IN THE DISTRICT COURT OF CHEROKEE COUNT STATE OF OKLAHOMA

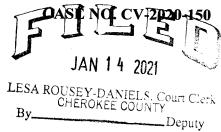
CHEROKEE NATION, ET AL.,

Plaintiffs,

Vs.

Lexington Insurance Company, ET AL.

Respondents.



ORDER

COMES NOW on this ______ day of January, 2021 after conducting a hearing, reviewing the legal authorities, and taking this issue under advisement, the Court grants the Plaintiffs' Motion for Partial Summary Judgement. This issue is ripe for Summary Judgement as coverage for "Business Interference Coverage" is a legal issue.

Using language from Elegant Massage LLC vs. State Farm, while this insurance policy was in effect, the Plaintiffs have shown a "plausible claim for a fortuitous 'direct physical loss'". However, the Respondents have not shown that "exclusionary language in the policy applies to the facts" which denies Plaintiffs' Business Interference Coverage.

WHEREFORE, It is the Order of this Court that Plaintiffs' Motion for Partial Summary Judgement is granted.

Judge of the District/Court

CC: Michael Burrage

Roger Butler

Kerry Lewis

Larry Ottaway Dustin DeBose Shannon O'Malley

Margo Shipley

Dan Millea Richard Doren Amy Churan Joe Hampton