

TO APPROVE A  
LIMITED WAIVER OF SOVEREIGN IMMUNITY

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

**TO APPROVE** a limited waiver of sovereign immunity.

**WHEREAS**, Choctaw Defense Munitions, LLC (“Munitions”), is a limited liability company formed under the Choctaw Nation Limited Liability Company Act (the “Act”); and

**WHEREAS**, Choctaw Defense Group, LLC (“Defense Group”), is a limited liability company formed under the Act and is the sole Member of Munitions; and

**WHEREAS**, the Choctaw Nation of Oklahoma (the “Nation”) is the sole Member of Defense Group; and

**WHEREAS**, Munitions has entered into that certain Purchase and Supply Agreement, dated July 26, 2017 (the “Agreement”), with Fiocchi of America, Inc., a Missouri corporation (“Fiocchi”); and

**WHEREAS**, under the Agreement, Munitions granted a limited waiver of sovereign immunity from suit in favor of Fiocchi and as limited under the terms of the Agreement, subject to the approval of the the Tribal Council (the “Tribal Council”) of the Nation; and

**WHEREAS**, the Tribal Council has determined that it is in the best interest of the Nation for Munitions to enter the Agreement and grant such a limited waiver of sovereign immunity in favor of Fiocchi solely to the extent and in accordance with the terms of the Agreement.

**THEREFORE, BE IT ENACTED**, by the Tribal Council that this Council Bill be cited as approval and authority for Munitions to enter the Agreement and for the grant of a limited waiver of the sovereign immunity of Munitions in accordance with the terms of the Agreement.

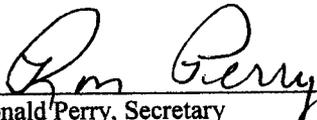
**BE IT FURTHER ENACTED**, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, benefit any party other than Fiocchi.

**BE IT FURTHER ENACTED**, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of the Nation or any of its affiliates or subsidiaries except as specifically set forth herein.

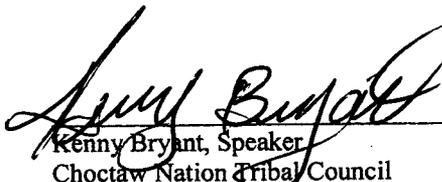
**BE IT FURTHER ENACTED**, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of any elected official, officer, or employee of the Nation, Defense Group or Munitions, and no waiver of immunity is provided with respect to such parties.

**CERTIFICATION**

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on October 14, 2017. I further certify that the foregoing Council Bill CB- 05 -18 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary  
Choctaw Nation Tribal Council



Kenny Bryant, Speaker  
Choctaw Nation Tribal Council



Gary Batton, Chief  
Choctaw Nation of Oklahoma

10-17-17