

FILED

5/19/14 *max*

**PASKENTA BAND OF NOMLAKI
INDIANS TRIBAL COURT**

IN THE PASKENTA BAND OF NOMLAKI INDIANS
TRIBAL COURT

GERALDINE FREEMAN and INES CROSBY,

Plaintiffs,

v.

ANDREW FREEMAN, AMBROSIA RICO,
ANDREW ALEJANDRE, LATISHA MILLER,
BRUCE THOMAS, CHUCK GALFORD,
TERRY CONTRERAS, JEFF REALANDER,
GARY POYNER, DENNIS KINNEY, KATE
GRISSOM, BOB CLOUD, DAN LARGENT,
ART FELIX, LORI LAGRANDE, VICKY
ROY, DEANNA DRAKE, DUSTIN WAYNE,
DAVID CARTER, MARY SWEET, RUSSELL
DENNIS, NOBADEL DAVIS, PAUL LAY,
HAL HENSLEY, ANTHONY BOERNER,
NATHAN PLATTE, SHERRY FREEMAN,
AMY GONCZERUK, JOHN DOES 1-100,
AND JANE DOES 1-100,

Defendants.

NO. PTCV-14-001

DECLARATION OF GERALDINE
FREEMAN IN SUPPORT OF
TEMPORARY RESTRAINING ORDER

I, Geraldine Freeman, say:

1. I am member of the Paskenta Band of Nomlaki Indians, a federally recognized
Indian tribe ("Tribe").

DECLARATION OF GERALDINE FREEMAN IN SUPPORT
OF TEMPORARY RESTRAINING ORDER - 1

Galanda Broadman, PLLC
8606 35th Ave. NE, Suite L1
Mail: PO Box 15146
Seattle, Washington 98115
(206) 557-7509

1 2. I am the Tribe's elected Tribal Council Secretary, and a member of the Board of
2 Directors for the Rolling Hills Health Clinic and Dental Lab.

3 3. I am over eighteen years of age, I am competent to testify, and I have personal
4 knowledge of the facts set forth herein.

5 4. With respect, I offer this Declaration without waiving my sovereign immunity
6 protection as a Tribal member and without consenting myself or the Tribe or any Tribal entity to
7 the jurisdiction of the Court. Neither I, nor the Tribe, nor any Tribal entity consents to
8 discovery, suit, examination, or any other court or administrative process. I offer this declaration
9 for the benefit of the Court only.

10 5. Chairman Freeman and Defendants have advised Rolling Hills Casino employees
11 to cash their paychecks at the casino cage.

12 6. Chairman Freeman has directed Rolling Hills Casino agents to transport large
13 amounts of cash out the casino and into a white Sport Utility Vehicle each morning to an
14 unknown and undisclosed location.

15 7. On April 28, 2014, several armed guards approached a group of non-Indian
16 golfers conversing in the parking lot of the Servillano Links and directed those patrons of
17 Paskenta to vacate the premises immediately.

18 8. Andrew Freeman has not attended a Tribal Council meeting since April 12, 2014.

19 9. Attached as **Exhibit A**, is a true and correct copy of the January 12, 2011 letter
20 from the Bureau of Indians Affairs to Andrew Freeman, Chairman, Paskenta Rancheria.

21 10. Attached as **Exhibit B**, is a true and correct copy of the October 25, 2012 letter
22 from Andrew Freeman to R. Swearinger regarding Elections Board Denial of Election Appeal.
23
24
25

1 11. Attached as **Exhibit C**, are true and correct copies of the April 14, 2014, Orland
2 Police Department Reports.

3 12. Attached as **Exhibit D**, are true and correct copies of the April 15, 2014 police
4 reports from the Corning Police Department and the Orland Police Department.

5 13. Attached as **Exhibits E**, are true and correct copies of the April 12, 2014 police
6 reports from the Orland Police Department.

7 14. Attached as **Exhibit F**, is a true and correct copy of April 15, 2014 Orland Police
8 report indicating that they “kept the peace” but did nothing more.

9 15. Attached as **Exhibit G**, is a true and correct copy of Resolution No. 2014-0418,
10 dated April 18, 2014.

11 16. Attached as **Exhibit H**, is a true and correct copy of the April 18, 2014 letter from
12 Cornerstone stating that Cornerstone is “not in a position to validate Tribe election results.”

13 17. Attached as **Exhibit I**, is a true and correct copy of Resolution No. 2014-0419,
14 dated April 20, 2014.

15 18. Attached as **Exhibit J**, is a true and correct copy of the May 4, 2014 Email from
16 Eric Shepard stating “there is no more recent letter.”

17 19. Attached as **Exhibit K**, is a true and correct copy of the April 22, 2014 letter from
18 Andrew Freeman saying that the Henthorn/Pata family are suspended of any rights and benefits
19 as members.

20 20. Attached as **Exhibit L**, is a true and correct copy of Resolution No. 2014-0424.

21 21. Attached as **Exhibit M**, is a true and correct copy of an April 20, 2014 Security
22 Report.

1 22. Attached as **Exhibit N**, is a true and correct copy of a May 5, 2014 witness
2 statement signed by Bailey Phillip Swearingner.

3 23. Attached as **Exhibit O**, is a true and correct copy of the April 25, 2014 Notice of
4 the May 10, 2014 Special Meeting of the General Council to start Initiative process and conduct
5 other business.

6 24. Attached as **Exhibit P**, is a true and correct copy a "Talking Points" document
7 that Chairman Freeman left with U.S. Representative Doug LaMalfa during a visit to
8 Washington, DC.

9 25. Attached as **Exhibit Q**, is a true and correct copy of the May 6, 2014 letter from
10 A. Freeman to David Swearingner, ordering him to "immediately *cease and desist* from sending
11 any further correspondence . . . under the cover or identity as a Tribal Council Member."

12 26. Attached as **Exhibit R**, is a true and correct copy of Resolution No. 2014-0421.

13 27. Attached as **Exhibit S**, is a true and correct copy of Resolution No. 2014-0428.

14 28. Attached as **Exhibit T**, is a true and correct copy of Resolution No. 2014-0433
15 passed by the Tribal Council on May 7, 2014.

16 29. Attached as **Exhibit U**, is a true and correct copy of a letter that the Tribal
17 Council received from the BIA on May 7, 2014.

