

FILED

In the Office of the Court Clerk

**In the Court of Indian Offenses for the Comanche Nation
Anadarko, Oklahoma**

JUN 06 2012

Docket _____ Page _____ Recorded _____
 In Journal _____ on Page _____
 BY: _____
 Court Clerk Deputy

In re: Recognition of Comanche Nation)
Business Committee, Tribal Administrator,)
)
 Comanche Nation,)
 Petitioner.)

Case No. CIV 12-054**NOTICE OF SUPPLEMENT TO PETITION**

COMES NOW the Comanche Nation, by and through the undersigned counsel, to
 supplement its Petition filed May 24, 2012. Petitioner states the following:

1. Due to the completion of a regularly scheduled Comanche Nation election for the office of Chairman, Wallace Coffey has been elected Chairman of the Comanche Nation to replace Johnny Wauqua. (See Comanche Nation official website: http://www.comanchenation.com/index.php?option=com_content&view=article&id=164:2012-election-results&catid=35:frontpage-news (Visited June 5, 2012)). Wallace Coffey is expected to be sworn-in as Chairman on Saturday, June 9, 2012. Thus, the office of Chairman is not in dispute.
2. On June 1, 2012, International Bank of Commerce ("IBC Bank") initiated an interpleader action in the U.S. District Court for Western District of Oklahoma, to seek resolution of a dispute over control of the financial accounts of the Comanche Nation governmental operations, including the primary account for governmental procurement and payroll. (See Ex. E – attached)
3. Because of the dispute over control of Comanche Nation financial accounts, social service payments to tribal members have stopped, there is an impending lack of gasoline for emergency response vehicles, no prescription assistance payments can be

made, government employee payroll is jeopardized, and other vital or fundamental tribal government services are being curtailed.

4. The issuance of this Court's interim order recognizing:

Wallace Coffey as Chairman,

Edward Eschiti as Vice Chairman,

Robert Tippeconnie as Secretary/Treasurer,

Ronald Red Elk as Committeemen #1,

Yonevea Terry as Committeeman #2,

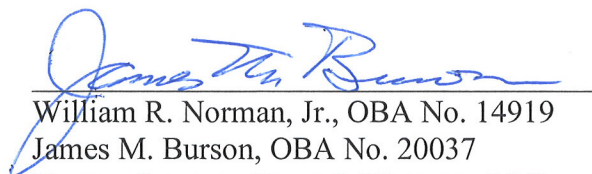
Darrell Kosechequetah as Committeeman #3, and

Robert Komacheet as Tribal Administrator,

would provide immediate stability to the operation of the Comanche Nation government and promote the efficient resolution of the IBC Bank interpleader.

WHEREFORE the Comanche Nation respectfully requests the Court to immediately issue an interim order (attached) to stabilize the operations of its tribal government, to set a hearing to take up other matters raised by the Petition, and to order such other relief as deemed proper by the Court.

Respectfully Submitted,



William R. Norman, Jr., OBA No. 14919

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June 2012, I served the above and foregoing document by pre-paid, U.S. First Class Mail and/or hand delivery upon the following:

Robert Tippeconnie
59 NW Wild Plum Rd.
Meers, OK 73507

Edward Eschiti
Route 3, Box 166
Walters, OK 73572

Robert Komacheet
412 W. Hayes
Shawnee, OK 74801

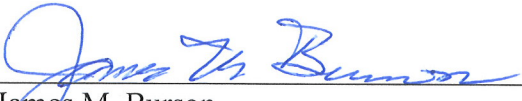
Yonevea Terry
128 S. Hillside Rd.
Apache, OK 73006

Ronald Red Elk
109 Denable Dr.
Anadarko, OK 73005

Darrell Kosechequetah
5342 NW Elm
Lawton, OK 73505

Johnny Wauqua
P.O. Box 908
Lawton, OK 73502

Wallace Coffey
124 Trenton Road
Lawton, OK 73501



James M. Burson

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. INTERNATIONAL BANK OF)
COMMERCE, A TEXAS STATE)
BANKING ASSOCIATION,)

Plaintiff,)

v.)

Case No. CIV-12-627-C

1. THE COMANCHE NATION,)
2. THE COMANCHE BUSINESS)
COMMITTEE,)
3. ROBERT TIPPECONNIE,)
4. JOHNNY C. WAUQUA, TRIBAL)
CHAIRMAN,)
5. EDWARD H. ESCHITI,)
6. WILLIAM B. OWENS,)
7. YONEVEA TERRY,)
8. RONALD RED ELK,)
9. ROBERT KOMAHCHEET,)
10. DARRELL KOSECHEQUETAH,)

Defendants.)

