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CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KONIAG, INC, an Alaska,
corporation, and MICHAEL P.
O'CONNELL, an individual
Plaintiff,

VS.

Kurt Kanam, individually an
as tribal attorney for the
Native Village of Karluk, and
Orbie Mullins, individually
and as a Native Village of
Karluk Tribal Court Judge for
the
Karluk Tribal Court for the
Native Village of Karluk
Defendant

Cause no.3:12-cv-00077SLG

RESPONSE TO
PLAINTIFF'S
INJUNCTION

AND

MOTION FOR
ENLARGEMENT of time
AND AFFIDAVIT IN
SUPPORT

Orbie Mullins Native Village of
Karluk Tribal Court Judge

PH 360-864-8665 FAX 360-864-8664

Orbie Mullins
P.O. Box 237,
Toledo WA. 98591

Response and motion
for enlargement of time

1
2
3 I Orbie Mullins, make the following statement under
4 penalty of perjury under the laws of The State of
5 Washington. I make this statement upon my personal
6 knowledge and would be offered by me as testimony at
7 trial.

8 Comes now Orbie Mullins who moves this court for an
9 enlargement of time to give The Native Village of
10 Karluk Tribal Court time to act on this matter. The
11 Native Village of Karluk Tribal Court has already
12 granted all the Plaintiff's requests listed below:

13 1. Native Village of Karluk Tribal Court granted motion
14 for special and limited appearance PRO HAC VICE for
15 Stephen P. Kelly. See attachment A.

16 2. Native Village of Karluk Tribal Court granted Order
17 extending time. See attachment B.

18 3. The Native Village of Karluk Tribal Court is
currently awaiting a response from Plaintiff in cause

Orbie Mullins Native Village of
Karluk Tribal Court Judge
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Response and motion
for enlargement of time

1 number 3-19-12-1 in order to act on Defendant's Koniag
2 Corp. Motion to dismiss. Again see attachment B.

3 4.As to the matter of Native Village of Karluk Tribal
4 Court having jurisdiction, Plaintiff Koniag Corporation
5 has entered Tribal Court formally with motion to
6 dismiss and letter. See attachment C.

7 5. As to Plaintiff MICHAEL O'CONNELL his argument that
8 he does not have any nixes to the Tribal Court is false
9 See attachment E. Letter to Defendant Tribal Judge
10 Orbie Mullins. Mr. O'Connell's letter meets, minimal
11 contact as defined in

12 Montana V. United States, 450 U.S. 544, 563 (1981)

13 Did not Mr. O'Connell's letter make contact with the
14 Native Village of Karluk Tribal Court? Was the intent
15 of Mr. O'Connell's letter to influence by intimation of
16 the Native village of Karluk Tribal Court Judge in his
17 personal capacity, the out come of cause number 3-19-
18 12-1?

19 6. Plaintiff Michael P. O'Connell has yet to come
20 forward to this Tribal Court and show why his letter
21 was not intimation of a Tribal Court judge in his

22 Orbie Mullins Native Village of
23 Karluk Tribal Court Judge

24 PH 360-864-8665 FAX 360-864-8664

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Response and motion
for enlargement of time

1 personal capacity and why his letter was not meant to
2 influence the out come of cause number 3-19-12-1.

3 Plaintiff Mr. O'Connell can not in good faith complain
4 to This Federal Court when he refuses his legal remedy
5 in Tribal Court.

6 7. Plaintiff Michael P. O'Connell is not under any
7 indictment or subject to any sanctions from The Native
8 Village of Karluk Tribal Court. See attachment **P**.

9 Defendant once again prays for an enlargement of time
10 to sort out cause number 3-19-12-1 before going forward
11 with this Federal Venue.

12 Date 4/22/2012 Orbie Mullins

13 Native village of Karluk Tribal Court

14 Judge Orbie Mullins

15 Orbie Mullins

16 Notary Public

17 STATE OF WASHINGTON)

18) ss:

COUNTY OF LEWIS)

Orbie Mullins Native Village of
Karluk Tribal Court Judge

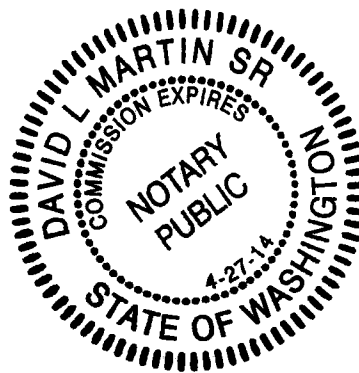
PH 360-864-8665 FAX 360-864-8664

Orbie Mullins
P.O. Box 237,
Toledo WA. 98591

Response and motion
for enlargement of time

1 On this day personally appeared before me
2 Orbie Mullins to me known to be the
3 individual described in and who executed the within and
4 foregoing instrument, and acknowledged that he signed
5 the same as his free and voluntary act and deed, for
6 the uses and purposes therein mentioned.

