

EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 SOUTH LASALLE STREET, 18TH FLOOR
CHICAGO IL 60603
PHONE: (312) 739-4200
FAX: (312) 419-0379
WWW.EDCOMBS.COM

May 22, 2013

Via electronic filing

Clerk of the U.S. Court of Appeals for the Seventh Circuit
209 South Dearborn Street, 27th Floor
Chicago IL 60604

Re: *Jackson et al v. Payday Financial LLC et al (No. 12-2617)*
Response to Rule 28(j) letter by appellees of May 21, 2013 (Doc. 46)

Dear Sir:

On receipt of appellees' Rule 28(j) letter of May 21, 2013, appellants reviewed the court file in *Inetianbor v. Cashcall Inc.*, No. 0:13CV60066 (S.D.Fla.) and found that Abraham Inetianbor has filed motions for reconsideration, and to reopen the case. (Exhibits A & B (*Inetianbor* Docs. 61 & 62).) Appellants suggest that the decision referred to by appellees might be vacated.

Both the U.S. District Court for the Southern District of Florida (Cohn, J.), and appellees, rely on the fact that Robert Chasing Hawk Sr. agreed to take on the arbitration, through a letter stating that (a) he was responding to a demand for arbitration from CashCall Inc., and (b) he has "no preexisting relationship with either party in this case." (Exhibit C (*Inetianbor* Doc. 57-1).) This letter led the Court to conclude that there is no "reason to believe that the selection process would lead to a biased arbitrator." (Appeal Doc. 46-2 at 8.)

However, investigation by Mr. Inetianbor revealed that Mr. Chasing Hawk is the father of Shannon Chasing Hawk. On information and belief, based on her Facebook page, Ms. Chasing Hawk is employed by Western Sky Financial LLC – an appellee here. Mr. Inetianbor's research was presented to the Court in his motions for reconsideration and to reopen the case. Appellants submit that this connection between the Chasing Hawks and Western Sky gives the appearance of bias, at the very least.

To ensure the accuracy of Mr. Inetianbor's assertions, I reviewed the Facebook pages for both Mr. and Ms. Chasing Hawk. Per my affidavit, my review took place at approximately 5:45 p.m. on May 21, 2013, and confirmed Mr. Inetianbor's claims. (Exhibit D.)

Beyond this, appellants note that the second letter submitted by Judge Demery states that the Tribal Court does not involve itself in arbitration until an enforceable award is given, and specifically is not involved in the process of selecting an arbitrator. (Appeal Doc. 46-3.) The main issues discussed in this appeal – choice of law, choice of forum, jurisdiction and the enforceability of the arbitration clause – still favor reversal for reasons previously stated.

Sincerely,

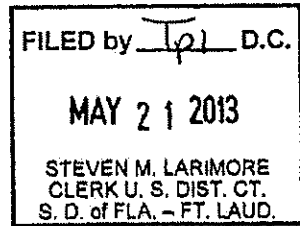
/s/ Thomas E. Soule
Thomas E. Soule

CERTIFICATE OF SERVICE

I hereby certify that the preceding letter was served upon counsel for appellees, Claudia Callaway, by operation of the Court's electronic filing system, on May 22, 2013, and that the same contains 344 words, in accord with Fed.R.Civ.P. 28(j). Further, a copy of the same filing was served by mail upon the Attorney General of Illinois, and the Federal Trade Commission, who have been invited by the Court to participate as *amici curiae* by its prior orders.

/s/ Thomas E. Soule
Thomas E. Soule

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION



Case No.: 0:13-cv-60066-CIV-COHN-SELTZER

ABRAHAM INETIANBOR,

Plaintiff,

vs.

CASH CALL, INC.,

Defendant.

