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*Attorneys for the Paskenta Band of Nomlaki
Indians*

TRIBAL COURT

OF THE

PASKENTA BAND OF NOMLAKI INDIANS

PASKENTA BAND OF NOMLAKI INDIANS,
a federally recognized Indian tribe; **ANDREW
FREEMAN; LATISHA MILLER;**
AMBROSIA RICO; ANDREW ALEJANDRE;
and **NATASHA MAGANA**, each in their official
capacities as Tribal Council members,

Plaintiffs,

v.

DAVID SWEARINGER; LESLIE LOHSE;
GERALDINE FREEMAN; and **ALLEN
SWEARINGER** each in their individual
capacities;

and

JOHN DOES 1-100, certain unidentified
individuals,

and

XYZ ENTITIES 1-100, certain unidentified
entities,

Defendants.

Case No.

**AFFIDAVIT OF ROBERT
ROSETTE REGARDING
NOTICE OF EX PARTE
EMERGENCY APPLICATION
AND MOTION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE RE
PRELIMINARY INJUNCTION**

Date:
Time:
Dept:

1 I, ROBERT ROSETTE, hereby declare as follows:

2 1. I am over the age of eighteen, am competent and of sound mind, have personal
3 knowledge of the facts set forth below and, if called as a witness, I can and will testify truthfully to each
4 of the following.

5 2. I represent the Paskenta Band of Nomlaki Indians, a federally recognized Indian tribe
6 (“Tribe”), and its lawful Tribal Council identified as Chairperson Andrew Freeman, Vice-Chairperson
7 Latisha Miller, interim Treasurer Ambrosia Rico, Secretary Andrew Alejandre, and Member-at-Large
8 Natasha Magana, as well as the Tribe’s numerous Enterprises, Departments, and economic ventures.

9 3. Defendants are attempting to pose as the Tribal Council in order to obtain control over
10 tribal assets. Indeed, Defendants are already in control of certain tribal assets, including, but not
11 limited to, bank accounts, a private jet and fractional shares of a jet and/or aviation services,
12 automobiles, and gold and silver bullion. These assets may be spent, disposed of, moved to an
13 untraceable location, or otherwise permanently lost at any time unless this Court grants injunctive relief
14 restricting such access. Thus, it is critical that the tribal assets be recovered immediately and that
15 Defendants be enjoined from posing as tribal officials to obtain any additional tribal assets.

16 4. Plaintiffs have reason to believe that Defendants plan, at any time, to seize control over
17 any and all resources and assets of the Tribe that they can in effort to continue their past practice of using
18 such resources and assets to their own personal advantage. For example, I am aware that Defendants
19 have recently attempted to access the Tribe’s revenue on deposit with AmericanWest Bank, have
20 attempted to restrain the lawful Tribal Council from acting on behalf of the Tribe, and upon information
21 and belief we have suspicion that Defendants or their agents have recently attempted to interrupt the
22 continued operations of the Rolling Hills Casino through a cyber-attack that was engineered to
23 completely shut down the Casino’s operations.

24 5. Unless Defendants are enjoined from having any access at all to the Tribe’s numerous
25 Enterprises, Departments, and economic ventures, including the Rolling Hills Casino, Plaintiffs will lose
26 the assets of the Tribe to an unrecognized entity and, once disbursed, those assets cannot be recovered.

1 6. There is good cause to believe that if an emergency temporary restraining order is not
2 issued forthwith, a real, significant and immediate risk exists that millions of dollars of the Tribe's
3 revenue will be disbursed without authority and, as such, will be lost forever, and vitally important
4 resources and services that are required to properly serve the Tribe and its members will be lost,
5 mismanaged, or expended only to a select group of individuals friendly to Defendants.

6 7. Emergency relief, in the form of a temporary restraining order, is necessary and must not
7 be delayed for any period of time because there is good cause to believe that any further delay in
8 granting this requested emergency relief will accelerate Defendants' illegal conduct.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct. Executed on this 16th day of May 2014, in Chandler, Arizona.

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12 Dated: May 16, 2014.

RESPECTFULLY SUBMITTED,
ROSETTE, LLP

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