

IN THE NOOKSACK TRIBAL COURT OF APPEALS
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

In re: Gabriel S. Galanda, Anthony S.
Broadman, and Ryan D. Dreveskracht,

Petitioners,

v.

Nooksack Tribal Court,

Respondent.

Court No. 2016-CI-CL-002

**MOTION FOR SHOW CAUSE ORDER
RE: CONTEMPT**

COME NOW, Petitioner Gabriel S. Galanda (“Petitioner”), and respectfully requests that this Court order the *Galanda v. Bernard* purported Tribal Council Defendant-Respondents (“Respondents”) show cause why they should not be held in contempt for violating this Court’s September 21, 2016, Order Regarding Plaintiffs’ Second Motion for Show Cause Order Re: Summary Judgment, Contempt or Mandamus (“Order”).¹

I. FACTS

The Court is aware of the facts leading up to this Motion.

On September 21, 2016, the Court “order[ed] that pending a full and fair review before the Nooksack Tribal Court of the Plaintiffs’ claims that their rights of due process have been infringed by the Nooksack Tribal Council, no action of disbarment is to be taken against the Plaintiffs . . .” Order, at 2.

The Nooksack Tribal Court has taken no action on Plaintiffs' claims since September 21, 2016.

Nevertheless, on October 7, 2016, Respondents passed Resolution No. 16-149, which "(1) revokes any privilege Mr. Galanda, [sic] has or may have had, to engage in business activities within the [sic] Nooksack Tribal land, specifically including the practice of law and (2) revokes any privilege Mr. Galanda, [sic] has or may have had, to practice law before the Nooksack Tribal Court(s) or within Nooksack Tribal Lands." **Appendix A**, at 3 (emphasis added).

II. LAW AND ANALYSIS

A. This Court Should Again Exercise Its Contempt Powers.

Respondents are once again ignoring the Court. Despite the Court's very clear instruction to Respondents that "no action of disbarment is to be taken against the Plaintiffs" until the Tribal Court provides Petitioner due process, Respondents essentially have attempted to again disbar and banish Petitioner Galanda anyway.

Sanctions for contempt of court are subject to the "wide discretion in fashioning remedial sanctions for civil contempt" that "coerce[s] compliance or compensate[s] a complainant for losses sustained" due to contemptuous behavior. *United States v. Latney's Funeral Home, Inc.*, 41 F. Supp. 3d 24, 35 (D.D.C. 2014) (quotation omitted).

Sovereign immunity affords contemptuous governments no protection. *See Nelson v. Steiner*, 279 F.2d 944, 948 (7th Cir. 1960) ("The executive branch of government has no right to treat with impunity the valid orders of the judicial branch. An order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until reversed by orderly and proper proceedings.") (citing *United*

¹ Petitioner appears as counsel of record, and no longer *pro se*, pursuant to the Order.

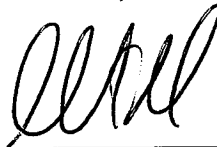
States v. United Mine Workers of America, 330 U.S. 258, 293 (1947)); *Yancheng Baolong Biochemical Products Co. v. United States*, 406 F.3d 1377, 1382 (Fed. Cir. 2005) (trial court “did not abuse its discretion by holding the government in contempt of the preliminary injunction”); *U.S. v. Ray*, 273 F.Supp.2d 1160, 1167 (D. Mont. 2003) (holding that the “argument is that sovereign immunity prevents this Court from doing anything to enforce [its] Order . . . eviscerates the independence of the judiciary to manage assigned cases. The . . . argument makes little sense”).

In sum, this Court has power and authority to hold Respondents in contempt.²

III. CONCLUSION

In light of the above, Petitioner respectfully requests that this Court direct Respondents to appear personally before the Court and show cause as to why they should not be held in contempt of court.

Respectfully submitted this 13th day of October, 2016.



