

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

Delaware Nation, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 5:25-cv-00815-SLP
	)	
Town of Hinton, Oklahoma, et al.	)	
	)	
Defendants.	)	

**MOTION TO STRIKE EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER AND  
HEARING ON THE EMERGENCY MOTION**

Plaintiff, Delaware Nation, respectfully requests that the Court strike the Emergency Motion for Temporary Restraining Order (ECF No. 3) and strike the emergency hearing set for July 28, 2025 at 1:30 p.m. (ECF No. 5). The purpose of this motion is not to delay the proceedings but to conserve the Court’s resources. In support of this motion, the Plaintiffs state as follows.

1. No prior motions to strike or for extensions of time have been made.
2. Counsel for the parties have been in discussions regarding the emergency motion and emergency hearing. As a result of those discussions, the parties have agreed to the following:
  - a. The Defendants agree to keep the water and sewer utility services on to the Trust Parcel, so long as the

standard service fees continue to be paid until the Court rules on a motion for preliminary injunction (to be filed by the Plaintiffs) or other resolution of this matter;

- b. The Plaintiffs agree to ask the Court to strike the Emergency Motion for Temporary Restraining Order (ECF No. 3) and the emergency hearing set for **July 28, 2025 at 1:30 p.m.** (ECF No. 5); and
- c. The Plaintiffs will file a new motion for preliminary injunction that can be heard in the Court's ordinary course of business with briefing from both parties and with a goal of having a hearing on the motion in October or thereafter.

*See* Letter from Kimberlee T Spady to Klint A. Cowan (July 23, 2025) (attached as Exhibit 1).

3. The goal of this agreement is to keep the *status quo ante* until the Court rules on a motion for preliminary injunction, or until such time as this matter is resolved in some other fashion, without the need for a speedy *ex parte* emergency hearing or temporary restraining order decision.
4. Counsel for the Defendants has no objection to this motion.

5. This motion will have no impact on the timelines for trial or other timelines in this matter other than to strike the scheduled emergency hearing.
6. The Plaintiffs, therefore, request that the court:
  - a. Strike the Emergency Motion for Temporary Restraining Order (ECF No. 3); and
  - b. Strike the July 28, 2025 emergency hearing on the Emergency Motion for Temporary Restraining Order (ECF No. 5).
7. A draft order will be provided to the Court.

\* \* \*

WHEREFORE, the Plaintiffs respectfully request that the Court strike the Emergency Motion for Temporary Restraining Order (ECF No. 3) and strike the July 28, 2025 emergency hearing on the Emergency Motion for Temporary Restraining Order (ECF No. 5).

Respectfully submitted,

LIPPES MATHIAS, LLP

/s/ Klint A. Cowan

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-and-

DEVOL AND ASSOCIATES, LLC

/s/ Victoria Holland

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### CERTIFICATE OF SERVICE

Undersigned counsel certifies that he has provided a copy of this motion to opposing counsel via email on or about July 24, 2025.

/s/ Klint A. Cowan

Klint A. Cowan

# Kimberlee T. Spady

*Attorney & Counselor at Law*

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July 23, 2025

Via email ([kcowan@lippes.com](mailto:kcowan@lippes.com))

Klint A. Cowan  
LippesMathias  
512 N.W. 12<sup>th</sup> Street  
Oklahoma City, Oklahoma 73103

**RE: *Delaware Nation, et al. v. Town of Hinton, et al.***  
Case No. CV-25-815  
United States District Court, Western District of Oklahoma

Dear Mr. Cowan:

This is to confirm our discussions and the agreement we've made concerning the referenced lawsuit.

1. You will withdraw or strike Plaintiffs' *Emergency Motion for Temporary Restraining Order*, which is set for hearing on July 28, 2025, and will confirm with the Court that the hearing is stricken.
2. You will file a motion for preliminary injunction, which we agreed will not be set for hearing until October.
3. The Town of Hinton/HPWA will continue to supply water and wastewater services to Casino Oklahoma, and Plaintiffs will continue to pay for those services, pending the Court's ruling on Plaintiffs' motion for preliminary injunction or the disposition or resolution of this matter in some other fashion.

Please give me a call if you'd like to discuss this further or if I've misstated any part of our agreement.

We appreciate your cooperation and hope this leads to our working together to resolve this matter for the benefit of all our clients.

Sincerely,

  
Kimberlee T. Spady

cc: client