

FILED

IN THE DISTRICT COURT OF CHEROKEE NATION

2018 MAY -3 PM 1:09

DAVID COMINGDEER,)
Plaintiff,)
v.)
CHEROKEE NATION,)
Defendant.)

CV-2016-180

CHEROKEE NATION
DISTRICT COURT
KRISTI MONCOBYEA
COURT CLERK

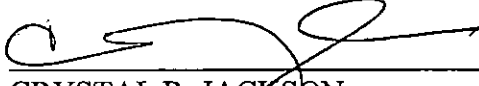
ORDER OVERRULING DEFENDANT'S MOTION TO DISMISS AND RULING ON OTHER PENDING MOTIONS

NOW on this 3rd day of May, 2018, this matter comes on for decision on the Defendant's *Motion to Dismiss*. After review of the pleadings and argument of Counsel, the Court finds as follows:

- 1) The Defendant's *Motion to Dismiss* is denied.
- 2) The Defendant's *Motion to Deem Confessed* is denied.
- 3) The Plaintiff's *Motion to File Sur-Reply* and Defendant's *Motion to Strike Plaintiff's Sur-Reply* are deemed moot as the Court has overruled the Defendant's *Motion to Dismiss*.

IT IS SO ORDERED.

Dated this 3rd day of May, 2018.

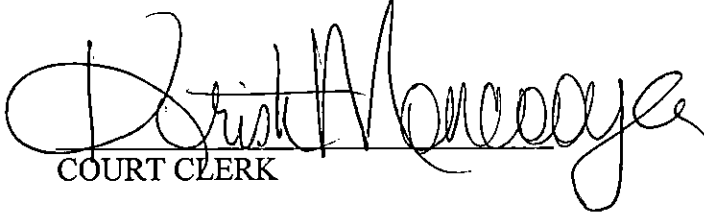

CRYSTAL R. JACKSON
JUDGE OF THE DISTRICT COURT

CERTIFICATE OF DELIVERY

I certify that on this 3rd day of May, 2018, a true and correct copy of the Order Overruling Defendant's Motion to Dismiss and Ruling on Other Pending Motions was transmitted via email and mail, postage prepaid, to the following:

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