IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RHONDA LEONA BROWN FLEMING)
and THE HARVEST INSTITUTE)
FREEDMEN FEDERATION, LLC,)
)
Plaintiffs,)
)
v.)
) Case No. 18-cv-02041 (TFH)
THE CHEROKEE NATION, CHEROKEE)
NATION ELECTION COMMISSION, BILL)
JOHN BAKER, RYAN ZINKE, Secretary of the)
Interior, and TARA MACLEAN SWEENEY,)
Assistant Secretary-Indian Affairs, U.S.)
DEPARTMENT OF THE INTERIOR,)
)
Defendants.)

TRIBAL DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and Article III of the United States Constitution, the Cherokee Nation, the Cherokee Nation Election Commission, and Bill John Baker, in his official capacity as Principal Chief of the Cherokee Nation (collectively "Tribal Defendants"), and hereby move this Court to dismiss all claims against Tribal Defendants for lack of subject matter jurisdiction, failure to state a claim upon which relief can be granted under, and lack of a justiciable case or controversy. In support thereof, Tribal Defendants offer the attached Memorandum of Support.

Respectfully Submitted,

/s/ M. Todd Hembree_

M. Todd Hembree, OK0010 Attorney General for Cherokee Nation P.O. Box 1533

Tahlequah, OK 74465-1533 (918) 453-5255 (918) 458-6142 Fax number todd-hembree@cherokee.org