18 DATED this 8th day of May, 2014.

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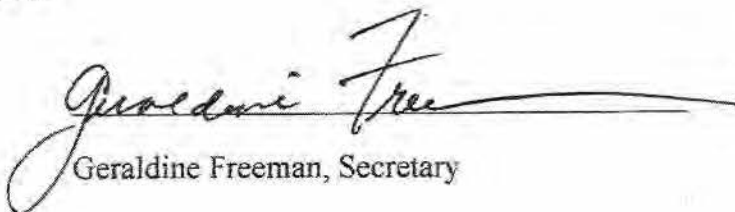

Geraldine Freeman, Secretary

EXHIBIT A

Tribal Operations

Honorable Andrew Freeman
Chairman, Paskenta Rancheria
Post Office 398
Orland, California 95963

JAN 12 2011

Dear Mr. Freeman:

The purpose of this correspondence is to acknowledge receipt of the Tribe's facsimile dated December 23, 2010, with attached Tribal Resolution 2010-10-02, Tribal Council Appointments, received on January 6, 2011, at the Bureau of Indian Affairs, Central California Agency.

On October 2, 2010, Resolution 2010-10-02, was approved at a duly convened Tribal Council meeting, at which a quorum was present, certifying the newly appointed council members. Therefore, the following individuals currently represent and serve as officials of the Paskenta Rancheria Tribal Council:

1. Andrew Freeman, Chairman
2. David Swearinger, Vice-Chairman
3. Leslie Lohse, Treasurer
4. Geraldine Freeman, Secretary
5. Allen Swearinger, Member-at-Large

Congratulations are extended to all the elected officials. Please feel free to contact my office about any Bureau program or any questions you may have.

Should you have any questions, please do not hesitate to contact Carol Rogers-Davis, Tribal Operations Officer, at (916) 930-3794.

Sincerely,

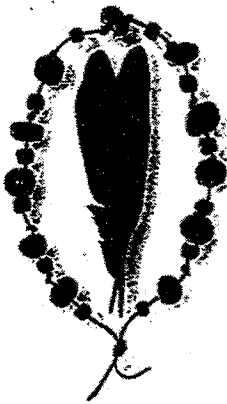
TROY BURDICK

Troy Burdick
Superintendent

bcc: 3731-P5 Paskenta Rancheria FY 11
37102-T1 Tribal Operations Chron CY 11
10102-T1 Superintendent Chron CY 11
TSam 01/12/11

TSam 01-12-11 MJB:rlf/rlf

EXHIBIT B



The Paskenta Band of Nomlaki Indians of California

October 25, 2012

Ms. Rebecca M. Swearingner
1801 Highway 20, Space 24
Colusa, CA 95932

RE: Elections Board Denial of Election Appeal

Dear Ms. Swearingner:

The Tribal Council is hereby notifying Ms. Swearingner, appellant, that the Paskenta Band of Nomlaki Indians' Voter Registrar has not received a petition for review regarding the enclosed appeal denial issued by the Elections Board. According to the Elections Board Ordinance, your petition for review of said denial was to be received by the Registrar within ten (10) days of their decision.¹

According to our records, the Elections Board denial letter was sent by certified mail and received by appellant on October 12, 2012. It has been thirteen (13) days since the receipt of said letter; therefore, the Council is left to understand that the appellant, Ms. Swearingner, does not wish to further appeal this matter.

Thus, the Council hereby upholds the Elections Board decision to deny the appellant's complaint based upon the findings as noted in the Board's denial letter. Any further appeals regarding Ms. Swearingner's complaint will be found untimely and dismissed accordingly.

Sincerely,

Andrew Freeman
Tribal Chairperson

Enc: Election's Board Denial Letter

Cc: Elections Board
Tribal Council
Amy Dutschke, Acting Regional Director/US Bureau of Indian Affairs
Troy Burdick, Agency Superintendent/US Bureau of Indian Affairs

¹In accordance with Elections Board Ordinance Article IV, Section 406(b) The Elections Board shall decide all disputes concerning any general election within thirty (30) days of receipt of a complaint, and their decision shall be final, unless within ten (10) days of that decision, a petition for review by the Tribal Council is filed

RM Swearingner
Elections Appeal Denial
10/25/2012

Page 1

with the Registrar. The Tribal Council may, by a vote of two-thirds (2/3) of all the members of the Council reverse the decision of the Elections Board. The decision of the Tribal Council shall be final, the Elections Board having received your complaint/appeal hereby issues its response, well within the thirty (30) days allowed. The Elections Board finds Ms. Swearinger's complaint/appeal to be groundless and is hereby denied.

Therefore, the Elections Board continues to uphold and certify its findings of the 2012 Tribal Elections as follows: Tribal Chairperson: Andrew Freeman with 80 (eighty) votes is elected as Chairperson for the Paskenta Band of Nomlaki Indians. Tribal Treasurer: Leslie Lohse was not challenged and will remain in office until the next election for this position, this is in accordance with The Constitution of the Paskenta Band of Nomlaki Indians, Article IV, Section 3. 'In the event that no candidate is nominated for a particular office, the incumbent shall continue to serve therein until the next election'.

Ms. Swearinger, please note, you may appeal the Elections Board decision to the Tribal Council within ten (10) days of this decision.

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EXHIBIT C

Orland
PD
CAD Full Report

Date: 04/14/2014 13:20 Event Nbr: 14-04-14-001912

Report Nbr:

Rec'd Via: Walk-In

Initial Incident: XPATR - OTHER INCIDENT - Extra Patrol

Final Incident: XPATR - OTHER INCIDENT - Extra Patrol

Business:

Detail: TRIBEL OFFICE

Street Nbr: 1052 Name: SOUTH ST

Apt Nbr:

Reporting Person: FREEMAN, ANDREW

Phone: 624-0534

Address: 3700 MARGUERITE AVE, CORNING

Police Information:

Public Information:

Andrew Freeman came into Orland PD and picked up the keys to the Tribal Office in Orland, per Sgt Johnson's report 140293. Please provide extra patrol Brandon Paya and Terry Contreras will be at the office obtaining paperwork. Any questions call Andrew Freeman at 624-0534 or 680-5472.

Disposition: Info only

- ☐ Issue Report ☐ Arrest ☐ Media Log
☐ Alarm Response ☐ False Alarm ☒ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
JR	REHSE, JANENE	AC	13:20	13:20	13:20	13:35

Orland
PD
CAD Full Report

Date: 04/14/2014 13:33 Event Nbr: 14-04-14-001915 Report Nbr: Rec'd Via: Radio

Initial Incident: CSB - OTHER INCIDENT - Civil Stand-By

Final Incident: CSB - OTHER INCIDENT - Civil Stand-By

Business: PASKENTA BAND OF NOMLAKI INDIANS

Detail:

Street Nbr: 1012 Name: SOUTH ST

Apt Nbr:

Reporting Person: CROSBY, ANDREW

Phone: 530-624-2002

Address:

Police Information:

Public Information:

OPD responded to the Paskenta Tribal Office for a civil stand-by. Officers remained on scene until no longer needed.