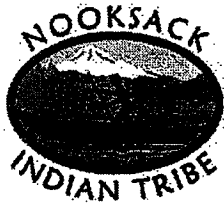
Gabriel S. Galanda
GALANDA BROADMAN, PLLC
Attorney at Law

² Petitioner is generally aware of Respondents’ efforts to sue and enjoin the Tribe’s own Court of Appeals, and to create a fake Nooksack Supreme Court for the sole purpose of vacating fourteen Orders of the Nooksack Tribal Court of Appeals that they are sad about. The fact remains that since about March 19, 2016, Respondents have lacked Constitutional authority to transact business or do *anything* on behalf of the Nooksack Tribe. Nooksack Bylaws, Art. IV, §4. They have no legal authority to pass Resolutions (like No. 16-149); to authorize any suit (like the NICS suit); to appoint Tribal Court “Chief Judge” Raymond Dodge or “Judge Pro Tempore” Milton Rowland for strategic advantage; to create a Supreme Court; or to pay Schwabe Williamson & Wyatt to assist those efforts or with related WSBA disciplinary actions.

Appendix A

RECEIVED

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NOOKSACK TRIBAL COUNCIL

4979 Mt. Baker Hwy, Suite G.
PO Box 157
Deming, WA 98244

Galanda Broadman PLLC

RESOLUTION #16- 149

October 7, 2016

**TITLE: FINDINGS, CONCLUSIONS, AND PENALTY FOLLOWING HEARING
(GALANDA)**

WHEREAS, the Nooksack Indian Tribe is a party to the Treaty of Point Elliot dated January 22, 1855, 12 Stat. 927, and is a sovereign, federally-recognized Indian Tribe; and

WHEREAS, the Nooksack Tribal Council is the governing body of the Nooksack Indian Tribe in accordance with Article III, Section 1 of its Constitution and Bylaws approved by the Deputy Assistant Secretary of Indian Affairs on September 24, 1973, as amended; and

WHEREAS, the health, safety, welfare, education, economic security, employment and preservation of cultural and natural resources are primary goals and objectives of the Nooksack Indian Tribe; and

WHEREAS, on February 24, 2016, the Tribal Council took emergency action to bar Mr. Gabriel Galanda and his law firm from Nooksack Tribal Lands and the Tribal Court for failure to obtain a valid business license and his behavior and practices in Tribal Court (Reso. #16-28); and

WHEREAS, on April 18, 2016, the Tribal Council approved Procedures for Tribal Council Hearings ("Procedures") (Reso. #16-45) for all hearings wherein an Ordinance or Policy does not contain such provisions, and said Procedures are in compliance with Article IX of the Tribal Constitution and the opinion in *Roberts v. Kelly*, 2013-CI-CL-003 (Mar. 18, 2014); and

WHEREAS, on April 18, 2016, the Tribal Council authorized the initiation of hearings against Mr. Galanda for alleged violations of Title 10 and Title 54 (Reso. #16-46); and

WHEREAS, in accordance with the Procedures, on or about May 13, 2016, a Notice of Hearing ("Notice") was sent by certified mail, return receipt requested, to Mr. Galanda indicating the hearing date and time (mailing received May 17, 2016); and

WHEREAS, the Notice also included a copy of the following documents: (1) Resolution #16-28; (2) Resolution #16-46; and (3) an Explanation of Exhibits Illustrating Galanda Ethical Issues with accompanying exhibits; and

Resolution #16- 149

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Ph: (360) 592-5164  Fx: (360) 592-4506

WHEREAS, on or about May 31, 2016, in accordance with the Procedures, the Tribe timely received a signed Representation Form from Mr. Galanda; then on June 2, 2016, another copy from Mr. Galanda's proposed representative Jacob M. Downs; and

WHEREAS, on or about June 3, 2016, the Tribe received a 21-page written response directly from Mr. Galanda; and

WHEREAS, on or about June 3, 2016, the Tribe received an Index and Appendices A-L from Ms. Jones from the Law Offices of Galanda Broadman; and

WHEREAS, on or about June 3, 2016, the Tribe received Appendices M-W from Ms. Jones from the Law Offices of Galanda Broadman; and

WHEREAS, on or about June 4, 2016, the Tribe received an amended 21-page written response directly from Mr. Galanda; and

WHEREAS, on or about June 4, 2016, the Tribe received another amended 21-page written response directly from Mr. Galanda; and

WHEREAS, Mr. Galanda timely confirmed his hearing in accordance with the Procedures, and the Tribal Council designee(s) convened a Hearing on the merits on June 9, 2016; and

WHEREAS, Mr. Galanda appeared telephonically for the hearing without Council although he previously submitted the Representation Form in a timely fashion; and

