

Pursuant to 28 U.S.C. § 1331 and Fed. R. Civ. P. 22, Plaintiffs First Interstate BancSystem, Inc. and First Interstate Bank (collectively “First Interstate”), states as follows for their claim of interpleader against the Defendants:

I. PARTIES

1. This is a civil action in the nature of interpleader seeking a determination by the Court of the authorized party to disburse funds maintained by First Interstate.

2. First Interstate BancSystem, Inc. is a corporation incorporated under the laws of Montana with its principal place of business in Montana and is the holding company of First Interstate Bank.

3. First Interstate Bank is a bank organized under the laws of Montana with its principal place of business in Montana.

4. Upon information and belief, Defendant Alvin Not Afraid Jr. may have an interest in this matter as the Chairman of the Crow Tribe of Indians.

5. Upon information and belief, Defendant Carlson Goes Ahead may have an interest in this matter as the Vice Chairman of the Crow Tribe of Indians.

6. Upon information and belief, Defendant Rudolph Knute Old Crow may have an interest in this matter as the Secretary of the Crow Tribe of Indians.

7. Upon information and belief, Defendant Ronald Arneson may have an interest in this matter as the Attorney General of the Crow Tribe of Indians.

8. Upon information and belief, Defendant Frank White Clay may have an interest in this matter as the Speaker of the House of the Crow Tribe Legislative Branch.

9. Upon information and belief, Defendant Shawn Back Bone may have an interest in this matter as the Vice Secretary of the Crow Tribe of Indians.

10. Upon information and belief, Defendant Crow Tribe of Indians (“Tribe”) may have an interest in this matter due to the Tribe’s ownership interests in the funds held by First Interstate.

II. JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this interpleader action pursuant to 28 U.S.C. § 1331 because First Interstate seeks an adjudication of a claim that the defendants have threatened to assert against First Interstate, which would arise under federal law. *See Morongo Band of Mission Indians v. California State Bd. of Equalization*, 858 F.2d 1376, 1384-85 (9th Cir. 1988).

12. Venue is proper in the District of Montana under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in Montana. This case is properly filed in the Billings Division under Local Rule 1.2(c)(1).

III. THE DISPUTE

13. First Interstate maintains deposit accounts of the Tribe. At least some of these accounts contain federal and state funds.

14. On or about January 3, 2019, Vice Chairman Goes Ahead and Vice Secretary Back Bone filed a petition seeking to recall Chairman Not Afraid and Secretary Old Crow, alleging a misuse of tribal funds and abuse of authority.

15. Under the Crow Constitution and By-laws for the Crow Tribe of Indians, an executive branch official can be removed upon a petition, signed by the remaining executive branch officials, which receives at least a two-thirds vote of the Tribe's general council. The general council is comprised of all members of the Tribe who are eligible to vote.

16. The petition filed on or about January 3, 2019, called for a recall vote to take place during the general council's meeting on January 19, 2019.

17. On or about January 18, 2019, Chairman Not Afraid and Secretary Old Crow filed a complaint and motion for temporary restraining order in the Crow Tribal Civil Court against Vice Chairman Goes Ahead and Vice Secretary Back Bone.

18. On or about January 19, 2019, the Crow Tribal Civil Court granted the motion for a temporary restraining order, which, among other things, restrained Vice Chairman Goes Ahead and Vice Secretary Back Bone from performing tribal

government functions or assuming or occupying the Chairman's "position, title or duty and or financial signature authority" and maintained the status quo as of January 18, 2019. A true and correct copy of the Temporary Restraining Order is attached as Exhibit A.

19. The Tribe's general council held a recall vote on or about January 19, 2019, which purportedly removed Chairman Not Afraid and Secretary Old Crow from their respective positions in the Crow Tribal Executive Branch.

20. On or about January 22, 2019, the Crow Tribe Legislative Branch swore in Goes Ahead as the Tribe's new Chairman and Back Bone as the new Secretary.

21. On January 24, 2019, First Interstate received a letter via electronic mail from Speaker White Clay, Goes Ahead, and Back Bone requesting that First Interstate temporarily suspend the Tribe's accounts until new signature cards for Goes Ahead and Back Bone could be executed. A true and correct copy of the January 24, 2019 letter is attached as Exhibit B.

22. In response to the January 24, 2019 letter from Speaker White Clay, Goes Ahead, and Back Bone, First Interstate suspended all of the Tribe's accounts on or about January 25, 2019.

