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United States Supreme Court Unable to Reach a Majority Decision in *Dolgencorp. Inc. v. Mississippi Band of Choctaw Indians* Resulting in Affirmance of Federal Appellate Court Ruling In Favor of Mississippi Band of Choctaw Indians

CHOCTAW, Miss. – (June 23, 2016) - Today, the United States Supreme Court issued a decision in the case of *Dolgencorp, Inc. v. Mississippi Band of Choctaw Indians* (13-1496) announcing that the Court was equally divided and unable to reach a majority ruling in the case. The result is that the judgment of the United States Court of Appeals for the Fifth Circuit in favor of the Mississippi Band of Choctaw Indians is affirmed.

At issue in the case was whether the Mississippi Choctaw Tribal Court may hear and decide a civil lawsuit brought by Choctaw Tribal members against Dolgencorp, Inc. ("Dollar General"), a corporation which owns and operates the Dollar General retail store located on Choctaw Indian Reservation lands. In 2005, the Choctaw plaintiffs brought a lawsuit in Choctaw Tribal Court alleging that, in 2003, the Dollar General store manager at that time sexually molested a minor tribal member who was working at the store through the Tribe's Youth Opportunity Training program. Dollar General attempted to avoid civil liability by claiming that the Choctaw Tribal Courts do not have civil jurisdiction to hear and decide the claims against Dollar General since it is a non-Indian entity. The Choctaw Tribal Courts, a Federal district court, and the Fifth Circuit Federal appeals court all ruled against Dollar General on this issue. Since the U.S. Supreme Court was unable to reach a majority ruling in the case, the judgment of the Fifth Circuit is affirmed.

"I am pleased to announce that today the U.S. Supreme Court issued its long-awaited decision, and the result does not deprive the sovereign authority of our Tribal courts to hear and issue a final ruling in a lawsuit brought by Tribal members seeking to have their day in court," said Mississippi Choctaw Tribal Chief Phyliss J. Anderson. "Even though the Supreme Court was unable to reach a majority decision in our favor, I am grateful the result of the case nevertheless affirms the sovereign right of Indian tribes to assert civil jurisdiction against a non-Indian entity in certain circumstances. This is a positive outcome, not only for our Tribe, but for all of Indian country."

MBCI Assistant Attorney General and tribal member Cheryl Hamby said, "Now that the Supreme Court has ruled in this matter, we expect the case to be returned to the Choctaw

Trial Court where the case will proceed to the merits in accordance with the Choctaw Civil Rules of Procedure."

Please direct future questions about legal issues in this case to C. Bryant Rogers, VanAmberg, Rogers, Abeita & Gomez, LLP, Post Office Box 1447, Santa Fe, NM 87504. Mr. Rogers is counsel of record for the Tribe in the Dollar General case.

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The Mississippi Band of Choctaw Indians, under the leadership of Tribal Chief Phyliss J. Anderson, has an enrolled membership of more than 10,000 people and is the only federally recognized tribe in the State of Mississippi. Headquartered in Choctaw, Miss., the Tribe has emerged as a leader in economic development. The tribe provides a range of governmental services including schools, a hospital, medical clinics, police and fire protection, courts, and a center for the elderly, among many others. Phyliss J. Anderson serves as the first female Chief in Mississippi Choctaw history.

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