**PLAINTIFF'S MOTION TO RECONSIDER AND REPORT REGARDING THE STATUS OF
THE CASE**

1. On May 17, 2013 the Court issued an Order Compelling Arbitration ("Order") [Doc # 59]. Plaintiff in good faith effort and as ordered by the Court submitted his counter claim to the pending *arbitration* that was initiated by Cash Call. However, overwhelming evidence shows that plaintiff may not achieve justice through this arbitration process being that the selected arbitrator has relationships with the defendant and as such may not be fair to plaintiff. In support, plaintiff shows the following:
2. Shannon Marie Chasing Hawk (Shannon) is the daughter of Mr. Robert Chasing Hawk (Mr. Chasing Hawk). Mr. Chasing Hawk is the arbitrator that was privately selected (*not through the tribe*) to act as the arbitrator in this case. In his letter dated May 1st and signed May 3rd, 2013, Mr. Chasing Hawk specifically stated that he "*has no preexisting relationship with either party in this case.*" See letter attached hereon as **Exhibit A**.



3. Mr. Chasing Hawk's daughter, Shannon, has direct ties with the defendant. She has direct ties with Lakota Cash, LLC; Payday Financial, LLC; and Western Sky Financial, LLC; all of which are part of Cash Call, Inc. and Western Sky Financial is the supposed lender. Shannon is so proud to share her place of employment with the world that she posted it on Facebook just like most employees. See **Exhibit B**.

4. Mr. Chasing Hawk is also a *friend* of her daughter Shannon on Facebook, where he is also listed as her father. Plaintiff also has a video recording of how all these public information on **Exhibit B** was obtained just in case any changes were later made to favor the defendant as they have always done with their loan agreements. Pictures were taken; print screens were made; time and date as well as the weather condition at the time of the video were all well documented to show accuracy as of up to May 20th, 2013.

5. Plaintiff was not a party to any arbitration process involving Mr. Chasing Hawk from the start as claimed by the defendant in Doc #57. Plaintiff submitted his answer and counterclaim in accordance with the Court's order. The court was made to believe otherwise in my absence, and plaintiff did not have the opportunity to respond with supporting evidence. Defendant submitted an email exhibit, but did not include plaintiff's reply to that same email. Reply to the defendant's email notifying plaintiff of the arbitrator now attached hereon as **Exhibit C**.

6. Last year, District Court Judge Charles P. Kocoras dismissed a case involving the defendant for the exact same *arbitration* reason being paraded by the defendant. See Jackson et al v. Payday Financial, LLC et al – Doc #65 of the original proceedings. The decision was appealed. *Also notice* that the members of the class in this proceeding took the same loan amount, and electronically accepted the same loan agreement that plaintiff has with Cash Call.

7. The Federal Trade Commission and the Attorney General are now stepping in to help. *See* case pending before the 7th Circuit Court of Appeals in Illinois. DEBORAH JACKSON, ET AL v. PAYDAY FINANCIAL, LLC, ET AL, DOCKET PROCEEDINGS (46); just over a week ago, on 05/10/2013 orders issued inviting the *Illinois Attorney General* and the *Federal Trade Commission* to file briefs as amicus curiae (*see orders for further details*). Payday Financial, LLC is also a subsidiary of Cash Call/Western Sky Financial.


8. There are thousands of cases against the defendant and it is obvious that no one has been, and not even plaintiff will be successful in obtaining a fair arbitration process with the defendant at the Tribe. According to a person of authority who asked not to be mentioned; "*participate in arbitration with them (Cash Call) at your own risk. Some members can be bought, but our Tribe is not for sale.*" Plaintiff hereby gives *notice* to the court that he will file a separate motion to reopen case and hopes the court reconsider.

WHEREFORE, Plaintiff RESPECTFULLY prays the Court to reconsider and DENY the defendant's renewed motion to compel arbitration and all other relief deem proper by the Court.