WHEREAS, the Tribal Council designee reviewed and considered the following: (1) the materials submitted to Mr. Galanda informing him of the basis for the hearing; (2) the materials submitted by Mr. Galanda (or on his behalf); and (3) the statements made by Mr. Galanda during the course of the hearing; and

WHEREAS, having considering the above information, the Chairman reported his findings back to the Council for its consideration; and

WHEREAS, given the Chairman's reported findings, the Council hereby FINDS that Mr. Galanda has committed the following act(s):

- (1) Violation of Title 54 – Mr. Galanda either intentional failed to obtain a business license in the Nooksack Tribal jurisdiction, or recklessly disregard the law, by not obtaining said license for the period of 2013-2016; and
- (2) Violation of Title 10 – Mr. Galanda committed an act(s) that reflected so poorly on the proper administration of justice that further privileges before the Nooksack bar should be revoked. Specifically, Mr. Galanda sat as judge in another jurisdiction during the pendency of his representation of clients within the Nooksack Tribal Court, and authored a judicial opinion he knew was likely to be reversed (or

otherwise made of no force and effect), then cited the opinion as good law before the Nooksack Tribal Court with the intent of misleading the Nooksack Tribal Court as to the actual value of the opinion Mr. Galanda authored.

NOW THEREFORE BE IT RESOLVED, the Tribal Council accepts and adopts the Chairman's reported findings, as its own; and

BE IT FURTHER RESOLVED, the Tribal Council CONCLUDES that (1) Mr. Galanda is, and has been at all material times prior to now, non-compliant with Tribal law, specifically Title 54; and, (2) Mr. Galanda is not fit to practice further within the Nooksack Tribal Court(s); and

BE IT FURTHER RESOLVED, given the above findings, the Tribal Council hereby: (1) revokes any privilege Mr. Galanda, has or may have had, to engage in business activities within the Nooksack Tribal land, specifically including the practice of law and (2) revokes any privilege Mr. Galanda, has or may have had, to practice law before the Nooksack Tribal Court(s) or within Nooksack Tribal Lands; and

BE IT FURTHER RESOLVED, that Council hereby rescinds Resolution #16-28; and

BE IT FURTHER RESOLVED, that the Chairman (or other councilperson in his/her absence) is hereby authorized and directed to execute this resolution and any documents connected here within, and the Vice Chairman (or other councilperson in his/her absence) are authorized and directed to execute the following certification.

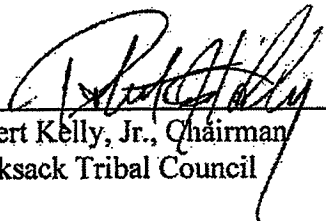
CERTIFICATION

I, the undersigned do hereby certify that the Nooksack Tribal Council is composed of eight (8) members, of which 5 were present, constituting a quorum of a duly called meeting thereof held on this 7 day of October, 2016, and that the above Resolution #16- 149

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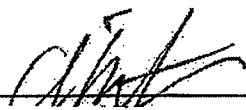
approving the FINDINGS, CONCLUSIONS, AND PENALTY FOLLOWING HEARING (GALANDA) was duly enacted by the Council Members vote of: 4 FOR, 0 OPPOSED, and 0 ABSTENTIONS, and since its approval this resolution has not been altered, rescinded, or amended in any way.

Dated this 7 day of October 2016.



Robert Kelly, Jr., Chairman
Nooksack Tribal Council

ATTEST:



Agripina Smith, Treasurer
Nooksack Tribal Council

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October 2016, I served the foregoing by causing it to be mailed, postage prepaid, one copy to the following individuals:

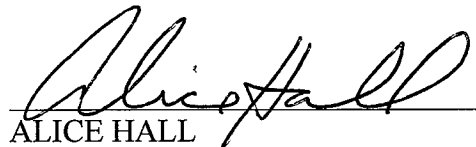
KATIE NICOARA
NICS
20818 44TH Ave W
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RICKIE ARMSTRONG
Office of Tribal Attorney
Nooksack Indian Tribe
5047 Mt. Baker Hwy
P.O. Box 63
Deming, WA 98244

BETTY LEATHERS
Nooksack Tribal Court
4971 Deming Road
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 13th day of October.


ALICE HALL