

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AGUA CALIENTE BAND OF )  
CAHUILLA INDIANS, )  
5401 Dinah Shore Drive, )  
Palm Springs, CA 92264 )

AK-CHIN INDIAN COMMUNITY, )  
42507 W. Peters and Nall Road )  
Maricopa, AZ 85138-3940 )

ARAPAHO TRIBE OF THE WIND )  
RIVER RESERVATION )  
533 Ethete Road )  
Ethete, WY 82520, )

CHEROKEE NATION )  
P.O. Box 1533 )  
Tahlequah, OK 74465, )

SNOQUALMIE INDIAN TRIBE, )  
9571 Ethan Wade Way SE, )  
Snoqualmie, WA 98065 )

YUOK TRIBE OF THE YUOK )  
RESERVATION )  
190 Klamath Boulevard )  
Klamath, CA 95548, )

Plaintiffs, )

v. )

STEVEN MNUCHIN, in his official )  
Capacity as the Secretary of the United )  
States Department of the Treasury, )  
1500 Pennsylvania Ave., N.W. )  
Washington, D.C. 20220 )

Defendant. )

Case No. 1:20-cv-1136

**COMPLAINT**

Plaintiffs the Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, Snoqualmie Indian Tribe, and Yurok Tribe of the Yurok Reservation (“Plaintiffs”) federally recognized Indian Tribal governments, by and through counsel, state and allege as follows:

### **INTRODUCTION**

1. Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, which President Trump signed into law on March 27, 2020, to respond to the devastating and ongoing impacts of the COVID-19 pandemic. Title V of the CARES Act amends the Social Security Act (42 U.S.C. §§ 301, *et seq.*), and appropriates \$150 billion for fiscal year 2020 (Title V funds) for “payments to States, Tribal governments, and units of local government.” 42 U.S.C. § 801(a)(1). Of that sum, \$8 billion is “reserve[d] . . . for making payments to Tribal governments.” *Id.* § 801(a)(1).

2. Congress, responding to the urgent situation throughout Indian Country and the desperate need for these resources, mandated that the Secretary of the United States Department of the Treasury (Secretary) disburse Title V funds to Tribal governments “not later than 30 days after” March 27, 2020, the date of enactment of this section—in other words, by April 26, 2020. *Id.* § 801(b)(1).

3. Plaintiffs are each federally recognized Indian tribes, acting through their Tribal governments, who qualify to receive Title V funds and have submitted the requisite certifications and information to the Secretary as requested by the Secretary to effectuate timely distribution of such funds.

4. As of today, April 30, 2020, the Secretary has violated his clear non-discretionary duty to act in accordance with the CARES Act mandate by failing to disburse Title V funds to

Tribal governments, including the Plaintiffs, within the timeframe Congress determined. Plaintiffs are in dire need of the Title V funds, as Congress recognized, to support the necessary and increased expenditures caused by the COVID-19 pandemic. Plaintiffs' injuries are ongoing, worsening, and irreparable such that if the Secretary does not immediately disburse the emergency relief funds, Plaintiffs will be forced to curtail essential governmental services and furlough or lay off a substantial number of employees. Plaintiffs request that the Court order the Secretary to immediately disburse Title V funds as directed by the CARES Act and this Court's Order, issued on April 27, 2020 in *Confederated Tribes of the Chehalis Reservation, et al v. Mnuchin*, Case No. 1:20-cv-01002-APM (Doc. 36) ("April 27, 2020 Order").

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1361, and 1362.

6. Plaintiffs Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, Snoqualmie Indian Tribe, and Yurok Tribe of the Yurok Reservation have governing bodies duly recognized by the Secretary of the U.S. Department of the Interior. The Plaintiffs assert claims arising under the Constitution and laws of the United States, including the Administrative Procedures Act, 5 U.S.C. §§ 701-706 and the Mandamus Act, 28 U.S.C. § 1361.

7. This suit alleges that the Secretary is failing to act in accordance with a mandatory, non-discretionary duty imposed by the CARES Act. Accordingly, Defendant has consented to suit under the Administrative Procedure Act, 5 U.S.C. § 702.

8. The allegations of the Complaint give rise to an actual controversy within the meaning of 28 U.S.C. § 2201.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because the Defendant, the Secretary of the U.S. Department of the Treasury, is an officer of the United States and because a substantial part of the actions or omissions giving rise to the claims occurred in this District, a substantial part of the property that is the subject of the action is situated in this District, and the Defendant maintains his principal place of business in this District.

### **THE PARTIES**

10. Plaintiff tribes are federally recognized Indian tribal government whose governing bodies are recognized by the Secretary of the Interior. *See* Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs, 85 Fed. Reg. 5462-01, 5463 (Jan. 30, 2020).