Disposition: Closed

- ☐ Issue Report ☐ Arrest ☒ Media Log
☐ Alarm Response ☐ False Alarm ☒ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
KC	CESSNA, KYLE	AC	13:33	13:33	13:50	15:19
JCT	TOLLE, JOHN	ASSTS	13:33	13:33	13:50	15:19
GC	CARMON, GRANT	ASSTS	13:33	13:33	13:50	15:19
TR	ROENSPIE, THOMAS	ASSTS	13:33	13:33	13:50	15:19

Orland
PD
CAD Full Report

Date: 04/14/2014 18:59 Event Nbr: 14-04-15-001922

Report Nbr:

Rec'd Via: Mail

Initial Incident: MR - OTHER INCIDENT - Misc. Report

Final Incident: MR - OTHER INCIDENT - Misc. Report

Business: PASKENTA BAND OF NOMLAKI INDIANS

Detail

Street Nbr: 1012 Name: SOUTH ST

Apt Nbr:

Reporting Person: SPEHLING, RYAN

Phone: 530-513-4133

Address:

Police Information:

Public Information:

FYI - Armed guards are now in place until the civil matter is resolved.

Disposition: Closed

- ☐ Issue Report ☐ Arrest ☐ Media Log
☐ Alarm Response ☐ False Alarm ☐ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
CB	BARNES, CHARLES	AC	18:58	18:59	18:59	18:59

EXHIBIT D

**CORNING POLICE DEPARTMENT**

Page 1

CAD INCIDENT REPORT

140412012

04/15/14

Location ROLLING HILLS CASINO, (UNKNOWN ADDRESS)				Cross Streets			City CORNING	
Incident Type AOA - ASSIST OTHER AGENCY				Call Taker KNIGHT, ASHLEY			Dispatcher KNIGHT, ASHLEY	
Date 04/12/14	Priority	Primary Unit P211	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL	
Caller Name				Caller Address				Caller Phone
Dispositions Assisted, Log Note Only, Log Note Only					Weapon		Alm Level	Case Number
Vehicles					Associated Incidents			
Incident Times		Special Circumstances						
Received 10:46:06		Persons						
Created 10:46:42								
Dispatched 10:46:45								
En Route 10:46:48								
On Scene 10:48:40								
Closed 11:17:24								
Rcvd-Closed 31:18								
Unit Times	Officer	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	On Scene-Clear	Disp-Clear
S3	Bassett, Craig	10:46:45	10:46:48	10:48:40	11:17:24	01:55	28:44	30:39
P211	Jourdan, Justin	10:46:54	10:46:56	10:48:42	11:17:22	01:48	28:40	30:28
P211	Jourdan, Justin	12:02:41	12:02:43	12:05:31	12:46:31	02:50	41:00	43:50
S3	Bassett, Craig	12:02:45	12:02:47	12:05:34	12:46:34	02:49	41:00	43:49

Incident Comments

Rolling Hills Casino requests assist w/ verbal disturbance after tribal meeting, TCSO enrt
Assist completed without incident.

Orland
PD
CAD Full Report

Date: 04/15/2014 02:00 Event Nbr: 14-04-15-001923 Report Nbr: Rec'd Via: Radio

Initial Incident: CP - OTHER INCIDENT - Civil Problem (Not to Include Stand-By)

Final Incident: CP - OTHER INCIDENT - Civil Problem (Not to Include Stand-By)

Business: PASKENTA BAND OF NOMLAKI INDIANS

Detail: OFFICE AND PARKING LOT

Street Nbr: 1012 Name: SOUTH ST Apt Nbr:

Reporting Person: FREEMAN, ANDREW Phone: 530-624-0534

Address:

Police Information:

GCSO, CHP and WPD responded to assist in keeping the peace.

Public Information:

OPD and allied agency officers kept the peace at the Paskenta Tribal office at 1021 South St.

Disposition: NFA by OPD

☐ Issue Report ☐ Arrest ☒ Media Log
☐ Alarm Response ☐ False Alarm ☒ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
RJV	VLACH, RAYMOND	AC	02:00	02:00	02:00	03:20
CB	BARNES, CHARLES	ASSTS	02:00	02:00	02:00	03:20

EXHIBIT E

Orland
PD
CAD Full Report

Date: 04/12/2014 11:09 Event Nbr: 14-04-12-001880 Report Nbr: 140293

Rec'd Via: Radio

Initial Incident: 415 PC (DV VERBAL ONLY) - DOMESTIC VIOL - Disturbance - V

Final Incident: 415 PC (DV VERBAL ONLY) - DOMESTIC VIOL - Disturbance - V

Business: PASKENTA BAND OF NOMLAKI INDIANS

Detail:

Street Nbr: 1012 Name: SOUTH ST

Apt Nbr:

Reporting Person: DUSINA, GARY

Phone:

Address:

Police Information:

Two families voted out of the tribe. They were upset and have keys to the office. Situation mediated for now. Both parties asked to turn keys over to OPD until the situation is mediated.

Public Information:

OPD responded to a disturbance at the Paskenta Tribal Office on South St. OPD stood by and and kept the peace during a civil dispute. NFA by OPD.

Disposition: Closed

- ☒ Issue Report ☐ Arrest ☒ Media Log
☐ Alarm Response ☐ False Alarm ☐ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
SJ	JOHNSON, SEAN	AC	11:09	11:09	11:15	11:47
KC	CESSNA, KYLE	ASSTS	11:09	11:09	11:15	11:47
SJ	JOHNSON, SEAN	FU	13:12	13:12	13:12	14:51
KC	CESSNA, KYLE	ASSTS	13:12	13:30	13:30	14:51

EXHIBIT F

Orland
PD
CAD Full Report

Date: 04/15/2014 02:00 Event Nbr: 14-04-15-001923 Report Nbr: Rec'd Via: Radio

Initial Incident: CP - OTHER INCIDENT - Civil Problem (Not to Include Stand-By)

Final Incident: CP - OTHER INCIDENT - Civil Problem (Not to Include Stand-By)

Business: PASKENTA BAND OF NOMLAKI INDIANS

Detail: OFFICE AND PARKING LOT

Street Nbr: 1012 Name: SOUTH ST Apt Nbr:

Reporting Person: FREEMAN, ANDREW

Phone: 530-624-0534

Address:

Police Information:

GCSO, CHP and WPD responded to assist in keeping the peace.

Public Information:

OPD and allied agency officers kept the peace at the Paskenta Tribal office at 1021 South St.