RESPECTFULLY Submitted,

Date: MAY 21, 2013

By: _____


Abraham Inetianbor
4271 NW 5th Street, # 247
Plantation, FL 33317
(954) 616 8291
[Plaintiff]

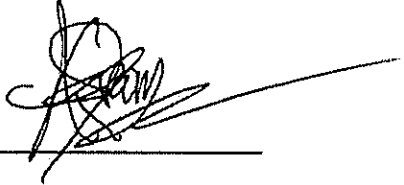
VERIFICATION

State of Florida)
) ss.:
County of Broward)

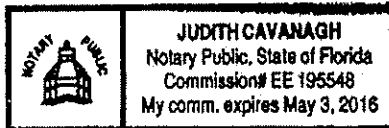
Abraham Inetianbor, being duly sworn, deposes and says: I am the Plaintiff *pro se* in this proceeding. I have read the foregoing and know the contents to be true from my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

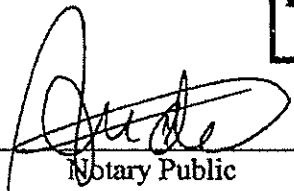
Date: May 21, 2013

By: _____


Abraham Inetianbor
4271 NW 5th Street, # 247
Plantation, FL 33317
(954) 616 8291
[*pro se* Defendant]

Sworn to before me this 21st day of May, 2013





Notary Public

I hereby certify that a true and correct copy of the forgoing was filed via the clerk office and served as indicated below on MAY 21, 2013 on all counsel or parties of record on the following Service List.



Abraham Inetianbor

SERVICE LIST

Abraham Inetianbor (*pro se plaintiff*)
4271 NW 5th Street, # 247
Plantation, FL 33317
(954) 616 8291

Akerman Senterfitt (*attorney for defendant*)
(by USPS mail)
1 S.E. Third Avenue, Suite 2500
Miami, FL 33131
(305) 374 5600

EXHIBIT A

Case No.: 0:13-cv-60066-CIV-COHN-SELTZER

Robert Chasing Hawk Sr.
PO Box 808
Eagle Butte, SD 57625
(605) 200-1204
(605) 964-7529 Leave message

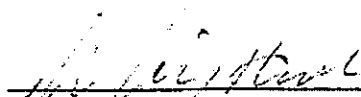
May 1, 2013

Abraham Inetianbor
4271 NW 5th Street
#247
Plantation, FL 33317

CashCall, Inc.
1600 Douglass
Anaheim, CA 92086

To Whom It May Concern:

I am Robert Chasing Hawk Sr., a Tribal Elder of the Cheyenne River Sioux Tribal Nation. I have received the Demand for Arbitration from CashCall, Inc. (copy enclosed) and will be serving as the arbitrator for this dispute. I will apply Cheyenne River Sioux Tribal law and I have no preexisting relationship with either party in this case. I write to the parties to schedule a telephonic hearing to address preliminary matters. I am available on May 7th 2013 at 10:00 am MST. If either party is not on that date and time, please contact me to schedule an alternative time. I am also available on May 8th or May 9th of 2013 at 10:00 am MST as alternative dates.


Robert Chasing Hawk Sr.

5-3-13
Date

EXHIBIT B

Case No.: 0:13-cv-60066-CIV-COHN-SELTZER

Shannon M. Chasing Hawk

Finale

About

friends

Photos

More ▾

to follow

Message

◆ ◆

You're Ready

1997-1998

Street Line changed from
CRS to PCRA.

The Fatboy Burp Page
 Burp 15 minutes 10 min, with
 with 20-50 min Data

[illegible]

For Star Audio • Sublime S...

By Submitting to the Survey, you agree to the following:

Khodja 745I armature arms
Amor-ré commented on my
own stasis: 'Not yet 14% above
10,000 at'

Tiffany Dawson likes to read.

Answer:

Affix a business card to get her public posts in your news feed.

2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 26

Scott Brown is Westcott's sky financial

University of Pennsylvania College

Waggle Butte, South Dakota

Perce Eagle Butte, South Dakota

collected by 16 people

References

Shanmugan, S. T. Chasing Hawk

Read Today's Cancer Horoscope

1000

2007

مجلس شورای اسلامی
جمهوری اسلامی ایران

Shannon M. Chasing Hawk

THE UNIVERSITY OF CHICAGO

● ● ● ● ●

1000


File Your Story...
Shannon M. Chasing Hawk
facebook.com
Getting Started
Latest Headlines

