

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL RELATIONS BOARD  
WASHINGTON, D.C.**

CHICKASAW NATION, operating )  
WINSTAR WORLD CASINO, )  
 )  
Respondent, )  
 )  
and )  
INTERNATIONAL BROTHERHOOD )  
OF TEAMSTERS LOCAL 886, )  
affiliated with THE INTERNATIONAL )  
BROTHERHOOD OF TEAMSTERS, )  
 )  
Charging Party. )

Case No. 17-CA-025031  
17-CA-250121

**MOTION OF THE CHOCTAW NATION FOR LEAVE TO FILE  
AN *AMICUS CURIAE* BRIEF IN SUPPORT OF THE CHICKASAW NATION**

Movant, the Choctaw Nation, a federally recognized Indian Tribe, respectfully seeks leave of the National Labor Relations Board (the "Board") to file an *amicus curiae* brief in support of the Chickasaw Nation in the captioned unfair labor practices proceeding currently pending before the Board. In support of its Motion, the Choctaw Nation states:

1. In this proceeding, the Board is charged with determining whether it has jurisdiction over the Chickasaw Nation under certain stipulated facts, and a list of stipulated exhibits. *See*, Joint Motion to Transfer Proceeding to Board on Stipulated Record and Exhibits 3 and 4 attached thereto filed herein on July 19, 2012.

2. Resolution of the issue presented for determination by the Board will involve the interpretation and application of various treaties between the United States and the Choctaw Nation. Among the exhibits stipulated by the parties to be included in the record to be considered by the Board in resolving the issue presented are The Treaty of Dancing Rabbit Creek, September 27, 1830, 7 Stat. 333, a treaty between the United States and the Choctaw

Nation; The Washington Treaty of 1855, 11 Stat. 611, a treaty between the United States and the Choctaw and Chickasaw Nations; and The Washington Treaty of 1866, 14 Stat. 769, again a treaty between the United States and the Choctaw and Chickasaw Nations.

3. Given the necessary interpretation and application of the above-referenced treaties between the Choctaw Nation and the United States, the Choctaw Nation has an obvious vital interest in being heard regarding the interpretation and application of these treaties in the context of the proceeding before the Board.

4. The above-referenced treaties between the United States and the Choctaw Nation are discussed at length in counsel for the Acting General Counsel's Brief to the Board filed herein on October 1, 2012. *See*, Counsel for the Acting General Counsel's Brief to the National Labor Relations Board, pp. 8-13.

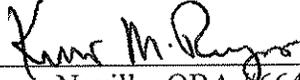
5. The Choctaw Nation believes that its *amicus curiae* brief herein will assist the Board in the determination of the jurisdictional issue presented.

6. Prior to making this Motion, counsel for the Choctaw Nation contacted counsel for the Acting General Counsel of the Board, and is authorized to state that she has no objection to the Choctaw Nation being permitted to file an *amicus curiae* brief herein, provided the *amicus curiae* brief of the Choctaw Nation is filed on or before November 5, 2012, the date set for the filing of Chickasaw Nation's response brief herein.

WHEREFORE, the Choctaw Nation respectfully seeks leave to file an *amicus curiae* brief in support of the Chickasaw Nation in the captioned proceeding on or before November 5, 2012.

Respectfully submitted,

HARTZOG CONGER CASON & NEVILLE



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Drew Neville, OBA #6641

Kurt M. Rupert, OBA #11982

1600 Bank of Oklahoma Plaza

201 Robert S. Kerr Avenue

Oklahoma City, Oklahoma 73102

(405) 235-7000 - Telephone

(405) 996-3403 - Facsimile

krupert@hartzoglaw.com

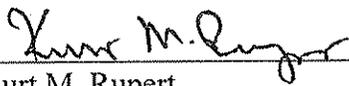
ATTORNEYS FOR THE CHOCTAW NATION

Cases 17-CA-025031  
17-CA-025121

**STATEMENT OF SERVICE**

I hereby certify that I have this date served copies of the foregoing Motion of the Choctaw Nation For Leave to File an Amicus Curiae Brief in Support of the Chickasaw Nation on all parties listed below pursuant to the National Labor Relations Board's Rules and Regulations 102.114(i) by electronically filing with the Office of the Executive Secretary of the National Labor Relations Board and by electronic mail to counsel for the Acting General Counsel, counsel for Respondent, counsel for the Charging Party Union, Respondent and Charging Party.

Dated this 22<sup>nd</sup> day of October, 2012.

  
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Kurt M. Rupert

**PARTIES RECEIVING ELECTRONIC MAIL**

Susan A. Wade-Wilhoit  
Counsel for the Acting General Counsel  
8600 Farley Street, Suite 100  
Overland Park, KS 66226  
Email: Susan.Wade-Wilhoit@nlrb.gov

Lloyd B. Miller  
Sonosky Chambers Sachse  
Miller & Munon LLP  
900 W. 5th Ave., Suite 700  
Anchorage, AK 99501-2044  
Email: lloyd@sonosky.net

Leonard Court  
Crowe & Dunlevy  
20 N. Broadway Ave., Suite 1800  
Oklahoma City, OK 73102-8296  
Email: courtl@crowedunlevy.com

Michael Burrage  
Whitten Burrage  
1215 Classen Drive  
Oklahoma City, OK 73103  
Email: mburrage@whittenburragelaw.com

George McCaffrey  
McCaffrey & Associates, P.L.L.C.  
The Waterford Complex  
6301 Waterford Blvd., Suite 401  
Oklahoma City, OK 73118  
Email: [george@mccaffreylegal.com](mailto:george@mccaffreylegal.com)

Stephen Greetham, General Counsel  
Chickasaw Nation - Division of Commerce  
P.O. Box 1548  
Ada, OK 74821-1548  
Email: [stephen.greetham@chickasaw.net](mailto:stephen.greetham@chickasaw.net)

Ron Cobb, President  
IBT Local 886  
3528 W. Reno Ave.  
Oklahoma City, OK 73107-6136  
Email: [rcobb@teamsterslocal886.com](mailto:rcobb@teamsterslocal886.com)