COMPLAINT IN INTERPLEADER

COMES NOW Plaintiff, International Bank of Commerce, a Texas State Banking Association, and, pursuant to Federal Rule of Civil Procedure Rule 22 seeks to interplead funds as set forth below, and alleges states as follows:

PARTIES

1. Plaintiff is a Texas State Banking Association, organized and chartered under the laws of the State of Texas, with its headquarters and principal place of business in Laredo, Texas.

2. Plaintiff is duly authorized to do business in the State of Oklahoma.



3. Plaintiff is informed and believes and thereon alleges that Defendants Robert Tippeconnie, Johnny C. Wauqua, Edward H. Eschiti, William B. Owens, Yonevea Terry, Ronald Red Elk, Robert Komahcheet, and Darrell Kosechequetah, are, or have been, members of the Comanche tribal leadership, and/or the Comanche Business Committee, and the Comanche Nation, whose main offices are just north of Lawton, Oklahoma.

4. Upon information and belief, all Defendants reside in the State of Oklahoma and are citizens of the State of Oklahoma.

JURISDICTION AND VENUE

5. Defendants, or their predecessors in interest, have caused acts or events to occur in the State of Oklahoma out of which this action arises. Such acts or events include, but are not limited to, the Defendants (or their predecessors in interest) entering into contract(s) (which are more fully described below) in the State of Oklahoma, that were to be performed in the State of Oklahoma, with the subject matters of such contracts to remain in the State of Oklahoma. Moreover, all Defendants claim or may claim an interest in the subject matters of certain banking accounts described in this Complaint, which are located in the State of Oklahoma.

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the controversy is between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391, in that the Defendants have caused acts and events to occur in this judicial district (Western District of Oklahoma) out of which this action arises, and, upon information and belief, each Defendant resides in this district.

GENERAL ALLEGATIONS

8. Plaintiff is the holder of accounts (“Accounts”) for the Comanche Indian Tribe described as:

Account Type	Date Opened	Amount
Checking	4/2/2007	\$2,523,694.65
Sweep	10/12/2010	\$3,863,096.84
Checking	7/2/1999	\$59,572.12
Sweep	10/12/2010	\$100.26
Checking	8/5/1998	\$27,803.73
CD	9/28/2001	\$3,764.38
CD	6/19/2003	\$84,216.57

9. Plaintiff currently holds the Accounts at its Lawton, Oklahoma branch.

10. Plaintiff is informed and believes and thereon alleges that the Accounts are intended to be used in connection with the operation of the Comanche Tribe’s tribal governmental business.

11. According to the most recent undisputed authority provided to Plaintiff by the Comanche Nation, the authorized signatories to the Accounts were: Robert Tippeconnie; Johnny C. Wauqua; Edward H. Eschiti; and William B. Owens.

12. Upon information and belief: On the 31st of March, 2012, Johnny C. Wauqua (“Wauqua”), elected Chairman of the Comanche Nation, called for and had issued a public notice for six (6) tribal council meetings to be held over a two day period for the purpose of recalling each of the six (6) members of the Comanche Business Committee (“CBC”).

13. Upon information and belief: The recall meetings were set for April 19, 2012, for Edward Eschiti, Yonevea Terry, and Ronald Red Elk and for April 26, 2012, for Robert Komahcheet, Darrell Kosechequetah, and Robert Tippeconnie.

14. Upon information and belief: A Special Business Committee meeting was called for the 14th of April, 2012 by Wauqua to consider the validity of each of the six recall petitions for which Wauqua had already set tribal council recall meetings.

15. Upon information and belief: None of the recall petitions were validated by the CBC, against whom they were directed.

16. Upon information and belief: On the 12th day of April, 2012, the Nation held its Constitutional Annual Tribal Council meeting during which Wauqua and Robert Komahcheet were nominated, along with others, to be hired as Tribal Administrator (“TA”). After Robert Komahcheet’s nomination Wauqua called for nominations to fill Komahcheet’s CBC position.

17. Upon information and belief: The April 19, 2012, meeting was held on the initial three (3) recalls. A majority of the tribal council members present voted to

recall the three (3) CBC members, Edward Eschiti, Yonevea Terry, and Ronald Red Elk.

18. Upon information and belief: Ballots were cast to hire the TA from the six (6) contenders. Wauqua received the most votes and declared himself the winner. Robert Komahcheet finished second.

19. Upon information and belief: Wauqua later declared he intended to serve as Chairman of the Comanche Nation for the duration of his term and serve concurrently as Tribal Administrator. He then began an attempt to carry out the duties of both offices. Tribal legal counsel advised this was contrary to the Comanche Nation Constitution.

