

No. 1130168

SUPREME COURT OF ALABAMA

—◆—  
Amada Harrison, as mother and next of friend  
of Benjamin C. Harrison,

Appellant,

v.

PCI Gaming d/b/a Creek Entertainment Center,  
et.al.,

Appellees.  
—◆—

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MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF  
OF THE UNITED SOUTH AND EASTERN TRIBES, INC. AND THE  
NATIONAL CONGRESS OF AMERICAN INDIANS

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ON APPEAL FROM THE ESCAMBIA COUNTY CIRCUIT COURT  
CIVIL ACTION NO. CV-13-900081

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May 13, 2014

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The United South and Eastern Tribes, Inc. ("USET") and the National Congress of American Indians ("NCAI") respectfully move this Court for leave to file the accompanying Amici Curiae Brief In Support Of Appellees.

USET is a non-profit organization representing 26 federally recognized Indian Tribes in 12 states stretching from Texas to Maine.<sup>1</sup> USET-member Tribes have the longest continuous direct relationship with the United States government, and a long history of working with the Indian Reorganization Act of 1934 ("IRA").

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<sup>1</sup> The USET-member tribes include: Eastern Band of Cherokee Indians; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; Chitimacha Tribe of Louisiana; Seneca Nation of Indians; Coushatta Tribe of Louisiana; Saint Regis Mohawk Tribe; Penobscot Indian Nation; Passamaquoddy Tribe - Pleasant Point; Passamaquoddy Tribe - Indian Township; Houlton Band of Maliseet Indians; Tunica-Biloxi Tribe of Louisiana; Poarch Band of Creek Indians; Narragansett Indian Tribe; Mashantucket Pequot Tribal Nation; Wampanoag Tribe of Gay Head (Aquinnah); Alabama-Coushatta Tribes of Texas; Oneida Indian Nation; Aroostook Band of Micmacs; Catawba Indian Nation; Jena Band of Choctaw Indians; Mohegan Tribe; Cayuga Nation; Mashpee Wampanoag Tribe; and Shinnecock Indian Nation. They can be found in Maine, New York, Massachusetts, Mississippi, North Carolina, South Carolina, Florida, Louisiana, Alabama, Rhode Island, Connecticut and Texas.

NCAI is the oldest and largest American Indian organization, with a membership of more than 250 Indian tribes and Alaska Native villages. NCAI was established in 1944 to protect the rights of Indian tribes and improve the welfare of American Indians.

While USET and NCAI take no position on the underlying merits of the dispute at issue in this case, their member tribes have a strong common interest in opposing Appellant Amada Harrison's (Appellant) attempt to collaterally attack the very existence of the Poarch Band of Creek Indians in an effort to overcome the doctrine of tribal sovereign immunity from suit.

In this case, the Appellant urges the Court to adopt novel interpretations of the IRA that find no support in either the plain language of the Act or the Supreme Court's decision in Carcieri v. Salazar, 555 U.S. 379 (2009), which involved a USET-member Tribe, the Narragansett Indian Tribe. We believe the accompanying brief of Amici Curiae will provide the Court with additional information about the IRA and the import of the Carcieri decision that may not be fully addressed in the briefs of the parties to this case. Accordingly, we respectfully request the Court grant

our motion for leave to file the accompanying Amici Curiae  
brief in this case.

Respectfully Submitted,  
/s/ **Thomas A. Woodall**

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May 13, 2014

**CERTIFICATE OF SERVICE**

I certify that I have this date served a copy of the foregoing motion by email on each counsel of record for Ms. Harrison and the Tribe, as noted below:

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DATED this 13th day of May, 2014.

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