facebook

facebook.com


Getting Started

Latest Headlines




Billy Janis

✚ Add Friend




Christian Moss

✚ Add Friend




Tyler Wray

✚ Add Friend




Monique Annette

✚ Add Friend




Casey Hints Along

✚ Add Friend




Manda N. Pretty Weasel

✚ Add Friend




Sherree Davignon

✚ Add Friend




Summed Peurman

✚ Add Friend




Larryn Marie Chasing Hawk

✚ Add Friend




Robert Chasing Hawk

✚ Add Friend



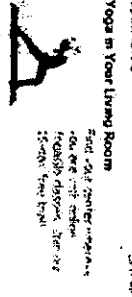
Tanika Mestrichnow

✚ Add Friend



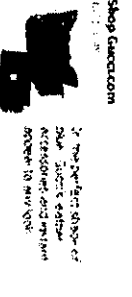
Emm Waked

✚ Add Friend



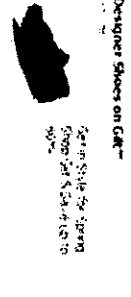
Sponsored Yoga in Your Living Room

Get out your yoga mat and join the fun! We are not just another yoga class, we are a lifestyle. Join us for 15-20 minutes a day.



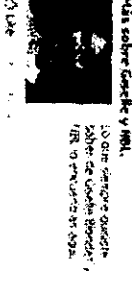
Shop Gueco.com

It's the perfect place to find all the accessories and more you need to get your gear.



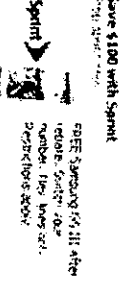
Designer Shoes on Gae

Get in style for Spring. Shop all the latest in shoes.




Miss Colby Gaele v. M.H.

10 days before sunrise. Solve the puzzle. The first to find the answer wins \$1000.




Save \$100 with Sprint


Get \$100 off your next Sprint purchase. Use code SPRINT100.




Nicole Perry took a photo with Instagram.




Lindy McElwain Jon Jackson's photo.



Zach Monchel's photo.



Loopback Beats commented on the photo.



Nikema Adams commented on the photo.

Case: 12-1617 Document: 47-2 Filed: 05/22/2013 Page: 19

Shannon M Chasing Hawk

facebook.com

Most Visited Getting Started & Latest Headlines

facebook

Shannon M. Chasing Hawk Timeline Born -

1998

Graduated from Cheyenne Eagle Butte High School

Born

Sponsored by:

Spanish Supported MBA

EXCELISOR COLLEGE

Earn your MBA online with a non profit lender. Wee different concentrations. accepted!

See All

Thaddeus McCarroll/Dreams America shared a photo.

Prince - Purple Rain

Gelbyrte Dobbis and Jassan Love Gott are now friends.

Mette Goddard/Control Nation likes Naveed's post.

Cait Two-see Carriagena added a new photo.

Felipe Most Wre Julia Souza's photo.

Temple Offshoot and Starry Night Outdoors are now friends.

EXHIBIT C

Case No.: 0:13-cv-60066-CIV-COHN-SELTZER



Abraham Inetianbor <[REDACTED]@gmail.com>

CashCall, Inc. v. Inetianbor: Letter from Tribal Elder Robert Chasing Hawk Sr. [5-1-13]

Abraham Inetianbor <[REDACTED]@gmail.com>

Sat, May 4, 2013 at 10:02 AM

To: christopher.carver@akerman.com

Cc: andrew.shapiro@akerman.com

I received your email and did call Mr. Hawk to ask a few questions but was not reachable. However, I was able to get the answers I needed on my own and unless there is overwhelming evidence proving otherwise, I have chosen not to participate in this arbitration that was initiated by Cash Call, Inc for the following reasons:

