

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ONEIDA NATION,

Plaintiff(s),

v.

**MOTION HEARING on [84] and [85] Parties'
Motions for Summary Judgment**

Case No. 16-C-1217

VILLAGE OF HOBART, WI,

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding

Proceeding Held: November 29, 2018

Deputy Clerk: Cheryl

Court Reporter: Rich Ehrlich

Time Called: 1:32 p.m.

Time Concluded: 4:35 p.m.

Tape: 112918

Appearances:

Plaintiff(s): Arlinda Locklear, James Bittorf, Paul Jacquart, and Vanya Hogen

Defendant(s): Frank Kowalkowski, Matthew Thome,

1:34 p.m. – Ms. Locklear informs the Court of attendance at the hearing of Tehassi Hill, Oneida Chairman, Brandon Stevens, Oneida Vice-Chairman, and Business Council Member Daniel Guzman King. Ms. Locklear presents argument in support of its motion for summary judgment.

1:44 p.m. – The Court inquires as to how the change in law has affected these issues. Ms. Locklear responds.

1:49 p.m. – Ms. Locklear continues her argument.

2:03 p.m. – The Court comments on categories of trust lands and distinctions of those cases.

Ms. Locklear provides history of cases and related 8th Circuit cases.

2:12 p.m. – The Court inquires as to implications of Oneida's position. Mr. Locklear responds regarding the Nation's ability to regulate activities of non-Indians on fee land.

2:18 p.m. – Ms. Locklear continues argument.

2:33 p.m. – Ms. Ross presents argument.

2:39 p.m. – Court recesses.

2:56 p.m. – Court resumes.

2:57 p.m. – Mr. Kowalkowski informs the Court of attendance at the hearing of Village of Hobart members Richard Heidel, Debbie Schumacher, Ed Kazik and Dave Dillenburg. Mr. Kowalkowski presents argument in support of its motion for summary judgment.

3:15 p.m. – The Court and Mr. Kowalkowski discuss effect of the IRA.

3:16 p.m. – The Court and Mr. Kowalkowski discuss allotments into fees.

3:21 p.m. – Mr. Kowalkowski resumes argument.

3:39 p.m. – The Court inquires as to rules and regulations limiting authority of the tribe to impose regulation on non-Indian residents. Mr. Kowalkowski responds and continues argument.

3:58 p.m. – Ms. Locklear presents rebuttal argument.

4:14 p.m. – Ms. Ross presents rebuttal argument.

4:21 p.m. – Mr. Kowalkowski presents rebuttal argument.

4:31 p.m. – Ms. Locklear presents concluding rebuttal argument.

4:34 p.m. – Mr. Kowalkowski presents concluding rebuttal argument.

The Court takes the matter under advisement.