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IN THE NOOKSACK TRIBAL COURT OF APPEALS

ELEANOR J. BELMONT; OLIVE T. OSHIRO, enrolled members of the Nooksack Indian Tribe; and FRANCINE ADAMS; ANTHONY ADAMS; BRINA ALDREDGE; BRITTANY ALDREDGE; NORMA ALDREDGE; ANGELITA AURE; DOE AURE; CHELSEA BAKER; KELSEA BAKER; PRICILLA BAKER; JERIC BAKER; FLORENTINO BARRIL; CALEB BARRIL-BOTHELL; CATHALINA BARRILL; BILLIE BARTLE; ADAM BELLO; EILEEN BELLO; PATRICK BELLO JR.; ELIZABETH BELLO; PATRICK BELLO; ELPIDO BELLO JR.; EUGENA BELLO; JOSEPH BELLO; LUCAS BELLO; NICHOLAS ELPEDIO BELLO; DOMINIC BELLO; RICHARD BELLO; DIONNE BENNETT; OLIVA BOTHELL; KIRK BROWN; CHRISTINA BUMATAY; ANDREA BUMATAY; ROBERT BUMATAY; ANDREW BUMATAY; JAMES BUMATAY; JONATHAN BUMATAY; BARTON BUMATAY; ANGELA BUMATAY; NOELANI BUMATAY-JEFFERSON; MARIAH BUMATAY-JEFFERSON; CAROL CAILING; DONNA CAILING; KEITH CAILING; NEVEAH CAILING; ANITA CAMPBELL; ALEXANDREA CARR; LEE CARR; PRICILLA CARR; ROBLEY CARR; ANNA CARR; QUOLIA CARR; VANESSA CASIMIR; CHRISSA CASONO; NINA CHOW; KYLE COBLE; LISA COBLE; STEVE COBLE; SEAN COLEMAN; GILDA CORPUZ; PEDRO CORPUZ; VICTORINO CORPUZ; CHRISTINA CORPUZ-PEATO; JORDAN CRAIN; ROLAND CUATERO;

NO. 2014-CI-CL-007

MOTION TO EXPAND INJUNCTION

1 NARCISCO CUNANAN; DONALD  
EDWARDS; BRIONNA ERICKSON; SETH  
2 ERICKSON; TERESA ERICKSON;  
MICHAEL FAULKS; VICTORIA FRANZ;  
3 ROMA FURUTA; ELEANOR GABRIEL;  
JESSICA GABRIEL; ZARIA GABRIEL;  
4 AVRILYN GABRIEL; REGINALD  
GABRIEL; AYL A GARDIPE; DANCHO  
5 GARDIPE; DAVID GARDIPE; DONNA  
GASPAR; GUADALUPE GASPAR; JADE  
6 GASPAR; JESUS GASPAR; ASIA GILYARD;  
LEONARD GLADSTONE; LOIS  
7 GLADSTONE; MIKALA GLADSTONE;  
RICHARD GLADSTONE; TYRONE  
8 GLADSTONE; MAILE GOMEZ-RABANG;  
MALAKAI GRIFFETH; MALIA GRIFFETH;  
9 MARIE HADDOW; MIRANDA HADDOW;  
DOLLY HADDOW; TINA HANCOCK;  
10 AMYA HART; ANITA HART; CHARLOTTE  
HART; DESTINE HART; EDARAY HART;  
11 JENNIFER HART; KIANA HART; LINDA  
HART; PHILLIP L. HART; TAYSHUAN  
12 HART; ROSE HERNANDEZ; KIMBERLY  
ISED A; AUNDREA JAHR; KAYLEENA-  
13 RAY JAHR; JUANITA JAVIER; MANUEL  
JAVIER; SATURNINO JAVIER; ANDREW  
14 JEFFERSON; JOSEPH JEFFERSON;  
KALEIOLANI JEFFERSON; JOHNNY  
15 JENSEN; MAXIMO KAUFFMAN; MARC  
ANTHONY KAUFFMAN; CAMERON  
16 LAWRENCE; SONIA LOMIELI; ADRIAN  
LOPEZ JR.; ADRIAN LOPEZ SR.; ARSENIO  
17 LOPEZ; BERTA LOPEZ (RABANG); TRINA  
LOPEZ (HARO); TRENT LOUGHNANE;  
18 KIYOMIE MARSHALL; CARLOS MIGUEL;  
LAWRENCE MIGUEL; MATIAS MIGUEL;  
19 RONALD MIGUEL III; RONALD MIGUEL  
JR.; TONI MIGUEL; JUSTIN MUNDEN;  
20 ANGELINE NARTE; DANTE NARTE;  
FRAZER NARTE; JAIME NARTE; JENAIA  
21 NARTE; KAILEE NARTE; MARIO NARTE  
JR.; MARIO NARTE; MICAH NARTE;  
22 RUBY NARTE; ANTONIO NARTE JR.;  
PHILLIP D. NARTE; ANTONIO NARTE;  
23 CALEB NARTE; CODY NARTE; ELISAH  
NARTE; ANDREW NICOL; TERIA ANN  
24 NICOL; ROY NICOL; ALEXANDER NICOL-