1. Cash Call **individually selected Robert Chasing Hawk Sr.** to arbitrate a matter between two parties, which includes Cash Call itself and Abraham Inetianbor.
2. There is therefore **no agreement** as to who will arbitrate the matter being brought forward by Cash Call because I was never contacted as to my input on who will be selected to arbitrate.
3. I am not a member of the Tribe and have **ABSOLUTELY no idea on the laws** of the Cheyenne River Sioux Tribe. And as such have no clue as to what and what not do defend or counter claim.
4. Not being familiar with the **Rules and Procedures** means I MAY end up getting sanctions or Unknowingly offend or disrespect the laws of a Tribe that I hold in HIGH REGARDS.
5. Also, there is no record showing Robert Chasing Hawk as a **licensed attorney** either for the Tribe or otherwise. As far as I am currently aware of, he has not shown his ability to manage legal matters that will be fair and just.
6. There is verifiable evidence of Robert Chasing Hawk having ties to both Martin A. Webb, his Associates and his companies. The claims of "**no preexisting relationship**" as stated in the letter dated May 3, 2013 is therefore incorrect.
7. By agreeing to arbitrate this matter for Cash Call, Mr. Hawk is hereby acknowledging that: (1) the loan originated from the Cheyenne River Sioux Tribe; (2) the loan and its agreement is being governed solely by the Tribal law; (3) and that **Cash Call is a Tribal Corporation** registered with the Cheyenne River Sioux Tribe. Unfortunately, there is no evidence showing any of these.
8. Cash Call makes Billions of Dollars in its illegal lending practices and if Cash Call is still claiming immunity as a result of the items listed above, then they are also indirectly claiming that the Cheyenne River Sioux Tribe is a beneficiary of the lending program and **illegally misrepresenting its finances** to either mislead the Tribal government, its people or its supporters. Unfortunately, there is no evidence showing any of these either.

Until the above mentioned is proven otherwise, I will notify the DOS and DOJ of the new development. Wherefore, a telephonic conference schedule will not be necessary at this time and an arbitration will not be held.

...Abe

[REDACTED] cell

[Quoted text hidden]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Case No.: 0:13-cv-60066-CIV-COHN-SELTZER

ABRAHAM INETIANBOR,

Plaintiff,

vs.

CASH CALL, INC.,

Defendant.

FILED
2013 MAY 21 PM 1:13
STEVEN H. MADDIX
CLERK U.S. DIST. CT.
S.D. OF FLA.-FTL

PLAINTIFF'S MOTION TO REOPEN CASE

On May 17, 2013, this court issued an *Order Granting Defendant's Renewed Motion to Compel Arbitration* ("order") [Doc #59]. Plaintiff hereby files this *motion to reopen case* based on new evidence and in support states the following:

1. Pursuant to the FAA, 9 U.S.C. § 3, this case was **STAYED** until the parties file a status report with this Court upon the earliest of either (1) the completion of arbitration, or (2) November 18, 2013, to advise the Court regarding the status of the case.. A status report on this case has been filed with this court by plaintiff with evidence showing that the case cannot be arbitrated due to unconscionable acts by the defendant in its arbitrator selection, and therefore belongs in this court and should continue as such.
2. Plaintiff previously argued that the arbitration provision is unenforceable because it is unconscionable. "The Supreme Court has recognized that 'generally applicable contract defenses, such as fraud, duress, or unconscionability may be applied to invalidate arbitration



agreements.” Jenkins v. First American Cash Advance of Georgia, LLC, 400 F.3d 868, 875 (11th Cir. 2005) (quoting Doctor’s Assocs., Inc. v. Casarotto, 517 U.S. 681, 687 (1996)). Here, Plaintiff contends that the arbitration provision is unconscionable because it allows Cash Call to unilaterally choose the pool of arbitrators.

3. In support, Plaintiff cites to Pokorny v. Quixtar, Inc., 601 F.3d 987, 1002-04 (9th Cir. 2010), in which the court found an arbitration selection process was unconscionable in part because the plaintiff was forced to choose its arbitrator from a list of arbitrators trained by the defendant, or pay a higher arbitration fee. The court in Quixtar was concerned that the use of arbitrators trained by the defendant would give the defendant an unfair advantage. Thus, by charging a higher fee for using arbitrators not affiliated with the defendant, the selection process encouraged the use of biased arbitrators. See *id.* at 1003.

