

IN THE COURT OF THE
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

COUNTY OF SCOTT

STATE OF MINNESOTA

BARRY WELCH, STACIE D.
WELCH, STEPHANIE SIOUX
WELCH, BRENDA (WELCH)
WILT, STEPHEN P. (WELCH)
WILT, THOMAS W. (WELCH)
WILT, AND VIOLET A.
(WELCH) WILT,

Plaintiffs,

vs.

SHAKOPEE MDEWAKANTON SIOUX
COMMUNITY, STANLEY
CROOKS, CHAIRMAN, KENNETH
ANDERSON, VICE CHAIRMAN,
AND DARLENE MATTA, SECRETARY
TREASURER,

Defendants.

Court File No. 023-92

MEMORANDUM AND ORDER

This matter came on for hearing, by telephone conference on February 4, 1994, on Plaintiffs' Motion for Leave to Amend their Complaint.

Having considered the arguments of the parties, the Court is of the view that the Defendants' objections to paragraphs 16, 21, and 25 of the Plaintiffs' proposed Amended Complaint are well-founded, inasmuch as those paragraphs attempt to state causes of action against officers of the Shakopee Mdewakanton Sioux Community which this Court has previously rejected as being insufficient as a matter of law.

The Court is of the view, however, that the remainder of the

Plaintiff's proposed Amended Complaint should be permitted.


The Community has strongly objected to the entirety of the proposed amendments, expressing the view that no factual basis exists for the allegations contained in the amendment; and the Community may well ultimately be correct in its view. But in the Court's view, read liberally, the allegations if proved could state a cause of action; and the Plaintiffs should be permitted an opportunity to attempt to prove them.

The Court is mindful, however, of the burden that its decision places on the Defendants. Liberality in amending and interpreting pleadings must ultimately be balanced by a concern for other parties. Therefore, all parties should be advised that in the Court's view this matter should proceed expeditiously to a decision, and that the Court will not look favorably upon any further attempts to amend or re-state the Complaint in this matter.

ORDER

For the foregoing reasons, and based upon all of the pleadings and arguments herein, it is ordered that the Plaintiffs' motion to amend their Complaint is granted, except that their motion to include the allegations contained in paragraphs 16, 21 and 25 of the proposed Amended Complaint is denied.

Date: February 4, 1994


John E. Jacobson
Associate Judge

FILED

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