

**COMPREHENSIVE LEGAL TIMELINE FOR A.D. v. WASHBURN**

<b>DATE</b>	<b>EVENT</b>
<b>2015</b>	
July 6	Plaintiff A.D. and C. by Carol Carter, their married couple friends S.H. and J.H., a married couple M.C. and K.C., filed a Complaint in the Arizona Federal District Court
October 16	Federal Defendants filed a Motion to Dismiss
	State of Arizona filed a Motion to Dismiss
	Gila River Indian Community filed a Motion to Intervene as Defendant
October 23	Casey Family Programs and 12 other national child welfare organizations filed Amicus Briefs in support of Defendants' Motions to Dismiss
	National Congress of American Indians (NCAI), National Indian Child Welfare Association, and Association on American Indian Affairs filed Amicus Briefs
November 2	Plaintiffs opposed Gila River's Intervention
November 12	Gila River filed a Response
November 13	Plaintiffs respond to a Motion to Dismiss
November 18	Navajo Nation filed a Motion to Intervene as a Defendant because Baby Boy C. is an enrolled member
November 20	Citizens Equal Rights Alliance filed an Amicus Brief in support of a Motion to Certify a Class Action
November 25	Plaintiffs respond to the Amicus Briefs by Casey Family et al. and NCAI et al.
December 7	Plaintiffs opposed Navajo Intervention
<b>2016</b>	
March 31	Plaintiffs filed an Amended Complaint, and the district court allowed it
April 22	Federal Defendant filed a Motion to Dismiss the Amended Complaint
	... more subsequent motions and responses back and forth
<b>2017</b>	
March 16	The district court order was entered, granting the Defendants' Motion for a Dismissal of the case
April 24	Plaintiffs Appealed to the Ninth Circuit Court
September 1	Plaintiff Appellants filed their opening brief
December 15	State Appellee filed their opening brief
	Federal Appellee filed their opening brief
	Gila River Indian Community filed their opening brief
<b>2018</b>	
<u>June 11</u>	Case Number: 17-15839 Oral arguments will be heard at the Ninth Circuit Court of Appeals in San Francisco <sup>1</sup>

**COMPREHENSIVE LEGAL TIMELINE FOR ATCE v. PIPER**

<b>2017</b>	
October 10	Plaintiff Americans for Tribal Court Equality filed a Complaint in the Minnesota District Court in Scott County.
November 2	Plaintiff filed a Motion for Summary Judgment
November 7	Defendant Scott County filed a Motion to Dismiss
November 28	Defendant Scott County filed a Memorandum in Opposition to Plaintiff's Motion for Summary Judgment
<b>2018</b>	
	And now we wait ... Case Number: 17-CV-04597 Minnesota District Court in Scott County