4. However, this Court said plaintiff has not given the Court any reason to believe that the selection process would lead to a biased arbitrator; “Unlike in Quixtar, there is no evidence that the tribal arbitrators were trained by *or have any other connection with CashCall.*” To further support its point, the Court quoted the *letter* from Mr. Chasing Hawk, which specifically states that he “*has no preexisting relationship with either party in this case.*” DE 57-1 at 2. Hence, the Court finds that the arbitration selection process is *not* unconscionable and compelled arbitration in accordance with the loan agreement.

5. Now there is evidence showing that Mr. Chasing Hawk has ties with the defendant because his daughter, Shannon works for the supposed lender and creator of the loan agreement (Western

Sky Financial) and Mr. Chasing Hawk, through his daughter also has ties with Lakota Cash, LLC and Payday Financial, LLC, which are both subsidiaries of the defendant Cash Call. *See Exhibit A* attached. The truth remains that the defendant and Mr. Chasing Hawk both agreed to mislead this court into compelling arbitration that is legally in non-existence for this case. Plaintiff can only imagine what set of deceit the defendant has planned next.

This unconscionable act is a valid reason for the Court to consider the arbitration agreement invalid; reconsider and reopen this case. Reopening the case, and leaving it where it rightfully belongs (*here in this court*) is the only way plaintiff can pursue and obtain justice, and recover damages sought.

WHEREFORE, Plaintiff RESPECTFULLY requests that the Court issue an Order Granting *Plaintiff's Motion to reopen Case*.

RESPECTFULLY Submitted,

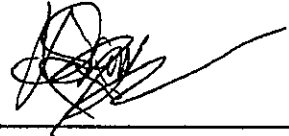
Date: May 21, 2013

By: 

Abraham Inetianbor
4271 NW 5th Street, # 247
Plantation, FL 33317
(954) 616 8291
[*Plaintiff*]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed via the clerk office and served as indicated below on May 21, 2013 on all counsel or parties of record on the following Service List.



Abraham Inetianbor

SERVICE LIST

Abraham Inetianbor (*pro se plaintiff*)
4271 NW 5th Street, # 247
Plantation, FL 33317
(954) 616 8291

Akerman Senterfitt (*attorney for defendant*)
(by certified mail)
1 S.E. Third Avenue, Suite 2500
Miami, FL 33131
(305) 374 5600

EXHIBIT A

Case No.: 0:13-cv-60066-CIV-COHN-SELTZER

Shannon M. Chasing Hawk

File Edit View History Bookmarks Tools Help

Shannon M. Chasing Hawk

facebook.com

facebook

Shannon M. Chasing Hawk

Timeline About Friends Photos More

Follow Shannon M. Chasing Hawk Message

Do you know Shannon?

Follow Shannon to get her public posts in your news feed.

About

Worked at Western Sky Financial

Studied at Presentation College

Lives in Eagle Butte, South Dakota

From Eagle Butte, South Dakota

Followed by 15 people

Photos

Shannon M. Chasing Hawk

The Heart of a Real Man photo

Read Today's Cancer Horoscope

Helpful

You're Ready

Discover your ability to change a life. Become a volunteer reader with United Way.

Street Line changed their profile picture.

The Albany BluePage you can go to www.fordco.edu.com then click on 'volunteers' and your there

Roe Star Radio - Submit S...

Ty Blue likes Soda Galska International Men Zealand - Youth Division.

Kristella HScareidreams Anneka commented on her own status. This video is about to come on!

Tiffany Dawson likes her own

Case: 12-2617 Document: 47-3 Filed: 05/22/2013 Page: 8
cv-60066-JIC Document 62 Entered on FLSD Docket 05/21/13

File Edit View Window Help
adg Shannon M. Chasing Hawk +
facebook.com
Visited Getting Started Latest Headlines
facebook.com
Abraham Lincoln's home

Baby Jantz
Add Friend
Christina Moss
Add Friend
Tyler Wray
Add Friend
Monique Annette
Add Friend
Casey Hunts Along
Add Friend
Marta W. Pretty Weasel

Sherree Davignon
Add Friend
Samuel Peelman
Add Friend
Taryn Marie Chasing Hawk
Robert Chasing Hawk
Add Friend
Tamika Metricknow
Add Friend
Eman Wakeed