1 MILLS; DUSTIN OSHIRO; ELIZABETH  
2 OSHIRO; KIYOSHI OSHIRO; MATTHEW  
3 OSHIRO; OLIVIA OSHIRO; TIANA  
4 OSHIRO; STEVEN PARK; EDMUND PARK;  
5 ADELINA PARKER; MALIA PEATO;  
6 PATELESIO PEATO; SOFIA PEATO;  
7 KUAIKA PELETI; RENE PELETI; TINO  
8 PELETI; MORENO PERALTA; ARIEL  
9 PHILLIPS; JOSHUA PHILLIPS; SAMSON  
10 PHILLIPS; AILINA RABANG; SELIA  
11 RABANG; SHALENE RABANG; CLARA  
12 RABANG; LEONARD RABANG; MAXINA  
13 RABANG; MIANA RABANG; REANNA  
14 RABANG; TYRONE RABANG JR.; TYRONE  
15 RABANG; WILLIAM RABANG; ANGEL  
16 RABANG; ANGELITA RABANG;  
17 ANTHONY RABANG; BRIANNA RABANG;  
18 DOMINGO A. RABANG SR.; DOMINGO F.  
19 RABANG; FRANCISCA L.G. RABANG;  
20 FRANCISCA S. RABANG; FRANCISCO A.  
21 RABANG; FRANCISCO D.G. RABANG;  
22 FRANCISCO RABANG JR.; GINA RABANG;  
23 JAMES RABANG; LAJUNE RABANG;  
24 MARTINO RABANG; MICHAEL RABANG;  
25 QUI-SEENUM RABANG; RACHEL  
RABANG; ROBERT JAMES RABANG III;  
ROBERT JAMES RABANG JR.; ROBERT  
JAMES RABANG SR.; SANTANA RABANG;  
TIERRA RABANG; TINA RABANG;  
CARCIONE RABANG; SUNSIE RABANG;  
WILLIAM RABANG JR.; SHARON  
RABANG-BROWN; ALEXINA RABANG-  
COLEMAN; ALLEN RAPADA; ANDREW  
RAPADA; BART RAPADA; CALVIN  
RAPADA; DANIEL FRED RAPADA;  
DANIEL FELIX RAPADA; DARRELL  
RAPADA; EMILY RAPADA; GERALD  
RAPADA; HONORATO RAPADA III;  
HONORATO RAPADA; JAMES RAPADA;  
KIMBERLY RAPADA; MELISSA RAPADA;  
MILDRED RAPADA; RECONAR RAPADA;  
RECONAR G.B. RAPADA; SONIA  
RAPADA; TIERRA RAPADA; ZACK  
RAPADA; NADINE RAPADA; ANGELA  
RAPADA; BETSIEBO RAPADA; CATALINA  
RENTERIA; MARCELLINA RENTERIA;  
SYLVIA RENTERIA; VINCENT RENTERIA;