Disposition: NFA by OPD

- ☐ Issue Report ☐ Arrest ☒ Media Log
☐ Alarm Response ☐ False Alarm ☒ Service Call

Officers Involved:

Call #	Officer Name	Activity	Dispatch	Enroute	Arrived	Cleared
RJV	VLACH, RAYMOND	AC	02:00	02:00	02:00	03:20
CB	BARNES, CHARLES	ASSTS	02:00	02:00	02:00	03:20

EXHIBIT G



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF
NOMLAKI INDIANS

Resolution No. 2014-0418

Date: April 18, 2014

Subject: TRIBAL & TRIBAL ENTERPRISE BANK ACCOUNT ACCESS

Andrew Freeman
Chairperson II

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally recognized Indian tribe; and

David Swearinger
Vice Chairperson I

WHEREAS: The Tribe is governed by a Constitution (the "Tribal Constitution") approved by the members of the Tribe on April 18, 1998, approved by the Secretary of the Interior on May 15, 1998, and amended by the members of the Tribe on April 17, 2004; and

Leslie Lohse
Treasurer

Geraldine Freeman
Secretary

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the governing body of the Tribe is the Tribal Council; and

Allen Swearinger
Member at Large

WHEREAS: Article VI, Section 1(a) of the Tribal Constitution provides that the Tribal Council is authorized to negotiate contracts and conclude agreements with federal, state, local and tribal governments, private entities and individuals on behalf of the Tribe; and

WHEREAS: Article VI, Section 1(e) of the Tribal Constitution provides that the Tribal Council is authorized to borrow money and provide for repayment thereof, and manage all economic affairs and enterprises; and

WHEREAS: Article VI, Section 2 of the Tribal Constitution provides that the Tribal Council shall have all appropriate powers necessary to implement specific provisions of the Tribal Constitution; and

WHEREAS: The Tribal Council met on April 18, 2014, to, among other things, discuss the status of Tribal affairs;

WHEREAS: The Tribal Council determined that it is in the best interests of the Paskenta Band of Nomlaki Indians to have uninterrupted access to bank accounts and that despite a minority of the Tribe wishing to cripple the exercise of governmental services, the majority of the Tribe desires that the Tribe be productive and engage in essential governmental activities;

WHEREAS: The Tribal Council believes that it is important for the Tribe to conduct business in a regular manner.

Resolution Subject Tribal and Tribal Enterprise Bank Account Access

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby ratifies, approves, and confirms David Swearinger, Vice-Chairman; Geraldine Freeman, Secretary; Leslie Lohse, Treasurer; and Allen Swearinger, Members-at-Large, as signatories to the Tribe's and all Tribal Enterprises bank accounts.

BE IT FURTHER RESOLVED that the Tribal Council hereby requests the financial institutions at which the Tribe and Tribal Enterprises maintain deposit and other related accounts recognize that a majority of the Tribal Council supports continued, uninterrupted and unrestricted access by the Tribe to Tribal and federal funds on deposit with said financial institutions.

BE IT FURTHER RESOLVED that the Tribal Council requests that the financial institutions disregard requests from others and recognize the elected Tribal Council described herein and recognized by the U.S. Department of the Interior, Bureau of Indian Affairs.


BE IT FURTHER RESOLVED that the Tribal Council hereby disclaims and disavows any action purported to be taken in the name of the Tribe but not made in accordance with the provisions of this Resolution.


CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 18th day of April 2014, and was adopted by a vote of 4 for, 0 against and 0 abstentions. A quorum of 4 was present.

Dated this 18th day of April 2014.


David Swearinger
Vice-Chairman


Geraldine Freeman
Secretary


Leslie Lohse
Treasurer


Allen Swearinger
Member-at-Large

EXHIBIT H



April 18, 2014

DELIVERED VIA EMAIL OR HAND DELIVERED OR
U.S. MAIL

Andrew Freeman
Ambrosia Rico
Andrew Alejandre
Latisha Miller
Allen Swearingner
David Swearingner
Leslie Lohse
Geraldine Freeman

To Whom It May Concern:

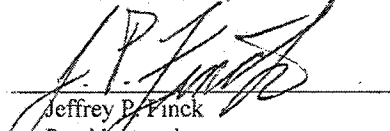
Cornerstone Community Bank (the "Bank") has been advised by several members of the Tribal Council of the Paskenta Band of Nomlaki Indians (the "Tribe") that a dispute has arisen concerning whether certain individuals (collectively, "Group 1")¹ were properly removed from their positions as members of the Tribal Council and whether replacement members (collectively, "Group 2")² were validly elected to the Tribal Council.

The Bank is not in a position to validate Tribe election results and therefore will accept Tribes Minutes and Resolutions as true and correct and that the Resolutions were validly adopted consistent with the tribal constitution and all other governing documents of the Tribe

If you have any questions, you may contact me in writing (including email) jfinck@bankcornerstone.com.

CORNERSTONE COMMUNITY BANK

By:


Jeffrey P. Finck
President and
Chief Executive Officer

¹ The three individuals alleged to have been removed from the Tribal Council are: David Swearingner, Leslie Lohse, and Geraldine Freeman.

² The three individuals alleged to have been elected to the Tribal Council are: Ambrosia Rico, Andrew Alejandre, and Latisha Miller.

EXHIBIT I



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF
NOMLAKI INDIANS

Resolution No. 2014- 0419

Date: April 20, 2014

Subject: WELLS FARGO LINE OF CREDIT AND BANK ACCOUNT
ACCESS

Andrew Freeman
Chairperson

David Sweninger
Vice Chairperson

Leslie Lohse
Treasurer

Gerardine Freeman
Secretary

Allen Sweninger
Member at Large

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally recognized Indian tribe; and

WHEREAS: The Tribe is governed by a Constitution (the "Tribal Constitution") approved by the members of the Tribe on April 18, 1998, approved by the Secretary of the Interior on May 15, 1998, and amended by the members of the Tribe on April 17, 2004; and

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the governing body of the Tribe is the Tribal Council; and

WHEREAS: Article VI, Section 1(a) of the Tribal Constitution provides that the Tribal Council is authorized to negotiate contracts and conclude agreements with federal, state, local and tribal governments, private entities and individuals on behalf of the Tribe; and

WHEREAS: Article VI, Section 1(e) of the Tribal Constitution provides that the Tribal Council is authorized to borrow money and provide for repayment thereof, and manage all economic affairs and enterprises; and

WHEREAS: Article VI, Section 2 of the Tribal Constitution provides that the Tribal Council shall have all appropriate powers necessary to implement specific provisions of the Tribal Constitution; and

WHEREAS: The Tribe entered into a Loan Agreement dated May 1, 2009 with Wells Fargo Bank, NA ("Original Loan Agreement") and amended the Original Loan Agreement in September 2011 ("First Amendment"); and

WHEREAS: The Tribe and Wells Fargo Bank, NA amended and restated the Original Loan Agreement and First Amendment in a document entitled Amended and Restated Loan Agreement dated December 4, 2013 ("Amended Loan Agreement"); and

Resolution 2014-~~44~~ Wells Fargo Line of Credit and Bank Account cont.

