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WHATCOM COUNTY  
WASHINGTON

BY \_\_\_\_\_

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

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

Petitioners,

v.

Nooksack Tribal Court,

Defendant.

NO. 16-2-01663-1

**PETITIONERS' RESPONSE TO THE  
TRIBE'S MOTION TO VACATE  
ORDER DOMESTICATING  
FOREIGN JUDGMENT AND  
QUASH OR BAR EXECUTION AND  
ENFORCEMENT EFFORTS**

Petitioners hereby respond to the Motion to Vacate Order Domesticating Foreign Judgment and Quash or Bar Execution and Enforcement Efforts, which has been filed by the "Nooksack Indian Tribe" and/or the "Nooksack Tribal Court" (collectively, "Tribe").

**I. INTRODUCTION**

The Tribe has moved the Court to vacate the October 21, 2016 Order granting the Petitioners' unopposed Petition for Entry of Foreign Judgment ("Foreign Judgment Order") pursuant to CR 60(b). Motion, Dkt. No. 17. The sole grounds the Tribe identifies in support of its challenge is that the Foreign Judgment Order is void under CR 60(b)(5), and has been reversed or otherwise vacated as contemplated by CR 60(b)(6). *Id.*, at 4. The Tribe also seeks an award of attorneys' fees based on Washington's garnishment statute, Chapter 6.27, RCW. *Id.*, at 9.

PETITIONERS' RESPONSE TO THE TRIBE'S MOTION TO VACATE  
ORDER DOMESTICATING FOREIGN JUDGMENT AND QUASH OR  
BAR EXECUTION AND ENFORCEMENT EFFORTS - 1

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ORIGINAL

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1 The Tribe is not entitled to any of the relief it seeks. As a threshold matter, “the Tribe”  
2 lacks standing to challenge the Court’s entry of the Foreign Judgment Order. Also, the Foreign  
3 Judgment Order is not void for the purposes of CR 60(b). Further, no action has been taken that  
4 legally reverses or vacates the Nooksack Tribal Court of Appeals’ Order and Judgment  
5 Awarding Costs issued on September 21, 2016 (“NTCA Order”)—upon which the Foreign  
6 Judgment Order is based—such that vacature under CR 60(b)(6) would be proper.

7 The Court must therefore dismiss the Tribe’s challenge for lack of jurisdiction on  
8 standing grounds, or alternatively, deny the Tribe’s motion for failure to satisfy CR 60(b).

## 9 II. FACTS

10 On June 28, 2016, the Nooksack Tribal Court of Appeals found Nooksack Tribal Court  
11 Clerk Betty Leathers in contempt of court for failure to comply with previously issued Nooksack  
12 Tribal Court of Appeals orders that instructed her to accept Petitioners’ *pro se* Complaint.  
13 Declaration of Bree Black Horse In Support of Opposition to Motion to Vacate, Ex. A. The  
14 Appeals Court’s June 28, 2016 Order also ordered Nooksack Chief of Police Rory Lee Gilliland  
15 to arrest and jail Ms. Leathers on or before July 6, 2016, if she failed to accept Petitioners’ *pro se*  
16 Complaint. *Id.*

17 On July 25, 2016, the Appeals Court issued another order that directed Mr. Gilliland to  
18 show cause on or before August 3, 2016, why he should not be held in contempt for failure to  
19 comply the June 28, 2016 Order. *Id.* Ex. B. The Appeals Court’s July 25, 2016 Order also  
20 directed Mr. Gilliland to show cause why he should not be sanctioned for failure to comply with  
21 the June 28, 2016 Order. *Id.*

22 On August 15, 2016, the Appeals Court found Mr. Gilliland in contempt and sanctioned  
23 him, and instructed Petitioners to file a fee and cost accounting for purposes of an award against  
24

1 Mr. Gilliland. *Id.*, Ex. C. Petitioners filed their accounting with the Appeals Court on  
2 September 7, 2016. *Id.*, ¶5.

3 On September 21, 2016, the Appeals Court issued the NTCA Order. Judgment  
4 Summary, Dkt. No. 4, at 3. Finding Petitioners’ accounting reasonable, the Appeals Court  
5 thereby entered judgment against Mr. Gilliland in the amount of \$2,790.15. *Id.*

6 The Appeals Court entered the NTCA Order against Mr. Gilliland *only*—not against the  
7 “Nooksack Indian Tribe,” the “Nooksack Tribal Court,” or any other person or entity. *Id.* Katie  
8 Nicoara, the Appeals Court’s Administrative Assistant, emailed a copy of the NTCA Order to  
9 Petitioners, Mr. Gilliland and others that same day. Declaration of Gabriel S. Galanda re  
10 Attempts to Obtain Attestation and Official Seal of Nooksack Tribal Court, Dkt. No. 6, Ex. A.

11 On September 23, 2016, Petitioner Gabriel S. Galanda informed the Appeals Court and  
12 Mr. Gilliland that Petitioners intended to enforcement the NTCA Order in this Court. *Id.*, Ex. B.

13 Shortly after learning that the Petitioners would seek to register the NTCA Order with  
14 this Court, the Nooksack Tribal Council professed to appoint themselves as the new “Nooksack  
15 Supreme Court,” along with two other Nooksack members whose seats on the Tribal Council  
16 expired on March 24, 2016. Declaration of Charity Bernard, Dkt. No. 18, Exs. E, F. The  
17 “Nooksack Tribe” then moved the “Nooksack Supreme Court”—*i.e.*, themselves—to emergently  
18 review and vacate over a dozen orders issued by the Appeals Court between March of 2016 and  
19 September of 2016, including the NTCA Order.<sup>1</sup> Black Horse Declaration in Support of  
20 Opposition to Motion to Vacate, Ex. E.

21 On September 30, 2016, the Tribe filed suit in the Nooksack Tribal Court against the  
22 Appeals Court *qua* Northwest Intertribal Court System (“NICS”), for breach of contract,

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23 <sup>1</sup> The “Nooksack Tribe” filed its Petition for Review with the Nooksack Supreme Court on September 30, 2016.  
24 Black Horse Declaration in Support of Opposition to Motion to Vacate, Ex. E. The Nooksack Tribal Council did  
25 not create the “Nooksack Supreme Court” until October 7, 2016. Declaration of Charity Bernard, Dkt. No. 18, Exs.  
E, F. The “Nooksack Supreme Court” neglected to vacate the Appeals Court’s August 15, 2016 contempt Order that  
gave rise to the NTCA Order. Declaration of Rory Lee Gilliland, Dkt. No. 11, Ex. 2

1 injunctive relief, and specific performance. Declaration of Gabriel S. Galanda re Attempts to  
2 Obtain Attestation and Official Seal of Nooksack Tribal Court, Dkt. No. 6, ¶10. Petitioners are  
3 not a party to that action; neither is Mr. Gilliland.

4 Critically, the Tribe fails to advise this Court that on October 17, 2016, Lawrence S.  
5 Roberts, Principal Deputy Assistant Secretary of Indian Affairs for the United States Department  
6 of the Interior (“AS-IA”), issued a decision to Nooksack Tribal Chairman Robert Kelly and the  
7 “remaining Council members,” confirming that they have no authority to act as or in any way  
8 represent themselves as the Nooksack Indian Tribe:

9 [The United States Department of the Interior] will only recognize those actions  
10 taken by the [Nooksack Tribal] Council prior to March 24, 2016, when a quorum  
11 existed, and **will not recognize any actions taken since that time . . . This  
12 includes actions by you and two Council members to enjoin the authority the  
13 Northwest Intertribal Court System (NICS) . . . we will continue to recognize  
14 judicial decisions issued by the NICS**

15 AS-IA Order; *see* Motion, Dkt. No. 17.

16 AS-IA Roberts, the highest ranking federal Indian affairs official in the Nation, is the sole  
17 authority responsible for “maintaining the Federal-Tribal government-to-government  
18 relationship” and determining who is and is not allowed to carry out acts on behalf of tribal  
19 governments. U.S. Dep’t of Indian Affairs, Assistant Secretary - Indian Affairs, Brief Summary  
20 of the Office of the Assistant Secretary-Indian Affairs, <http://www.bia.gov/WhoWeAre/AS-IA>  
(last accessed Nov. 10, 2016); *Newtok Traditional Council v. Acting Alaska Reg’l Dir.*, 61 IBIA  
21 167, 169, 2015 WL 4946232 (2015).

22 Later that same day, on October 17, 2016, Nooksack Tribal Chairman Robert Kelly and  
23 the “remaining Council members”—holding themselves out as the “Nooksack Supreme Court”  
24 and ignoring the AS-IA Order—granted their own emergency motion to “vacate,” *inter alia*, the  
25 NTCA Order. Declaration of Rory Lee Gilliland, Dkt. No. 11, Ex. 2. However, based on the  
AS-IA Order—and any semblance of how legitimate governments operate—the acts of three

1 Councilpersons and two “has-beens” do not constitute valid governmental action. *See* AS-IA  
2 Order, at 1 (“[T]he [Tribal] Council must have five duly elected officers to take any official  
3 action.”); *see also, e.g., Mulder v. Lundberg*, 154 Fed.Appx. 52 (10th Cir. 2005); *Delorme v.*  
4 *United States*, 354 F.3d 810, 814 n.6 (8th Cir. 2004); *State ex rel. Bd. of Univ. & Sch. Lands v.*  
5 *Alexander*, 718 N.W.2d 2, 5 (N.D. 2006). There exists, therefore, no legitimate legal basis for  
6 the Tribe’s challenge to the Court’s entry of the Foreign Judgment Order.