1 ALLEN RICHAMIRE; VERONICA  
2 RICHMIRE; ANGELO RITUALO; DIANA  
(MONA) RITUALO; FELIPE RITUALO;  
3 TERESA RITUALO; BRITTINIE ROBERTS;  
MICHELLE JOAN ROBERTS; RAFFINAND  
4 ROBERTS; DEANNA ROMERO; RUDY  
ROMERO; EMMANUAL ROMERO-  
5 DANCEL; KRISTOFFER SILVA; SEVINA  
SILVA; TYLER SILVA; ENZO SIOSON;  
6 JULIETTE SIOSON; ROCCO SIOSON;  
DEBBIE SMITH (NARTE); ALEX ST.  
7 GERMAIN; BREANNA ST. GERMAIN;  
RUDY ST. GERMAIN; TAYLOR ST.  
8 GERMAIN; TERRY ST. GERMAIN JR.;  
ROSE TOVAR; AND JOCELYN TOVAR;  
9 CHERYL TRAINOR; KRISTAL TRAINOR,  
individually and on behalf of their minor  
10 children, enrolled members of the Nooksack  
Indian Tribe,

11 Plaintiffs,

12 v.

13 ROBERT KELLY, Chairman of the Nooksack  
Tribal Council; RICK D. GEORGE, Vice-  
14 Chairman of the Nooksack Tribal Council;  
AGRIPINA SMITH, Treasurer of the Nooksack  
15 Tribal Council; BOB SOLOMON,  
Councilmember of the Nooksack Tribal  
16 Council; KATHERINE CANETE,  
Councilmember of the Nooksack Tribal Council  
17 and Nooksack General Manager; AGRIPINA  
"LONA" JOHNSON, Councilmember of the  
18 Nooksack Tribal Council; ELIZABETH KING  
GEORGE, Enrollment officer of the Nooksack  
19 Tribal Council; ROY BAILEY, Enrollment  
officer of the Nooksack Tribal Council, in their  
20 personal and official capacities,

21 Defendants.

22 Nooksack Indian Tribe, a federally recognized  
Indian tribal government, Third-Party Plaintiff,

23 v.

1 ELEANOR J. BELMONT; OLIVE T.  
OSHIRO, enrolled members of the Nooksack  
2 Indian Tribe; and FRANCINE ADAMS;  
ANTHONY ADAMS; BRINA ALDREDGE;  
3 BRITTANY ALDREDGE; NORMA  
ALDREDGE; ANGELITA AURE; DOE  
4 AURE; CHELSEA BAKER; KELSEA  
BAKER; PRICILLA BAKER; JERIC BAKER;  
5 FLORENTINO BARRIL; CALEB BARRIL-  
BOTHELL; CATHALINA BARRILL; BILLIE  
6 BARTLE; ADAM BELLO; EILEEN BELLO;  
PATRICK BELLO JR.; ELIZABETH BELLO;  
7 PATRICK BELLO; ELPIDO BELLO JR.;  
EUGENA BELLO; JOSEPH BELLO; LUCAS  
8 BELLO; NICHOLAS ELPEDIO BELLO;  
DOMINIC BELLO; RICHARD BELLO;  
9 DIONNE BENNETT; OLIVA BOTHELL;  
KIRK BROWN; CHRISTINA BUMATAY;  
10 ANDREA BUMATAY; ROBERT  
BUMATAY; ANDREW BUMATAY; JAMES  
11 BUMATAY; JONATHAN BUMATAY;  
BARTON BUMATAY; ANGELA  
12 BUMATAY; NOELANI BUMATAY-  
JEFFERSON; MARIAH BUMATAY-  
13 JEFFERSON; CAROL CAILING; DONNA  
CAILING; KEITH CAILING; NEVEAH  
14 CAILING; ANITA CAMPBELL;  
ALEXANDREA CARR; LEE CARR;  
15 PRICILLA CARR; ROBLEY CARR; ANNA  
CARR; QUOLIA CARR; VANESSA  
16 CASIMIR; CHRISSA CASONO; NINA  
CHOW; KYLE COBLE; LISA COBLE;  
17 STEVE COBLE; SEAN COLEMAN; GILDA  
CORPUZ; PEDRO CORPUZ; VICTORINO  
18 CORPUZ; CHRISTINA CORPUZ-PEATO;  
JORDAN CRAIN; ROLAND CUATERO;  
19 NARCISCO CUNANAN; DONALD  
EDWARDS; BRIONNA ERICKSON; SETH  
20 ERICKSON; TERESA ERICKSON;  
MICHAEL FAULKS; VICTORIA FRANZ;  
21 ROMA FURUTA; ELEANOR GABRIEL;  
JESSICA GABRIEL; ZARIA GABRIEL;  
22 AVRILYN GABRIEL; REGINALD  
GABRIEL; AYL A GARDIPE; DANCHO  
23 GARDIPE; DAVID GARDIPE; DONNA  
GASPAR; GUADALUPE GASPAR; JADE  
24 GASPAR; JESUS GASPAR; ASIA GILYARD;

