

1 JEFF H. GRANT (SBN 218974)
jgrant@foxrothschild.com
2 MATTHEW FOLLETT (SBN 325481)
mfollett@foxrothschild.com
3 FOX ROTHSCHILD LLP
Constellation Place
4 10250 Constellation Boulevard, Suite 900
Los Angeles, CA 90067
5 Telephone: 310.598.4150
Facsimile: 310.556.9828
6

7 BENJAMIN N. PACHITO (SBN 308839)
bpachito@thejacobsonlawgroup.com
8 JOSEPH F. HALLORAN (*Pro Hac Vice* forthcoming)
jhalloran@thejacobsonlawgroup.com
9 JAMES K. NICHOLS (*Pro Hac Vice* forthcoming)
jnichols@thejacobsonlawgroup.com
10 JACOBSON, MAGNUSON, ANDERSON &
HALLORAN P.C.
11 180 E Fifth St. Ste. 940
Saint Paul, MN 55101
Telephone: 651-644-4710
12 Facsimile: 651-644-5904

13 Attorneys for Plaintiff
14 MIAMI TRIBE OF OKLAHOMA
15

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF ORANGE

18 MIAMI TRIBE OF OKLAHOMA,
19 Plaintiff,
20 v.
21 STACK'S-BOWERS NUMISMATICS,
D/B/A/ STACK'S BOWERS GALLERIES,
22 AND DOES 1-10, INCLUSIVE,
23 Defendants.
24

Case No. 30-2024-01388639-CU-NP-WJC

**COMPLAINT FOR CONVERSION,
CONSTRUCTIVE TRUST, AND
INJUNCTIVE RELIEF**

**Assigned for All Purposes
Judge Sheila Recio**

1 Plaintiff, Miami Tribe of Oklahoma, by and through its attorneys, alleges the following as
2 its cause of action against the Defendants STACK’S-BOWERS NUMISMATICS, d/b/a/ STACK’S
3 BOWERS GALLERIES, and DOES 1-10, INCLUSIVE, herein named:

4 INTRODUCTION

5 This emergency action seeks to enjoin the Defendant, Stack’s Bowers Numismatics, LLC
6 d/b/a Stack’s Bowers Galleries (“Stack’s Bowers”), from auctioning the 1795 Peace Medal,
7 presented to Miami Chief Little Turtle at the Treaty of Greenville (“Miami Peace Medal”)—an
8 object of historic, cultural, and political importance belonging to the Plaintiff. It further seeks to
9 enjoin anyone, other than Miami Tribe of Oklahoma, from taking possession of it from Stack’s
10 Bowers.

11 The Miami Peace Medal was wrongfully converted to private possession over 200 years
12 ago and has since been lost to the Miami Tribe, passing between private hands without legitimate
13 title. Plaintiff was very recently alerted to the location of the Miami Peace Medal and of Stack’s
14 Bowers’ intent to offer it at auction, despite Stack’s Bowers’ knowledge of the Miami Peace
15 Medal’s political, historical, and cultural significance as a gift to the Miami Tribe from the United
16 States government. To recover its rightful possession of its Miami Peace Medal, Plaintiff seeks
17 relief by which the Plaintiff alleges a claim of conversion and constructive trust against Stack’s
18 Bowers and Does 1-10 , and seeks (1) an order enjoining Stack’s Bowers from taking any action to
19 offer for sale, auction, sell, or convey the Miami Peace Medal; (2) an order enjoining Does 1-10
20 from taking possession of the Miami Peace Medal from Stack’s Bowers; (3) the creation of a
21 constructive trust for the Miami Peace Medal pending the resolution of this matter, (4) declaratory
22 judgement finding the Miami Tribe owns the Miami Peace Medal, and (5) an order providing
23 injunctive relief consistent with a necessary to implement the Court’s determination of the merits
24 of the Miami Tribe’s claims.

25 JURISDICTION AND VENUE

26 7. Jurisdiction in this Court is proper pursuant to Cal. Civ. Proc. Code § 410.10 because
27 it has general subject matter jurisdiction and no statutory exceptions to jurisdiction exist. The
28 amount in controversy exceeds the jurisdictional minimum of this Court.

FACTUAL BASIS FOR CLAIMS

I. Historical Context

9. The Miami Tribe is a federally recognized Indian tribe that has had sovereign to sovereign engagements with the United States for over 350 years involving military engagements, multiple treaties between 1795 and 1867, a military alliance fighting against the British in the War of 1812, and an intergovernmental relationship continuing to the present time.

