

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 1: Civil Procedure

§ 11. Limitations of actions

Cite as: 12 CNCA § 11

A. Civil actions other than for the recovery of real property can only be brought within the following periods after the cause of action shall have accrued and not afterwards:

1. Within one (1) year: An action for libel, slander, malicious prosecution, or false imprisonment; an action upon a statute for penalty or forfeiture, except where the statute imposing it prescribes a different limitation;
2. Within three (3) years: An action upon a contract, express or implied, not in writing; an action upon a liability created by statute other than a forfeiture or penalty; and an action on a foreign judgment;
3. Within five (5) years: An action upon any contract, agreement, or promise in writing;
4. ¹
5. Within five (5) years: An action for trespass upon real property; an action for taking, detaining, or injuring personal property, including actions for the specific recovery of personal property; an action for injury to the rights of another, not arising on contract, and not hereinafter specifically enumerated; an action for relief on the ground of fraud—the cause of action in such case shall not be deemed to have accrued until the discovery of the fraud, an action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or negligence of another;
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7. Within five (5) years: An action upon the official bond or undertaking of an executor, administrator, guardian, sheriff, or any other officer, or upon the bond or undertaking given in attachment, injunction, arrest, or in any case whatever required by the statute.
8. Within six (6) years: An action brought under the CNUDPA, with the exception of a claim brought under Section 27 (The Antitrust Act) where the statute of limitations is calculated from the date of the last commission of such act or practice that is a violation of the CNUDPA.
9. Within ten (10) years: An action brought under Section 27 The Antitrust Act, except if brought by the Cherokee Nation Attorney General as *parens patriae*.

¹ So in original.

10. No statute of limitations shall apply to the Cherokee Nation as a party plaintiff or to the Attorney General as a party plaintiff acting in *parens patriae* on behalf of the Cherokee Nation, one or more tribal citizens of the Cherokee Nation or one or more Cherokee Nation Business Entities.

B. Nothing herein expressly, or impliedly, waives the Cherokee Nation's sovereign immunity.

C. Statutes of limitations shall begin to run from the date when the plaintiff knew, through the exercise of reasonable diligence, of all the elements of the particular cause of action. Whether a plaintiff knew of a particular element is a fact question to be determined by a jury.

Historical Data

LA 16–16, eff. April 21, 2016. Amended LA 07–18, eff. May 18, 2018.

¹ So in original.