1 LEONARD GLADSTONE; LOIS  
GLADSTONE; MIKALA GLADSTONE;  
2 RICHARD GLADSTONE; TYRONE  
GLADSTONE; MAILE GOMEZ-RABANG;  
3 MALAKAI GRIFFETH; MALIA GRIFFETH;  
MARIE HADDOW; MIRANDA HADDOW;  
4 DOLLY HADDOW; TINA HANCOCK;  
AMYA HART; ANITA HART; CHARLOTTE  
5 HART; DESTINE HART; EDARAY HART;  
JENNIFER HART; KIANA HART; LINDA  
6 HART; PHILLIP L. HART; TAYSHUAN  
HART; ROSE HERNANDEZ; KIMBERLY  
7 ISEDA; AUNDREA JAHR; KAYLEENA-  
RAY JAHR; JUANITA JAVIER; MANUEL  
8 JAVIER; SATURNINO JAVIER; ANDREW  
JEFFERSON; JOSEPH JEFFERSON;  
9 KALEIOLANI JEFFERSON; JOHNNY  
JENSEN; MAXIMO KAUFFMAN; MARC  
10 ANTHONY KAUFFMAN; CAMERON  
LAWRENCE; SONIA LOMIELI; ADRIAN  
11 LOPEZ JR.; ADRIAN LOPEZ SR.; ARSENIO  
LOPEZ; BERTA LOPEZ (RABANG); TRINA  
12 LOPEZ (HARO); TRENT LOUGHNANE;  
KIYOMIE MARSHALL; CARLOS MIGUEL;  
13 LAWRENCE MIGUEL; MATIAS MIGUEL;  
RONALD MIGUEL III; RONALD MIGUEL  
14 JR.; TONI MIGUEL; JUSTIN MUNDEN;  
ANGELINE NARTE; DANTE NARTE;  
15 FRAZER NARTE; JAIME NARTE; JENAIA  
NARTE; KAILEE NARTE; MARIO NARTE  
16 JR.; MARIO NARTE; MICAH NARTE;  
RUBY NARTE; ANTONIO NARTE JR.;  
17 PHILLIP D. NARTE; ANTONIO NARTE;  
CALEB NARTE; CODY NARTE; ELISAH  
18 NARTE; ANDREW NICOL; TERIA ANN  
NICOL; ROY NICOL; ALEXANDER NICOL-  
19 MILLS; DUSTIN OSHIRO; ELIZABETH  
OSHIRO; KIYOSHI OSHIRO; MATTHEW  
20 OSHIRO; OLIVIA OSHIRO; TIANA  
OSHIRO; STEVEN PARK; EDMUND PARK;  
21 ADELINA PARKER; MALIA PEATO;  
PATELESIO PEATO; SOFIA PEATO;  
22 KUAIKA PELETI; RENE PELETI; TINO  
PELETI; MORENO PERALTA; ARIEL  
23 PHILLIPS; JOSHUA PHILLIPS; SAMSON  
PHILLIPS; AILINA RABANG; SELIA  
24 RABANG; SHALENE RABANG; CLARA