10. The Miami Tribe's original homeland was in the Wabash watershed, which spanned parts of modern-day Ohio, Indiana, and Illinois. The Tribe was subjected to two forced removals, first from their homeland to the Kansas Territory in 1846, and then, twenty years later, from the Kansas Territory to the then Indian Territory.

11. The Miami Tribe today occupies and exercises sovereign governmental authority over its Reservation in the former Indian Territory, now northeastern Oklahoma.

12. Prior to the forced removal of the Miami Tribe from their homelands, the Miami Tribe engaged in periods of war and negotiation with the United States that lasted from 1785 to 1795. These wars have been referred to as the Northwest Indian Wars, the Wabash Wars, and the Little Turtle Wars.

13. During that time, the War Chief of the Tribe was Mihšihkinaahkwa, known in English as Little Turtle.

14. Chief Little Turtle was one of the principal leaders in the war effort between 1785 and 1794, with victories over Generals Harmar and St. Clair and losses at the Battle of Fort Recovery and finally at the Battle of Fallen Timbers in 1794.

15. Following the loss at Fallen Timbers, Chief Little Turtle was a lead negotiator and prominent speaker during the treaty negotiations that led to the Treaty of August 3, 1795, known commonly as the Treaty of Greenville ("Treaty").

16. On August 7th, 1795, at the conclusion of the negotiations for the Treaty, General Wayne addressed the crowd that had gathered for the signing and distributed the medals to each signatory, stating that the medals would be "hand[ed] down to your children's children in commemoration of this day-a day in which the United States of America gives peace to you and all

1 your nations, and receives you and them under the protecting wings of the eagle.” (Francis Paul
2 Prucha, *Indian Peace Medals in American History*, 9 (1994).)

3 17. The Washington medals distributed at the Treaty signing were the sole signifier of
4 the bonds of peace and friendship solidified at Greenville.

5 18. The distribution of medals at Greenville also continued the long tradition,
6 established by British and French colonists, of using medals in Indian diplomacy.

7 19. Chief Little Turtle was presented with the peace medal that was given to the Miami
8 Tribe by the United States.

9 **II. Obligation to Hold the Miami Peace Medal in Trust for the Miami Tribe**

10 20. Among the Miami, objects and documents of importance to the Tribe were kept by
11 the leaders of the Tribe, who acted as their guardians but, importantly, did not own them.

12 21. As the War Chief, Little Turtle received correspondence and objects on behalf of
13 the Miami Tribe including, but not limited to, Wampum, treaty documents, and gifts honoring the
14 Miami Tribe. The Miami Peace Medal was given to the Miami Tribe to honor the Tribe, and Chief
15 Little Turtle was responsible for maintaining and protecting it, and other gifts like it, for the Tribe.

16 22. Objects and items of the Miami Tribe held by a Miami War Chief, such as Chief
17 Little Turtle, were not the personal possessions of the Chief. Rather, as Chief Little Turtle would
18 have well understood, the Chief was the custodian and protector—a trustee in the Anglo-American
19 construct—of the objects and items. As trustees, they would have passed items belonging to the
20 Miami Tribe, such as the Miami Peace Medal, to the next generation of leaders to be held in
21 precisely the same way.

22 23. A loss of such an object or its transfer to anyone other than the next Chief would
23 have been viewed as a breach of the Chief’s duty and obligations to the Miami people.

24 24. Chief Little Turtle died in 1812, and the Miami Peace Medal was not buried with
25 him. Its absence among his grave-goods is notable because he had been buried with other gifts
26 given to him as personal gifts, including a sword presented to him as a personal gift from President
27 George Washington.

28

1 25. It was customary among the Miami to be buried with personal belongings so that
2 they could be carried with the interred on their spiritual journey.

3 26. Chief Little Turtle would have understood the Miami Peace Medal was not his to
4 take on his journey but was to be passed on into the care of his successors.

5 27. In 1826, the Miami Peace Medal was transferred to “Judge Allen of Wabash,
6 Indiana” for unknown reasons.

7 28. While it is not clear who transferred the Miami Peace Medal, it would have been
8 one of Chief Little Turtle’s descendants who had access to his possessions, including the objects
9 and items that he had held for the Miami as the Tribe’s War Chief.

10 29. Whoever transferred the Miami Peace Medal, and for whatever reason, breached the
11 obligation of the custodian of the Miami Peace Medal to protect it and pass it on to Chief Little
12 Turtle’s successor as War Chief.

13 30. No individual within the Miami Tribe had the authority or capacity to lawfully
14 convey the Miami Peace Medal to Judge Allen.

