgment that the Final Rule is invalid under the APA; and
5. A permanent injunction prohibiting Defendants from enforcing ICWA and the Final Rule.

Wherefore, the State Plaintiffs respectfully request that judgment be entered in their favor and against Defendants.

Respectfully submitted this 26th day of April, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ David J. Hacker
DAVID J. HACKER