1 RABANG; LEONARD RABANG; MAXINA  
RABANG; MIANA RABANG; REANNA  
2 RABANG; TYRONE RABANG JR.; TYRONE  
RABANG; WILLIAM RABANG; ANGEL  
3 RABANG; ANGELITA RABANG;  
ANTHONY RABANG; BRIANNA RABANG;  
4 DOMINGO A. RABANG SR.; DOMINGO F.  
RABANG; FRANCISCA L.G. RABANG;  
5 FRANCISCA S. RABANG; FRANCISCO A.  
RABANG; FRANCISCO D.G. RABANG;  
6 FRANCISCO RABANG JR.; GINA RABANG;  
JAMES RABANG; LAJUNE RABANG;  
7 MARTINO RABANG; MICHAEL RABANG;  
QUI-SEENUM RABANG; RACHEL  
8 RABANG; ROBERT JAMES RABANG III;  
ROBERT JAMES RABANG JR.; ROBERT  
9 JAMES RABANG SR.; SANTANA RABANG;  
TIERRA RABANG; TINA RABANG;  
10 CARCIONE RABANG; SUNSIE RABANG;  
WILLIAM RABANG JR.; SHARON  
11 RABANG-BROWN; ALEXINA RABANG-  
COLEMAN; ALLEN RAPADA; ANDREW  
12 RAPADA; BART RAPADA; CALVIN  
RAPADA; DANIEL FRED RAPADA;  
13 DANIEL FELIX RAPADA; DARRELL  
RAPADA; EMILY RAPADA; GERALD  
14 RAPADA; HONORATO RAPADA III;  
HONORATO RAPADA; JAMES RAPADA;  
15 KIMBERLY RAPADA; MELISSA RAPADA;  
MILDRED RAPADA; RECONAR RAPADA;  
16 RECONAR G.B. RAPADA; SONIA  
RAPADA; TIERRA RAPADA; ZACK  
17 RAPADA; NADINE RAPADA; ANGELA  
RAPADA; BETSIEBO RAPADA; CATALINA  
18 RENTERIA; MARCELLINA RENTERIA;  
SYLVIA RENTERIA; VINCENT RENTERIA;  
19 ALLEN RICHAMIRE; VERONICA  
RICHMIRE; ANGELO RITUALO; DIANA  
20 (MONA) RITUALO; FELIPE RITUALO;  
TERESA RITUALO; BRITTINIE ROBERTS;  
21 MICHELLE JOAN ROBERTS; RAFFINAND  
ROBERTS; DEANNA ROMERO; RUDY  
22 ROMERO; EMMANUAL ROMERO-  
DANCEL; KRISTOFFER SILVA; SEVINA  
23 SILVA; TYLER SILVA; ENZO SIOSON;  
JULIETTE SIOSON; ROCCO SIOSON;  
24 DEBBIE SMITH (NARTE); ALEX ST.

1 GERMAIN; BREANNA ST. GERMAIN;  
2 RUDY ST. GERMAIN; TAYLOR ST.  
3 GERMAIN; TERRY ST. GERMAIN JR.;  
4 ROSE TOVAR; AND JOCELYN TOVAR;  
5 CHERYL TRAINOR; KRISTAL TRAINOR,  
6 individually and on behalf of their minor  
7 children, enrolled members of the Nooksack  
8 Indian Tribe,  
9  
10 Third-Party Defendants.

