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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

CHIPPEWA CREE INDIANS OF THE
ROCKY BOY'S RESERVATION;
TANYA SCHMOCKEL; and KEN
MORSETTE,

Plaintiffs,

v.

CHOUTEAU COUNTY, MONTANA;
CHOUTEAU COUNTY BOARD OF
COUNTY COMMISSIONERS; CLAY
REIHL, in his official capacity as
Chouteau County Commissioner;
ROBERT PASHA, in his official
capacity as Chouteau County
Commissioner; RICK DARLINGTON,
in his official capacity as Chouteau
County Commissioner; and LANA
CLAASSEN, in her official capacity as
Chouteau County Clerk and Recorder,

Defendants.

Cause No. CV-25-69-GF-BMM

**DEFENDANTS CHOUTEAU
COUNTY, MONTANA'S;
CHOUTEAU COUNTY
BOARD OF COUNTY
COMMISSIONERS'; CLAY
REIHL'S; ROBERT PASHA'S
RICK DARLINGTON'S and
LANA CLAASSEN'S MOTION
TO DISMISS IN PART**

Defendants Chouteau County, Montana; Chouteau County Board of County Commissioners; Clay Reihl, in his official capacity as a Chouteau County Commissioner; Robert Pasha, in his official capacity as a Chouteau County Commissioner; Rick Darlington, in his official capacity as Chouteau County Commissioner; and Lana Claassen, in her official capacity as Chouteau County Clerk and Recorder, by and through their counsel of record, Faure Holden Henkel Terrazas P.C., and pursuant to Fed. R. Civ. P. 12(b)(6), respectfully submit their Motion to Dismiss the claims of the Chippewa Cree Indians of the Rocky Boy's Reservation (Tribe). The Tribe cannot bring claims under 42 U.S.C. § 1983.

Pursuant to Local Rule 7.1(c), counsel for the Plaintiffs, Ms. Samantha Blencke, was contacted and Plaintiffs oppose this motion.

DATED this 12th day of September, 2025.

FAURE HOLDEN HENKEL TERRAZAS, P.C.

/s/ Jason T. Holden

Jason T. Holden

/s/ Katie R. Ranta

Katie R. Ranta

/s/ Dana A. Henkel

Dana A. Henkel

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served upon the following by the means designated below on the 12th day of September, 2025.

Kirsten D. Gerbatsch Wesley James Furlong NATIVE AMERICAN RIGHTS FUND 745 West 4 th Ave, Suite 502 Anchorage, AK 99501 gerbatsch@narf.org wfurlong@narf.org	<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> U. S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail
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Samantha Blencke NATIVE AMERICAN RIGHTS FUND 950 F Street Northwest, Suite 1050 Washington, DC 20004 blencke@narf.org	<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> U. S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail
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FAURE HOLDEN HENKEL TERRAZAS, P.C.

/s/ Katie R. Ranta

Katie R. Ranta