

NO. 2013-CI-APL-003

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**NOOKSACK COURT OF APPEALS  
FOR THE NOOKSACK INDIAN TRIBE**

MICHELLE ROBERTS, ET AL.,  
*Appellants,*

v.

ROBERT KELLY, ET AL.,  
*Appellees*

RECEIVED  
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JAN 23 2014

FILED BY

*Barry [Signature]*

ON APPEAL FROM THE NOOKSACK TRIBAL COURT  
No. 2013-CI-CL-003

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**MOTION FOR ORDER SHORTENING TIME  
AND SETTING HEARING**

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MORISSET, SCHLOSSER, JOZWIAK &  
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Nooksack Defendants respectfully move the Court for an Order directing that the supplemental briefs be filed by January 31, 2014, and setting oral argument at the earliest possible date.

The grounds in support of this motion are as follows:

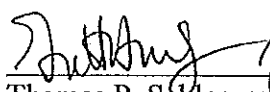
1. On January 22, 2014, the Court issued its Order Requiring Supplemental Briefing and Staying Disenrollment Proceedings. The effect of this Court's decision in *Lomeli* on the issues presented in the *Roberts* appeal are straightforward and briefs on that question could be filed expeditiously. As the Court knows, disenrollment proceedings began in February 2013 and the nearly one-year delay in this painful and wrenching process benefits no one. The proceedings in this appeal concerning amended disenrollment procedures that allow representation at disenrollment meetings could provide helpful guidance to the Tribe concerning those meetings.

2. NTC § 80.08.050 provides that the Court "shall schedule a hearing for oral argument to take place within fifteen (15) days of the date the last brief allowed by the Court is filed." The last brief – Appellants' Reply Brief – was filed on December 30, 2013. Ordinarily, a hearing would have been held already. Because it is clear that eventually the qualifications of Appellants to be enrolled members of the Nooksack Indian Tribe must be determined in another forum. The interests of justice require that these proceedings be concluded as expeditiously as possible.

Accordingly, Nooksack Defendants request that the simultaneous supplemental briefs addressing the effect of the Court's decision in *Lomeli* be filed and served no later than Friday, January 31, 2014, and that the Court promptly schedule a hearing and resolve this matter.

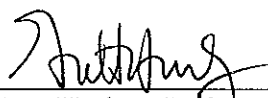
Respectfully submitted this 23rd day of January, 2014.

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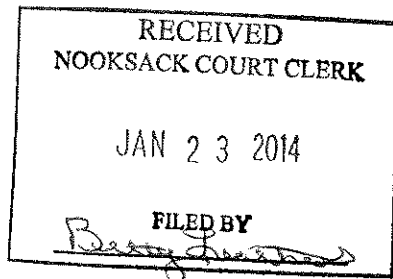
 for Tom Achloma per email

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IN THE TRIBAL COURT OF APPEALS FOR THE  
NOOKSACK INDIAN TRIBE

ROBERTS, et al.,

Plaintiffs,

and

KELLY, et al.,

Defendants.

Case No. 2013-CI-CL-003

App. No. 2013-CI-APL-003

DECLARATION OF SERVICE

COPY

I Declare:

That I am over the age of 18 years, competent to be a witness, and not a party to this action.

On January 23, 2014, I duly mailed by first class mail, a copy of the Motion for Order

Shortening Time and Setting Hearing to Galanda Broadman PLLC, Attn: Gabriel S. Galanda,

P.O. Box 15146, Seattle, Washington 98115.

Also, on January 23, 2014, I emailed Gabriel Galanda at [gabe@galandabroadman.com](mailto:gabe@galandabroadman.com) a

courtesy copy of the Motion for Order Shortening Time and Setting Hearing.

I declare under the penalty of perjury, under the laws of Nooksack Indian Tribe, that the

foregoing is true and correct.

Signed at Deming, Washington on January 23, 2014.

*Charity Bernard*

Charity Bernard, Paralegal  
Office of Tribal Attorney  
Nooksack Indian Tribe

DECLARATION OF SERVICE – Page 1 of 1

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