11 On April 15, 2016, I filed a motion with the Nooksack Court of Appeals seeking “a writ  
12 of mandamus directed to the members of the Tribal Council because the Tribal Council’s failure  
13 to appoint a judge to preside over [this] lawsuit.” *Belmont v. Kelly*, No. 2014-CI-CL-007, at 2  
14 (Nooksack Ct. App. June 28, 2016) [hereinafter “COA Order”]. The Court of Appeals granted  
15 my motion on June 28, 2016, holding:

- 16 (1) The Defendants’ purported amendment of N.T.C. § 10.00.100(b) “is unconstitutional and,  
17 *a fortiori*, without legal effect.” *Id.* at 2.
- 18 (2) If the Tribal Council’s failure to appoint a judge to preside over this lawsuit leads to  
19 disenrollment before the Tribal Court has adjudicated and entered a final judgment on the  
20 legality of the threatened disenrollment, the Tribal Court’s failure to appoint a judge to  
21 preside over this lawsuit would constitute a violation of the Plaintiffs’ rights to equal  
22 protection and due process under the Constitution of the Nooksack Indian Tribe. *Id.*
- 23 (3) Plaintiffs threatened with an injury to their constitutional rights of equal protection and  
24 due process as a result of the Tribal Council’s failure to appoint a judge to preside over  
25 this lawsuit are entitled to an injunction. *Id.* at 3.
- (4) A writ of mandamus directed to the Tribal Council is be an appropriate remedy to prevent  
Plaintiffs in this suit from being deprived of their constitutional rights of equal protection  
and due process. *Id.*

The Court of Appeals then issued the following relief to me: “Accordingly, we hereby  
order that the Tribal Council either appoint in a timely fashion a judge to adjudicate Petitioner’s  
challenge to her threatened disenrollment or in the alternative to refrain from taking any further



1 action to disenroll her.” *Id.* The Court of Appeals granted this relief because “the Tribal Council  
2 is threatening to disenroll the [me] from the Tribe.” *Id.* at 2.

3 Three days later, on July 1, 2016, I filed—or attempted to file—a Motion For Injunction  
4 with the Tribal Court, seeking to expand the scope of the disenrollment injunction to encompass  
5 all Plaintiffs. Declaration Of Michelle Joan Roberts In Support Of Motion To Expand Injunction  
6 (“Roberts Decl.”), Exs. A, B. The Motion requested, in relevant part:

7 Plaintiffs in this action “are 272 enrolled members of the Nooksack Indian Tribe  
8 who are subject to disenrollment proceedings” and are similarly threatened with  
9 disenrollment. *Belmont v. Kelly*, No. 2014-CI-CL-007, at 1 (Nooksack Tribal Ct.  
10 Jan. 26, 2016). Thus, all Plaintiffs in this action are entitled to the same relief.  
11 *See e.g. LCS Servs., Inc. v. Caperton*, 965 F. Supp. 847, 852 (N.D.W. Va. 1997)  
12 (“This Court finds that the preliminary injunction encompasses all defendants  
13 similarly situated . . .”).

14 Thus, I respectfully request that this Court issue an injunction that encompasses  
15 all persons similarly situated—*i.e.* all Plaintiffs—and that Defendants be ordered  
16 “to refrain from taking any further action to disenroll” **all Plaintiffs** until  
17 Defendants “appoint in a timely fashion” a judge to adjudicate this action. COA  
18 Order, at 3 (emphasis in original).

19 I also explained that currently pending before the Trial Court is Plaintiffs’ Emergency  
20 Motion for Mandamus (Jan. 29, 2016), wherein Plaintiffs request that “the Court issue a writ of  
21 mandamus ordering” a constitutionally required election “in an *expeditious* and equitable  
22 manner.” *Id.*, Ex. A, at 9 n.2 (emphasis in original). But because “Defendants ‘removed the  
23 presiding trial judge and ha[ve] thus far failed to appoint a new judge,’” that Emergency  
24 Motion—as well as three other motions—have languished before the Trial Court for months.  
25 *Id.*; *see also* Second Declaration Of Michelle Joan Roberts In Support Of Petition For Writ Of  
Mandamus (May 16, 2016), at 2 (detailing the four motions that have been pending before the  
Trial Court since January 2016).<sup>1</sup>

