

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE NATION, )
Plaintiff, )
v. ) Docket No. 247
THE UNITED STATES, )
Defendant. )

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

The above-styled suit is here presented for determination upon the issues raised by the defendant's motion for summary judgment filed herein on the 4th day of May, 1965.

It is the conclusion of this Commission that, in accordance with the Per Curiam Opinion this day filed herein, the defendant's motion for summary judgment is not well-founded and should be denied.

This Commission concludes, specifically, that the plaintiff alleged facts sufficient to constitute a cause of action; that the plaintiff stated a claim upon which relief could be granted; that the defense of res judicata is not available to the defendant under the peculiar facts of the case at bar; that the defense of collateral estoppel is premature; and that the plaintiff has alleged a claim against this particular defendant.

IT IS THEREFORE ORDERED that the defendant's motion for summary judgment be, and the same is hereby, denied.

Dated at Washington, D. C., this 30th day of June, 1967.

/s/ Arthur V. Watkins
Arthur V. Watkins
Commissioner

/s/ Wm. M. Holt
Wm. M. Holt
Commissioner

/s/ T. Harold Scott
T. Harold Scott
Commissioner