Sponsored 31 See All
Yoga In Your Living Room
Find your center wherever you are with online TOGOGA classes. Join our 15-day free trial!
Shop Gucci.com
In the perfect shade of blue, Gucci's leather accessories add vibrant appeal to any look.
Designer Shoes on Gilt
Get in Style for Spring! Shop Gilt Sale up to 60% off.
H&M solve Guccible y NOL
Lo Que siempre quise saber de Osella Bonetti y sus encuentros con...
Save \$100 with Sprint
FREE Samsung GS III after rebate. Switch your number. New wire set. Restrictions apply.

Nicole Perry took a photo with Instagram.
Lady Medez was John Jackson's stous.
Zach Moncrief out w...
"BYZKELTZWEB.COM" "PROQOW PROQOW" "Read that heavy promo? Ofine presence? Increase build a f..."
Low Page uploaded a new video May 19, 2013 10:38pm.
Loophole Beats commented on his own status: "Probably brooklyn phono"
Nikenna Asiana commented

Case: 12-1617 Document: 47-3 Filed: 05/22/23 Page: 8

cv-60066-JIC Document 62 Entered on FLSD Docket 05/21/23

Shannon M. Chasing Hawk

Facebook.com

Getting Started Latest Headlines

Facebook

Shannon M. Chasing Hawk Timeline Born

1998

Graduated from Cheyenne Eagle Butte High School

Born

Born

Sponsored by

Spanish Supported MBA

EXCELSON COLLEGE

See All

Shadia McCarroll

Prince - Purple Rain

Gibby Doherty and Justin Love

Nettie Goddard

Card Two-see Cartagena

Felipe Most likes Julia Souza's photo.

Temple O'Hop and Starring Artist Outlets are now friends.

Star Cards recommended on her

Robert Chasing Hawk Sr.
PO Box 808
Eagle Butte, SD 57625
(605) 200-1204
(605) 964-7529 Leave message


May 1, 2013

Abraham Inetianbor
4271 NW 5th Street
#247
Plantation, FL 33317

CashCall, Inc.
1600 Douglass
Anaheim, CA 92086

To Whom It May Concern:

I am Robert Chasing Hawk Sr., a Tribal Elder of the Cheyenne River Sioux Tribal Nation. I have received the Demand for Arbitration from CashCall, Inc. (copy enclosed) and will be serving as the arbitrator for this dispute. I will apply Cheyenne River Sioux Tribal law and I have no preexisting relationship with either party in this case. I write to the parties to schedule a telephonic hearing to address preliminary matters. I am available on May 7th 2013 at 10:00 am MST. If either party is not on that date and time, please contact me to schedule an alternative time. I am also available on May 8th or May 9th of 2013 at 10:00 am MST as alternative dates.


Robert Chasing Hawk Sr.

5-3-13
Date



IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUITDEBORAH JACKSON, *et al*,
Plaintiffs-appellants,

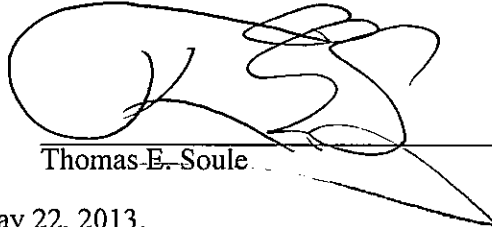
v.

PAYDAY FINANCIAL LLC, *et al*,
Defendants-appellees.) Appeal No. 12-2617
)
) Appeal from the United States
) District Court for the Northern
) District of Illinois, Eastern Division,
) No. 1 : 11 CV 9288 (N.D.Ill.),
) Hon. Charles P. Kocoras, J., presiding.**AFFIDAVIT OF THOMAS E. SOULE**

I, Thomas E. Soule, counsel for plaintiffs-appellants, hereby affirm under penalty of perjury, pursuant to 28 U.S.C. §1746 and all other applicable rules and laws, that the documents attached hereto as Exhibit 1 truly reflect material posted on Facebook by Shannon M. Chasing Hawk and her father, Robert Chasing Hawk. This material was accessed by me at or around 5:45 p.m. on May 21, 2013.

