

EXHIBIT E

Turtle Mountain Tribal Court

B. Laducer v. Dish Nenvork Service LLC, CV-0910122

October 28, 2011 ORDER Denying Defendants Motion to Dismiss

TURTLE MOUNTAIN TRIBAL COURT
TURTLE MOUNTAIN JURISDICTION

CIVIL DIVISION
BELCOURT, NORTH DAKOTA

Brian Laducer,)	
Plaintiff,)	ORDER DENYING DEFENDANTS
vs)	MOTION TO DISMISS
)	CV-09-10122
Dish Network Service, LLC,)	
Defendant,)	

A hearing was held on October 26, 2011 on the Defendant Dish Network Service L.L.C.'s Motion to Dismiss for Lack of Subject Matter Jurisdiction before the Honorable MaDonna Marcellais. Others appearing before this court were Mr. Tom Dickson, attorney for Brian Laducer, Christopher J. Nyhus, attorney for Dish Network, and Roxanne Laducer.

FINDINGS OF FACT

1. THAT, the Plaintiff, Brian Laducer filed a tort claim against Dish Network Service, LLC for abuse of processing in this Court on September 15, 2008.
2. THAT, the Plaintiff, Brian Laducer, is an enrolled member of the Turtle Mountain Indian Reservation.
3. THAT, the Defendants, Dish Network is a limited liability corporation which conducts business on the Turtle Mountain Indian Reservation.
4. THAT, the Defendants, Dish Network enters into contractual relationships with tribal members on the Turtle Mountain Indian Reservation.

CONCLUSION OF LAW

The Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction requires a determination of whether this Court has jurisdiction to hear the Plaintiff's complaint.

A tribal court's inherent adjudicative jurisdiction over nonmembers is at most only as broad as its legislative jurisdiction. Nevada v. Hicks, 533 R.S. 353, 367 (2001). Federal law limits a tribal court's jurisdiction over non-tribal members to two exceptions U.S. v. Montana, 350 U.S. 544, 565-566 (1981). In this case the United State Supreme Court held that "inherent sovereign powers of an Indian tribe do not extend to the activities of nonmembers of the tribe." A tribe's legislative jurisdiction over nonmembers is limited to two types of situations:

(1) a tribe may regulate the activities of nonmembers who enter consensual relationships with the tribe or its members; and (2) a tribe may exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the tribe's political integrity, economic security, or health or welfare. 450 U.S., at 565-566, 101 S.Ct. 1245.

DISH network relies on Atkinson Trading Co., Inc. v. Shirley, in which a Tribal Tax Commissioner attempted to impose a hotel occupancy tax on a hotel located on non-Indian fee land owned by a non-member. Laducer argument is that the activities in this case were alleged to have occurred on Indian Land, thus Atkinson is not relevant when compared to the facts of this case.

The Plaintiffs complaint in particular states the "*DISH Network has taken advantage and abused the legal process to harm Mr. Laducer*" (emphasis added). Laducer asserts that his claim of Abuse of Process occurred when Dish Network served two frivolous and malicious third-party complaints against Brian Laducer at his home located on the reservation. The first one was venued in federal court. The second one was venued in state court. The Defendant's DISH argued that Mr. Laducer's abuse of process claim is based solely on DISH's attempt to join him in his daughter's non-tribal action against DISH, and in no way arises out of any contract between the parties, however by Dish Networks exhibits which establish subject matter jurisdiction shows the following claims by Dish (1) Breach of Contract; (2) Conversion; (3) Fraud; and (4) Implied Indemnification. The purported legal basis for the third-party complaints was the alleged failure of Brian Laducer to fulfill his *contractual*

obligation to Dish Network which can only be created as a result of a contractual (consensual) relationship.

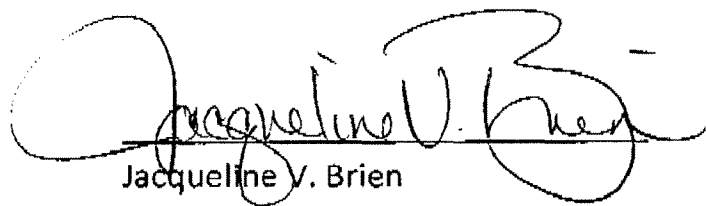
ORDER

THAT, this Court decides the prevailing argument is under the first Montana exception which allows tribal jurisdiction over non-members when they enter into consensual relationships with the tribe or its members.

IT IS THE ORDER OF THIS COURT that the Defendant's Motion to Dismiss for lack of subject matter jurisdiction over this abuse of process claim is hereby **DENIED.**

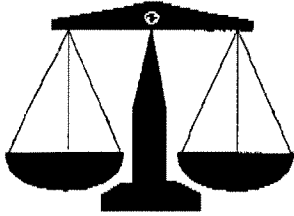


WITNESS THE HONORABLE CHIEF
JUDGE FOR THE TURTLE MOUNTAIN
BAND OF CHIPPEWA INDIANS, CITY
OF BELCOURT, COUMNTY OF
ROLETTE, STATE OF NORTH DAKOTA,
AND MY HAND AND THE SEAL OF
THIS COURT THIS 28TH DAY OF
October 2011.



Jacqueline V. Brien
Clerk of the Turtle Mountain Band of
Chippewa Indians, Tribal Court

SEAL



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TURTLE MOUNTAIN INDIAN RESERVATION
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FAX COVER SHEET

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RE: ORDER	CASE NO#: 09-10122
FAX NUMBER: 701-258-4684 & 701-223-7865	FAX NUMBER: 701-477-8663

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