### 7 III. LAW AND ARGUMENT

#### 8 A. The Tribe Lacks Standing To Challenge The Foreign Judgment Order.

9 The Tribe—not Rory Lee Gilliland—challenges the Court’s entry of the Foreign  
10 Judgment Order. Motion, Dkt. No. 17, at 1. Mr. Gilliland has still failed to appear. Mr.  
11 Armstrong has purported to appear (*see* AS-IA Order), but only on behalf of the “Nooksack  
12 Tribal Court” and the “Nooksack Indian Tribe.” Notice of Appearance Armstrong, Dkt. No. 16.  
13 Because the Foreign Judgment Order only operates against Mr. Gilliland, in his personal  
14 capacity—and not against the Tribe or Tribal Court—the Tribe cannot demonstrate any injury,  
15 and therefore lacks standing to challenge the Foreign Judgment Order. *Branson v. Port of*  
16 *Seattle*, 152 Wn.2d 862, 875 (2004).

17 Without a personal stake in the matter, the Tribe has no standing to challenge the Foreign  
18 Judgment Order. *Postema v. Snohomish Cty.*, 83 Wash.App. 874, 579 (1996). Absent standing,  
19 the Court lacks jurisdiction to even consider the Tribe’s challenge. *High Tide Seafoods v. State*,  
20 106 Wash.2d 695, 701-02 (1986), *appeal dismissed*, 479 U.S. 1073 (1987). Washington courts  
21 apply a two-part test to determine whether a party can establish standing to bring a particular  
22 action. *Branson*, 152 Wn.2d at 875. First, the Court must determine whether the Tribe has  
23 suffered from an injury in fact, economic or otherwise. *Id.*, at 876. Second, the Court must

1 determine whether the interest asserted by the Tribe is within the zone of interests to be protected  
2 by the statute or constitutional guaranty in question. *Id.*, at 875.

3 Here, the Tribe fails to satisfy the first inquiry and therefore lacks standing. *See id.*  
4 Again, the Foreign Judgment Order runs against Mr. Gilliland alone—not the Tribe. *See*  
5 Judgment Summary, Dkt. No. 4. Thus, the Foreign Judgment Order only injures Mr. Gilliland—  
6 not the Tribe. *Branson*, 152 Wn.2d at 876; *Postema*, 83 Wash.App. at 579. The Tribe is without  
7 injury; the Tribe lacks standing. Accordingly, the Court lacks jurisdiction to consider the Tribe’s  
8 challenge. *High Tide Seafoods*, 106 Wash.2d at 701-02.

9 **B. The Tribe Is Not Entitled To Relief Under CR 60(b)(5).**

10 The Tribe claims that the Foreign Judgment Order is void under CR 60(b)(5), appearing  
11 to argue that this Court entered that order without subject matter jurisdiction. Motion, Dkt. No.  
12 17, at 4, 6. Conflating the subject matter jurisdiction of this Court with that of the Nooksack  
13 Tribal Appeals Court, the Tribe misapprehends the proper inquiry under Civil Rule 60(b)(5).  
14 Here, the proper inquiry is whether *this Court*, in entering the Foreign Judgment Order,  
15 possessed subject matter jurisdiction—not whether the Appeals Court possessed subject matter  
16 jurisdiction to issue the NTCA Order. *See* CR 60(b)(5).

17 The Tribe also seems to claim that tribal sovereign immunity was at issue in the  
18 underlying proceeding before the Appeals Court. *Id.*, at 7-8. By failing to appear before the  
19 Appeals Court in response to the Appeals Court’s June 28, 2016 or July 25, 2016 contempt  
20 orders, or Petitioners September 7, 2016 fee accounting, Mr. Gilliland waived any sovereign  
21 immunity objection to the NTCA Order. Nor did Mr. Gilliland appear before this Court to object  
22 to entry of the Foreign Judgment Order.<sup>2</sup> In any event, CR 60(b)(5) does not task this Court with  
23

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24 <sup>2</sup> Petitioners properly served Mr. Gilliland with Notice of Filing of Foreign Judgment. Notice of Filing of Foreign  
25 Judgment, Dkt. No. 3; Proof of Mailing of Notice of Filing of Foreign Judgment to Rory Lee Gilliland, Dkt. No. 8;  
Confirmation of Receipt of Notice of Filing of Foreign Judgment, Dkt. No. 14.

1 analyzing tribal law as it applies at Nooksack. State law instead tasks this Court with analyzing  
2 whether the NTCA Order was proper for registration under Washington’s Uniform Enforcement  
3 of Foreign Judgments Act (“UEFJA”), Chapter 6.36 RCW. The bottom line is that this Court  
4 possessed subject matter jurisdiction to undertake that task, the Court undertook that task, and  
5 tribal sovereign immunity is irrelevant. The Foreign Judgment Order therefore is not void for the  
6 purposes of CR 60(b)(5).

7 CR 60(b)(5) provides that the court may relieve a party from a final judgment or order if  
8 the “judgment is void.” A judgment is void if the court entering the final judgment lacks  
9 jurisdiction over the parties or subject matter, or lacks the inherent power to make or enter the  
10 particular order involved. *Summers v. Dep’t of Revenue for State of Wash.*, 104 Wash.App. 87,  
11 90 (2001). This Court possesses personal jurisdiction over Petitioners and Mr. Gilliland, all  
12 Washington residents and the only parties to the Foreign Judgment Order. *See* Dkt. No. 5.  
13 UEFJA, RCW Chapter 6.36, confers subject matter jurisdiction over the NTCA Order. The  
14 Court thus has both personal and subject matter jurisdiction. The Foreign Judgment Order is  
15 therefore not void, and the Tribe is not entitled to vacature. *Powell v. Sphere Drake Ins. P.L.C.*,  
16 97 Wash.App. 890, 899 (1999).

17 **C. The Tribe Is Not Entitled To Relief Under CR 60(b)(6) Either.**

18 The Tribe also claims that it is entitled to relief from the Foreign Judgment Order per CR  
19 60(b)(6), asserting that the NTCA Order has been vacated by subsequent orders of the  
20 “Nooksack Supreme Court.” Motion, Dkt. No. 17, at 5. As noted above, though, the actions of  
21 the purported “Nooksack Supreme Court” have no legal effect, particularly on the orders issued  
22 by the Nooksack Tribal Court of Appeals via NICS. *See generally* AS-IA Order.

23 This Court must accord substantial deference to the AS-IA Order, to not recognize the  
24 actions of the “Nooksack Supreme Court” and to instead recognize decisions like the NTCA

1 Order issued by NICS as the Nooksack Appeals Court. The AS-IA Order is an agency  
2 determination that is entitled to substantial deference. *Winnemucca Indian Colony v. U.S. ex rel.*  
3 *Dep't of Interior*, No. 3:11-CV-00622-RCJ, 2011 WL 3893905, at \*5 (D. Nev. Aug. 31, 2011)  
4 (citing *Goodface v. Grassrope*, 708 F.2d 335, 338 (8th Cir. 1983)).

5 Substantial judicial deference to agency views is appropriate when an agency  
6 determination is based on heavily factual matters, especially factual matters that are complex,  
7 technical, and close to the heart of the agency's expertise. *Hillis v. Dep't of Ecology*, 131  
8 Wash.2d 373, 396 (1997); *see also Port of Seattle v. Pollution Control Hr'g's Bd.*, 151 Wash.2d  
9 568, 595 (2004) ("It is well settled that due deference must be given to the specialized  
10 knowledge and expertise of an administrative agency.").

11 Again, the question of who is and is not allowed to act on behalf of a tribal government  
12 falls within the specialized knowledge and expertise of AS-IA Roberts. U.S. Dep't of Indian  
13 Affairs, Assistant Secretary - Indian Affairs, Brief Summary of the Office of the Assistant  
14 Secretary-Indian Affairs, <http://www.bia.gov/WhoWeAre/AS-IA> (last accessed Nov. 10, 2016);  
15 *Newtok Traditional Council*. 61 IBIA at 169. Deferring to the AS-IA Order, this Court should  
16 reject the Tribe's request for vacature vis-à-vis any order of the "Nooksack Supreme Court."

17 **D. The Tribe Is Not Entitled To An Award Of Attorneys' Fees.**

18 Rather ironically, the Tribe contends that the Court "should [grant] a[n] award against  
19 petitioners for the fees and costs it has incurred in this matter." Motion, Dkt. No. 17, at 9. The  
20 Court entered the Foreign Judgment Order pursuant to UEFJA, at an Uncontested Resolution  
21 Hearing. Dkt. No. 15. UEFJA does not provide for any fee award. Chapter 6.36, RCW.

22 The Tribe challenges the Foreign Judgment Order pursuant to CR 60. Motion, Dkt. No.  
23 17, at 9. CR 60 likewise does not provide for any fee award. CR 60.



1 The Tribe cites to *Lindgren v. Lindgren*, 58 Wn.App. 588 (1990), *Allstate Ins. v. Khani*,  
2 75 Wn.App. 317 (1994), and RCW 6.27.230 in support of its claim for fees. Motion, Dkt. No.  
3 17, at 9. Both *Lindgren* and *Khani* involved challenges to writs of garnishment issued as a result  
4 of default judgments. 58 Wash.App. at 598; 75 Wash.App. at 327. The fee awards in *Lindgren*  
5 and *Khani* were based on RCW 6.27.230, which applies only to writs of garnishment. *Id.* Here,  
6 the Foreign Judgment Order was entered pursuant to UEFJA—it does not remotely operate as a  
7 writ of garnishment under RCW 6.27.230.