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<sup>1</sup> Related lawsuits and motions completely languish as well. *See Kelly v. Kelly*, No. 2016-CI-CL-001 (lawsuit to compel an election for four expired Tribal Council seats); *Tageant v. Kelly*, No. 2016-CI-CL-003 (lawsuit to enjoin

1 After much back-and forth between the Tribal Court Clerk and Tribal Attorney Rickie  
2 Armstrong about the filing and scheduling of my Motion For Injunction in early July, it appears  
3 that the Clerk has now accepted the Motion for filing, but—going on six weeks later—she has  
4 yet to set the Motion for hearing. Nor has she set any of my four other pending motions for  
5 hearing. Roberts Decl., Exs. B, C.

6 As it turns out, according to the Clerk, the Tribe’s immediate past Senior Tribal Attorney  
7 was purportedly appointed to serve as Chief Judge on or around June 13, 2016. *Id.*, Ex. C.<sup>2</sup> But  
8 Ray Dodge’s return to Nooksack has only made it more difficult for my family and me to obtain  
9 justice from the Nooksack Tribal Court.

10 On July 11, 2016, the Clerk advised me: “We are making arrangements for a pro tem  
11 judge to hear these matters. At the present time, we cannot set these matters for hearing.” *Id.*,  
12 Ex. B. She offered the same excuse two weeks later, on July 26, 2016. *Id.*, Ex. C. She has not  
13 replied to my last inquiry, on August 1, 2016. *See id.* Judge Dodge and the Clerk have had more  
14 than ample time—at least five weeks—to arrange for a pro tem judge to hear my motions. They  
15 are slow walking the matters, while Defendants continue to find novel ways to disenroll me and  
16 my family—the “Nooksack 306”—in circumvention of the injunctions entered by this Appeals  
17 Court and former Pro Tem Judge Randy Doucet in this matter. COA Order, at 3; *Belmont v.*  
18 *Kelly*, No. 2014-CI-CL-007, Order, at 2 (Nooksack Tribal Ct. Feb. 26, 2015).<sup>3</sup>

19  
20  
21  
22 illegal recall election of Councilwoman Tageant); *Gladstone v. Kelly*, No. 2016-CI-CL-004 (lawsuit to enjoin the  
disenrollment of four non-306 Nooksack tribal members).

23 <sup>2</sup> “Curiously,” on July 7, 2016, Judge Dodge filed a withdrawal notice in this matter “while . . . the Chief Judge, yet  
through the Nooksack Office of Tribal Attorney.” Roberts Decl., Exs. D, E.

24 <sup>3</sup> At this very moment, having overthrown the Tribal Court, Defendants are circulating a wholly illegal change.org  
petition to disenroll my family and me. Roberts Decl., Ex. F. In June, Defendants purportedly disenrolled four non-  
25 306 Nooksack members, in “retaliate[ion] . . . for supporting the Plaintiffs subject to disenrollment,” and in spite of  
applicable stays and injunctions. *See Gladstone v. Kelly*, No. 2016-CI-CL-004, Complaint (Apr. 28, 2015).

1           Indeed, as stated to Judge Dodge on July 28, 2016, by our now Nooksack business-  
2 licensed lawyers, Garvey Schubert Barer<sup>4</sup>:

3           Our clients are troubled that during the last six weeks you have been back at  
4 Nooksack, they have been unable to schedule any hearing in *Belmont*, even before  
5 a Nooksack Judge Pro Tem. It seems to them that you are working with the  
former Nooksack Tribal Council to delay the assignment of a Pro Tem, just like  
you worked with the former Tribal Council to delay the March 19, 2016, election.