7 GIVEN under my hand and official seal this
8 22 day of April, 2012
9 Notary Public David L. Martin Sr.
10 My commission expires 4/27/14



11
12
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18 Orbie Mullins Native Village of
Karluk Tribal Court Judge

PH 360-864-8665 FAX 360-864-8664

Orbie Mullins
P.O. Box 237,
Toledo WA. 98591

Response and motion
for enlargement of time

McClure
Box 237
Edo WA 98581

United States District Court
222 W. 7th Avenue, #4
Anchorage, AK 99513



ATTACHMENT A

FILED

APR 17 2012

Karluk Tribal Court

THE KARLUK TRIBAL COURT

For the NATIVE VILLAGE OF KARLUK

authorized by Fed. Recognition (74 Fed. Reg. 40218)

Court contract number 3-12-MC-005-011

The Native Village of
Karluk

Plaintiff,

VS.

Koniag Corporation

Defendant.

Cause no.3-19-12-1

ORDER GRANTING
MOTION FOR SPECIAL AND
LIMITED APPEARANCE
PRO HAC VICE FOR
Stephen P. Kelly

This court hereby **orders**, grants Stephen P. Kelly
special and limited PRO HAC VICE to represent CAUSE#3-
19-12-1. The court would require an affidavit stating
Stephen P. Kelly affirms to uphold the Constitution of
the United States and the Constitution and by laws of
The Native Village of Karluk.

Done 4/17/2012 Orville Muller
Village of Karluk Tribal Judge

Kristeen Reft Court administrator
E-Mail karlukiracouncil@aol.com
P.O. box 22 Karluk Alaska 99608
PH (907)241-2218 FAX (907) 241-2208

The Native Village of Karluk Tribal Court
P.O. Box 237, Toledo WA. 98591
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ORDER

ATTACHMENT B

FILED

APR 17 2012

Karluk Tribal Court

THE KARLUK TRIBAL COURT

For the NATIVE VILLAGE OF KARLUK

authorized by Fed. Recognition (74 Fed. Reg. 40218)

Court contract number 3-12-MC-005-011

The Native Village of
Karluk

Plaintiff,

VS.

Koniag Corporation

Defendant.

Cause no.3-19-12-1

ORDER EXTENDING TIME

This court hereby **orders**, grants the Plaintiff time to
address all of Defendant's issues, issue of
jurisdiction and the issue of failing to state a claim.
This case is about facts not about time schedules.

Done 4/17/2012 Orbis Mullins
Village of Karluk Tribal Judge



Kristeen Reft Court administrator
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ORDER

Page 1

ATTACHMENT C

Stephen P. Kelly, (Oregon Bar No. 973020)
spkelly@stoel.com
STOEL RIVES LLP
900 SW FIFTH AVENUE, SUITE 2600
PORTLAND, OR 97204
TELEPHONE: (503) 224-3380
FACSIMILE: (503) 220-2480

Attorneys for Koniag, Inc.

THE KARLUK TRIBAL COURT
FOR THE NATIVE VILLAGE OF KARLUK
authorized by Fed. Recognition (74 Fed. Reg. 40218)

Court contract number 3-12-MC-005-011

THE NATIVE VILLAGE OF KARLUK,

v.

KONIAG CORPORATION,

Defendant.

Cause No.: 3-19-12-1

MOTION FOR SPECIAL AND
LIMITED APPEARANCE *PRO HAC*
VICE BY STEPHEN P. KELLY

Footnote 4 in the United States District Court for the District of Alaska Order Denying Temporary Restraining Order and Motion For Hearing on Shortened Time, *Koniag, Inc. v. Kanam*, Case No. 3:12-cv-00077-SLG, issued April 11, 2012, states that Koniag, Inc. (Koniag) “could elect to enter a special appearance in the tribal court solely to contest that court’s jurisdiction. *See, e.g., Strate v. A-1 Contractors*, 520 U.S. 438, 444 (1997).”¹ Based thereon and for the reasons set forth below, I, Stephen P. Kelly respectfully move this Court to issue an Order authorizing me to make a special and limited appearance *pro hac vice* on behalf of Koniag solely

¹ Exhibit A.