8 No state law supports the Tribe’s claim for attorneys’ fees. The Court must therefore  
9 deny the Tribe’s request.

#### 10 IV. CONCLUSION

11 The Tribe is not entitled to any of the relief it seeks. The Tribe lacks standing to  
12 challenge the Foreign Judgment Order. The Foreign Judgment Order is not void. No action  
13 carrying any legal effect has been taken that reverses or vacates the NTCA Order, upon which  
14 the Foreign Judgment Order is based. Instead, this Court must affirm its October 21, 2016 Order  
15 granting the Petitioners’ unopposed Petition for Entry of Foreign Judgment, and dismiss the  
16 Tribe’s challenge *in toto*.

17 Two alternative proposed Orders accompany this Response.

18 DATED this 14th day of November, 2016.

19 GALANDA BROADMAN, PLLC

20 

21 \_\_\_\_\_  
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WHATCOM COUNTY  
WASHINGTON

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

In re Gabriel S. Galanda, pro se, Anthony S.  
Broadman, pro se, and Ryan D. Dreveskracht,  
  
Petitioners,  
  
v.  
  
Nooksack Tribal Court.,  
  
Defendant.

NO. 16-2-01663-1

**DECLARATION OF BREE R.  
BLACK HORSE IN SUPPORT OF  
OPPOSITION TO MOTION TO  
VACATE**

I, BREE R. BLACK HORSE, say:

1. I am now and at all times herein mentioned, a legal, permanent resident of the United States, over the age of eighteen years, and competent to testify.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Order Finding Betty Leathers in Contempt issued by the Nooksack Tribal Court of Appeals on June 28, 2016.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Order on Motion to Enforce Contempt Order issued by the Nooksack Tribal Court of Appeals on July 25, 2016.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Order on Motion to Enforce Contempt Order issued by the Nooksack Tribal Court of Appeals on August 15, 2016.

5. On September 7, 2016, *pro se* petitioners Gabriel S. Galanda, Anthony S. Broadman, and Ryan D. Dreveskracht filed with the Nooksack Tribal Court of Appeals an accounting of the costs associated with bringing their Motion to Enforce Contempt Order before the Appeals Court on July 12, 2016.

DECLARATION OF BREE R. BLACK HORSE  
IN SUPPORT OF OPPOSITION TO MOTION  
TO VACATE

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COPY

1 6. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiff Nooksack  
2 Indian Tribe’s Petition for Review filed with the Nooksack Supreme Court on September 30,  
3 2016.

4  
5 Signed at Seattle, Washington on this 14th day of November, 2016.

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8 Bree R. Black Horse  
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# **EXHIBIT A**

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

**In re Gabriel S. Galanda, pro se, Anthony  
S. Broadman, pro se, and Ryan D.  
Dreveskracht,**

Petitioners,

v.

**Nooksack Tribal Court.,**

Respondent.

**Court No. 2016-CI-CL-001 & 002**

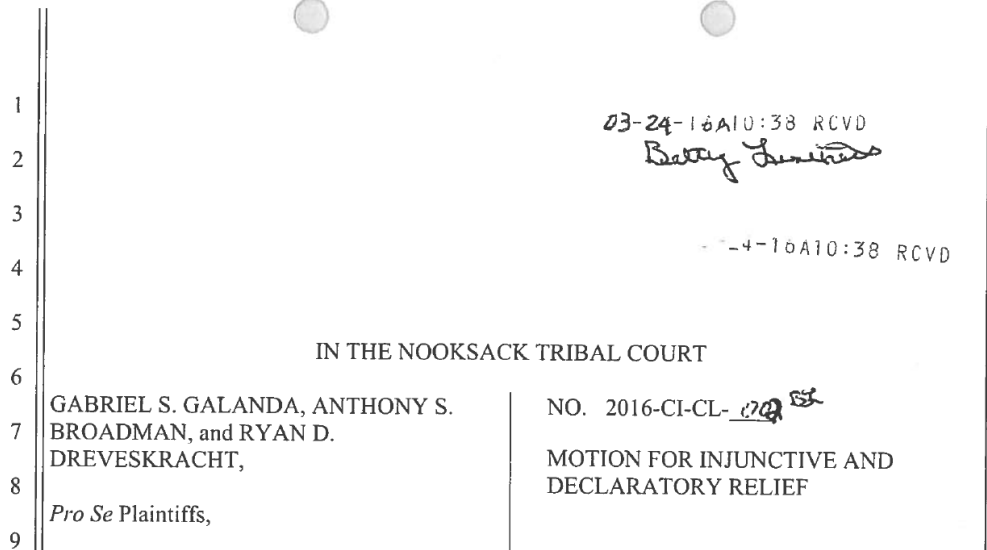
**Order Finding Betty Leathers  
in Contempt**

On February 24<sup>th</sup>, 2016, the Nooksack Tribal Council adopted a resolution that stated, in relevant part, “BE IT RESOLVED, Mr. Galanda and his firm are not fit to practice law in the Nooksack Tribal Court and [are]hereby barred from . . . practicing in the Tribal Court.” Nooksack Tribal Council, Resolution #16-28 (February 24, 2016). This Resolution purports to bar Mssrs. Gabriel S. Galanda, Anthony S. Broadman, Ryan D. Dreveskracht as well as five other members of the Galanda Broadman law firm from practicing law in the Nooksack Tribal Court. Mssrs. Galanda, Broadman and Dreveskracht currently represent more than 300 members of the Nooksack Indian Tribe who are being threaten with disenrollment by the Nooksack Tribal Council in a lawsuit known in the popular press as “the Nooksack 306.”

In the recitals composing the preamble to the Resolution, the Nooksack Tribal Council appears to justify its disbarment of Attorney Galanda by taking issue with a ruling handed down by him while serving as a pro tem judge for the Quinault Tribal Court and by a reference to “numerous other unethical acts before the Nooksack Tribal Court”. *Id.* No recitals attempt to justify barring the other seven Mssrs. from practice before the Nooksack Tribal Court. Mssrs. Galanda, Broadman and Dreveskracht were given no notice that the Tribal Council was intending to take up this Resolution at its meeting on February 24<sup>th</sup>, 2016, nor were they given any opportunity to be heard prior to the Nooksack Tribal Council adopting the Resolution.

Insofar as the process adopted by the Nooksack Tribal Council and the Resolution that it produced possibly violate the due process rights afforded to Mssrs. Galanda, Broadman and Dreveskracht by Title II of the Indian Civil Rights Act, it is hardly surprising that these three Mssrs. subsequently filed a Complaint and a Motion for Injunctive and Declaratory Relief in

Nooksack Tribal Court challenging the action of the Nooksack Tribal Council.<sup>1</sup> The Court Clerk, Betty Leathers, accepted these documents for filing on March 24<sup>th</sup>, 2016 at 10:38. Each document is date-stamped “03-24-16A10:38 RCVD” and signed “Betty Leathers” in the upper righthand corner of its first page. The Court Clerk also assigned a case file number to each document, assigning case file number 2016-CI-CL-001 to the Complaint and case file number 2016-CI-CL-002 to the Motion for Injunctive and Declaratory Relief. That the Court Clerk Betty Leathers assigned these numbers to the two documents is evident both from the fact that she initialed the case file number on the Motion for Injunctive and Declaratory Relief and from the fact that the last three digits of the assigned case file numbers on both documents are written with the same pen and in the same hand that produced Betty Leathers’ signature on each document. Finally, the two shadowy grey circles produced by a two-hole punch at the top of each document suggest that both the Complaint and the Motion for Injunctive and Declaratory Relief were place in a Court case file after being accepted. See the images immediately below.



<sup>1</sup> We do not decide whether there has been a due process violation. That issue is not before us and is properly decided in the first instance by the tribal judge.

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03-24-16A10:38 RCVD  
*Betty Leathers*

IN THE NOOKSACK TRIBAL COURT

GABRIEL S. GALANDA, ANTHONY S.  
BROADMAN, and RYAN D.  
DREVESKRACHT,  
*Pro Se* Plaintiffs,

NO. 2016-CI-CL- 001  
COMPLAINT

Curiously, on April 1<sup>st</sup>, 2016, Mssrs. Galanda, Broadman and Dreveskracht received a letter from the Nooksack Tribal Court returning their Complaint and Motion for Injunctive and Declaratory Relief. The letter stated that “[t]hese documents, which were filed on the day before a Court holiday, are rejected for the following reasons:” It then went on to state three different reasons for the rejection and return of the documents.

This letter is curious for at least three reasons. First, the letter is unsigned. While the letter is written on the stationary of the Nooksack Tribal Court, no one actually signed the letter. Hence, there is no way to tell who actually sent the letter or who is responsible for the letter being sent. Somewhat suspiciously, it is as if whoever is responsible for the letter is attempting to cloak their identity. Second, the letter involves the Tribal Court in an action that is neither customary nor lawful. Once a document has been filed, there is no provision in the Nooksack Tribal Code for returning it. Once a pleading or other document is filed with the Court Clerk, it is pending before the Court and can only be disposed of through judicial action. If a filed pleading is somehow improper, then a judge may dismiss it. If a filed motion is improper, a judge may strike it from the record. In no case can documents accepted for filing be disposed of or returned extrajudicially.

Here, the very letter returning the documents acknowledges that the Complaint and the Motion for Injunctive and Declaratory Relief had already been accepted for filing, that is, had already been filed: it states that the documents “were filed on the day before a Court holiday.” Accordingly, assuming, *arguendo*, that the Complaint was filed improperly, the proper course of action is not for the Tribal Court to return the Complaint, but for the defendants in the action to move the Court to dismiss the Complaint. Similarly, assuming, *arguendo*, that the Motion for Injunctive and Declaratory Relief was accepted for filing improperly, the proper course of action is for the defendants to submit a motion to strike or, perhaps, a memorandum in opposition to the requested relief.