15 **III. Private Possession of the Miami Peace Medal and Current Auction**

16 31. After passing out the Miami Tribe’s possession, the Miami Peace Medal spent
17 almost two hundred years in private hands, being sold and acquired in private sales.

18 32. The only time the Miami Peace Medal was presented in the public sphere was from
19 1960-1983, when it was on loan from R. Henry Norweb to the Western Reserve Historical Society
20 of Cleveland, Ohio.

21 33. The Miami Peace Medal was correctly identified by the Western Reserve Historical
22 Society as having belonged to Chief Little Turtle of the Miami Tribe.

23 34. In 1988, the Miami Peace Medal was auctioned by Stack’s Bowers, then Bowers
24 and Merena, and sold to Albert Holden Norweb.

25 35. Every transaction that occurred between 1826 and 1988 was a private transaction
26 that, by design, was not public and involved no public notice. These transactions occurred at a time
27 where the worldwide reach provided by the internet did not exist. Unless one was engaged with a
28 small community of traders, they would have no reason or means to know of these transactions.

1 36. Stack’s Bowers’ announcement of the upcoming sale of the Ronald A. Slovick
2 Family Collection of Indian Peace Medals highlights the Miami Peace Medal as “a magnificent
3 second size 1795 oval George Washington medal presented at the Treaty of Greenville.”¹

4 37. The Director of U.S. Coins for Stack’s Bowers displayed the Miami Peace Medal in
5 an Instagram post and described it as “a national treasure” on February 19, 2024.²

6 38. Stack’s Bowers’ current description of the Miami Peace Medal in its offering for
7 auction correctly identifies it as having been presented by the Washington administration to the
8 Miami Tribe.

9 39. At no time during any of the 200 years of private custody of the Miami Peace Medal
10 did any person or entity in possession of it attempt to notify the Miami Tribe.

11 40. Despite its knowledge of the origin of the Miami Peace Medal and the circumstances
12 of its presentation and gifting to the Miami Tribe, Stack’s Bowers did not notify the Tribe of its
13 possession of a Tribal object of cultural and historical significance.

14 41. On March 6, 2024, an expert from a neighboring tribe alerted Miami Tribe officials
15 to the appearance of the Miami Peace Medal in auction offerings by Stack’s Bowers.

16 42. The Miami Peace Medal is listed for live auction, Lot #2044, on Stack’s Bowers
17 website on March 25, 2024, at 3 p.m. PDT, with the current bid listed as \$160,000.00.³

18 43. On March 19, 2024, the Miami Tribe sent a letter to Stack’s Bowers detailing its
19 ownership of the Miami Peace Medal describing how “excited and grateful” the Miami Tribe was
20 to see its Peace Medal surface again after being lost for nearly 200 years. The Miami Tribe informed
21 Stack’s Bowers that the Miami Peace Medal had been passed along between private individuals
22 with defective title. The Miami Tribe requested that Stack’s Bowers suspend the auction for the
23

24 ¹ *Stack’s Bowers Galleries Announces Sale of the Ronald A. Slovick Family Collection of Indian
25 Peace Medals*, STACK’S BOWERS (Feb. 12, 2024)
<https://stacksbowers.com/sbpressreleases/stacks-bowers-galleries-announces-sale-of-the-ronald-a-slovick-family-collection-of-indian-peace-medals>.

26 ² @stacksbowers, INSTAGRAM (Feb. 19, 2024),
<https://www.instagram.com/p/C3iUP9lRcez/?hl=en>.

27 ³ *Spring 2024 Auction - Session 2 - Numismatic Americana - Lots 2001-2240*, STACK’S BOWERS
28 GALLERIES, https://auctions.stacksbowers.com/auctions/3-18DCD6/spring-2024-auction-session-2-numismatic-americana-lots-2001-2240?limit=36&jump_to_lot=2044 (last visited Mar. 21, 2024).

1 Miami Peace Medal so that the Miami Tribe and Stack’s Bowers could discuss possible terms for
2 its return to the Miami Tribe. As of the filing of this Complaint, Stack’s Bowers has not responded
3 to the Miami Tribe’s request.

4 **FIRST CLAIM FOR RELIEF**

5 **Conversion in Violation of California Common Law**

6 (Against All Defendants)

7 44. The Miami Tribe incorporates and realleges each of the preceding paragraphs and
8 incorporates them by reference.

9 45. The Miami Tribe is the rightful owner of the Miami Peace Medal. It was presented
10 to the Miami Tribe in recognition of actions of the Tribe; it was not owned by or subject to
11 alienation by any individual member of the Miami Tribe, including Chief Little Turtle or any of his
12 descendants.