23. On January 28, 2019, First Interstate received a letter from Not Afraid asserting that the recall election that removed him as Chairman was illegitimate

and demanding that First Interstate recognize his authority as Chairman and authorize his financial transactions with First Interstate on behalf of the Tribe. Not Afraid stated that if First Interstate did not recognize his signing authority, he would “seek damages from the bank and also seek damages on behalf of third parties that are harmed by the bank’s actions.” A true and correct copy of the January 28, 2019 letter from Not Afraid is attached as Exhibit C.

24. Also, on January 28, 2019, First Interstate received a letter from Attorney General Arneson requesting that First Interstate immediately remove the suspension placed on the Tribe’s accounts with First Interstate, and alleging that First Interstate acted “unlawfully.” In addition, Attorney General Arneson represented that Not Afraid was the legitimate Chairman of the Tribe and the legal signatory on the Tribe’s accounts with First Interstate. A true and correct copy of Attorney General Arneson’s January 28, 2019 letter is attached as Exhibit D.

25. On January 29, 2019, the Crow Tribal Civil Court extended its January 18, 2019 restraining order against Goes Ahead and Back Bone. A true and correct copy of the January 29, 2019 Extension of Temporary Restraining Order is attached as Exhibit E.

26. On January 30, 2019, counsel for First Interstate delivered to the Defendants a letter informing the parties that First Interstate would respect the Crow Tribal Civil Court’s extension of temporary restraining order against Goes

Ahead and Back Bone. A true and correct copy of First Interstate's January 30, 2019 letter is attached as Exhibit F.

27. On January 30, 2019, pursuant to the Crow Tribal Civil Court's extension of temporary restraining order, First Interstate removed the suspension of the Tribe's accounts, thereby permitting Not Afraid as authorized signer to draw upon the Tribe's accounts as the Tribe's putative Chairman.

28. On January 31, 2019, counsel for First Interstate received an electronic mail message entitled "Notice of Impropriety" from counsel for the Crow Tribe Legislative Branch alleging that tribal funds are being taken from tribal accounts "without proper permission," asserting that First Interstate's January 30 letter that First Interstate would comply with the Tribal Court's order "has led directly to this looting of the Tribe's accounts occurring right now," and informing First Interstate that the Legislative Branch would "exercise all options available to it, up to and including filing in the District of Montana" to prevent First Interstate from allowing Not Afraid to draw on the Tribe's accounts with First Interstate. In addition, counsel for the Legislative Branch asserted that the Crow Tribal Civil Court's temporary restraining order "is being challenged for the ludicrousness that it is." A true and correct copy of the Legislative Branch's January 31, 2019 email is attached as Exhibit G.

29. Given the substantial uncertainty as to which of the Tribe's officials are duly authorized to draw upon the Tribe's accounts, First Interstate again suspended all of the Tribe's accounts on January 31, 2019.

30. On February 1, 2019, counsel for First Interstate received a letter from Speaker White Clay, alleging that First Interstate is "abetting the looting of tribal moneys" and demanding a freeze on the Tribe's accounts. A true and correct copy of Speaker White Clay's February 1, 2019 letter is attached as Exhibit H.

31. The Tribe's deposit accounts contain funds in the approximate amount of \$2,459,532.05 ("Tribal Funds"). A true and correct copy of a summary of the Tribe's accounts with First Interstate is attached as Exhibit I.

32. The Tribal Funds are subject to conflicting claims and demands of the Defendants.

33. The conflicting claims and demands upon the Tribal Funds subject First Interstate to the risk of multiple lawsuits and liabilities.

34. First Interstate asserts no ownership claim in the Tribal Funds, but merely holds the Tribal Funds

35. First Interstate is unable to determine who are the authorized signers on the accounts holding the Tribal Funds.

IV. RELIEF SOUGHT

WHEREFORE, First Interstate requests an order of the Court:

1. Ordering First Interstate to pay the Tribal Funds in the amount of \$2,459,532.05 into the Court;
2. Dismissing First Interstate from all liability to Defendants thereafter;
3. Requiring Defendants to interplead their claims and settle their rights among them, if any, to the Tribal Funds.
4. Releasing First Interstate after payment as the Court directs from all further liability to any party with respect to the Tribal Funds;
5. Restraining Defendants and each of them from initiating any suits against First Interstate;
6. Awarding First Interstate its costs and attorneys' fees; and
7. Awarding First Interstate any other and further relief the Court may deem just.

Dated this 1st day of February, 2019.

/s/ John D. Sullivan

Shane P. Coleman
John D. Sullivan
Holland & Hart LLP

ATTORNEYS FOR PLAINTIFFS