Nor do the recent amendments to Title 10 of the Nooksack Tribal Code alter this conclusion. On April 18<sup>th</sup>, 2016, ten days after the Complaint and Motion for Injunctive and Declaratory Relief had been returned to Mssrs. Galanda, Broadman and Dreveskracht and 55 days

after the two documents had been accepted for filing, the Nooksack Tribal Council adopted a resolution making various amendments to Title 10, Tribal Court System and Court Rules, of the Nooksack Tribal Code. Nooksack Tribal Council, Resolution #16-47 (April 18<sup>th</sup>, 2016). One of these amendments added new section 10.04.030, Review of Filed Documents. This section states that “[t]he clerk is responsible for determining whether a document shall be accepted for filing. A document that fails to comply with the requirements of this Title shall be rejected and returned to the filing party along with a Notice of Rejection stating the basis for the rejection.” It is worth emphasizing that even under this new section 10.04.030, the Court Clerk only has the authority to reject a non-complying document when it is presented for filing. In other words, the Court Clerk has the authority to refuse to accept for filing a non-complying document, but once she has accepted a document for filing, it requires judicial action to dismiss or strike it—the Court Clerk cannot simply remove a document from the file and return it as if it never existed. In the present matter, the Court Clerk did determine “whether the Complaint and Motion for Injunctive and Declaratory Relief shall be accepted for filing.” The second sentence of the letter from the Nooksack Tribal Court dated April 1, 2016—“[t]hese documents, which were filed on the day before a Court holiday . . .”—unequivocally evinces the Court Clerk determined that they should be accepted, and then accepted the documents for filing.

Nor did the Court Clerk err in accepting the Complaint and Motion for Injunctive and Declaratory Relief for filing. The second section of 10.04.030 states that “[a] document that fails to comply with the requirements of this Title shall be rejected and returned to the filing party along with a Notice of Rejection stating the basis for the rejection.” Neither the Complaint, nor the Motion for Injunctive and Declaratory Relief failed to comply with the requirements of Title 10. Title 10 contains three provisions containing requirements with which any document submitted to the Court for filing must comply. Section 10.05.060(a) states that “[u]nless otherwise specified by the judge or in these rules, defenses, motions, arguments, and other requests made to the court have to be in writing.” Both the Complaint and the Motion for Injunctive and Declaratory Relief accepted for filing by the Court Clerk on February 24<sup>th</sup>, 2016 were in writing. Thus, both documents complied with section 10.05.060(a).

Section 10.05.060(b) states, in relevant part, that

All pleadings should be clear and legible and shall contain the name of the court, the names of all parties, the court file number of the case, the signature of the party filing the pleading, or the signature of the party's advocate, and any other information required by these rules.

Both the Complaint and the Motion for Injunctive and Declaratory Relief accepted for filing by the Court Clerk on February 24<sup>th</sup>, 2016 were clear and legible—they were typed documents. Both documents contained the name of the court, the names of all parties, the court file number of the cases, and the signature of the party filing the document—all of the specific information required by this section. Thus, both documents complied with section 10.05.060(b).

Finally, section 10.05.050(g) requires that “[a]ny document submitted for filing for which a filing fee is required must be accompanied by the appropriate fee. The clerk will not accept for



filing any document for which a filing fee is required, without prepayment.” The filing fee for both the Complaint and Motion for Injunctive and Declaratory Relief was paid as required by section 10.05.050(g): the last sentence of the letter from the Nooksack Tribal Court dated April 1, 2016 informs Mssrs. Galanda, Broadman and Dreveskracht that “[a] refund of the filing fees will be processed shortly.” Thus, the Complaint and Motion for Injunctive and Declaratory Relief complied with this section as well. In short, the Court Clerk was correct to accept for both documents for filing because there were no reasons based in Title 10 to reject them: the documents formally complied with Title 10 and the filing fees had been paid.

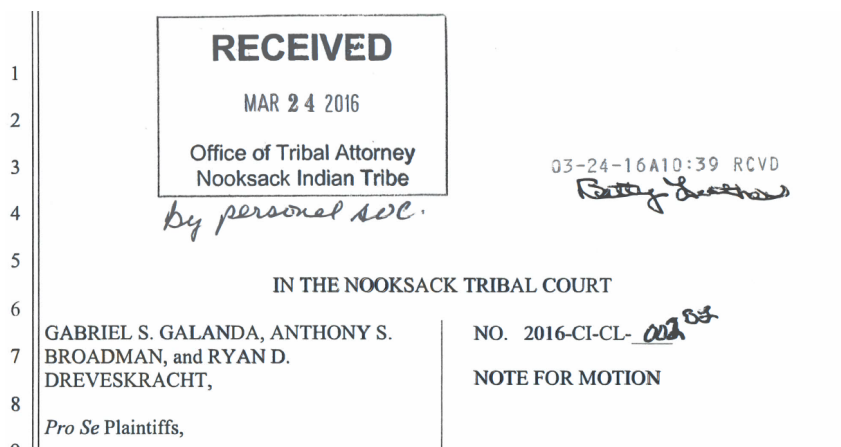
This brings us to the second reason why the letter from the Nooksack Tribal Court returning the Complaint and Motion for Injunctive and Declaratory Relief is so curious. None of the three reasons recited in the letter from the Nooksack Tribal Court dated April 1, 2016 are based in the Nooksack Tribal Code. Indeed, none of the reasons offered stand a moment’s scrutiny. We will consider each in turn.

The first reason that the letter from the Tribal Court offers for returning the Complaint and the Motion for Injunctive and Declaratory Relief is that “[t]he motion and the complaint should not have had two different cause numbers, because they are the same matter.” On its face, this reason is bizarre. As we have already noted, it was the Court Clerk herself, Betty Leathers, who wrote the case file numbers on each of the documents. Betty Leathers wrote “2016-CI-CL-001” on the Complaint and Betty Leathers wrote “2016-CI-CL-002” on the Motion for Injunctive and Declaratory Relief. If a clerical mistake was made, it was Betty Leathers, the Court Clerk, who made the mistake and it was Betty Leathers who had the responsibility for correcting the mistake. This responsibility is clearly placed on the Court Clerk by the Nooksack Tribal Code. Section 10.04.020(a) states that “[o]fficial records of the Tribal Court shall be maintained by the clerk.” Moreover, section 10.05.020(c) states, in relevant part, that “[o]fficial Tribal Court records kept by the clerk are: . . . [a] docket book which shows, for each case filed in Tribal Court, *the case file number*, the parties' names and short description of every document filed and every order issued in the case, including the date of the order or filing.” (emphasis added). If the Court Clerk had mistakenly entered two different case file numbers on the Complaint and the Motion for Injunctive and Declaratory Relief, then it was her duty and within her authority to correct this administrative error. To do this, she simply had to scratch out the second case file number assigned to the Motion in the docket book and enter the case file number already assigned to the Complaint. Then, just to be complete, she needed to enter the case file number that she had assigned to the Complaint on the first page of the Motion for Injunctive an Declaratory Relief, scratching out the case file number that she herself had placed on the Motion and initialed at approximately 10:38 am on February 24<sup>th</sup>, 2016. Instead of making this simply administrative fix, the letter cites the Court Clerk’s own mistake as a reason for returning the Complaint and the Motion for Injunctive and Declaratory Relief to the Petitioners. Needless to say, the first proffered reason is specious, unpersuasive and utterly without merit.

The second reason proffered for returning the documents in the letter from the Nooksack Tribal Court does not even pretend to justify returning the Complaint, but is concerned only with the Motion for Injunctive and Declaratory Relief. The letter states, in relevant part, that

Your Motion was [] improperly noted and will not be set for hearing. Pursuant to NTC 10.05.030(c) [now (d) in amended Title 10], the Court Clerk is charged with setting hearings. For a complaint filed against the Nooksack Indian Tribe or its officers, employees or agents, the answer shall be due within 60 days, exclusive of the day of service, and no hearing may be set until 14 days after the deadline for filing the answer. NTC 10.05.040(b )(i), 10.05.040(f). The earliest a motion could be heard, **if the Complaint had not been rejected**, is 74 days after the date of service of the Complaint on the Tribal employees/agents.

(emphasis and underlining in the original). This first sentence of the quoted paragraph refers to a third document, Note For Motion, accepted for filing on February 24<sup>th</sup>, 2016. Like the Complaint and the Motion for Injunctive and Declaratory Relief, this document was signed by the Court Clerk Betty Leathers, inscribed with a case file number also initialed by Betty Leathers and date-stamped “03-24-16A10:39 RCVD”—having been received and accepted for filing one minute after the other two documents. The letter correctly observes that the proposed date for a hearing on the Motion for Injunctive and Declaratory Relief does not comply with the Nooksack Tribal Code. The hearing date proposed, April 1, 2016, is only 38 days after service on the Tribe and the Nooksack Tribal Code requires a hearing no earlier than 14 days after the deadline for filing an answer. Accordingly, the Note For Motion should have proposed a hearing no earlier than June 6<sup>th</sup>, 2016. See image immediately below.



Nonetheless, for reasons already discussed, it is quite clear that an error in calculating a date for a hearing on a motion does not justify returning the motion, let alone the complaint that commenced the action, as if neither the complaint, nor the motion had ever been filed.

This is especially the case when, as here, the Court Clerk herself is complicit in the error. Under section 10.05.030(d) of the Nooksack Tribal Code, the Court Clerk is responsible for setting the time for a hearing. Section 10.05.030(d) states that “[u]nless otherwise provided in these rules, the court clerk shall set and record the time for trials and other hearings.” It is for this reason that section 10.05.050(e)(i) requires that “[t]he time and date for [a] hearing shall be scheduled in advance by the moving party by contacting the clerk prior to filing the motion.”