WHEREAS: The Amended Loan Agreement provides a credit facility available to the Tribe from which the Tribe may request advances ("Line of Credit"); and

WHEREAS: The Tribal Council met on April 20, 2014, to, among other things, discuss the status of Tribal affairs;

WHEREAS: The Tribal Council determined that it is in the best interests of the Paskenta Band of Nomlaki Indians to limit access to the Line of Credit and other bank accounts so as to ensure that the Tribal government can continue to carry on its essential governmental functions; and

WHEREAS: The Tribal Council believes that it is important for the Tribe to conduct business in a regular manner without the potential for unauthorized persons to access the Line of Credit and other bank accounts.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby ratifies, approves, and confirms David Swearinger, Vice-Chairman; Geraldine Freeman, Secretary; Leslie Lohse, Treasurer; and Allen Swearinger, Member-at-Large, as the only signatories to the Tribe's and all Tribal Enterprises' bank accounts, lines of credit, or other financial arrangements or relationships, and hereby revokes any signatory authority previously held by Andrew Freeman, Ambrosia Rico, Andrew Alejandro, Latisha Miller, Jeff Realander, Bruce Thomas, Chuck Galford, and Terry Contreras, or anyone acting on their behalf.

BE IT FURTHER RESOLVED that the Tribal Council hereby demands and instructs that Wells Fargo Bank, NA and its affiliates do not allow, authorize or otherwise permit any draws or funding with respect to the Wells Fargo Line of Credit unless authorized in writing by at least a super-majority of four of the five Tribal Council members.

BE IT FURTHER RESOLVED that the Tribal Council hereby instructs Wells Fargo to ignore any instructions previously or in future received from any other party concerning the Line of Credit, including, without limitation, any instruction from Andrew Freeman, Ambrosia Rico, Andrew Alejandro, Latisha Miller, Jeff Realander, Bruce Thomas, Chuck Galford, and Terry Contreras, or anyone acting on their behalf, and hereby resolves that any signatory authority possessed by any of the foregoing is hereby revoked, rescinded and is deemed void *ab initio* by the Tribal Council.

BE IT FURTHER RESOLVED that the Tribal Council demands and instructs that all financial institutions, including without limitation Wells Fargo Bank, NA and Cornerstone Community Bank, disregard any requests or instructions from any other persons and recognize only the contracting power and authority of the elected Tribal Council described herein and recognized by the U.S. Department of the Interior, Bureau of Indian Affairs, acting by action of the four Tribal Council members enacting this resolution.

Resolution 2014-⁰⁴¹⁹ Wells Fargo Line of Credit and Bank Account cont.

BE IT FURTHER RESOLVED that the Tribal Council hereby disclaims and disavows any action previously or in future purported to be taken in the name of the Tribe but not made in accordance with the provisions of this Resolution.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 20th day of April 2014, and was adopted by a vote of 4 for, 0 against and 0 abstentions. A quorum of 4 was present.

Dated this 20th day of April 2014.

Andrew Freeman
Chairman

David Swearinger
Vice-Chairman

Geraldine Freeman
Secretary

Leslie Lohse
Treasurer

Allen Swearinger
Member-at-Large

EXHIBIT J

----- Forwarded message -----

From: **Shepard, Eric** <Eric_Shepard@nigc.gov>

Date: Sun, May 4, 2014 at 12:18 PM

Subject: Re: NIGC letter sent April 21, 2014

To: gabe@galandabroadman.com, "Hay, John" <John_Hay@nigc.gov>

Cc: bdownes@bdlaw.com, alan.fedman@dentons.com

Gabe:

There is no more recent letter.

Eric

From: Gabe Galanda <gabe@galandabroadman.com>

To: Hay, John; Shepard, Eric

Cc: Bradley Bledsoe Downes <bdownes@bdlaw.com>; Fedman, Alan R. <alan.fedman@dentons.com>

Sent: Sun May 04 10:43:44 2014

Subject: Re: NIGC letter sent April 21, 2014

Mr. Hay, Eric:

Please consider the following passage from the below news article this weekend.

"Rico claims that a more recent letter from the gaming commission said it is classifying the dispute as an internal tribal affair, and at this time will leave the problem for the tribe to rectify."

We are aware of no "more recent" or other NIGC letter than Director Hatfield's. Are you and if so, can you please share it with s on behalf of the Tribal Council? The possibility of any such letter is very concerning to us.

EXHIBIT K

ROLLING HILLS CLINIC

WWW.RHCLINIC.ORG

April 22, 2014

Ines Crosby
Allen Swearingner
David Swearingner
Geraldine Freeman

Re: Rolling Hills Clinic board of directors

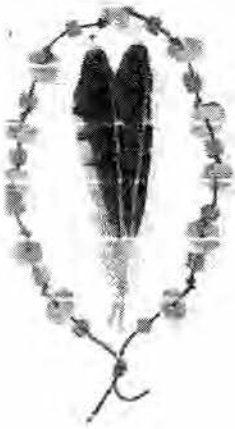
This will notify you that the Paskenta Nomlaki Tribal Council has removed you from the board of directors of Rolling Hills Clinic and Dental Lab. The meeting of the Clinic's board of directors scheduled for April 23, 2014 has been cancelled. I also remind you that all of you, other than Allen Swearingner are barred from Tribal property, including the Clinic locations.

