



PO Box 453220, Grove, OK 74345-3220 P: 918-787-5452 F: 918-787-5521 [www.sctribe.com](http://www.sctribe.com)

On February 25, 2019 the Oklahoma Court of Civil Appeals issued its written Opinion finding in favor of the Seneca-Cayuga Nation against the business interests of Larry and Carla Steckline. Those Steckline interests sued in Oklahoma District Court for Delaware County the Nation and its Business Committee members to enforce a promissory note by the Nation and to foreclose certain property pledged by the Nation to secure the note. The Nation and its officers argued that the suit by the Stecklines was barred by the Nation's tribal sovereign immunity. The District Judge, Robert Haney, rejected the Nation's claim of sovereign immunity, awarded a money judgment to the Steckline interests of \$6.9 million, limited collection of that judgment to the assets pledged by the Nation as collateral and ordered foreclosure of those assets. The Steckline interests dismissed the Nation officers from the case and no judgment was entered against them.

The Nation appealed. During the appeal, the Steckline interests took possession of the collateral – two riverboats, a marina, a piece of land by the marina not held in trust for the Nation, and a small amount of slip rentals.

The Oklahoma Court of Civil Appeals adopted the Nation's position and found that Judge Haney erred in issuing the judgment because he had no jurisdiction to do so. Specifically, the Steckline interests had failed to establish waiver of the Nation's sovereign immunity. The appellate court reversed the judgment against the Nation and ordered the District Court to dismiss the case against the Nation without prejudice.

The legend on the Opinion "Not for Official Publication" merely means that the Court of Civil Appeals decided not to include the Opinion in the bound law books because it does not announce any new legal rules or involve an issue of statewide interest or importance. The Opinion can be distributed, circulated and posted on the internet.

