

Re: ITMO C.R., Native Village of Selawick

From: Jim Davis (jdavis@njp-law.com)
To: walleri@gci.net
Cc: stevenh@alaskalaw.com; samanthac@alaskalaw.com
Bcc: [REDACTED]
Date: Monday, December 19, 2022, 09:22 PM AKST

Mike:

The Tribe's codes are unwritten.

If your client would like to file an appeal she may do so by submitting to the Tribal Court a written explanation of the facts or the law that the Court erred in considering. She needs to do so within 30 days of the Court's issuance of the Order. The Court will notify her within 30 days if it needs more information on her appeal and whether it will take any action on the appeal.

We expect the Troopers to be at your client's house tomorrow or the day after to enforce the Tribal Court Order since you have stated that you will not comply with the Order voluntarily. We will be seeking a supplemental fee award from Judge Peterson.

Thank you and let me know if you have any further questions.

James J. Davis, Jr.
Northern Justice Project, LLC
406 G Street, Suite 207
Anchorage, AK 99501
(907) 308-3395
(866) 813-8645 (fax)
www.njp-law.com

On Dec 18, 2022, at 11:24 PM, Michael Walleri <walleri@gci.net> wrote:

You previously advised that you would send the parties a copy of the Selawik code in response to Mr. Rustad's stated intention to appeal. We continue to wait for you to do so. Also, we would appreciate a copy of the signed order which you did not send.

Mike:

Since you persist in misreading *Piedlow*, I want to quote from you what the trial judge has already told you. If you proceed to misread and misinvoke *Piedlow* again, we will seek sanctions and costs against you -- directly -- and bring your willful misconduct to the attention of the Bar.

This is what the Judge has already ruled:

"*Peidlow* proves the exact opposite premise of Petitioners' argument. Petitioners assert that this Court should reject the Selawik Tribal Court's ruling that the child is a tribal member and deny the Selawik Tribal Court's motion to revert the case back into the tribal system. Further, Petitioners assert that *Peidlow* guarantees them a hearing to support rejecting and denying the Selawik Tribal Court. This action would minimize tribal jurisdiction. *Peidlow* required the Superior Court to hold a hearing *before* rejecting tribal jurisdiction. The effect of *Peidlow* is to bolster 25 U.S.C. 191 l(a), by requiring state courts to take the extra step of a hearing *before* rejecting a tribal order, not requiring state courts to take an extra step of a hearing *to support* a tribal order. The motivation behind *Peidlow* is to give an extra layer of protection to respect the jurisdiction of tribal courts, not an extra hurdle to assert the jurisdiction of tribal courts."

James J. Davis, Jr.

Northern Justice Project, LLC

A Private Civil Rights Firm

406 G Street, Suite 207

Anchorage, AK 99501

(907) 308-3395

<http://www.njp-law.com>

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

On Sunday, December 18, 2022, 11:06:08 PM AKST, James J. Davis, Jr. <jdavis@njp-law.com> wrote:

If my client is forced to seek a Writ, your client will owe us even more fees.

Look at the law and think this through; the judge has already held your prior filing to be baseless and in bad faith. Trying the same mindless thing again is going to get you sanctioned.

James J. Davis, Jr.
Northern Justice Project, LLC
406 G Street, Suite 207
Anchorage, AK 99501
(907) 308-3395
(866) 813-8645 (fax)
www.njp-law.com


On Dec 18, 2022, at 10:25 PM, Michael Walleri <walleri@gci.net> wrote:

You did not send any order from the Selawik Court. You sent a copy of the notice of hearing. Please send a copy of any order you might have.

My client has advised that Selawik will need to obtain a writ of assistance and Ms. Richman will request a Peidlow hearing.

On Dec 18, 2022, at 9:37 PM, Jim Davis <jdavis@njp-law.com> wrote:

Dear All:

Attached is the Tribal Court's order from last week's hearing awarding custody of  to Arlene Ballot.

Tribal members and Arlene Ballot will be coming to Fairbanks on Monday in order to retrieve Chanel from Nikki this Tuesday.

Case 3:22-cv-00280-JMK Document 12-6 Filed 01/23/23 Page 3 of 4 **EX-1, P. 3**

If anyone has any questions or concerns about any of this, please email me immediately.

We would certainly rather do this without further acrimony. We do not want to seek a writ of assistance and the aid of the state troopers. But we will do this if necessary.

The state judge has already imposed one sizeable attorney fee award on Nikki for her misuse of the state courts in an effort to avoid the Tribal Court's jurisdiction. If the state courts are again improperly involved in this matter, we will seek another fee award against the offending party.

Email me with any questions or concerns.

Thank you and have a good evening.

James J. Davis, Jr.

Northern Justice Project, LLC

406 G Street, Suite 207

Anchorage, AK 99501

(907) 308-3395

(866) 813-8645 (fax)

www.njp-law.com

On Nov 27, 2022, at 12:33 PM, James J. Davis, Jr. <jdavis@njp-law.com> wrote:

Please find notice attached.

James J. Davis, Jr.

Northern Justice Project, LLC

A Private Civil Rights Firm

406 G Street, Suite 207

Anchorage, AK 99501

(907) 308-3395

<http://www.njp-law.com>

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.