PASKENTA BAND OF NOMLAKI INDIANS

By:


Andrew Freeman, Tribal Chairman

EXHIBIT L



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF
NOMLAKI INDIANS

Resolution No. 2014-0424

Date: May 2, 2014

Subject: TO TERMINATE, REMOVE AND EXCLUDE UNAUTHORIZED
ROLLING HILLS CASINO MANAGERS, ARMED GUARDS AND
OTHER PURPORTED EMPLOYEES; AND TO TERMINATE
PURPORTED GAMING COMMISSIONERS

Andrew Freeman
Chairman

David Swearinger
Vice Chairman

Leslie Lohse
Treasurer

Geraldine Freeman
Secretary

Allen Swearinger
Member at Large

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally
recognized Indian tribe; and

WHEREAS: The Tribe is governed by a Constitution (the "Tribal Constitution")
approved by the members of the Tribe on April 18, 1998, approved by
the Secretary of the Interior on May 15, 1998, and amended by the
members of the Tribe on April 17, 2004; and

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the
governing body of the Tribe is the Tribal Council; and

WHEREAS: Article VI, Section 1(a) of the Tribal Constitution provides that the
Tribal Council is authorized to negotiate contracts and conclude
agreements with federal, state, local and tribal governments, private
entities and individuals on behalf of the Tribe; and

WHEREAS: Article VI, Section 1(b) of the Tribal Constitution mandates that the
Tribal Council promote the health, education, general welfare of the
Tribe and its members; and

WHEREAS: Article VI, Section 1(g) of the Tribal Constitution provides that the
Tribal Council is authorized to administer any funds or property
within the control of the Tribe; and

WHEREAS: Article VI, Section 1(i) of the Tribal Constitution provides that the
Tribal Council is authorized to initiate such administrative
proceedings and/or legal actions on behalf of the Tribe and its
members; and

WHEREAS: Article VI, Section 1(k) of the Tribal Constitution provides that the
Tribal Council is authorized to regulate subordinate organizations, to
delegate to such organizations the power to take official action, and to
review and rescind any action taken under such delegation; and

WHEREAS: Article VIII, Section 6 of the Tribal Constitution provides that the acts and omissions of all appointed officials are subject to the review and approval of the Tribal Council; and

WHEREAS: Non-member gaming personnel, including purported management, unauthorized armed guards, and other purported employees have infiltrated the Rolling Hills Casino

WHEREAS: Purported Tribal Gaming Commissioners have failed to take action and thereby placed the health, welfare, and economic security of the Tribe in serious peril; and

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby excludes from the Rolling Hills Casino and all other Tribal properties, and all lands described in Article I of the Tribal Constitution, the people listed on Appendix A to this Resolution; and

NOW, THEREFORE, BE IT RESOLVED that, to the extent any employment relationship exists or existed between the Tribe and the people listed on Appendix A, it is terminated; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Tribal Police Department shall immediately serve the attached Notice upon the people listed on Appendix A, and remove and exclude them from the Rolling Hills Casino and all other Tribal properties, and all lands described in Article I of the Tribal Constitution. Should any such person resist their removal and exclusion, Tribal Police Officers are hereby authorized to civilly detain, remove and exclude such person and/or cite them into Tribal Court for applicable violations of Tribal law, including disorderly conduct or trespass (or into the Tribal Council, if the Tribal Court is not yet established). Said citation of such person may include civil fines of up to \$10,000 per trespass or disorderly conduct offense. Any such person who is detained, removed, excluded or cited shall be afforded the rights secured by Article X of the Tribe's Constitution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that, to the extent any Tribal Gaming Commissioner appointment or employment relationship exists or existed between the Tribe and any "John Doe" or "Jane Doe" Gaming Commissioners, who are unbeknownst to the Tribal Council, any such appointment or employment is terminated.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 2 day of May, 2014, and was adopted by a vote of 9 for, 0 against and 0 abstentions. A quorum of 4 was present.

Dated this 2 day of May, 2014.

Andrew Freeman
Chairman

Geraldine Freeman
Geraldine Freeman
Secretary

Allen Swearinger
Allen Swearinger
Member-at-Large

David Swearinger
David Swearinger
Vice-Chairman

Leslie Lohse
Leslie Lohse
Treasurer

Appendix A

Bruce Thomas
Chuck Galford
Terry Contreras
Jeff Realander
Gary Poyner
Dennis Barnes
Lynda Braeger
Maria Duby
Gretchen Allen
Dennis Kinney
Kate Grissom
Bob Cloud
Dan Largent
Art Felix
Lori LaGrande
Vicky Roy
Deana Drake
Dustin Wayne
David Carter
Mary Sweet
Russell Dennis
Nobadel Davis
Paul Lay
Hal Hensley
Anthony Boerner
Nathan Platte
Sherry Freeman
Amy Gonezerik
"John Doe" Armed Guards
"Jane Doe" Armed Guards



The Paskenta Band of Nomlaki Indians of California

Notice of Exclusion

The Paskenta Band of Nomlaki Indians ("Tribe") hereby serves this Notice to advise that you, _____, are hereby excluded from all lands upon which the Tribe possesses legal or beneficial title, including, but not limited to, the Rolling Hills Casino.

Upon reasonable suspicion, the Tribe finds that you have:

- ☐ committed the civil infraction of disorderly conduct;
- ☐ committed the civil infraction of trespass;
- ☐ committed the civil infraction of trespass with intent to commit a crime;
- ☐ committed the infraction of _____;
- ☐ been excluded from tribal lands pursuant to Tribal Council Resolution.

Andrew Freeman
Casino

David Swearinger
Vice Chairman

Leslie Lohse
Treasurer

Geraldine Freeman
Secretary

Allen Swearinger
Member at Large

If you do not voluntarily vacate the lands described above, Tribal Police may issue a citation, detain, remove, exclude, and/or cite you into Tribal Court. In addition, in the discretion of the citing Tribal Police Officer, the Officer may seize such personal property in your possession as the officer deems reasonably necessary to secure payment of any fine, which may be levied upon you upon conviction of the infraction.

If you disagree with this Notice you have a right to request a hearing before the Tribal Court. Your request for a hearing must be received by the Tribal Court Clerk within ten (10) calendar days of service of this Notice. **The hearing will be granted only if the you submit a written request to the Tribal Court Clerk within ten (10) calendar days of service of this Notice.** You are welcome to call the Tribal Police for information about the Tribal Court or to obtain a copy of the Tribe's Law and Order Code.

While your request is pending and until the Tribal Court issues a final judgment, you shall not enter the lands described above, except to attend your hearing. Entrance upon any Tribal lands in violation of this Notice will be deemed a trespass in violation of Section 8.3 of the Tribe's Law and Order Code.

Consistent with the rules of the Tribal Court and Article X of the Tribe's Constitution you may be represented by any person admitted to the Tribal Court Bar.