11. The Agua Caliente Band of Cahuilla Indians exercises sovereign powers of self-governance and jurisdiction over the Agua Caliente Reservation, which was set aside by Executive Orders in 1876 and 1877 and is located within the exterior boundaries of the State of California. Agua Caliente brings this action through its Tribal government on its own behalf and on behalf of its members.

12. The Ak-Chin Indian Community exercises sovereign powers of self-governance and jurisdiction over the Ak-Chin Indian Community Reservation, which was set aside by Executive Order in 1912 and is located within the exterior boundaries of the State of Arizona. Ak-Chin brings this action through its Tribal government on its own behalf and on behalf of its members.

13. The Arapaho Tribe of the Wind River Reservation exercises powers of self-governance and jurisdiction. The Arapaho Tribe of the Wind River Reservation is a signatory to the Fort Laramie Treaties of 1851 and 1868, their Reservation is shared with the Eastern Shoshone

Tribe of the Wind River Reservation and is located within the exterior boundaries of Wyoming. The Arapaho Tribe of the Wind River Reservation brings this action through its Tribal government on its own behalf and on behalf of its members.

14. The Cherokee Nation is a federally recognized Indian tribe located in Oklahoma, and with over 383,000 citizens is the largest Indian tribe in the United States. In the 1830s, the United States forced the Nation to remove from its Georgia homeland to present-day Oklahoma. By the mid-19th century, most members of the Cherokee Nation had been forcibly moved to the Indian Territory in what is today eastern Oklahoma. Treaties between the United States and the Nation entered in 1835, 1846 and 1866 defined the boundaries of the Nation's territory and guaranteed the Nation's sovereign powers of self-governance and jurisdiction over those lands. Cherokee Nation brings this action through its Tribal government on its own behalf and on behalf of its members.

15. The Snoqualmie Indian Tribe (sdukwalbixw in the Lushootseed language), exercises sovereign powers of self-governance and jurisdiction over the Snoqualmie Reservation. The Snoqualmie Indian Tribe is a signatory to the Treaty of Point Elliott of 1855. The Snoqualmie Indian Reservation was proclaimed on October 20, 2006, and is located within the exterior boundaries of the State of Washington. The Snoqualmie Indian Tribe brings this action through its Tribal government on its own behalf and on behalf of its members.

16. The Yurok Tribe of Yurok Reservation exercises powers of self-governance and jurisdiction. The present day Yurok Reservation was established by partition pursuant to the Hoopa-Yurok Settlement Act of 1988 and is located in the exterior boundaries of California. The Yurok Tribe of the Yurok Reservation brings this action through its Tribal government on its own behalf and on behalf of its members.

17. Defendant Steven Mnuchin, sued in his official capacity as the Secretary of the U.S. Department of the Treasury, is charged by Congress with distributing Title V funds to Tribal governments no later than April 26, 2020. Defendant's failure to distribute Title V funds by the date mandated in the CARES Act violates the plain language of the Act and threatens the Plaintiffs with imminent irreparable injury, as set forth in greater detail below.

### **FACTUAL BACKGROUND**

18. Plaintiff Tribes each provide a wide array of governmental services throughout their Reservations and for the benefit of their Tribes. Some of the services the Plaintiff Tribes provide include, but are not limited to, healthcare, food distribution, heating assistance, education, planning and development services, environmental regulatory services, building inspection services, food and safety regulatory services, power services, water and water treatment, police, fire, social services, housing, judicial services, health and welfare services, educational programs, and social and cultural preservation facilities and programs.

19. Plaintiffs have each declared Tribal States of Emergency and responsibly have closed their tribal enterprises in response to the COVID-19 pandemic. The closing of these enterprises has eliminated the Tribes' sources of governmental revenue that permit each ordinarily to provide essential government services and employee salaries and benefits.

20. Tribal Plaintiffs have taken emergency protective measures and incurred substantial unbudgeted expenses to address the COVID-19 crises. For example, Plaintiff Tribes have procured additional personal protective equipment (PPE) for distribution to Tribal members and Tribal staff; procured and distributed water, toilet paper and food to Tribal members; increased spending on cleaning and sanitation supplies, including washing stations and thermometers, tents for testing facilities, medical equipment, testing supplies, public communication materials; services to tribal elders and food distribution programs; incurred additional IT and professional

services related expenses; and incurred additional security expenses to secure closed facilities. These emergency services are unbudgeted expenses. Congress understood that tribes would incur these COVID-19 related expenditures and enacted Title V of the CARES Act precisely to provide additional resources to tribes, including Plaintiff Tribes, so as to ensure that they had the resources for such expenditures.