<sup>1</sup> <https://www.ca9.uscourts.gov/calendar/view.php?caseno=17-15839>

**COMPREHENSIVE LEGAL TIMELINE FOR OGLALA SIOUX v. FLEMING**

<b>2013</b>	
March 21	Oglala Sioux filed a Class Action Complaint for Declaratory and Injunctive Relief ...South Dakota filed a Motion to Dismiss in District of South Dakota
<b>2014</b>	
January 28	Court order was entered denying Motion to Dismiss, Granting Class Action Certification, Granting Expedited Discovery  Order required Defendants to “provide plaintiffs with a complete list of 48-hour ICWA hearings from January 1, 2010, to the present”
March 17	Plaintiffs filed a Motion to Compel and Motion to Expedite  Motion to Compel claimed five judges from the Seventh Judicial Circuit were refusing to sign the order to obtain the ICWA 48-hour transcripts
	Court ordered the Defendants to respond to the motion to compel by March 28, 2014, and gave the aforementioned judges two weeks to either abide by the orders or explain why they won’t order transcripts of custody hearings involving Native American children
May 1	Chief Judge from the District Court of South Dakota Western Division entered an order granting the Motion to Compel, ordering them to comply with subpoenas in ICWA Class Action  Court reporters who recorded the hearings were ordered to produce the transcripts, and had until June 1 to produce them
June 18	Plaintiffs filed a Second Motion to Compel, seeking to discover whether Judge Davis discussed any 48-hour procedures with other judges on the Seventh Judicial Circuit
July 7	Plaintiffs filed a Motion to File Under Seal, notifying the Court that they possess a document that strongly suggests that Judge Davis is concealing information prejudicial to his case
July 11	Plaintiffs filed their First Motion for Partial Summary Judgment regarding the Defendants’ Violations, and included a Statement of Undisputed Facts  Plaintiffs contend that the Defendants allowed no testimony, cross-examinations at 48-hour hearings, and often the only questions asked of the parents were for purposes of identification.  Plaintiffs further contend that Defendants never conducted the hearings required by 25 U.S.C. 1922  The length of time it took to complete the hearings was under four minutes, some even about 60 seconds
	Plaintiffs filed a Second Motion for Partial Summary Judgment for Due Process claims, all seeking to protect the parent-child relationship from unnecessary government intrusion  Also claim that Defendants have denied the parents the opportunity to present evidence, cross-examine witnesses, counsel, and denying testimony and explanation  Forty-eight-hour hearings are intended to be evidentiary hearings
July 21	Plaintiffs filed a Motion for Sanctions
July 22	Federal Court granted the Plaintiffs Motion to Seal
August 14	DOJ filed an Amicus Brief to protect the U.S.’s interest in ensuring that state courts and agencies consistently adhere to ICWA and the due process clause when Indian children are removed from their families and tribes and taken into state custody
August 15	Court granted the U.S.’s motion  *This is the first time the DOJ has intervened in a federal district court case involving ICWA!
September 5	Defendants respond to Plaintiffs’ Motion for Summary Judgment on violations and Due Process Motion

<b>2015</b>	
March 30	Tribes win federal ICWA case—court entered order granting Motions for Partial Summary Judgment  The facts from the hearing transcripts are undisputed: parents were denied due process
April 27	Judge Davis filed a Motion to Reconsider the case  South Dakota Department of Social Services (DSS) filed a Memorandum in Support of the Motion to Reconsider
May 11	Plaintiffs respond to the Defendants' Motions to Reconsider
May 21	Judge Davis was replaced by Judge Pfeifle as head of the Seventh Circuit Court
<b>2016</b>	
February 19	District of South Dakota District Court entered an order denying the Motions for Reconsideration.  "DSS Defendants miss the point of the court's findings. The issue is not what the Indian parents knew about the reasons their children were initially removed from the parents' custody, but rather the factual basis supporting continued separation of the family. This is the information mandated for disclosure to the parents and for consideration by the state court judges in determining whether continued separation of the family is necessary under ICWA" (Docket 150 at pp. 27–28).
April 13	Plaintiffs' Motion for Sanctions is dismissed with prejudice, but the Plaintiffs will be compensated in the amount of \$50,000 as reasonable attorneys' fees associated with the Motion for Sanctions
April 20	Plaintiffs filed a brief in support of a request for appropriate remedies.
December 15	Plaintiffs' request for declaratory judgment is granted, and the request for injunctive relief is granted in part.  Declaratory judgment for → right to adequate notice, right to present evidence, right to cross-examine, right to counsel, right to a decision based on the evidence presented at the hearing, 48-hour hearing must use the §1922 Standard, and DSS must use the same standard when determining when to return an Indian child to the home
<b>2017</b>	
January 13	Defendants appealed the orders and the permanent injunction as well as previous orders of the court, and Defendant Mark Vargo filed a Motion to Stay portions of the permanent injunction pending appeal, to which the other Defendants joined
February 9	Court denied Defendants' Motion to Stay—Defendant did not carry his burden to warrant a stay of the declaratory judgment order or the permanent injunction
	... Appeals were transferred to the Eighth Circuit Court of Appeals
March 24	Appellant Briefs for Fleming, Valenti, and DSS were filed
March 30	Appellant Brief for Pfeifle was filed
June 2	Appellee Brief for Oglala Sioux and Rosebud Sioux were filed
June 8	Proposed Amicus Curiae was filed for the Cherokee Nation of Oklahoma, Navajo Nation, ICWA Law Center, National Congress of American Indians, and National Indian Child Welfare Association
<b>2018</b>	
February 13	Eighth Circuit Scheduled Arguments for <i>Oglala Sioux Tribe v. Mark Vargo</i> (Docket # 17-1135); <i>Oglala Sioux Tribe v. Honorable Craig Pfeifle</i> (Docket # 17-1136); <i>Oglala Sioux Tribe v. Lisa Fleming</i> (Docket # 17-1137)