Tribal Police Officer/Tribal Councilmember

Date

EXHIBIT M



RURAL PATROL ROUTES - SPECIAL EVENTS - STATE LICENSING & TRAINING ACADEMY

www.agprivateprotection.com

4-20-14

At aprox 0225 hrs on April 20th, 2014 I received a phone call from Officer Krista Rife (P-13) who was working at 1012 South Street in Orland, CA. Officer Rife informed me that just prior to calling me, a group of subjects had arrived at the location and gathered around the front door of the tribal office. Officer Rife stated that she had spoken with a male by the name of Art who appeared to be affiliated with Rolling Hills Casino security or staff. Officer Rife stated that Art informed her that they intended to change the lock on the door of the tribal office. At aprox 0254 hrs I arrived at 1012 South Street and exited my patrol vehicle. I was met by Officer Rife and Officer Ruben Horton (P-36), I could hear an audible alarm going off. I asked Officer Rife if the subjects at the front door of the building had an alarm code, Officer Rife responded that they did not. Officer Horton stated that the subjects attempting to gain entry into the tribal office told him that they had informed Orland PD of their intentions to change the locks. Officer Rife stated that the subjects attempting to gain entry arrived in aprox 5 different vehicles. I then looked over at the front of the tribal office building. I could see several subjects standing in front of the door, with one subject kneeling near the door; I could hear the sound of a drill grinding on metal. At aprox 0255 hrs I called the Orland Police Department, and informed the dispatcher who I was and that I needed an officer to respond because the subjects attempting to gain access to the building did not have a key.

Two Orland PD officers arrived onsite, at this point the subjects had made entry into the building and the alarm was still sounding. The Orland PD officers began to speak with the subjects near the tribal building. Officer Rife pointed out Art to me and I asked him if I could speak to him. Art began to speak to me in front of the tribal building but walked over to the left side of the door. I noticed there were 4 male subjects all wearing black uniforms resembling police style uniforms, however I did not see any arm patches, badges or any wording on the clothing. All 4 of the male subjects were wearing police style duty belts and all of them were carrying exposed firearms and batons. I asked Art what was going on, he stated that they were changing the locks on the building under the belief that it was theirs. He stated that "possession is 9 points of the law, and we have the 9 points." I informed Art that I had documentation from the Federal Government that stated that our clients were the last tribal council on record. Art stated that the paper I had was old and that the Bureau of Indian Affairs "is just a record keeper." He continued to state that the side of the tribe he was with had held a vote recently and had already elected the



24 Hr. Dispatch: (530) 751-3303

RURAL PATROL ROUTES - SPECIAL EVENTS - STATE LICENSING & TRAINING ACADEMY

www.agprivateprotection.com

tribal council, and that information had been sent to the Federal Government. I told Art that the document I had reviewed had a date of 2011 on it and that if the people on it were no longer council members than his people must have recently voted to change that. He agreed but would not give me an exact date as to when a vote had been held or when they had submitted their new council information to the Federal Government.

I then focused my attention on the 4 male subjects wearing the police style uniforms that were standing next to me while I was talking to Art. I asked the subjects what security company they were from. One of the subject stated they were from Zaks Security out of Madera, CA. Seeing as they identified themselves as security I found it odd that none of them were wearing arm patches or any insignia that identified them as security and what company they work for, a violation of Business and Profession Code section 7582.27(a). I asked the subjects what their Private Patrol Operator number was; they verbally refused to tell me the number. I asked them if they were carrying weapons to which that all stated that they were. I then informed all of them that they were not in compliance with section 7582.27(a) and that I could file a complaint with the Bureau of Security and Investigative Services, they stated that was fine, but until then they were not going to tell me any more information. I again stated that they were violating section 7582.27(a), to which one of the subjects stated that "it was more of a regulation than a law." The same subject then asked me if I was aware that "tribal land is federal." I told the subject that it might be that case, but security is regulated by the State of California and a security contract and security guards are regulated by California State law. I then asked all of them if they had guard cards or exposed weapon permits, to which they paused and stated that they would only answer those questions from law enforcement. I asked them if they would give me the street address to Zaks security, but they did not, however Art who was still standing next to me gave the address of 2655 Everett Freeman Way, which sounded like the tribal office that his people were operating out of, but I was not able to confirm the exact purpose of the address he gave me.

I then walked over to Orland Police Officer Bryan Simpson (Badge # 508) I informed him of the situation with the 4 unmarked security guards and explained my concerns based on the laws that my company follows and his right as a police officer to check and see if the 4 subjects even had state licenses to carry exposed weapons and batons. He stated that his role was to keep the peace and that he was not going to check their permits, however he did mention that I should speak to the Sergeant about it. I then spoke with my officers about the situation and briefed them on the 4 security guards and their lack of any identification.



24 Hr. Dispatch: (530) 751-3303

RURAL PATROL ROUTES - SPECIAL EVENTS - STATE LICENSING & TRAINING ACADEMY

www.agprivatoprotection.com

I then spoke with Sergeant Joe Vlach (Badge # 502) of Orland PD, in which I again voiced my concerns about the 4 armed subjects that were supposedly security guards. He stated that he was not going to check their permits but that he would talk to Art about having them send over the security company's information so the Chief of Police could review it. I then asked him if he would like to see my officer's permits but he declined. He went on to say that he believed this situation regarding the dispute between the tribe is something that will need to be handled in a court setting. I told Sgt. Vlach that my clients hold a document from the Federal Government stated that they are the last tribal council of record. He asked me what the year on it was, I stated that it was dated 2011. He replied that Orland PD had a copy of the same 2011 document that my clients had. I thanked the Sergeant for his time and he and Officer Simpson departed the area. Art and the other subjects with him had finished changing the locks on the door and had scraped off the entire printed wording on the windows; they then left the area as well. Two of the armed security guards hired by Art and his group, stayed on site in a black Chevy Silverado pickup truck CA 7V65288. I then asked Officer Rife if she had seen any of the subjects remove any computers from the office. She said that she saw no computers being moved, but the group did take some papers. I then briefed Officer Rife and Office Horton on where I wanted them to be in relation to the other armed subjects in the black Chevy pickup truck, due to their confrontational nature and the fact that I had no factual information if they are even licensed security guards. I then departed the area.

Michael L. Morris

· Sergeant

Chico Branch

Armed Guard Private Protection

EXHIBIT N

April 12, 2014

Rec'd 4/29/14
@ approx 5:58 PM

To the Paskenta Tribal Council;

I Bailey Phillip Swearinger was present for the Annual General Council meeting for the Paskenta Band of Nomlaki Indians on Saturday April 12, 2014. I was sitting in approximately the fourth row back from the front on the left side of the room. I was to the left of where the Tribal Council was seated for the meeting.

