

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 1: Civil Procedure

§ 7. Right to bring suit

Cite as: 12 CNCA § 7

A. Any citizen of the Cherokee Nation may bring a civil cause of action in the Courts of the Cherokee Nation based on any federal statute or common law, or the laws of any state where that citizen resides.

B. The Cherokee Nation Attorney General acting as *parens patriae*, may bring a civil cause of action in the Courts of the Cherokee Nation based on any federal statute or common law, or the laws of any state where any citizen of the Cherokee Nation resides. To the extent there is any conflict between the laws of the Cherokee Nation and federal law or the applicable state law, the laws of the Cherokee Nation control.

C. The Cherokee Nation Attorney General acting as *parens patriae*, may bring a civil cause of action in any district court of the United States or in any court in any state of the United States having jurisdiction over the defendant, to secure monetary or injunctive relief based on any applicable federal statute, common law, or the laws of any state.

D. In any action brought under the laws of any state, the United States, or any foreign nation, where at least 50 citizens of the Nation and/or Nation Business entities would qualify as potential parties, the Cherokee Nation Attorney General acting *in parens patriae*, has the right to represent the citizens of the Nation in such action.

E. In any action under the laws of any state, the United States, or any foreign nation, where at least 50 citizens of the Nation and/or Nation Business Entities would qualify as plaintiffs, the Cherokee Nation Attorney General acting as *parens patriae*, has the right to submit an aggregated claim or other request for relief on behalf of all citizens of the Nation entitled to relief in such action. This includes, but is not limited to, claims submitted in connection with settlement or judgment in a class action, mass action, or mass tort claim. The Cherokee Nation Attorney General shall collect all monies owed to the citizens of the Nation in the aggregate and has the authority to distribute those monies in accordance with the laws of the Cherokee Nation.

Historical Data

LA 07–18, eff. May 18, 2018.

