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4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

5 In re Gabriel S. Galanda, pro se, Anthony S.  
6 Broadman, pro se, and Ryan D. Dreveskracht<sup>1</sup>,

7 Petitioners,

8 v.

9 Nooksack Tribal Court.,

10 Defendant.

NO. \_\_\_\_\_

**PETITION FOR ENTRY OF  
FOREIGN JUDGMENT**

11 **I. INTRODUCTION**

12 Come now Petitioners and petition this Court for Entry of a Foreign Judgment pursuant to  
13 Washington's Uniform Enforcement of Foreign Judgments Act ("UEFJA"), Chapter 6.36 RCW.  
14 The Nooksack Tribal Court of Appeals entered the appended Order and Judgment Awarding  
15 Costs on September 21, 2016. Petitioners seek to have the Nooksack Tribal Court of Appeals'  
16 September 21, 2016 Order and Judgment Awarding Costs registered as a foreign judgment with  
17 this Court. The Nooksack Tribal Court Clerk has refused, however, to authenticate this  
18 judgment. Petitioners have otherwise satisfied all other statutory requirements for entry of this  
19 foreign judgment under UEFJA.

20 **II. FACTS**

21 The Northwest Intertribal Court System ("NICS") administers the Nooksack Tribal Court  
22 of Appeals and provides appellate judges to the Nooksack Tribe and several other Northwest

23 \_\_\_\_\_  
24 <sup>1</sup> Undersigned counsel were *pro se* parties in the underlying Nooksack Tribal Appeals Court matter, captioned as *In re Gabriel S. Galanda, pro se, Anthony S. Broadman, pro se, and Ryan D. Dreveskracht, Petitioners, v. Nooksack Tribal Court, Defendant*, but appear as counsel of record for themselves s Judgment Creditors before this Court.

1 tribal governments under a fee-for-services contract—or at least did so for the Nooksack Tribe  
2 until September 30, 2016, as discussed *infra*. Declaration of Gabriel S. Galanda RE Attempts to  
3 Obtain Attestation and Official Seal of Nooksack Tribal Court, ¶6 (“Galanda Decl.”). Betty  
4 Leathers and Deanna Francis serve as the Court Clerks to both the Nooksack Tribal Court and  
5 the Nooksack Tribal Court of Appeals.

6 **A. The Nooksack Court of Appeals’ September 21, 2016 Order and Judgment**  
7 **Awarding Costs in *In re Gabriel S. Galanda, et al. v. Nooksack Tribal Court*.**

8 On June 28, 2016, the Nooksack Tribal Court of Appeals issued an order that found Ms.  
9 Leathers in contempt of court for failure to comply with previously issued orders of the  
10 Nooksack Tribal Court of Appeals that instructed her to accept the *pro se* filings with the  
11 Nooksack Tribal (trial) Court. *Id.*, ¶2. Since March of 2016, Ms. Leathers has rejected dozens  
12 of Petitioners’ attempted filings with the Nooksack Tribal Court. *Id.* The Nooksack Tribal  
13 Court of Appeals’ June 28, 2016 Order also ordered Rory Gilliland, Nooksack Chief of Police, to  
14 arrest and jail Ms. Leathers on or before July 6, 2016 if she failed to comply with the Appeals  
15 Court’s order. *Id.*

16 On July 25, 2016, the Nooksack Tribal Court of Appeals issued another Order that  
17 directed Mr. Gilliland to show cause on or before August 3, 2016, why he should not be held in  
18 contempt of court for failure to comply with the Court’s June 28, 2016 Order, having not arrested  
19 Ms. Leathers for flouting the Appeals Courts’ June 28, 2016 order. *Id.* The Nooksack Court of  
20 Appeals’ July 25, 2016 Order also directed Mr. Gilliland to show cause why he should not be  
21 sanctioned for failure to comply with the June 28, 2016 Order by paying Petitioners’ reasonable  
22 costs and other fees incurred in bringing the motion. *Id.*

23 On September 21, 2016, the Nooksack Court of Appeals issued an Order and Judgment  
24 Awarding Costs. *Id.*, Ex. A; Attachment to Ex. B. Finding Petitioners’ accounting reasonable,

1 the Appeals Court entered judgment against Mr. Gilliland in favor of Petitioners in the amount of  
2 \$2,790.15. *Id.*, Attachment to Ex. B. Katie Nicoara, Administrative Assistant with NICS,  
3 emailed a copy of the September 21, 2016 Order and Judgment Awarding Costs that same day.  
4 *Id.*, Ex. A.

