

Michael W. Homer (#1535)
Jesse C. Trentadue (#4961)
Robert J. Brennan (#15550)
SUITTER AXLAND, PLLC
8 East Broadway, Suite 200
Salt Lake City, UT 84111
Telephone: (801) 532-7300
Facsimile: (801) 532-7355
mhomer@sautah.com
jesse32@sautah.com
rbernnan@sautah.com

Attorneys for Defendant Stephen Foote

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

TARA JEAN AMBOH

Plaintiff,

v.

DUCHESNE COUNTY, a political
subdivision of the State of Utah, and
DUCHESNE COUNTY ATTORNEY
STEPHEN FOOTE,

Defendants.

**DUCHESNE COUNTY ATTORNEY
STEPHEN FOOTE'S OMNIBUS
RESPONSE TO PLAINTIFF'S RECENT
FILINGS**

Case No. 2:21-cv-00564

Judge Cecilia Romero

ORAL ARGUMENT NOT REQUESTED

In response to Duchesne County Attorney Stephen Foote's *Motion to Dismiss and/or Motion for Judgment on the Pleadings*,¹ Plaintiff Tara Jean Amboh has filed of record in this case a *Memorandum* in opposition,² a *Motion* for an order requiring Defendant Stephen Foote

¹ ECF 22.

² ECF 24.

and his Attorney to appear before the Court and show cause why they should not be held in civil contempt of the Tenth Circuit rulings on Indian Country jurisdiction in the Uinta Basin,³ and her *Declaration* apparently submitted in support of the *Motion for an Order to Show*.⁴ Defendant Foote hereby submits this combined response to all three filings.⁵

ARGUMENT⁶

At the heart of all of these filings, is Amboh's insistence that pursuant to several Tenth Circuit Court of Appeals' decisions with respect to Indian Country jurisdiction in the Uinta Basin she was illegally charged by the State of Utah for the traffic infractions giving rise to this *Complaint* because Roosevelt City, where the violations occurred, is Indian Country, and that deprived the State of jurisdiction over her. But, as a matter of law, that is not so.

In 1975 the Ute Tribe commenced on behalf of all of its members, a lawsuit in the United States District Court for the District of Utah, to determine the boundaries of "Indian Country" for purposes of State and local jurisdiction over its members.⁷ The Defendants in that case included Roosevelt City, Utah as well as the State of Utah.⁸

On August 18, 1992, the parties in that case entered into a stipulation whereby State and local authorities would not enforce criminal laws against members of the Ute Tribe within the exterior borders of the Ute Reservation until the District Court defined the boundaries

³ ECF 26.

⁴ ECF 25.

⁵ ECF 24, 25 and 26.

⁶ In addition to the arguments proffered by Defendants Foote in this omnibus response, pursuant to *DUCivR* 7-1(a)(3) and (7) he also incorporates by reference the arguments set forth in his *Motion to Dismiss and/or Motion for Judgment on the Pleadings*, which is filed of record at ECF 22.

⁷ See *Ute Indian Tribe v. Duchesne County et. al.*, 75-cv-708 ECF 1.

⁸ *Id.*

of Indian Country land within the reservation.⁹ That *Stipulation* resulted in a preliminary injunction that prohibited the State of Utah from enforcing its criminal laws against members of the Ute Tribe within the exterior boundaries of Ute Reservation until the District Court ruled on and/or established the boundaries of Indian Country land within the Reservation's exterior boundaries.¹⁰

On September 15, 1997, the District Court vacated that injunction with respect to the prosecution of Ute tribal members and other Indians for crimes committed within Roosevelt City.¹¹ On October 3, 2014, the District Court entered an *Order* dismissing Roosevelt City from that lawsuit because the lands within the boundaries of Roosevelt City were not Indian County.¹² The Ute Tribe even conceded that Roosevelt City was not Indian Country and, therefore, never appealed from that October 3, 2014 *Order*.

The effect of the aforementioned *Orders* of September 15, 1997 and October 3, 2014 to designate all of the land within exterior boundaries of Roosevelt City as non-Indian Country for purposes of State jurisdiction and authority over members of the Ute Tribe and other Indians. Furthermore, Amboh did not respond to this assertion or the other arguments advanced by Defendant Foote in support of his *Motion to Dismiss and/or Motion for Judgment on the Pleadings*, which means that she has conceded them. She has conceded them because when a party, even a *pro se* party, fails to address arguments advanced by his opponent, those matters are conceded as a matter of law.¹³

⁹ *Id.* at ECF 7.

¹⁰ *Id.*

¹¹ See ECF 68, a copy of which is attached hereto as Exhibit A.

¹² See ECF 726, a copy of which is attached hereto as Exhibit B.

¹³ See *Kone v. District of Columbia*, 808 F.Supp.2d 80, 83 (D.D.C., 2011); *Maddux v. District of Columbia*, 144 F.Supp.3d 131, 140 (D. D.C., 2015).

CONCLUSION

Amboh's recent filings do not entitle her to any relief. Furthermore, Amboh's *Complaint* against Duchesne County Attorney Foote should be dismissed on the merits and with prejudice.

DATED this 20th day of January, 2023.

SUITTER AXLAND, PLLC

/s/ jesse c. trentadue

Michael W. Homer

Jesse C. Trentadue

Robert J. Brennan

Attorneys for Defendant Stephen Foote

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of January, 2023, I electronically filed this **RESPONSE** with the Clerk of the Court using the CM/ECF electronic filing system, which provided notice to the following parties:

Kyle J. Kaiser (13924)
Christiana L. Biggs (13040)
Assistant Utah Attorneys General
SEAN D. REYES (7969)
Utah Attorney General
160 East 300 South, 6th Floor
PO Box 140856
Salt Lake City, UT 84114-0856
Attorneys for Eighth District Court

Tara Jeanne Amboh
P.O. Box 155
Neola, Utah 84053

/s/ jesse c. trentadue