

FILED

MAY 30 2014

**IN THE CHOCTAW SUPREME COURT OF THE
MISSISSIPPI BAND OF CHOCTAW INDIANS**

**CHOCTAW SUPREME COURT
BY: *[Signature]*
COURT CLERK**

MARY J. BURNS D/B/A MJ'S COFFEE AND MORE

PLAINTIFF

VS.

CIVIL ACTION NO. SC2014-06

**MISSISSIPPI BAND OF CHOCTAW INDIANS;
MISSISSIPPI BAND OF CHOCTAW INDIANS
d/b/a CHOCTAW SHOPPING CENTER
ENTERPRISE; JOHN HENDRICKS, DIRECTOR
OF THE OFFICE OF ECONOMIC
DEVELOPMENT FOR THE MBCI; CHOCTAW
TAX COMMISSION; TANYA TULLOS, TAX
COMMISSIONER OF THE CHOCTAW TAX
COMMISSION**

DEFENDANTS

NOTICE OF APPEAL

**TO: Ms. Jane Charles
Clerk of the Choctaw Supreme Court
Choctaw Supreme Court
125 River Ridge Circle
Choctaw, Mississippi 39350**

MARY J. BURNS D/B/A MJ'S COFFEE AND MORE

APPELLANT

MISSISSIPPI BAND OF CHOCTAW INDIANS, ET AL

APPELLEES

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YOU ARE HEREBY GIVEN NOTICE, pursuant to the *Choctaw Rules of Appellate Procedure*, that Appellant, Mary J. Burns, (hereinafter sometimes referred to as “*Appellant Burns*”), by and through counsel, being aggrieved at the decision rendered by the Choctaw Civil Tribal Court on *May 1, 2014*, in Cause No. 2013-362-CV, hereby appeals to the Choctaw Supreme Court this cause of action filed by her against Appellees and Defendants, Mississippi Band of Choctaw Indians, et al (hereinafter sometimes referred to as “*Appellees MBCI, et al*”) in Choctaw Civil Tribal Court, Cause No. 2013-362-CV.

APPELLANT BURNS cause of action that is being appealed relates to the adverse rulings by the Choctaw Civil Tribal Court in favor of Appellee MBCI, et al and against Appellant Burns including, *inter alia*, the granting of the *Motion to Dismiss* as to the *Complaint* of Appellant Burns for monetary damages against the Appellees, MBCI, et al for violation of her

constitutional rights as a member of the Tribe and the dismissal of Appellant Burns' *Complaint* by the Choctaw Civil Tribal Court in Cause No. 2013-362-CV.

APPELLANT BURNS hereby appeals to the Choctaw Supreme Court the *Memorandum Opinion and Order* of May 1, 2014, in which the Choctaw Tribal Civil Court of the Mississippi Band of Choctaw Indians ruled against her and denied her claim for relief against the Appellee MBCI, et al as set forth in her *Complaint*; and made a finding that the Motion to Dismiss be granted based upon the Tribal Court's lack of subject matter jurisdiction due to sovereign immunity of the Mississippi Band of Choctaw Indians being a complete defense to Appellant Burn's monetary damages and a jurisdictional bar to suit.

APPELLANT BURNS is aggrieved by the Tribal Court making a finding that the violation of her constitutional rights as a member of the Tribe and her claim for damages are barred under the doctrine of sovereign immunity, absent a waiver of the tribe or abrogation of tribal immunity by Congress. Appellant Burns is aggrieved by the finding of the Tribal Court that the Mississippi Band of Choctaw Indians, *et al* can violate the constitutional protected rights of members of the Tribe and that "sovereign immunity" is a complete defense to any monetary claim for damages against the Tribe and a jurisdictional bar to suit.

APPELLANT BURNS seeks an appeal to the Choctaw Supreme Court on, *inter alia*, this exceedingly important issue as to sovereign immunity and the recovery of monetary damages for the violation of the constitutional rights of members of the MBCI; and sovereign immunity being a complete defense to any such claim for monetary damages and a jurisdictional bar to Appellant Burns' lawsuit against the Appellees, Mississippi Band of Choctaw Indians, et al.

APPELLANT BURNS would show unto the Court that the *Memorandum Opinion and Order* entered on May 1, 2014, is on file and of record in the Choctaw Civil Tribal Court in Cause No. 2013-362-CV and that a copy of the *Memorandum Opinion and Order* entered on

May 1, 2014 from which an appeal is sought is attached as *Exhibit "A"* and incorporated herein by reference.

RESPECTFULLY SUBMITTED, this the 30th day of May, 2014.

**MARY J. BURNS D/B/A MJ'S COFFEE
AND MORE, APPELLANT**

BY: 

**JOHN M. MOONEY, JR.
ATTORNEY FOR APPELLANT**

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**ATTORNEY FOR APPELLANT, MARY J. BURNS
D/B/A MJ'S COFFEE AND MORE**

CERTIFICATE OF SERVICE

I, John M. Mooney, Jr., do hereby certify that I have this day mailed a true and correct copy of the *Notice of Appeal* by email and by U. S. Mail, postage prepaid, to the following:


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Email: webblaw@bellsouth.net

DATED, this the 30th day of May, 2014.



JOHN M. MOONEY, JR.