

Federal Court Sets August Trial Date for Standing Rock Civil Rights Lawsuit

Thunderhawk v. County of Morton, North Dakota

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New York, September 25, 2020 — Judge Daniel M. Traynor (U.S. District Court for North Dakota) has set aside two weeks for trial starting August 16, 2021 for *Thunderhawk v. County of Morton*, a federal civil rights lawsuit challenging the five-month discriminatory closure of Highway 1806 at the height of the NoDAPL movement at Standing Rock. The trial was set at a recent status conference before Magistrate Judge Charles S. Miller (U.S. District Court for North Dakota), at which swift discovery deadlines were also imposed.

“We are pleased that this case is moving forward so expeditiously,” lead attorney Noah Smith-Drelich said. “We appreciate the commitment that Judge Traynor and Judge Miller have shown to ensuring that the plaintiffs in this case have their day in court without further delay.”

The *Thunderhawk* case arises out of the NoDAPL movement at Standing Rock in 2016-2017, in which tens of thousands of Water Protectors gathered on the northern border of the Standing Rock Reservation to support the Standing Rock Sioux Tribe’s resistance to the Dakota Access Pipeline. The lawsuit centers around law enforcement’s discriminatory closure of a nine-mile stretch of the region’s primary public right of way, which effectively severed the Tribe and its supporters from Bismarck, the state capital and the location of the nearest airport, shopping, and major population center, as well as from the nearest major hospital.

The prompt scheduling of trial for August 2021 followed on the heels of the federal court’s recent decision [rejecting](#) the state, county, and private security defendants’ motions to dismiss. Judge Miller set a tight discovery schedule with depositions, production requests, and interrogatories to be completed by March 15, 2021, and expert discovery to be completed by June 1, 2021.



The *Thunderhawk* plaintiffs are represented by [Noah Smith-Drelich](#) (Assistant Professor of Law at Chicago-Kent) and Professor [Bernard E. Harcourt](#) of Columbia Law School. Prior to joining Chicago-Kent, Smith-Drelich was a Lecturer in Law at Columbia Law School, and before that the ACLU's Staff Attorney for their North Dakota, South Dakota, and Wyoming affiliates. Harcourt is the founding director of the [Columbia Center for Contemporary Critical Thought](#), which actively engages in *pro bono* public-interest representation.

The plaintiffs in this case, Cissy Thunderhawk, Wašté Win Young, the Reverend John Floberg, and José Zhagñay are, respectively, a small-business owner, a former Historic Preservation Officer of the Standing Rock Sioux Tribe, Standing Rock's Episcopalian Minister, and a school volunteer. The plaintiffs, and the class they seek to represent, allege violations of their constitutional rights. Through the suit, the plaintiffs hope to recover damages for the substantial harms inflicted on the community and movement by this unnecessary and overbroad road closure.

The litigation forms part of the [Practical Engagements](#) initiative of the [Columbia Center for Contemporary Critical Thought](#). In 2018, the Center organized a [seminar on Standing Rock](#) that explored many of the legal issues and civil rights violations associated with the Standing Rock protest movement.

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More information and documents here: <https://cccct.law.columbia.edu/content/standing-rock-litigation>

Amended Complaint, *Thunderhawk v. County of Morton*, filed February 1, 2019, here: <https://cccct.law.columbia.edu/sites/default/files/content/Pleading%2044%20-%20Amended%20Complaint.pdf>

Horn, Steve. "[TigerSwan, County Sheriff Sued Over Road Blockade During Dakota Access Pipeline Protests](#)," *DeSmog*, October 26, 2018.

Gosztola, Kevin. "[Counterinsurgency on Steroids: Interview with Bernard Harcourt on Trump, Cesar Sayoc, and the Counterrevolution](#)," *Shadowproof*, October 29, 2018.

"[Standing Rock defendants move to dismiss on basis of factual disputes](#)," *Indian Country Today*, February 17, 2019.