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3 Galanda Broadman PLLC

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Betty Lechner

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5 IN THE NOOKSACK TRIBAL COURT

6 RUDY ST. GERMAIN, et al.,

NO. NO. 2013-CI-CL-005

7 Plaintiffs,

REPLY RE: CROSS MOTION FOR
PARTIAL SUMMARY JUDGMENT

8 v.

9 ROBERT KELLY, et al.,

10 Defendants.

11
12 Plaintiffs respectfully reiterate their request that the Court render declaratory and
13 permanent injunctive relief as to all “Christmas Support” laws and policies that Defendants wish
14 to prospectively implement.

15 I. LAW AND ARGUMENT

16 Plaintiffs are entitled to judgment as a matter of law on their equal protection claim.
17 Plaintiffs have introduced evidence, and this Court has already found, that Defendants’
18 Resolution No. 13-171 does not satisfy equal protection scrutiny. Resolution No. 13-181, if valid,
19 does nothing to change the equal protection analysis. Plaintiffs have satisfied their initial burden
20 of providing the Court with legal bases for entry of summary judgment on this claim.¹ Because
21 Plaintiffs have satisfied their initial burden, the burden is shifted to Defendants to present
22 affirmative evidence to defeat Plaintiffs’ properly supported motion.² Defendants cannot meet

23
24 ¹ *Celotex v. Catrett*, 477 U.S. 317, 323 (1986).

² *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 257 (1986).