Mssrs. Galanda, Broadman and Dreveskracht all signed the Note For Motion and therein state that “[t]he time and date for this hearing was scheduled in advance by contacting the Court.” Even if the movants only consulted with the Court Clerk when presenting the Note For Motion for filing, it was the duty of the Court Clerk to ensure that the date proposed for the hearing met the requirements of the Nooksack Tribal Code. Once the error was discovered, rather than return the Complaint and Motion for Injunctive and Declaratory Relief, the proper remedy was for the Court Clerk to set a hearing date that complied with the requirements of the Nooksack Tribal Code and notify the parties of the change.

The third and final reason that the letter from the Tribal Court proffers Mssrs. Galanda, Broadman and Dreveskracht for returning the Complaint and the Motion for Injunctive and Declaratory Relief is that

You have captioned this matter, and are appearing as, "pro se plaintiffs." However, you also assert in your complaint that each of you are admitted to the practice of law in Washington. The Clerk's Office has sought the advice of legal counsel regarding whether a lawyer who is acting pro se is "practicing in tribal court," prohibited by Resolution #16-28. In the interim, or until such time as the Nooksack Tribal Council takes further action, the Tribal Court is bound by Resolution #16-28 barring you from practicing in Nooksack Tribal Court.

The quoted paragraph does not expressly state the advice sought and received from legal council, but it is clear from the last sentence that it amounted to the claim that a lawyer who represents himself pro se is engaged in the practice of law. Accordingly, the anonymous sender of the letter concludes that Mssrs. Galanda, Broadman and Dreveskracht are barred from proceeding pro se before the Nooksack Tribal Court by Resolution #16-28. This interpretation of the letter is confirmed by a second letter that Mssrs. Galanda, Broadman and Dreveskracht received from the Nooksack Tribal Court dated May 9, 2016 in which the same or another anonymous sender writes

[u]nder Washington's Rules of Professional Conduct, a lawyer who is acting pro se is "representing a client." *In re Discipline of Haley*, 156 Wn.2d 324, 338, 126 P.3d 1262 (2006). Thus, as practicing lawyers, you are each "representing a client" in the *Galanda v. Bernard* and *In re Galanda v. Nooksack Tribal Court and Nooksack Indian Tribe* matters. Your appearance on your own behalf constitutes conduct prohibited by Resolution #16-28.

In the case *In re Disciplinary Proceeding Against Haley*, the Washington Supreme Court held that a lawyer acting pro se is "representing a client" for purposes of RPC 4.2(a). That Rule of Profession Conduct states that “[i]n representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.” The decision does *not* hold that a lawyer who is acting pro se is

practicing law. In fact, just the opposite is true: in the State of Washington, a lawyer who is acting pro se is *not* practicing law. General Rule 24, Definition of the Practice of Law, of the Washington Court Rules states very clearly in section 24(a) that “[t]he practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of *another entity or person(s)* which require the knowledge and skill of a person trained in the law.” (emphasis added). A lawyer who is acting pro se and representing himself is not applying legal principles and judgment with regard to the circumstances or objectives of *another person*. Thus, an attorney who is acting pro se and representing himself is not practicing law as that phrase is defined under Washington law. In defining the practice of law in a manner that excludes an attorney who is acting pro se and representing himself, the State of Washington is following the recommendation of the American Bar Association’s Task Force on the Model Definition of the Practice of Law. That Task Force adopted the following resolution on August 11, 2003:

RESOLVED, That the American Bar Association recommends that every state and territory adopt a definition of the practice of law.

FURTHER RESOLVED, That each state’s and territory’s definition should include the basic premise that the practice of law is the application of legal principles and judgment to the circumstances or objectives of *another person or entity*.

[http://www.americanbar.org/content/dam/aba/migrated/cpr/modeldef/recomm\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/modeldef/recomm_authcheckdam.pdf). (emphasis added). While it is clear from the letters that the Nooksack Tribal Court accepts Washington law as persuasive authority as to what constitutes the practice of law, it is equally clear that the anonymous sender of the two letters has misinterpreted Washington law. Under both Washington law and the recommendation of the American Bar Association, Mssrs. are not engaged in the practice of law when they represent themselves in a lawsuit. If, like the Nooksack Tribal Court in its two anonymously sent letter, we too accept Washington law as persuasive authority regarding the definition of the practice of law, it follows that when Attorneys Galanda, Broadman and Dreveskracht proceed pro se, they are not engaged in the practice of law and, therefore, are not barred by Resolution #16-28 from commencing a lawsuit on their own behalf in the Nooksack Tribal Court. Accordingly, just like the first two reasons discussed above, this third and final reason for returning the Complaint and the Motion for Injunctive and Declaratory Relief to Mssrs. Galanda, Broadman and Dreveskracht is also specious, unpersuasive and wholly without merit.<sup>2</sup>

Just as troubling as the faulty reasoning and the misinterpretations of law embodied in the three specious reasons proffered in the letter from the Nooksack Tribal Court is the attempt of its sender to usurp the judicial function of a tribal judge. It is the exclusive province and role of a tribal judge to interpret the words of the Tribal Council in a resolution relevant to a case pending before the Tribal Court. The administrative personnel of the Tribal Court lack the expertise, power and authority to interpret a Tribal Council resolution or any other tribal law. Interpretations of tribal law that affect the rights and duties of the parties before the Court must be left to a duly

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<sup>2</sup> In her order in *Belmont v. Kelly*, 2014-CI-CL-007, the disbarment issue was addressed and the now terminated tribal judge noted “...the Galanda Broadman attorneys have not lost their right to self-representation in the matter. *Id.* at 14, n. 3.

appointed tribal judge. If a defendant before the Tribal Court believes that a Tribal Council resolution bars the plaintiff's action, then the defendant must make his argument to the Court and the tribal judge will interpret the resolution and rule on the merits of the defendant's position. It is not up to the administrative personnel of the Tribal Court to short-circuit this process and interpret the law for themselves. All lawsuits are contested matters that must be adjudicated by a judge. The role of a court clerk is not to substitute her legal judgment for that of the judge, but to support and assist the judge by managing and coordinating the smooth flow of cases that come before the judge. If an individual seeks to commence a lawsuit in the Tribal Court and presents a complaint for filing, the role of a court clerk is to collect the filing fee and review the document to ensure that it is properly formatted. If the complaint passes that review and the fee is paid, then the court clerk is to accept the complaint for filing. It is not the role of the court clerk to determine if the court has jurisdiction over the subject of the lawsuit, whether the Tribal Court is the proper venue, or to answer any other question of law presented by the lawsuit. Such questions must be left to the judge when properly raised by the parties to the lawsuit.

Compounding the error of usurping the function of a tribal judge, the letter also discloses that the court clerk—apparently recognizing her lack of expertise to interpret Tribal Council Resolution #16-28—sought “the advice of legal council” as to how this Resolution should be interpreted. In doing so, the administrative personnel of the Tribal Court placed an unknown and unaccountable private attorney in the role of a duly appointed tribal judge. That a court clerk or any other administrative personnel of the Tribal Court could so subvert the judicial process of the Court that they are charged with protecting and facilitating is mind-boggling. For all we know, the court clerk could have consulted the attorney for the defendants in a potential lawsuit about whether the plaintiffs should be allowed to file their complaint against the attorney's clients. The perversion of justice that this represents should be patently obvious even to those untrained in the law.

In sum, it is clear from the letter from the Nooksack Tribal Court dated April 1, 2016 that Mssrs. Galanda, Broadman and Dreveskracht's Complaint and Motion for Injunctive and Declaratory Relief were accepted for filing on February 24<sup>th</sup>, 2016. It is also clear that sometime later the Complaint and Motion for Injunctive and Declaratory Relief were removed from their case file and returned to Mssrs. Galanda, Broadman and Dreveskracht under cover of a letter dated April 1, 2016. Finally, it is equally clear that the removal and return of these documents was unlawful and without justification under either the Nooksack Tribal Code or Resolution #16-28 and that the three reasons offered for the removal and return of the documents were specious and wholly without merit.

We thus have a rather curious and unprecedented situation. The letter from the Nooksack Tribal Court dated April 1, 2016 admits that the Complaint of Mssrs. Galanda, Broadman and Dreveskracht was filed on February 24<sup>th</sup>, 2016—the day before a Court holiday—and that the filing fees were paid. Accordingly, under Title 10 of the Nooksack Tribal Code, a lawsuit was commenced and a case file for the matter opened. The improper actions of the Court Clerk in removing the Complaint and returning it to Mssrs. Galanda, Broadman and Dreveskracht does not alter the fact that on February 24<sup>th</sup>, 2016, a lawsuit was commenced and is currently pending before the Nooksack Tribal Court. A bell cannot be unring. Before this lawsuit can proceed,

however, the Complaint and Motion for Injunctive and Declaratory Relief must be returned to their empty case file in the courthouse.