21. If the Plaintiff Tribes do not receive Title V funds immediately, Plaintiffs will be forced to take additional measures such as reducing and curtailing additional essential governmental services or laying off or furloughing their employees.

22. The increased and necessary unbudgeted expenditures by the Plaintiff Tribes resulting from the devastating impacts of the COVID-19 pandemic are exactly the costs that Congress intended the Title V funds to cover. *See* 42 U.S.C. § 801(d).

23. This Court recently held, consistent with the plain statutory language, that the CARES Act “requires the Secretary [] to disburse the Title V funds to the Tribal governments ‘not later than 30 days after’ March 26, 2020, the date of enactment of this section – that is, by April 26, 2020.” (Court’s April 27, 2020 Order, citing 42 U.S.C. § 801(b)(1).)

24. On April 13, 2020, the Secretary published on the Treasury Department’s website a form titled “Certification for Requested Tribal Data” (“Certification”), which requested certain data to effectuate disbursement of the CARES Act funds.

25. Plaintiffs each submitted the requisite Certification and other information before the Secretary’s April 17, 2020 deadline. The Defendant possesses all of the requisite information needed to disburse the funds to the Plaintiffs, and has had such information for nearly two weeks. Nevertheless, as of the date of this filing, April 30, 2020, Defendant has failed to disburse the

funds. Defendant's delay and inaction is in violation of a mandatory, non-discretionary duty imposed by the CARES Act.

26. Any further delay in funding will force Plaintiffs to curtail essential governmental services and furlough or lay off a substantial number of employees.

27. This Court can redress the Plaintiffs' injuries by awarding declaratory, injunctive, and mandamus relief requiring Defendant to disburse the Title V funds within 24 hours in a manner consistent with the CARES Act and this Court's April 27, 2020 Order.

**Count I – Declaratory, Injunctive, and Mandamus Relief under 28 U.S.C. § 2201-2202, 5 U.S.C. § 706, and 28 U.S.C. § 1361**

28. The Plaintiffs reallege and incorporate by reference all preceding paragraphs and allegations.

29. The APA authorizes judicial review of agency actions, including actions unlawfully withheld or unreasonably delayed. 5 U.S.C. § 702.

30. The APA provides that the reviewing Court shall compel agency action unlawfully withheld or unreasonably delayed. 5 U.S.C. § 706(1).

31. Under the Mandamus Act, a federal court may "compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Plaintiff." 28 U.S.C. § 1361.

32. The CARES Act requires the Secretary to disburse Title V funds to Tribal governments "not later than 30 days after" March 27, 2020, the date of its enactment—in other words, by April 26, 2020. *Id.* § 801(b)(1). Plaintiffs are entitled to an order declaring the same and compelling Defendant through a mandatory injunction to disburse funds without further delay.

33. By failing to disburse the funds, Defendant is violating a clear, non-discretionary and mandatory duty to act as mandated by Congress through the CARES Act.

34. The Defendant's duty to disburse the funds within 30 days of enactment of the CARES Act is a plainly defined and preemptory duty.

35. In light of the clear statutory mandate, Defendant's inaction in failing to disburse the Title V funds amounts to inaction unlawfully withheld or unreasonable delayed.

36. The Plaintiffs are entitled to a preliminary injunction and mandamus relief requiring the Secretary to immediately disburse the Title V funds to the Plaintiffs in a manner consistent with the CARES Act and the Court's April 27, 2020 Order.

37. The Plaintiffs will suffer irreparable harm and have no other adequate remedy if Defendant continues to delay in disbursing the Title V funds.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs respectfully request that this Court:

1. Enter a judgment pursuant to 28 U.S.C. § 2201 declaring that Defendant's failure to disburse Title V funds violates the CARES Act and amounts to agency action unlawfully withheld or unreasonably delayed under 25 U.S.C. § 706(1)(a).
2. Preliminarily order Defendant to disperse Title V funds to the Plaintiffs within 24 hours in a manner consistent with the CARES Act and this Court's April 27, 2020 Order.
3. Issue a writ of mandamus requiring Defendant to disperse the Title V emergency relief funds to the Plaintiffs within 24 hours in a manner consistent with the CARES Act and this Court's April 27, 2020 Order.
4. Award the Plaintiffs their reasonable attorney's fees, costs, and other such relief as the Court deems just and appropriate.

Dated this 30<sup>th</sup> day of April, 2020.

