

Superior Court of California, County of Los Angeles

People of the State of California, Plaintiff, vs. Ameriloan, et al., Defendants.

“Indian tribes are ‘domestic dependent nations’ that exercise inherent sovereign authority over their members and territories.”¹

“An Indian tribe is subject to suit only where Congress has authorized the suit or the tribe has waived its immunity.”²

“The doctrine of tribal sovereign immunity is not limited to government-related activity occurring on tribal lands, but also protects the tribe’s off-reservation, for-profit commercial conduct.”³

“Plaintiff’s arguments go beyond governing structure and characteristics and seek a determination that sovereign immunity does not apply because the Tribes have allowed third parties to extract too much money (benefit) from the tribal entities. However, these concerns are the Tribe’s concerns.”⁴

“The Federal policies intended to promote Indian tribal autonomy are furthered by extension of immunity to the business entities.”⁴

“Sovereign immunity is a legal doctrine distinct from tribal sovereignty and is not dependent upon a finding that federal law preempts a state regulation.”⁴

“An immunity defense is effectively lost if an immune party is forced to stand trial or face the other burdens of litigation.”⁵

Oklahoma Tax Comm’n v. Potawatomi Tribe (1991) 498 U.S. 505, 509¹

Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc. (1998) 523 U.S. 751, 754²

Ameriloan v. Superior Court (2008) 169 Cal. App. 4th 81,89³

People of the State of California, Plaintiff v. Ameriloan et. al., defendants (2012)⁴

Big Valley Band of Pomo Indians v. Superior Court (2005) 133 Cal. App. 4th 1185, 1189⁵