MOT. FOR SPECIAL & LIMITED APPEARANCE *PRO HAC VICE* BY KELLY
The Native Village of Karluk v. Koniag Corporation, Cause No.: 3-19-12-1
Page 1 of 6

ATTACHMENT D

APR 09 2012

Karluk Tribal Court

THE KARLUK TRIBAL COURT

For the NATIVE VILLAGE OF KARLUK

authorized by Fed. Recognition (74 Fed. Reg. 40218)

Court contract number 3-12-MC-005-011

The Native Village of
Karluk

Plaintiff,

VS.

Michael P. O'Connell

Alaska Bar Association
California Bar Association
Washington Bar Association
Utah Bar Association
Idaho Bar Association
Minnesota Bar Association
Oregon Bar Association

Defendant.

CAUSE NUMBER 4-09-12-1

ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT

AFFIDAVIT IN SUPPORT

Kristeen Reft Court administrator
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ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT

Page 1

1
2 I Kurt Kanam, make the following statement under
3 penalty of perjury under the laws of The State of
4 Washington. I make this statement upon my personal
5 knowledge and would be offered by me as testimony at
6 trial.

7 **INTRODUCTION**

8
9 This is action to declare that Michael O'Connell has
10 taken an action that meets the definition of "Judicial
11 Intimidation" found: 18 U.S.C. subsection 1503:
12 Influencing or injuring officer or jury generally. See
13 Attachment B.

14 **PARTIES**

15 Plaintiff's

16 1.The Native Village of Karluk

17 P. o. Box 22 Karluk AK

18 Kurt Kanam, Karluk Tribal Attorney 2103 Harrison #143
Olympia WA 98502

Defendant's

Kristeen Reft Court administrator
E-Mail karlukiracouncil@aol.com
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ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT

Page 2

2.

Michael P. O'Connell
600 University Street Suite 3600
Seattle WA. 98101

Alaska Bar Association
P.O. Box 100279
Anchorage AK. 99501

California Bar Association
Office of Chief Trial Counsel
1149 S. Hill Street
Los Angeles CA. 90015-2299

Washington Bar Association
1325 Fourth Ave. Ste 600
Seattle WA. 98101-2539

Utah Bar Association
645 S. 200 East
Salt Lake City 84111

Idaho Bar Association
P.O. Box 895
Boise Idaho 83701

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ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT

1 Minnesota Bar Association

2 600 Nicollet Mall# 380

3 Minneapolis MN. 55402

4 Oregon Bar Association

5 P.O. Box 231935

6 Tigard, OR. 97281

7
8 **ALLEGATIONS**

9 1. On April 5, 2012 Mr. Michael O'Connell placed in
10 the United stated Mail (Attachment A)

11 2.The intended purpose of letter, attachment A, is to
12 intimidate Tribal Judge Orbie Mullins with a law suit
13 in his personal capacity in attempt to influence
outcome of a legal proceeding.

14 3.The intentional intimidation of a Judge is a crime
15 defined by 18 U.S.C. subsection 1503: Influencing or
16 injuring officer or jury generally. See Attachment B.

17
18 Kristeen Reft Court administrator
E-Mail karlukiracouncil@aol.com
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ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT

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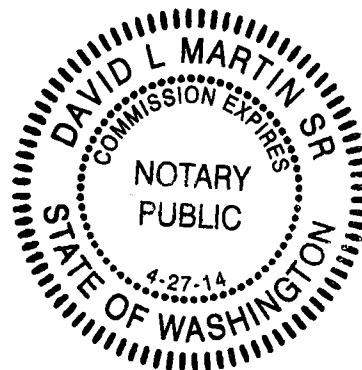
1 STATE OF WASHINGTON)
2) ss:
3
4 COUNTY OF LEWIS)

5 On this day personally appeared before me
6 [Signature] to me known to be the
7 individual described in and who executed the within and
8 foregoing instrument, and acknowledged that he signed
9 the same as his free and voluntary act and deed, for the
10 uses and purposes therein mentioned.

11 GIVEN under my hand and official seal this

12 9 day of April, 2012 Notary
13 Public [Signature]

14 My commission expires 4/22/14.



15
16
17
18 Kristeen Reft Court administrator
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P.O. box 22 Karluk Alaska 99608
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ORIGINAL COMPLAINT FOR
DECLARATORY JUDGEMENT



600 University Street, Suite 3600
Seattle, Washington 98101
main 206.624.0900
fax 206.386.7500
www.stoel.com

April 5, 2012

MICHAEL P. O'CONNELL
Direct (206) 386-7692
moconnell@stoel.com

First Class Mail Return Receipt Requested and Email (karluktribalcourt@gmail.com)