Respectfully submitted,

/s/ Keith M. Harper  
Keith M. Harper, DC Bar No. 451956

/s/ Catherine F. Munson  
Catherine F. Munson, DC Bar No. 985717

/s/ Mark H. Reeves  
Mark H. Reeves, DC Bar No. 1030782

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Fax: (206) 623-6793

Attorneys for Plaintiffs

**CIVIL COVER SHEET**

JS-44 (Rev. 6/17 DC)

<p><b>I. (a) PLAINTIFFS</b>                  Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, Snoqualmie Tribe, and Yurok Tribe of the Yurok Reservation.</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b>                  Steven Mnuchin, Secretary                  Department of the Treasury                  1500 Pennsylvania Avenue, NW                  Washington, DC 20220</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u>                  (IN U.S. PLAINTIFF CASES ONLY)  <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)                  Catherine F. Munson                  Kilpatrick Townsend &amp; Stockton LLP                  607 14th Street, NW, Suite 900                  Washington, DC 20005                  (202) 508-5800</p>	<p>ATTORNEYS (IF KNOWN)                  Department of the Treasury                  Brian Callanan, General Counsel                  1500 Pennsylvania Avenue, NW                  Washington, DC 20220                  (202) 622-2000</p>																								
<p><b>II. BASIS OF JURISDICTION</b>                  (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input checked="" type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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**E. General Civil (Other)**

OR

**F. Pro Se General Civil**

<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 28 U.S.C. §2201-02, 5 U.S.C. §706 and 28 U.S.C. §1361-Unlawful Action by Treasury Secretary in violation of CARES Act

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: April 30, 2020	SIGNATURE OF ATTORNEY OF RECORD: /s/ Keith M. Harper
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Agua Caliente Band of Cahuilla Indians, Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Snoqualmie Tribe, and Yurok Tribe of the Yurok Reservation,

Plaintiff(s)

v.

Steven Mnuchin, Secretary, United States Department of the Treasury

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Steven Mnuchin, Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Keith M. Harper
Kilpatrick Townsend & Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: April 30, 2020

/s/ Keith M. Harper

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIANOTICE OF DESIGNATION OF RELATED CIVIL CASES PENDING  
IN THIS OR ANY OTHER UNITED STATES COURTCivil Action No. 1:20-cv-1136  
(To be supplied by the Clerk)NOTICE TO PARTIES:

Pursuant to Rule 40.5(b)(2), you are required to prepare and submit this form at the time of filing any civil action which is related to any pending cases or which involves the same parties and relates to the same subject matter of any dismissed related cases. This form must be prepared in sufficient quantity to provide one copy for the Clerk's records, one copy for the Judge to whom the cases is assigned and one copy for each defendant, so that you must prepare 3 copies for a one defendant case, 4 copies for a two defendant case, etc.

NOTICE TO DEFENDANT:

Rule 40.5(b)(2) of this Court requires that you serve upon the plaintiff and file with your first responsive pleading or motion any objection you have to the related case designation.

NOTICE TO ALL COUNSEL

Rule 40.5(b)(3) of this Court requires that as soon as an attorney for a party becomes aware of the existence of a related case or cases, such attorney shall immediately notify, in writing, the Judges on whose calendars the cases appear and shall serve such notice on counsel for all other parties.

The plaintiff, defendant or counsel must complete the following:

I. RELATIONSHIP OF NEW CASE TO PENDING RELATED CASE(S).

A new case is deemed related to a case pending in this or another U.S. Court if the new case: [Check appropriate box(es) below.]

- (a) relates to common property
- (b) involves common issues of fact
- (c) grows out of the same event or transaction
- (d) involves the validity or infringement of the same patent
- (e) is filed by the same pro se litigant

2. RELATIONSHIP OF NEW CASE TO DISMISSED RELATED CASE(ES)

A new case is deemed related to a case dismissed, with or without prejudice, in this or any other U.S. Court, if the new case involves the same parties and same subject matter.

Check box if new case is related to a dismissed case:

3. NAME THE UNITED STATES COURT IN WHICH THE RELATED CASE IS FILED (IF OTHER THAN THIS COURT):4. CAPTION AND CASE NUMBER OF RELATED CASE(E-S). IF MORE ROOM IS NEED PLEASE USE OTHER SIDE.

Confederated Tribes of the Chehalis  
Reservation, et al.

v. Mnuchin

C.A. No. 20-cv-1002 (APM)

April 30, 2020  
DATE

/s/ Keith M. Harper  
Signature of Plaintiff/Defendant (or counsel)

**Notice of Designation of Related Civil Cases Pending (cont'd)**

**4. Additional Caption and Case Number of Related Cases.**

Cheyenne River Souix Tribe, et al. v. Mnuchin C.A. No. 20-cv-01059 (APM)

Ute Tribe of the Uintah and Ouray Reservation v. Mnuchin C.A. No. 20-cv-01070 (APM)