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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

AIRPORT CHEVROLET, Inc. an Oregon  
Corporation,

Plaintiff,

v.

RICHARD L. DAVIS aka RICHARD RED  
HAWK DAVIS aka RED HAWK; JOHN  
NEWKIRK aka JOHN GREY EAGLE  
NEWKIRK; and the CONFEDERATED  
TRIBES-ROGUE-TABLE ROCK &  
ASSOCIATED TRIBES,

Defendants.

Civil Action Case No.

09-3084-CL

**COMPLAINT FOR DECLARATORY  
RELIEF PURSUANT TO THE  
PROVISIONS OF 28 U.S.C. § 2201**

Plaintiff alleges:

1.

This is a proceeding for declaratory relief pursuant to the provisions of 28 U.S.C. § 2201.

2.

Plaintiff is an Oregon corporation authorized and licensed to do business within the State of Oregon. Defendants Richard L. Davis aka Richard Red Hawk Davis aka Red Hawk ("Davis") and John Newkirk aka John Grey Eagle Newkirk ("Newkirk") are residents of the State of Oregon. Defendant Confederated Tribes-Rogue-Table Rock & Associated tribes is a not-for-profit organization, organized and existing pursuant to the laws of the State of Oregon; this organization conducts business under the name of the "Latgawa Indian Tribe." These organizations will hereafter be collectively referred to as the "Tribe".

3.

Defendant Davis claims membership in the Tribe. Defendant Newkirk also claims membership in the Tribe, and also claims to be a "Latgawa Tribal Judge." The Tribe purports to have established the Latgawa Indian Tribal Justice Court in Central Point, Oregon.

4.

On or about September 8, 2009, defendant Davis filed a document in the purported tribal court referred to as "*Complaint of Predatory Lending and Colaboration to Defraud on Automobile Loan #65010020496126 and Restraining Order*" naming Airport Chevrolet and Bank of America, NA as defendants. A copy of that document is attached to this complaint, marked Exhibit 1.

5.

Pursuant to the United States Constitution and federal caselaw, the U. S. Congress has plenary authority over all Indian affairs. The United States government recognizes the sovereign authority of Indian tribes which it has recognized. Indian tribes may be recognized only by an act of Congress, by the administrative procedure set forth in Part 83 of the Code of Federal Regulations, or by decision of a United States Court.

6.

The Secretary of Interior is charged with the responsibility of publishing a list of all federally recognized tribes. On August 11, 2009, the Department of Interior, Bureau of Indian Affairs, pursuant to its responsibility, published a list in the Federal Registry, Volume 74, No. 153, of those Indian Tribes recognized by the United States. Attached, marked Exhibit 2, is a copy of that list. The "Latgawa Indian Tribe" is not listed as a federally recognized tribe.

8.

As a result of this lack of recognition by United States Government, the Tribe lacks sovereign authority. As a result, the Tribe has no authority to establish a tribal court and likewise has no authority to establish jurisdiction over United States citizens or corporations.

**WHEREFORE**, plaintiff prays that a declaratory judgment be entered declaring the respective rights of plaintiff and the defendants, and further declaring that pursuant to the laws of the United States, the organization known as the "Latgawa Indian Tribe" lacks federally recognized sovereign authority, lacks the authority to establish a tribal court or exercise jurisdiction over any United States citizen or corporation, including plaintiff; and that any attempt by "Latgawa Indian Tribe" to exercise jurisdiction to the contrary is null and void and without legal or binding effect.

DATED this 24th day of September, 2009.

FROHNMAYER, DEATHERAGE, JAMIESON, MOORE  
ARMOSINO & McGOVERN, P.C.

By: 

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