

07-411 PLAINS COMMERCE BANK V. LONG FAMILY LAND & CATTLE

DECISION BELOW: 491 F3d 878

LOWER COURT CASE NUMBER: 06-3093

QUESTION PRESENTED:

Indian tribal courts inherently lack jurisdiction to hear claims between members and nonmembers. In *Montana v. U.S.*, 450 U.S. 544, 565 (1981), this Court identified two narrow exceptions. The first relates to regulation of nonmembers who enter into consensual relationships with the tribe or its members. The second relates to civil authority concerning activity that directly affects the tribe's political integrity, economic security, health, or welfare. This Court, however, has never upheld tribal-court, civil-adjudicatory jurisdiction over a nonmember defendant under the first *Montana* exception, and expressly left this question open in *Nevada v. Hicks*, 533 U.S. 353, 360 (2001). The question presented is:

Whether Indian tribal courts have subject-matter jurisdiction to adjudicate civil tort claims as an "other means" of regulating the conduct of a nonmember bank owning fee-land on a reservation that entered into a private commercial agreement with a member-owned corporation?¹

¹Petitioner made two additional arguments to the Eighth Circuit Court of Appeals that it is explicitly not asking this Court to review. Namely, that tribal courts lack jurisdiction to adjudicate claims based on federal law and that the tribal court's judgment should be denied comity because the Bank was denied due process.

EXPEDITED BRIEFING SCHEDULE

CERT. GRANTED 1/4/2008