Honorable Orbie Mullins
Village of Karluk Tribal Judge
Native Village of Karluk
P.O. Box 237
Toledo, WA 98571

First Class Mail Return Receipt Requested and Overnight Courier

Mr. Kurt Kanam
Tribal Attorney
Karluk Tribe
2103 Harrison Street, #143
Olympia, Washington 98502

Re: Koniag, Inc. v. Honorable Orbie Mullins, Village of Karluk Tribal Judge, Karluk Tribal Court For The Native Village of Karluk, and Kurt Kanam, Tribal Attorney, The Native Village of Karluk, in Their Individual and Official Capacities, in the Alaska Federal District Court

Dear Judge Mullins and Mr. Kanam:

Koniag, Inc. respectfully disputes the jurisdiction of the Karluk Tribal Court for the Native Village of Karluk in *The Native Village of Karluk, Plaintiff v. Koniag Corporation, Defendant*, Cause no. 3-19-12-1. Our client Koniag, Inc. will file an action in the Alaska Federal District Court in Anchorage, Alaska on Monday, April 9, 2012 for a prospective preliminary injunction and temporary restraining order to restrain and preliminarily enjoin efforts by you in your individual and official capacities from harming Koniag, Inc. by assertion of Tribal Court jurisdiction over Koniag, Inc.. On March 27, 2012, our client Koniag, Inc. received a copy of a Summons, Original Complaint for Declaratory Judgment, Order to Show Cause, Proposed Declaratory Order, and Certificate of Service in *The Native Village of Karluk, Plaintiff v. Koniag Corporation, Defendant*, Cause no. 3-19-12-1, in The Karluk Tribal Court for the Native Village of Karluk. Among other matters, the Order to Show Cause issued by Judge Mullins "orders the defendant [Koniag, Inc.] to show cause within 20 days and by 4-20-2102 date why this court should not grant Plaintiff's



Honorable Orbie Mullins

Kurt Kanam

April 5, 2012

Page 2

requested relief.” The Show Cause Order is dated March 19, 2012. The date which is 20 days from March 19, 2012 is April 8, 2012.

Because of *Ex Parte Young*, 209 U.S. 123 (1908), this Alaska Federal District Court action is being brought against you in your individual and official capacities.

The purpose of this letter is to request before 5:00 pm Anchorage, Alaska time on April 6, 2012 (a) Village of Karluk Tribal Court Judge Mullins issue an Order modifying the March 19, 2012 Order to Show Cause granting a continuance for response to the March 19, 2012 Order to Show Cause until not earlier than twenty (20) days after the Alaska Federal District Court has acted upon Koniag, Inc.’s application for a preliminary injunction and (b) that Karluk Tribal Attorney Kurt Kanam agree in writing to a continuance of the time to answer the Original Complaint in *The Native Village of Karluk, Plaintiff v. Koniag Corporation, Defendant*, Cause no. 3-19-12-1 until not earlier than twenty (20) days after the Alaska Federal District Court has acted upon Koniag, Inc.’s application for a preliminary injunction. In the event both of these requests are not granted, on Monday April 9, 2012, Koniag, Inc. will request the Alaska Federal District Court to issue a temporary restraining order to restrain your actions in the Tribal Court matter, *The Native Village of Karluk, Plaintiff v. Koniag Corporation, Defendant*, Cause no. 3-19-12-1.

Prior to sending this letter, I called Mr. Mullins four times at 360-956-3742 on April 2 and 3, 2012, leaving voice-mail messages for “Kurt” three times. I also sent to Mr. Kanam at his address in Olympia, Washington by U.S. Mail and by UPS a letter requesting “(a) an extension of time to respond to the Original Complaint for Declaratory Judgment in that action, and a stay or modification of the Karluk Tribal Court’s Order to Show Cause to a date which I would like to discuss with you, and (b) that you **call me as soon as possible but no later than 5:00 pm April 4, 2012** to discuss those matters at 206-386-7692.” I received no response from Mr. Kanam to my letter or telephone calls.

Sincerely,


Michael P. O'Connell

MPO:sdl

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18 U.S.C. § 1503 : US Code - Section 1503: Influencing or injuring officer or juror generally

Search 18 U.S.C. § 1503 : US Code - Section 1503: Influencing or injuring officer or juror generally

- Search by Keyword or Citation

Search

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or the use of physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is -
(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20

years, a fine under this title, or both; and
(3) in any other case, imprisonment for not more than 10 years
a fine under this title, or both.

[Notes]

« Prev
Resistance to
extradition agent

Up
Obstruction of
justice

Next »
Influencing juror
by writing

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