When Mssrs. Galanda, Broadman and Dreveskracht attempted to return the documents to the Court, the Court Clerk acting for the Nooksack Tribal Court refused to accept them. The Court Clerk refused to accept the return of the documents because as explained in the letters from the Nooksack Tribal Court dated April 1, 2016 and May 9, 2016, she believed that Resolution #16-28 prevented her from doing so. On April 6<sup>th</sup>, 2016, believing this to be an obvious error that limited their freedom to pursue their lawsuit, Mssrs. Galanda, Broadman and Dreveskracht filed an interlocutory appeal with this Court. While Mssrs. Galanda, Broadman and Dreveskracht captioned and titled their filing in terms of the relief they sought—a petition for a writ of mandamus directed to the Nooksack Tribal Court—strictly speaking, it was a request for permission to file an interlocutory appeal in the case that was commenced when the Complaint was accepted for filing on February 24<sup>th</sup>, 2016. *See*, Petition for Writ of Mandamus, at 2, n. 1 (where the petitioner’s argue in the alternative that their request be treated as an appeal under Title 80 given their Complaint was returned by the court). Under section 80.03.020 of the Nooksack Tribal Code, “[a]n aggrieved party may seek review of acts of the Nooksack Tribal Court . . . . Permission to file an interlocutory appeal shall be granted only if the Nooksack Tribal Court has committed an obvious error which . . . substantially limits the freedom of a party to act.” Agreeing that in failing to accept the return of the Complaint and Motion for Injunctive and Declaratory Relief, the Nooksack Tribal Court had committed an obvious error that substantially limited the freedom of Mssrs. Galanda, Broadman and Dreveskracht to pursue their lawsuit, on April 25<sup>th</sup>, 2016, this Court accepted the interlocutory appeal and issued a writ of mandamus ordering the Court Clerk to accept the return of the Complaint and Motion for Injunctive and Declaratory Relief or file an answer with this Court on or before May 16<sup>th</sup>, 2016. May 16<sup>th</sup> came and went without the Court Clerk accepting the return of the documents or filing an answer with this Court. Accordingly, on May 26<sup>th</sup>, 2016, this Court ordered that the Court Clerk accept and file all pleadings the Petitioners have presented for filing in this case by June 3, 2016 or show cause by affidavit why we should not find her in contempt and order the Nooksack Chief of Police to hold her in jail until she purges the contempt by filing the pleadings, for willfully failing to comply with our orders. Now June 3<sup>rd</sup> has come and gone, and the Court Clerk has neither accepted the documents nor shown cause by affidavit why we should not find her in contempt of this Court.

While the Court Clerk has not responded to our prior orders, this Court received an unsolicited and unprecedented ex parte letter from the Chairman of the Nooksack Tribal Council on June 2, 2016. In this letter, the Chairman states that he writes on behalf of the Nooksack Indian Tribe and the Nooksack Tribal Court. This Court accepts that his letter is written on behalf of the Nooksack Indian Tribe, but we note that he has no authority to speak for the Nooksack Tribal Court. While the constitutional authority to create the Nooksack Tribal Court is vested in the Tribal Council, the Tribal Council has no role in the day-to-day operations of the Court.<sup>3</sup> This is by constitutional design and is required by the most fundamental principles of due process and an independent judiciary. It ensures that no person—not even the Tribe itself—will be judge in his own cause. We respect the Chairman’s view that the doctrine of tribal sovereign immunity bars

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<sup>3</sup> This is not to deny the important role of the Tribal Council in periodically appointing tribal judges and approving the annual budget for the Tribal Court


the lawsuit commenced by Mssrs. Galanda, Broadman and Dreveskracht in effect challenging the Tribal Council's authority to disbar them under the Nooksack Constitution and Title II of the Indian Civil Rights Act. Rather than communicating his views to this Court, we would advise him to consult with the Tribal Attorney about intervening in the action and filing a motion to dismiss the lawsuit of Mssrs. Galanda, Broadman and Dreveskracht based on a theory of sovereign immunity once the Court Clerk accepts the return of the Complaint and the Motion for Injunctive and Declarative Relief so the case can properly and legally proceed to an initial hearing before the trial division of the Nooksack Tribal Court.

This Court is troubled, however, by two passages in the letter received from the Chairman. The two passages are statements by the Chairman concerning the Court's two prior Orders requiring the Court Clerk to accept the Complaint and related motion of Mssrs. Galanda, Broadman and Dreveskracht or show cause why she should not be held in contempt. The Chairman states that "the Court will do neither" and that "the Tribal Court Clerks will not be accepting the Galanda Broadman documents for filing." This Court fears that these two statements could be read to suggest that the Chairman and the Tribal Council are attempting to improperly influence the course of a lawsuit in which they have an interest and that was properly filed and is currently pending before the Nooksack Tribal Court. While this Court is certain that the Chairman would not deliberately coerce or intimidate the Court Clerks into violating the lawful orders of this Court, it fears that others may not be so generous. To give the appearance of interfering with the proper operation of the Nooksack Tribe's justice system undermines the sovereignty of all tribes across the nation because it suggests to those who would curtail and thwart the progress we have made as Indians over the last forty years that we are still not able to operate an independent judiciary.

IT IS HEREBY ORDERED that having not heard from the Court Clerk, Betty Leathers, as required in our two previous Orders, this Court has no alternative but to find Betty Leathers in contempt. If the contempt is not purged by the Court Clerk accepting the return of the Complaint and Motion for Injunctive and Declaratory Relief from Mssrs. Galanda, Broadman and Dreveskracht on or before July 6<sup>th</sup>, 2016, the Nooksack Chief of Police is ordered to arrest and jail Betty Leathers until such time as the return of the documents from Messrs. Galanda, Broadman and Dreveskracht are accepted by a clerk of the Nooksack Tribal Court and the contempt purged.

It is so ordered, this 28th day of June, 2016, for the panel,

Douglas Nash, Associate Judge  
Eric Nielsen, Chief Judge

  
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Gregory Silverman, Associate Judge

# **EXHIBIT B**



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

**In re Gabriel S. Galanda, pro se, Anthony S.  
Broadman, pro se, and Ryan D.  
Dreveskracht,**

Petitioners.

v.

**Nooksack Tribal Court.,**

Respondent.

**Court No. 2016-CI-CL-002**

**Order on Motion to Enforce Contempt  
Order**

The procedural and substantive facts in this ongoing case are all too familiar with the parties and this Court. The following is merely a brief summary.

On April 25<sup>th</sup>, 2016, this Court accepted petitioners' interlocutory appeal and issued a writ of mandamus ordering the Court Clerk to accept the return of the petitioners Complaint and Motion for Injunctive and Declaratory Relief or file an answer with this Court on or before May 16<sup>th</sup>, 2016. May 16<sup>th</sup> came and went without the Court Clerk accepting the return of the documents or filing an answer with this Court. On May 26<sup>th</sup> this Court ordered that the Court Clerk accept and file all of petitioners' pleadings in this case by June 3<sup>rd</sup> or show cause by affidavit why we should not find her in contempt and order the Nooksack Chief of Police to hold her in jail until she purges the contempt by filing the pleadings. The Court Clerk still did not accept the documents for filing nor show cause by affidavit why we should not find her in contempt. On June 28, 2016, this Court found the Court Clerk in contempt and ordered the Nooksack Chief of Police to hold her in jail until she purged the contempt by filing the pleadings.

On July 12, 2016, petitioners filed with this Court this current Motion to Enforce Contempt Order. The motion is supported by petitioner Galanda's declaration that the Court Clerk has still not accepted the pleadings, and that the Nooksack Chief of Police has failed to comply with our June 28<sup>th</sup> order that the Court Clerk be held in jail until she purges her contempt by filing the pleadings.

In his declaration Galanda has also directed us to recent public statements attributed to the Nooksack Tribe's Chairman that suggest Nooksack Court of Appeals orders are extralegal. Galanda Declaration, Exhibit D (July 11, 2016 article published by the Bellingham Herald purporting to quote the Tribe's Chairman). We do not find the Chairman actually made those statements. If he did we do not know the context in which the statements were made. However, we take this opportunity to remind the Tribe's officials that the mechanism for challenging tribal court orders is through the Tribe's legal processes as mandated by its constitution. If Nooksack

Court of Appeals orders are simply ignored by the Tribe's government officials the Nooksack government ceases to operate under the rule of law and as a result it forfeits (1) its claim to equal status with other sovereign tribes (2) any right to demand other jurisdictions respect Nooksack Tribal Court orders or that other sovereign governments deal with it government to government, and (3) its legal authority to govern the Tribe. The Court Clerk and Nooksack Chief of Police do not have a legal option of refusing to comply with lawful orders issued by a Nooksack court. They have a legal duty to comply with the law and no tribal official is above the law, particularly the Tribe's chief law enforcement officer who has taken an oath to uphold the law.

Despite what other tribal officers do or fail to do, we will not abandon our sworn duty and responsibility to enforce the laws and constitution of the Nooksack Tribe. Thus, we cannot ignore the allegation there has been willful noncompliance with our orders.

Therefore, it is ordered that on or before August 3, 2016, the Nooksack Chief of Police shall show cause in writing and supported by an affidavit or declaration why he should not be held in contempt of this Court and ordered to pay \$1,000.00 per day until he purges the contempt by complying with our June 28<sup>th</sup> Order directing the Court Clerk be jailed until she accepts petitioners filings.

It is further ordered that the Chief of Police shall show cause why he should not be sanctioned for failing to comply with our June 28<sup>th</sup> Order by paying petitioners' reasonable costs and other fees incurred in bringing this motion.

The Chief of Police shall submit the response by mail to the Northwest Indian Court System (NICS) administrator at 20818 - 44th Avenue West, Suite 120, Lynnwood, WA 98036-7709.

It is so ordered, this 25 day of July, 2016, for the panel,

Douglas Nash, Associate Judge  
Gregory Silverman, Associate Judge



Eric Nielsen, Chief Judge

# **EXHIBIT C**

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

**In re Gabriel S. Galanda, pro se, Anthony S.  
Broadman, pro se, and Ryan D.  
Dreveskracht,**

Petitioners,

v.

**Nooksack Tribal Court.,**

Respondent.

**Court No. 2016-CI-CL-002**

**Order on Motion to Enforce Contempt  
Order**

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On July 25, 2016, we entered the following order:

“...that on or before August 3, 2016, the Nooksack Chief of Police shall show cause in writing and supported by an affidavit or declaration why he should not be held in contempt of this Court and ordered to pay \$1,000.00 per day until he purges the contempt by complying with our June 28<sup>th</sup> Order directing the Court Clerk be jailed until she accepts petitioners filings.

It is further ordered that the Chief of Police shall show cause why he should not be sanctioned for failing to comply with our June 28<sup>th</sup> Order by paying petitioners’ reasonable costs and other fees incurred in bringing this motion.