5 **B. Petitioners' Attempts to Obtain Attestation and Certification of the Nooksack Court  
6 of Appeals' September 21, 2016 Order and Judgment Awarding Costs.**

7 On September 23, 2016 and on October 5, 2016, Petitioner Gabriel S. Galanda emailed  
8 Ms. Nicoara three alternative attestations regarding the Nooksack Tribal Court of Appeals  
9 September 21, 2016 Order and Judgment Awarding Costs ("Nooksack Court of Appeals  
10 Attestations"). *Id.*, ¶¶7-8; Ex. C. The Nooksack Court of Appeals Attestations were addressed  
11 to Nooksack Tribal Court Clerk Betty Leathers, NICS Administrative Assistant Katie Nicoara,  
12 and Nooksack Court of Appeals Chief Judge Eric Neilsen. *Id.* Mr. Galanda copied Ms.  
13 Leathers, Ms. Francis, and Mr. Gilliland on these emails. In his September 23, 2016 and October  
14 5, 2016 emails, Mr. Galanda explained

15 "we intend to enforce the Appeals Court's Order and Judgment Awarding Costs  
16 to me and my colleagues, against the Police Chief. To that end, we need, and thus  
17 respectfully request, that you and the Chief Judge consider executing the attached  
18 Attestations, specifically via each of your original signature and any Appeals  
19 Court seal."

20 *Id.*, Ex. B.

21 On October 3, 2016, Mr. Galanda requested that Wilma "Billie" Kae Rabang<sup>2</sup> deliver for  
22 signature to the Nooksack Tribal Court the Nooksack Court of Appeals Attestations. Rabang  
23 Decl, ¶2. That same day, Ms. Rabang presented the Attestations to Ms. Francis in person. *Id.*,  
24 ¶3. Ms. Francis told Ms. Rabang to "come back tomorrow." *Id.*

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25 <sup>2</sup> Ms. Rabang has filed, or attempted to file, legal papers with the office of the Nooksack Tribal Court Clerk in  
Deming, Washington on dozens of occasions since 2013. Declaration of Wilma Kae Rabang RE Attempts to Obtain  
Attestation and Official Seal of Nooksack Tribal Court ("Rabang Decl."), ¶1.

1 Ms. Rabang returned to the Nooksack Tribal Court on October 4, 2016. *Id.* Ms. Francis  
2 then told Ms. Rabang that she would not accept the attestations or deliver them to Ms. Leathers,  
3 Ms. Nicoara, or Chief Judge Neilsen for review or signature. *Id.* Ms. Francis told Ms. Rabang  
4 “we don’t want these,” and handed the three attestations back to Ms. Rabang. *Id.* Ms. Rabang  
5 asked Ms. Francis to stamp the three attestations “REJECTED” or “RECEIVED” as is the  
6 Nooksack Tribal Court Clerks’ current practice, but Ms. Francis refused. *Id.*

7 As it turns out, on September 30, 2016, the “Nooksack Tribe” filed suit against NICS,  
8 i.e., its own Court of Appeals, for breach of contract, injunctive relief and specific performance.<sup>3</sup>  
9 Petitioners are not a party to the action; neither is Mr. Gilliland. But tellingly, the injunction  
10 motion papers provide: “Because the activities impose the real threat that an individual  
11 employee, namely the Chief of Police, will be subject to execution of judgment in the immediate  
12 future, an injunction is necessary.” In other words, the “Nooksack Tribe” sued NICS, in urgent  
13 part, because of Petitioners’ professed efforts to begin enforcement of the Appeals Court’s  
14 September 21, 2016 Order and Judgment Awarding Costs against Mr. Gilliland.

15 The motive of those holding themselves out as Nooksack Tribal officials and judicial  
16 officers is rather transparent: to obstruct or subvert justice at every turn. Notwithstanding, Mr.  
17 Gilliland should be held accountable, through enforcement of the judgment rendered against him.

### 18 III. LAW AND ARGUMENT

19 Under UEFJA, creditors holding a judgment against a debtor from another jurisdiction  
20 may enforce that judgment in Washington. RCW 6.36.025. Washington law defines a “foreign  
21 judgment” as any judgment “of a court of the United States or of any state or territory which is  
22 entitled to full faith and credit[.]” RCW 6.36.010(1).

