

APR 13 2021

IN THE DISTRICT COURT
OF THE IOWA TRIBE OF OKLAHOMA

IN THE OFFICE OF THE
COURT ADMINISTRATOR

BY McClellan

IOWA TRIBE OF OKLAHOMA,

Plaintiff,

v.

MONSTER TECHNOLOGY GROUP LLC;
and, AMERICAN ARBITRATION
ASSOCIATION,

Defendants.

Case No. CIV-21-02

PRELIMINARY INJUNCTION

On February 12, 2021, Plaintiff filed a Complaint for Declaratory and Injunctive Relief. On February 18, 2021, Plaintiff filed a Motion for Preliminary Injunction. On March 8, 2021, Plaintiff filed an Emergency Motion Requesting Hearing. On March 29, 2021, this Court entered an Order setting a show cause hearing regarding requests for preliminary injunction. On April 5, 2021, Defendant Monster Technology Group, LLC, (“Monster”) filed a Special Appearance for Purposes of Suggesting Lack of Subject Matter and Personal Jurisdiction. On April 8, 2021, Plaintiff filed a Response to Monster’s Special Appearance. On April 11, 2021, Defendant Monster filed a Reply to Plaintiff’s Response to Monster’s Special Appearance.

Appearing on April 12, 2021, was the Plaintiff through counsel. Defendant failed to appear. The ruling was reserved. The Court has considered the arguments and studied the pleadings. Based on its review of those filings and the argument presented, the Court finds and orders as follows:

1. The Court has subject matter jurisdiction over the above-styled cause.
2. The Tribe is a federally recognized Indian tribe with inherent powers of sovereignty and sovereign immunity.

3. In September 2017, the Tribe and UEG (Monster's alleged predecessor in interest) entered into an agreement titled "Intellectual Property and Other Assets Purchase Agreement" (the "2017 Asset Purchase Agreement") connected to gaming on the Tribe's reservation.

4. On January 13, 2021, Monster initiated an arbitration proceeding, AAA Case No. 01-20-0019-3927 (the "Arbitration") with the AAA. In the Arbitration, Monster alleges breaches of the 2017 Asset Purchase Agreement.

5. The Tribe commenced this case on February 15, 2021, seeking declaratory and injunctive relief.

6. Proper notice for a Show Cause Hearing was issued pursuant to Section 815(a) the Rules of Civil Procedure of the Iowa Tribe of Oklahoma.

7. Defendant requested the opportunity to be heard at the Show Cause Hearing according to the Special Appearance filing and subsequently failed to appear.

8. The Court finds that any potential diminution in tribal sovereignty or tribal sovereign immunity comprises an irreparable harm to the Tribe.

9. The Court further finds that the Tribe has demonstrated a likelihood of success on the merits, and has demonstrated a likelihood of prevailing on the claims set forth in the Motion requesting the Preliminary Injunction.

10. The Court further finds that the balance of hardships tips in favor of the Tribe, and that public policy favors enjoining the AAA proceedings until resolution of the Tribe's claims on the merits. Therefore, based on the foregoing, and good cause appearing,

IT IS ORDERED this Court hereby enters a preliminary injunction against Defendants Monster and AAA pursuant to Section 815 of the Rules of Civil Procedure for the District Court of the Iowa Tribe of Oklahoma.

IT IS FURTHER ORDERED that, absent order of this Court, neither Defendants Monster nor AAA shall take or permit any steps in furtherance of litigating the Arbitration before the AAA.

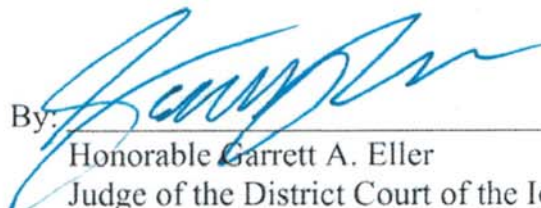
IT IS FURTHER ORDERED that this Injunction is binding upon AAA and Monster, as well as their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

IT IS FURTHERED ORDERED that, pursuant to Section 819 of the Rules of Civil Procedure for the District Court of the Iowa Tribe of Oklahoma, no security is required from the Tribe.

DATED this 13th day of April, 2021.



By: _____


Honorable Garrett A. Eller
Judge of the District Court of the Iowa
Tribe of Oklahoma