The Nooksack Chief of Police, like the Court Clerk, has failed to comply with our order. We are forced to find the Nooksack Chief of Police in contempt. We find it astounding that the Chief of Police, who is sworn to enforce the law, would so blatantly violate his duty by ignoring a lawful order of the Nooksack Court. That both the Court Clerk and Chief of Police have failed to comply with our orders without offering any reason makes us fearful that at Nooksack the rule of law is dead.

Therefore, it is ordered that the Nooksack Chief of Police shall pay a sanction of \$1,000.00 per day beginning August 4, 2016 until such time as he purges the contempt by complying with our July 28<sup>th</sup> Order. He is also ordered to pay petitioners reasonable costs for bringing the motion leading to our July 28<sup>th</sup> Order. Petitioners shall file with this Court an accounting of their costs on or before August 20, 2016.

We also find that petitioners have likely exhausted the remedies this Court can provide on the issue that is the subject of these orders.<sup>1</sup>

It is so ordered, this 5 day of August, 2016, for the panel,

Douglas Nash, Associate Judge  
Gregory Silverman, Associate Judge



Eric Nielsen, Chief Judge

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<sup>1</sup> We note that petitioner Galanda filed a response to our order on August 4, 2016. The response is replete with pejoratives and sarcasm. While we sympathize with his frustration at the turn of events this litigation has taken, it is no reason to abandon professionalism.

# **EXHIBIT D**

RECEIVED

OCT 11 2016

Galanda Broadman PLLC

IN THE SUPREME COURT OF THE NOOKSACK TRIBE OF INDIANS

In re: Orders Entered by Nooksack Tribal  
Court of Appeals After May 30, 2015

No.

NOOKSACK INDIAN TRIBE,

PLAINTIFF NOOKSACK  
INDIAN TRIBE'S PETITION  
FOR REVIEW

Petitioner.

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I. PETITION FOR REVIEW

The Petitioner, the Nooksack Indian Tribe, by and through the Office of Tribal Attorney,  
submits this Petition for Review, in compliance with Titles 10 and 80 of the Nooksack Tribal  
Code.

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**A. Name of Parties.**

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|----|---|----|---|
| 1. | Nooksack Indian Tribe<br>c/o Office of Tribal Attorney<br>P.O. Box 63<br>Deming, WA 98244<br>(360) 592-4158<br>(360) 592-2227<br><a href="mailto:armstrong@nooksack-nsn.gov">armstrong@nooksack-nsn.gov</a> | 2. | Gabriel Galanda, pro se<br>Anthony Broadman, pro se<br>Ryan Drevaskratch, pro se<br>8606 35 <sup>th</sup> Avenue NE, Ste. L1<br>P.O. Box 15146<br>Seattle, WA 98115 |
|    |   | 3. | Michelle Roberts, pro se and<br>as representative for parties to the<br>named decisions<br>4732 False Creek Rd.<br>Deming, WA 98244                                 |

**B. Date and Nature of Decision Appealed, including Case Number.**

Petitioner, the Nooksack Indian Tribe (the "Tribe"), by and through Rickie W. Armstrong, Office of Tribal Attorney, seeks review of the following orders issued by the Court of Appeals, in their entirety:

	Case Number	Date of Decision	Nature of Decision
1.	2016-CI-APL-002 <i>Belmont v. Kelly</i>  (Judges Nash, Nielsen, and Silverman)	3/22/2016	Order Denying NIT's Permission for Interlocutory Appeal
2.	2016-CI-CL-001 & 002 <i>In re Galanda</i>  (Judges Nash, Nielsen, and Silverman)	4/25/2016	Order re: Petition for Writ of Mandamus



	Case Number	Date of Decision	Nature of Decision
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2	3. 2016-CI-APL-002 <i>Belmont v. Kelly</i> (Judges Nash, Nielsen, and Silverman)	4/26/2016	Order Dismissing NIT's Appeal
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5	4. 2016-CI-CL-001 & 002 <i>In re Galanda</i> (Judges Nash, Nielsen, and Silverman)	5/24/2016	Order re: Written Responses to April 25, 2016 Order on Petition for Writ of Mandamus
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7			
8	5. 2016-CI-CL-001 & 002 <i>In re Galanda</i> (Judges Nash, Nielsen, and Silverman)	5/27/2016	Order re: Second Petition for Writ of Mandamus
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10	6. 2016-CI-CL-001 & 002 <i>In re Galanda</i> (Judges Nash, Nielsen, and Silverman)	6/28/2016	Order Finding Betty Leathers in Contempt
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12			
13	7. 2016-CI-APL-002 <i>Belmont v. Kelly</i> (Judges Nash, Nielsen, and Silverman)	6/28/2016	Order Re: the Petition for Writ of Mandamus
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16	8. 2016-CI-CL-001 & 002 <i>In re Galanda</i> (Judges Nash, Nielsen, and Silverman)	7/25/2016	Order on Motion to Enforce Contempt Order
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19	9. 2016-CI-CL-002 <i>In re Galanda</i> (Judges Nash, Silverman, and Nielsen)	8/15/2016	Order on Motion to Enforce Contempt Order
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21	10. 2016-CI-APL-002 <i>Belmont v. Kelly</i> (Judges Nash, Nielsen, and Silverman)	8/29/2016	Order Denying Motion to Expand Jurisdiction
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	Case Number	Date of Decision	Nature of Decision
11.	2016-CI-CL-007 <i>Belmont v. Kelly</i>  (Judges Nash, Nielsen, and Silverman)	9/21/2016	Order Granting Requests to Join April 15, 2016 Motion and be Subject to June 28, 2016 Order
12.	2016-CI-CL-001 & 002 <i>In re Galanda</i>  (Judges Nash, Nielsen, and Silverman)	9/21/2016	Order Re: Plaintiffs' Second Motion for Show Cause Order Re: PSJ, Contempt, Mandamus
13.	2016-CI-CL-001 & 002 <i>In re Galanda</i>  (Judges Nash, Nielsen, and Silverman)	9/21/2016	Order and Judgment Awarding Costs
14.	2016-CI-CL-002 <i>In re Galanda</i>  (Judges Nash, Nielsen, and Silverman)	9/22/2016	Second Amended Order Granting Requests to Join April 15, 2016 Motion and be Subject to June 28, 2016 Order

**C. Decision or Parts of Decision Subject to Review.**

The Tribe seeks review of each of the above identified decisions in their entirety. There, the Court of Appeals has committed an obvious error which would render further proceedings useless and committed probable error and the decision of the Court of Appeals substantially alters the status quo or substantially limits the freedom of a party to act. N.T.C. Title 80.13.020.

**D. Error of Fact, Law or Procedure Error Claimed, and Effect on Case or Decision.**

Each of the identified orders suffer from the same infirmities – they are void. A party

1 may attack an order directly on appeal, or in a collateral proceeding if it is absolutely void, not  
2 merely erroneous. *Bresolin v. Morris*, 86 Wn.2d 241, 245, 543 P.2d 325 (1975), citing *State ex*  
3 *rel. Ewing v. Morris*, 120 Wn. 146, 207 P. 18 (1922); *State v. Lew*, 25 Wn.2d 854, 172 P.2d 289  
4 (1946); *State ex rel. Superior Court v. Sperry*, 79 Wn.2d 69, 483 P.2d 608 (1971).

5 Each of the orders identified above were issued from a judge (or judges) without  
6 authority to act. All actions taken by a judge without authority to act are null and void. See  
7 *National Bank of Washington v. McCrillis*, 15 Wn.2d 345, 359, 130 P.2d 901 (1942). Further,  
8 each of the orders is also void because the issuing court lacked jurisdiction to enter the order. A  
9 judgment is void where the court lacks jurisdiction of the parties or the subject matter or lacks  
10 the inherent power to enter the particular order involved. *Dike v. Dike*, 75 Wn.2d 1, 448 P.2d  
11 490 (1968); see *State v. Alter*, 67 Wn.2d 111, 406 P.2d 765 (1965); cf. *Bergren v. Adams County*,  
12 8 Wn. App. 853, 509 P.2d 661 (1973); see, also, *In re Damian V.*, 197 Cal. App. 3d 933, 938,  
13 243 Cal. Rptr. 185, 188 (1988).

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16 **E. Request for Stay.**

17 The Tribe seeks a stay from enforcement for each of the orders identified above. N.T.C.

18 Title 80.15.010 states:

19 A petitioner may include in his or her Petition for Review a request for  
20 stay of the judgment or order for which review is sought. If the Supreme  
21 Court accepts review of the matter, the notice from the Court shall indicate  
22 whether the Court has granted a stay, and under what conditions.

22 Pursuant to N.T.C. Title 80.06.020(a), the court, “[i]n its discretion and on such conditions for  
23 the security of the adverse party as are proper, the Court may stay the execution of or any  
24 proceedings to enforce an order or judgment pending the disposition of the appeal, upon such  
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1 terms as are just.” Further “The power to stay proceedings is incidental to the power inherent in  
2 every court to control the disposition of the causes on its docket with economy of time and effort  
3 for itself, for counsel, and for litigants. How this can best be done calls for the exercise of  
4 judgment, which must weigh competing interests and maintain an even balance.” *Landis v. North*  
5 *American Co.*, 299 U.S. 248, 254–255, (1936). This power is memorialized in tribal law at  
6 N.T.C. Title 10.03.040. Here, the Court of Appeals, a court without jurisdiction to issue the  
7 orders identified above, has issued various orders which place the Tribe, and its employees,  
8 freedom and property in jeopardy. Here, a stay is necessary in order to order to preserve the  
9 status quo.