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23 <sup>3</sup> The lawsuit and related papers published by the Tribe are available on Michigan State University College of Law’s  
24 Turtle Talk Blog: <https://turtletalk.wordpress.com/2016/10/07/more-pleadings-in-nooksack-v-nics/>.

1 Indian tribes generally qualify as a territory of the United States and thus are considered  
2 states for UEFJA purposes under Washington law. *See In re Marriage of Susan C. and Sam E.*,  
3 114 Wash.App. 766, 774 (2002); CR 82.5.

4 Registration of a foreign judgment requires filing of an authenticated copy of the foreign  
5 judgment, an affidavit of the judgment creditor, a judgment summary, and proof of notice of  
6 mailing. RCW 6.36.025, .035. The foreign judgment generally must be authenticated in  
7 accordance with the act of congress, 28 U.S.C. § 1738, or with Washington law. RCW  
8 6.36.025(1). Authentication generally requires that a foreign judgment be attested by the court  
9 clerk with the seal of the court by which the judgment was issued, if a seal exists, together with a  
10 certificate of the judge of the court, which states that the clerk's attestation is in proper form. 28  
11 U.S.C. § 1738; *Maroon v. Immigration and Naturalization Serv.*, 346 F.3d 982, 985 (8th Cir.  
12 1966).

13 The judgment creditor also must file an affidavit that sets forth the name and last known  
14 post office address of the judgment debtor, the name and last known post office address of the  
15 judgment creditor, and the filing and expiration date of the judgment in the originating  
16 jurisdiction. RCW 6.36.035(1). The judgment creditor files the authenticated foreign judgment  
17 and the affidavit in addition to a judgment summary consistent with RCW 4.64.030 with the  
18 superior court clerk's office. WCCR 54(e). The judgment creditor must file a proof of mailing  
19 of notice, which includes the name and post office address of the judgment creditor and the  
20 judgment creditor's lawyers along with a notice of filing of foreign judgment to the judgment  
21 debtor. RCW 6.36.035(2).

22 Once the foreign judgment is filed in Superior Court, it becomes a registered foreign  
23 judgment and is enforceable within ten (10) days. *TCAP Corp v. Gervin*, 163 Wash.2d 645, 651  
24 (2008) (en banc) (citing RCW 6.36.010(2), .025(1), (2)). A registered foreign judgment has the

1 same effect as a Washington State Superior Court judgment and may be enforced, extended, or  
2 satisfied in the like manner. RCW 6.36.025(1).

3 Petitioners have filed with this Court an affidavit in accordance with RCW 6.36.035.  
4 Petitioners have properly noticed judgment debtor Rory Gilliland of this filing of foreign  
5 judgment and have filed proof mailing of that notice with this Court in accordance with RCW  
6 6.36.035. Petitioners also have filed with this Court a judgment summary in accordance with  
7 RCW 4.64.030 for entry on the Clerk's Execution Docket.

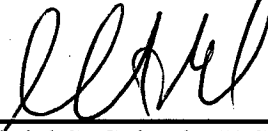
8 Despite numerous attempts, Petitioners have simply been unable to obtain authentication  
9 of the Nooksack Tribal Court of Appeals' September 21, 2016 Order and Judgment Awarding  
10 Costs. *See Galanda Decl.; see also Rabang Decl.* Petitioners have exhausted all known means of  
11 authenticating the Nooksack Court of Appeals' September 21, 2016 Order and Judgment  
12 Awarding Costs through attestation or seal as required by RCW 6.36.025(1). *Id.* Petitioners  
13 have otherwise satisfied all other statutory requirements for entry of this foreign judgment under  
14 UEFJA.

15 **IV. REQUEST FOR RELIEF**

16 Based on Petitioners' substantial compliance with UEFJA and on the appended  
17 declarations evidencing Petitioners' numerous attempts to obtain an authenticated copy of the  
18 Nooksack Tribal Court of Appeals' September 21, 2016 Order and Judgment Awarding Costs,  
19 Petitioners request this Court enter the Nooksack Tribal Court of Appeals' September 21, 2016  
20 Order and Judgment Awarding Costs as a foreign judgment under UEFJA and Washington law.  
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1 DATED this 12th day of October, 2016.

3 GALANDA BROADMAN, PLLC

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Gabriel S. Galanda, WSBA #30331  
s/ Anthony S. Broadman

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Anthony S. Broadman, WSBA #39508  
s/ Ryan D. Dreveskracht

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