

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**WINNEBAGO TRIBE OF NEBRASKA, a  
federally recognized Indian Tribe; OMAHA  
TRIBE OF NEBRASKA, a federally  
recognized Indian Tribe; VICTORIA  
KITCHEYAN; CHEYENNE ROBINSON;  
BRIAN CHAMBERLAIN; RONA  
STEALER; JAMES LOUIS LaROSE; ARIC  
ARMELL; ESTHER MERCER; LYNELLE  
BLACKHAWK; and GREGORY  
PHILLIPS,**

**Plaintiffs,**

**v.**

**THURSTON COUNTY, NEBRASKA;  
THURSTON COUNTY BOARD OF  
SUPERVISORS; GLEN MEYER, in his  
official capacity as Chairman; MARK  
ENGLISH, in his official capacity as Vice  
Chairman; GEORGIA MAYBERRY, in her  
official capacity as Supervisor; JAMES  
PRICE, SR., in his official capacity as  
Supervisor; DAVIN FRENCH, in his official  
capacity as Supervisor; ARNIE HARLAN, in  
his official capacity as Supervisor; JIM  
MUELLER, in his official capacity as  
Supervisor; and PATTY BESSMER, in her  
official capacity as COUNTY CLERK,**

**Defendants.**

**Civil No. 8:23-cv-00020-RFR-CRZ**

**PLAINTIFFS' MOTION TO DISMISS  
DEFENDANTS' COUNTERCLAIM**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Article III, Section 2 of the United States Constitution, and because of the reasons provided in the memorandum in support of this Motion, Plaintiffs respectfully move this Court for an order dismissing Defendants' Counterclaim.

Respectfully submitted this 30th day of March, 2023.

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was on the 30th day of March, 2023 filed electronically with the Clerk of Court through CM/ECF system.

s/ Michael S. Carter  
Michael S. Carter