20. Upon information and belief: On the morning of April 26, 2012, Wauqua announced to the CBC he would chair the recall meetings. He did so and at the meetings Mr. Kosechequetah, Mr. Tippeconnie and Mr. Komahcheet were recalled by majority vote.

21. Upon information and belief: On April 27, 2012, Wauqua hired Mr. William Owens as Tribal Administrator.

22. Upon information and belief: All of the recalled individuals maintain the recalls were unconstitutional and void.

23. Upon information and belief: Robert Komahcheet, finished second in the Tribal Administrator election, then claimed he was the rightfully elected TA.

24. Upon information and belief: On May 19, 2012, upon Petition, by three (3) of the “recalled” CBC members a special Tribal Council meeting was held at

which there was a quorum of 150 tribal members. This meeting was not held at the tribal complex due to Wauqua having tribal police prevent the meeting at that forum. At this meeting the resolutions, Resolutions 1s-12, 2-12, 3-12, 4-12, and 5-12 were passed, which are attached hereto, along with correspondence related thereto, as Exhibit 1.

25. The above facts have lead to both factions, the “Wauqua Faction,” and the “Komahcheet Faction” making claims on the Accounts deposited with Plaintiff. *See* Newspaper article from the Lawton Constitution dated May 31, 2012, attached as Exhibit 2; *see also* Exhibit 1.

26. A petition in the CFR Court (established pursuant to 25 CFR § 11.100 *et seq.*, and which has authority to adjudicate Comanche Nation intra-tribal disputes, if a proper Tribal resolution is filed with the Bureau of Indian Affairs, Anadarko Agency, Anadarko, Oklahoma) the Honorable Judge Phil Lujan presiding, was filed, asking the CFR Court to determine who is to be recognized as the rightful Tribal leadership. *See* Exhibit 3, which is a copy of the petition.

27. The CFR Court does not have jurisdiction over Plaintiff or the funds in the Accounts.

28. Plaintiff is informed and believes and thereon alleges that a dispute has therefore arisen as to who should be recognized as the rightful tribal leadership, and therefore a question has arisen as to who is authorized to act as the signatories on the Accounts.

29. Plaintiff is a disinterested stakeholder regarding the funds in the Accounts.

30. Based upon the conflicting claims and current dispute as to who has authority to use the Accounts, on or about May 29, 2012, Plaintiff froze the Accounts.

31. Such action put a hold on any further activity in the Accounts pending the resolution of the conflicting claims and identification of the proper individuals with authority to act as signatories on the Accounts.

32. All of the Defendants have or may have claims in connection with use of the Accounts, which will subject Plaintiff to multiple and conflicting claims as to the proper individuals with authority to act as signatories on the Accounts.

33. As a result of the conflicting claims of Defendants, Plaintiff may be exposed to multiple and conflicting liabilities.

34. As a further result of the conflicting claims, Plaintiff is in doubt and cannot safely determine as among the Defendants, without great hazard to itself, which Defendants have proper authority to act as signatories to the Accounts. Plaintiff does not desire (nor does Plaintiff believe it has the power, ability or authority) to make a determination as to which Defendants are the proper signatories to the Accounts but, instead, is ready, willing and able to pay into the Court, the total monetary amount presently contained in the Accounts so that Defendants may assert and prove their rights to the Accounts to the Court, with the Court adjudicating the issue as to the Defendants' rights regarding control of the Accounts.

35. Applicable law provides that Defendants shall reimburse attorneys' fees and costs incurred by Plaintiff in this action.

36. Plaintiff hereby offers to pay into the registry of this Court, the sum of \$6,562,248.55, the total sum currently contained in the Accounts, and so should be discharged from any further participation in this proceeding other than a judgment barring any claims against the Plaintiff as to the sums in the Accounts in question; and Plaintiff will of course abide by the orders and judgments of this Court concerning the proper parties to access and have use of the Accounts.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. That Defendants be required to appear and interplead and settle among themselves their rights and claims to the Accounts.

B. That Defendants, and each of them, be enjoined and restrained from instituting separate action(s) against Plaintiff in connection with the Accounts.

C. That, upon payment into Court of the sums contained in the Accounts, Plaintiff be discharged from any liability to any of the Defendants, and from any further participation in this proceeding other than a judgment barring any claims against the Plaintiff as to the sums in the Accounts in question.

D. That Plaintiff be fully discharged from any liability in connection with the Accounts.

E. That Plaintiff be awarded the costs of suit incurred herein, including reasonable attorneys' fees; and,

F. For such other and further relief as the Court deems just and proper.

/s Arthur F. Hoge, III

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