13 46. The Miami Peace Medal was to be cared for through the generations by a designated
14 custodian and protector for the Miami Tribe.

15 47. Transfer of the Miami Peace Medal to any person other than the designated
16 custodian—trustee—for the Miami Tribe constituted a breach of fiduciary duty to the Tribe.

17 48. Although specific details have been lost to time, it remains that whoever transferred
18 the Miami Peace Medal out of the possession of the Miami Tribe, and for whatever reason, breached
19 the obligation of the custodian of the Miami Peace Medal to protect it and pass it on to Chief Little
20 Turtle’s successors as war chief.

21 49. Possession and purported ownership by private individuals and entities
22 demonstrates that conversion of the Miami Peace Medal—trust property of the Miami Tribe—
23 occurred as a result of breach of that fiduciary duty, which is “akin to a fraudulent concealment.”
24 (*Stasberg v. Odyssey Group, Inc.*, 51 Cal. App. 4th 906, 917 (Cal. Ct. App. 1996) (quotations
25 omitted).)

26 50. Despite Stack’s Bowers’ published knowledge of the history and circumstances of
27 the gifting of the Miami Peace Medal to the Miami Tribe from the United States government,
28 Stack’s Bowers did not notify or consult with the Tribe about the Miami Peace Medal; rather,

1 Stack's Bowers proceeded to exploit the historical and cultural significance of the Miami Peace
2 Medal for its own gain and offered it up for auction with early bids of \$160,000.00.

3 51. Through no fault of its own, the Miami Tribe had no actual or presumptive
4 knowledge of where its Miami Peace Medal was because (1) from the time of its wrongful
5 conveyance into private hands, none of those in private possession of it notified the Tribe, and (2)
6 the Miami Tribe had no reasonable way of accessing information about the transfer of the Miami
7 Peace Medal through private sales occurring throughout the country from the late 1800s to the
8 present.

9 52. Stack's Bowers' exercise of control over and attempted sale of the Miami Peace
10 Medal is inconsistent with the Miami Tribe's property rights because the Miami Peace Medal was
11 to be cared for in trust for the Tribe through the generations and was wrongfully converted into
12 private possession through a breach of fiduciary duty to the Miami Tribe.

13 53. Stack's Bowers has no lawful claim to the Miami Peace Medal against the Miami
14 Tribe because Stack's Bowers and each private possessor before it received possession of the
15 Miami Peace Medal from "one who had no legal title and therefore no right to transfer the items."
16 (Strasberg, 51 Cal. App. 4th at 919 [(ordering an auction house to return items to the rightful
17 beneficiary 34 years and several possessors after the fraudulent concealment and wrongful
18 conveyance occurred]]).

19 54. Stack's Bowers' impending sale of the Miami Peace Medal will cause irreparable
20 injury and interim harm to the Miami Tribe by allowing this object of significant cultural, historical,
21 and political meaning to once again be lost to private possession and by further depriving the Miami
22 Tribe of its rights of ownership, possession, and care of the Miami Peace Medal.

23 55. Stack's Bowers and Does 1-10 are strictly liable for the Miami Tribe's conversion
24 claim, which "rests neither in the knowledge nor the intent of the defendant," but instead in the
25 breach of an "absolute duty." (*Regent All. Ltd. v. Rabizadeh*, 231 Cal. App. 4th 1177, 1181 (Cal.
26 Ct. App. 2014) [affirming and applying strict liability even when there were successive
27 "converters"]]).
28

1 6. Ordering injunctive relief necessary to implement the Court’s determination of the
2 merits of the Miami Tribe’s claims;

3 7. Awarding the Miami Tribe its reasonable attorneys’ fees and costs incurred to
4 protect its right to ownership and possession of the Miami Peace Medal; and

5 8. Providing such other relief as this Court determines is appropriate.

6
7 Dated: March 22, 2024

FOX ROTHCHILD LLP

/s/ Jeff H. Grant

Jeff H. Grant
Matthew Follett

Attorneys for Plaintiff
MIAMI TRIBE OF OKLAHOMA

and

**JACOBSON, MAGNUSON, ANDERSON &
HALLORAN P.C.**

Benjamin N. Pachito
Joseph F. Halloran (*Pro Hac Vice* forthcoming)
James K. Nichols (*Pro Hac Vice* forthcoming)

Attorneys for Plaintiff
MIAMI TRIBE OF OKLAHOMA

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