6 Roberts Decl., Ex. E.

7           All the while, dating back to at least March 7, 2016, I have been unsuccessful in my  
8 repeated attempts to become a non-lawyer advocate for all of the Plaintiffs in this action, as  
9 allowed by NTC 10.02.030. Roberts Decl., at 2, Ex. H.. As with my motions, the Clerk, Tribal  
10 Attorney and Defendants have conspired to deny my family and me our “right to be represented  
11 by an advocate of [our] own choice” under NTC 10.02.010. *Id.*<sup>5</sup>

12           I now ask this Appeals Court to immediately expand the injunction in the COA Order, at  
13 3, to encompass all persons similarly situated—*i.e.* all Plaintiffs—and order Defendants to  
14 refrain from taking any further action to disenroll any of the Plaintiffs until (a) a pro tem judge is  
15 assigned and a hearing is set on all of the pending motions in this matter and (b) either I am  
16 allowed to advocate for the Plaintiffs or civil counsel of our choosing is allowed to do so.

17  
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19  
20 <sup>4</sup> The Chief Judge and Clerk are also delaying hearing Garvey Schubert’s March 14, 2016, Motion for admission to  
the Nooksack Tribal Bar. See Roberts Decl., Ex. G. Even so, Garvey Schubert has demanded of Judge Dodge that  
21 he “formally recuse [him]self from any involvement in the above-cited five cases [*Belmont v. Kelly*, No. 2014-CI-  
CL-007, *Kelly v. Kelly*, No. 2016-CI-CL-001, *Tageant v. Kelly*, No. 2016-CI-CL-003, *Galanda v. Bernard*, No.  
22 2016-CI-CL-002, *Gladstone v. Kelly*, No. 2016-CI-CL-004], including administrative involvement.” *Id.*, Ex. E.  
Having helped Judge Dodge appreciate his lawyer and judicial ethical obligations, Garvey Schubert made plain to  
23 him: “You are disqualified from assuming any role, or responsibility, in these cases according to the Washington  
Code of Judicial Conduct as well as the Tribal Code of Judicial Conduct.” *Id.* (emphasis in original). To my  
knowledge, Judge Dodge has not yet formally recused himself from this or the other four lawsuits.

24 <sup>5</sup> Of course they have also denied us our right to be represented by civil counsel of our choosing, Galanda  
Broadman, PLLC, since February 24, 2016, in violation of NTC 10.02.010 and our due process rights. *Roberts v.*  
25 *Kelly*, 12 NICS App. 33, 41 (Nooksack Ct. App. Mar. 18, 2014) (citing *Goldberg v. Kelly*, 397 U.S. 254, 270  
(1970)) (“prohibiting a [person] from being represented at the proceeding violates due process”).

Signed and submitted this 4<sup>th</sup> day of August, 2016.



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Michelle Roberts, *Pro Se*

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1 DECLARATION OF SERVICE

2 I, Michelle Roberts, say:

3 1. I am over eighteen years of age and am competent to testify, and have personal  
4 knowledge of the facts set forth herein.

5 2. Today, I caused the foregoing document and my accompanying Declaration to be  
6 filed with the referenced court and served via U.S. certified mail, and emailed to:

7 Katie Nicoara  
8 NICS  
9 20818 4<sup>th</sup> Ave W, Suite 120  
10 Lynnwood WA 98036

11 Chairman Robert Kelly  
12 Nooksack Tribal Council  
13 Nooksack Indian Tribe  
14 5016 Deming Road  
15 Deming, WA 98244

16 Betty Leathers  
17 Nooksack Tribal Court  
18 4971 Deming Road  
19 Deming, WA 98244

20 Raymond Dodge  
21 Nooksack Tribal Court  
22 4971 Deming Road  
23 Deming, WA 98244

24 Rickie Armstrong  
25 Office of Tribal Attorney  
Nooksack Indian Tribe  
5047 Mt. Baker Hwy  
Deming, WA 98244

The foregoing statement is made under penalty of perjury under the laws of the Nooksack  
Tribe and the State of Washington and is true and correct.

DATED this 4th day of August, 2016.



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MICHELLE ROBERTS