I further affirm that material not relevant to the action before this Court (*i.e.*, the listing of various links to games, movies, books, music and groups that Ms. Chasing Hawk has posted on her Facebook profile) has been omitted from Exhibit 1; it is otherwise unaltered.

Executed on this day, May 22, 2013.


Thomas E. Soule

Subscribed to and sworn before me on May 22, 2013.

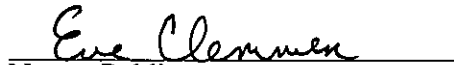
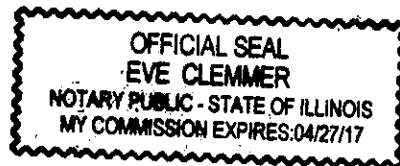

Notary Public

Exhibit 1

Search for people, places and things

Tom Soule Find Friends Home



Timeline About Photos Friends More

About

Follow Shannon to get her public posts in your news feed.

Work and Education

Western Sky Financial



Presentation College

Aberdeen, South Dakota



Cheyenne Eagle Butte High School

Class of 1998 - Eagle Butte, South Dakota

Living

Eagle Butte, South Dakota

Current City



Eagle Butte, South Dakota

Hometown

Family

Taryn Marie Chasing Hawk

Sister



Randy Evans

Brother



Buck Jones

Brother (Pending)



Dawny Morrison

Sister



Monique Pretty Weasel

Sister

**Basic Information**

Gender


Female

History by Year

1998

Graduated from Cheyenne Eagle Butte High School


Chat (5)




Search for people, places and things

Kristen Pretty Weasel


Sister




Tom Soule Find Friends Home




Ake Eagle Hunter
Brother




Robert Chasing Hawk
Father




Aldena Pretty Weasel
Mother



Alyssa Scissorhands
Niece (Pending)




Chuck Pretty Weasel
Cousin



Dane Brooke
Cousin (Pending)

More About Shannon M. Chasing Hawk





Photos

Photos Albums

See All

[Chat \(5\)](#)

 Tom Soule Find Friends Home





Robert Chasing Hawk


[Add Friend](#) [Message](#)

[Timeline](#) [About](#) [Photos](#) [Friends](#) [More](#)

Sponsored

Meet Singles Near You

Find your match at I He

Want To Meet Singles?
match.com

Sex Brk Sin FRI


Seeking for Men 30+
localslobby.com

Are be are Fre


About


To see what he shares with friends, send him a friend request.

[Add Friend](#)

Work and Education

 **retired**
Eagle Butte, South Dakota


 **National College of Business, Rapid City, SD**
Business Administration · Rapid City, South Dakota
College


 **Cheyenne Eagle Butte High School**
Eagle Butte, South Dakota
Student


Basic Information


Gender	Male
--------	------


Family


**Alex Chasing Hawk**
Son


**William Chasing Hawk**
Son

**Buck Jones**
Son (Pending)

**Jocelyn Chasing Hawk**
Daughter (Pending)

**Shannon M. Chasing Hawk**
Daughter

**Gloria Ann Chasing Hawk-Beauchman**
Niece


**Randy Evans**
Nephew


[Chat \(5\)](#)


https://www.facebook.com/robert.chasinghawk/info?collection_token=1816853264%3A2... 5/21/2013




Open

Search for people, places and things

 **Tom Soule** Find Friends Home

**Eagle Butte area online garage sale**
4,102 members
GROUP RULES The Rules to this Group have been revised so that we as Admins can run...
[Join](#)

**Restoration of Lakota Language for the Cheyenne River Sioux Tribe**
210 members
[Join](#)

Sponsored
Meet Singles Near You
 Fin
you
at l
He
Want To Meet Singles?
match.com
 Sex
Brc
Sin
FRI
Seeking for Men 30+
localslobby.com
 Are
ber
are
Fre

About Create Ad Create Page Developers Careers Privacy Cookies Terms Help

Facebook © 2013 · English (US)

Chat (5)