

# **Bond Case Briefs**

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## **IMMUNITY - CALIFORNIA**

### **Findleton v. Coyote Valley Band of Pomo Indians**

**Court of Appeal, First District, Division 2, California - July 29, 2016 - Cal.Rptr.3d - 2016 WL 4120780 - 16 Cal. Daily Op. Serv. 8123**

Contractor filed petition to compel mediation and arbitration against Indian tribe, seeking to enforce the mediation and arbitration clauses in agreements pertaining to project to construct new gaming facility on tribe's reservation, stemming from tribe's failure to pay contractor for work completed on project.

The Superior Court granted tribe's motion to quash service of summons and to dismiss for lack of subject matter jurisdiction on grounds that tribe had not waived its sovereign immunity. Contractor appealed.

The Court of Appeal held that:

- Evidence was sufficient to establish that general council resolution delegating authority to waive sovereign immunity to tribal council was authentic and adopted;
- Tribe's constitution allowed general council to delegate authority to tribal council to waive immunity by adopting resolution; and
- Tribal council waived tribe's sovereign immunity by enacting resolution that included limited waiver of immunity.