10 The Court of Appeals has issued no fewer than fourteen (14) void orders. Significantly,  
11 on April 25, 2016, the Court of Appeals demanded that Ms. Leathers accept for filing certain  
12 documents in violation of tribal law. *Order Re: Petition for Writ of Mandamus* at 6. When Ms.  
13 Leathers failed to file documents in violation of tribal law, the Court of Appeals, in its “Order  
14 Finding Betty Leathers in Contempt”, demanded the Chief of Police arrest and jail Ms. Leathers,  
15 the Tribal Court Clerk until such time the Tribal Court accepted the same documents for filing.  
16 *Id.* at 11 (June 28, 2016).

17 On August 15, 2016, the Court of Appeals then issued orders placing a Tribal employee’s  
18 property in jeopardy. In the Court of Appeals “Order Re: Motion to Enforce Contempt Order”,  
19 the Court began fining the Chief of Police \$1,000.00 per day until his arrest and jailing of Ms.  
20 Leathers for her refusal to file documents in violation of the Court of Appeals’ void order. *Id.* at  
21 1. Further, the Court ordered that the Chief of Police pay the petitioners reasonable costs for  
22 bringing the motion. *Id.* Finally, on September 21, 2016, the Court of Appeals issued an “Order  
23 and Judgment Awarding Costs”, entering a judgment against the Chief of Police in the amount of  
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1 \$2,790.15 in favor of the underlying petitioners. The petitioners in the underlying case have  
2 since taken actions to enforce the Order and Judgment Awarding Costs.


3 Here, absent an immediate stay, the Tribal Court Clerk is subject to immediate arrest and  
4 detention, and, the Chief of Police's personal property is subject to execution at any time. This  
5 Court is empowered to enter a stay pursuant to N.T.C. 80.15.010. This power must be exercised  
6 immediately in order to prevent the incarceration and potential loss of personal property to  
7 various tribal employees.

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9 **F. Request of Waiver of Costs, if applicable.**

10 Pursuant to N.T.C. 10.05.090, costs shall not be imposed on the Nooksack Tribe or any  
11 agency or branch of the Tribe. If there are any costs associated with preparing the record, those  
12 costs cannot be imposed, or alternatively, they should be waived.  
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16 RESPECTFULLY SUBMITTED THIS 30<sup>th</sup> DAY OF SEPTEMBER 2016.

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18 NOOKSACK INDIAN TRIBE  
19 OFFICE OF TRIBAL ATTORNEY

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22 \_\_\_\_\_  
23 Rickie Wayne Armstrong, WSBA # 34099  
24 Tribal Attorney  
25 P.O. Box 63  
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(360) 592-2227  
rarmstrong@nooksack-nsn.gov

FILED  
COUNTY CLERK

2016 NOV 14 AM 9:46

WHATCOM COUNTY  
WASHINGTON

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

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

Petitioners,

v.

Nooksack Tribal Court.,

Defendant.

NO. 16-2-01663-1

**[PROPOSED] ORDER DISMISSING  
THE NOOKSACK INDIAN TRIBE'S  
MOTION TO VACATE ORDER  
DOMESTICATING FOREIGN  
JUDGMENT AND QUASH OR BAR  
EXECUTION AND ENFORCEMENT  
EFFORTS**

This matter came before the Court on the Nooksack Indian Tribe's Motion to Vacate Order Domesticating Foreign Judgment and Quash or Bar Execution and Enforcement Efforts pursuant to CR 60(b). Dkt. No. 17. This Court held a hearing regarding the matter on November 18, 2016. Having considered the Motion, the Response in opposition, and the files and records herein, and this Court being fully advised, hereby finds and orders as follows:

**I. FINDINGS**

1. The Nooksack Indian Tribe can demonstrate no injury resulting from the Court's Order granting Petitioners' unopposed Petition for Entry of Foreign Judgment, Dkt. No. 15, on October 21, 2016. The Nooksack Indian Tribe therefore lacks standing to challenge that Order of this Court. As such, the Court lacks jurisdiction to consider the Nooksack Indian Tribe's Motion to Vacate Order Domesticating Foreign Judgment and Quash or Bar Execution and Enforcement Efforts. The Nooksack Indian Tribe therefore is not entitled to any relief under CR 60(b)(6).

2. The Nooksack Indian Tribe entitled to any award of attorneys' fees pursuant to the Uniform Enforcement of Foreign Judgments Act, Chapter 6.36 RCW, or CR 60(b).

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1 **II. ORDER**

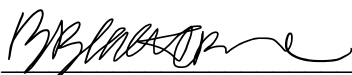
2 The Nooksack Indian Tribe’s Motion to Vacate Order Domesticating Foreign Judgment  
3 and Quash or Bar Execution and Enforcement Efforts pursuant to CR 60(b), Dkt. No. 17, is  
4 hereby **DISMISSED** for lack of jurisdiction because the Nooksack Indian Tribe lacks standing  
5 to challenge this Court’s Order granting Petitioners’ unopposed Petition for Entry of Foreign  
6 Judgment. Dkt. No. 15. The Court’s Order granting Petitioners’ unopposed Petition for Entry  
7 of Foreign Judgment issued on October 21, 2016, is hereby **AFFIRMED**.

8 DONE IN OPEN COURT this 18th day of November, 2016

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Honorable Judge Ira J. Uhrig  
11 Superior Court Judge

12 Presented by:  
13 GALANDA BROADMAN, PLLC  
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15 

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Bree R. Black Horse, WSBA #47803  
16 Attorney for Petitioners  
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2016 NOV 14 AM 9:46

WHATCOM COUNTY  
WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM \_\_\_\_\_

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

Petitioners,

v.

Nooksack Tribal Court.,

Defendant.

NO. 16-2-01663-1

**[PROPOSED] ORDER DENYING  
THE NOOKSACK INDIAN TRIBE'S  
MOTION TO VACATE ORDER  
DOMESTICATING FOREIGN  
JUDGMENT AND QUASH OR BAR  
EXECUTION AND ENFORCEMENT  
EFFORTS**

This matter came before the Court on the Nooksack Indian Tribe's Motion to Vacate Order Domesticating Foreign Judgment and Quash or Bar Execution and Enforcement Efforts pursuant to CR 60(b). Dkt. No. 17. This Court held a hearing regarding the matter on November 18, 2016. Having considered the Motion, the Response in opposition, and the files and records herein, and this Court being fully advised, hereby finds and orders as follows:

**I. FINDINGS**

1. This Court possesses personal jurisdiction over Petitioners and Mr. Gilliland, and subject matter jurisdiction to register a foreign judgment pursuant to the Uniform Enforcement of Foreign Judgments Act, Chapter 6.36 RCW.

2. The Court's Order granting Petitioners' unopposed Petition for Entry of Foreign Judgment issued on October 21, 2016, is not void under CR 60(b)(5). The Nooksack Indian Tribe, therefore, is entitled to no relief pursuant to CR 60(b)(5).

3. This Court accords substantial deference to the October 17, 2016 decision of Lawrence S. Roberts, Principal Deputy Assistant Secretary of Indian Affairs for the United States Department of the Interior, to not recognize as lawful or carrying any legal effect the

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1 actions or decisions of the Nooksack Tribal Council after March 24, 2016, including any action  
2 or decision to create the “Nooksack Supreme Court” or any action or decision of “Nooksack  
3 Supreme Court.” This Court, therefore, does not recognize any such post-March 24, 2016  
4 actions or decisions.

5 4. Further, according such deference to the Principal Deputy Assistant Secretary of  
6 Indian Affairs’ October 17, 2016 decision, this Court continues to recognize judicial decisions  
7 issued by the Nooksack Tribal Court of Appeals by and through the Northwest Intertribal Court  
8 System, including its September 21, 2016 Order and Judgment Awarding Costs.

9 5. This Court’s October 21, 2016 Order and Judgment Awarding Costs is not  
10 vacated or reversed per CR 60(b)(6). The Nooksack Indian Tribe, therefore, is not entitled to  
11 any relief under CR 60(b)(6).


12 6. The Nooksack Indian Tribe is not entitled to any award of attorneys’ fees  
13 pursuant to the Uniform Enforcement of Foreign Judgments Act, Chapter 6.36 RCW, or CR  
14 60(b).

15 **II. ORDER**

16 The Nooksack Indian Tribe’s Motion to Vacate Order Domesticating Foreign Judgment  
17 and Quash or Bar Execution and Enforcement Efforts is hereby **DENIED**. The Court’s Order  
18 granting Petitioners’ unopposed Petition for Entry of Foreign Judgment issued on October 21,  
19 2016, is hereby **AFFIRMED**.

20 DONE IN OPEN COURT this 18th day of November, 2016

22 \_\_\_\_\_  
Honorable Judge Ira J. Uhrig  
Superior Court Judge

23 Presented by:  
24 GALANDA BROADMAN, PLLC  
  
25 \_\_\_\_\_  
Bree R. Black Horse, WSBA #47803  
Attorney for Petitioners

**CERTIFICATE OF SERVICE**

I, Bree R. Black Horse, declare as follows:

I am now and at all times herein mentioned a legal and permanent resident of the United States and the State of Washington, over the age of eighteen years, not a party to the above-entitled action, and competent to testify as a witness.

I am employed with the law firm of Galanda Broadman PLLC, 8606 35th Ave. NE, Suite L1, Seattle, WA 98115.

On November 14, 2016, I mailed via U.S. Mail the foregoing document upon:

Rickie Wayne Armstrong  
Tribal Attorney  
Nooksack Office of Tribal Attorney  
P.O. Box 63  
Deming, Washington 98244  
Attorney for Nooksack Indian Tribe and Nooksack Tribal Court

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

Signed at Seattle, Washington, this 14th day of November, 2016.

  
\_\_\_\_\_  
Bree R. Black Horse