The meeting was started off by Cody Pata giving a prayer in our Nomlaki language to begin the meeting. Next the roll was taken which took approximately 15 minutes. Security began coming into Carlino's right after Geri's blessing. I noticed there were security employees coming into Carlino's that weren't working their normal shifts. Andy began reading a prepared statement announcing that the Henthorne, Pata, Crosby and Lohse families weren't legally on the Paskenta roll and that Ines Crosby has known it from the beginning, and that the Freeman family had proof that they weren't even Nomlaki's. Immediately along with regular security officers came many sheriff's officers and highway patrol officers also. Rolling Hills Security officers surrounded the back of the Tribal Council. I could see they were being surrounded by the crowd and it didn't look safe up there for anyone.

The (first three rows) stood up and began yelling and became unruly. The cops tried to calm them down and then tried talking to John Crosby and then I heard David Swearinger made a motion to adjourn the meeting and Geri Freeman seconded it and then I heard David adjourn the meeting. Then I heard Kim, Tracy and Brenda yelling you can't adjourn the meeting, that's when the police tried to calm them down. Corning P/D tried to settle them down and walked up to Kim Tracy and Brenda and Brenda yelled I'm tribal and you cant touch me. It was at that time, my mom Debbie sent me outside to look for my dad. Shortly after she came out and said the crowd got much worse and she feared for her safety and left.

Bailey P Swearinger
**BAILEY PHILLIP
SWEARINGER**

5-5-14
DATE

EXHIBIT 0



April 25, 2014

Dear Tribal Members,

Enclosed please find your regular per capita check. If you have direct deposit, it will still be deposited on the 1st of the month as usual.

I am calling a **Special General Council** meeting to be held in Carlinos Event Center at Rolling Hills Casino beginning at 10:00 am on Saturday May 10, 2014.

The sole purpose of this meeting will be to reaffirm the General Council appointment of Tribal Members Ambrosia Rico (Treasurer), Andrew Alejandro (Secretary), and Latisha Miller (Vice Chair), which occurred at the previous April 12, 2014 General Council meeting.

The Tribal Council will take this opportunity to update you on the membership and all the recent changes.

This is an important meeting. We hope to see you there.

Andy Freeman

Tribal Chairman

EXHIBIT P

PASKENTA BAND OF NOMLAKI INDIANS TALKING POINTS

The Paskenta Band of Nomlaki Indians, a federally recognized Indian Tribe that operates the Rolling Hills Casino, is in the process of determining whether the Henthorne-Pata families, which includes Leslie Lohse, meet the Membership criteria set forth in the Tribe's Constitution.

- At a duly noticed, called and held Annual General Council Meeting on April 12, 2014 wherein a Quorum of the General Council was present, the Constitutional Membership issue was raised, and certain Tribal Council Members, including Leslie Lohse, knowingly vacated their seats on the Tribal Council. These Members were provided with notice to contest that they were vacating their seats and thus creating vacancies which were filled according to Tribal law.
- At the same meeting, the General Council heard from Dr. Dorothy Theodoratus, the expert who had conducted the original anthropologic and genealogy investigations and documentation for the Tribe's restoration, who stated that no evidence exists that the Henthorne-Pata families meet the Tribe's minimum threshold Constitutional criteria for Membership.
- The General Council then promptly suspended the Henthorne-Pata families from Tribal privileges and benefits until due process and an opportunity to be heard could be scheduled.
- On April 21, 2014, the Tribe received an e-mail from NCAI Executive Director, Jackie Johnson-Pata, whose husband belongs to the Henthorne-Pata family, which included a letter from the BIA and the NIGC, expressing concern regarding the General Council's governmental decision to suspend the Henthorne-Pata families.
- The Tribe, through its Chairman, Andrew Freeman, immediately met with Troy Burdick, Superintendent of the BIA to understand the BIA's concerns. The BIA questioned whether the General Council intended its actions, and also suggested federal mediation of the Membership issue. Chairman Freeman agreed to have a second General Council Meeting to affirm the actions taken, and also agreed to allow a federal mediator to decide or review the Membership issues.
- The Chairman also met with the Regional Office of the NIGC, Eric Shalansky. Chairman Freeman similarly demonstrated to the NIGC that a second General Council Meeting was being scheduled to affirm previous actions, and explained the Tribe is amenable to a federal mediation process on the Membership issues. Chairman Freeman also welcomed any NIGC investigations.
- The Chairman also discussed NCAI Executive Director Jackie Johnson-Pata's correspondence with President Cladoosby of the NCAI. President Cladoosby apologized for Ms. Johnson-Pata's correspondence explaining that she acted outside of her official capacity and not within her scope of duties.
- ***Chairman Freeman, true to his word, has scheduled a General Council Meeting for Saturday, May 10, 2014, to conduct the following Tribal Business:***
 - ***Reaffirm the actions taken by the General Council at its April 12, 2014 Meeting;***
 - ***Enact an initiative allowing for the Henthorne-Pata families to receive due process and an opportunity for a Hearing regarding their Membership issues; and***
 - ***Authorize a federal mediator to either make a decision regarding the Membership issues or allow for a review of the Tribal process regarding the Membership issues.***

- ***Chairman Freeman has invited the BIA and the NIGC to witness the General Council Meeting.***
- Members of the Henthorne-Pata families that have suspended include John Crosby, former Economic Development Director, Ines Crosby, former Tribal Administrator, John and Ted Pata, former Gaming Commissioners and Leslie Lohse, former Tribal Treasurer.
- The recent changes in Tribal Administration have allowed the Tribe to engage a nationally known forensic accounting firm for the review of Tribal banking and other records, which has revealed evidence of serious misappropriation of Tribal funds.
- Meetings are ongoing with the Tehama County Sherriff's Department, Tehama County District Attorney, and Corning Police Department. The Tribal Council intends to formally refer this investigation to the Tehama County Sheriff's Office and the United States Department of Justice for prosecution.

EXHIBIT Q



May 6, 2014

David Swearinger
23615 Hoag Road
Corning, CA 96021

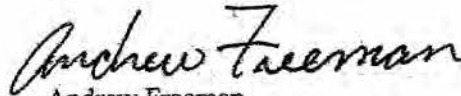
Dear Mr. Swearinger:

The Tribal Council is in receipt of the letter you sent to the General Council on April 30, 2014 and the letters you have sent to Chairman Andrew Freeman dated April 25, May 4 and May 5, 2014. The purpose of this letter is to demand that you immediately *cease and desist* from sending any further correspondence to the General Council, the Chairman, the Tribal Council, or any State or federal agency under the cover or identity as a Tribal Council Member. As you know, Article VIII of the Tribe's Constitution requires your attendance at General Council Meetings, and if you are not in attendance it "shall be grounds for immediate removal." Notably, the Chairman warned you at the April 12, 2014 General Council Meeting that if you left the General Council Meeting you would be abandoning your post on the Tribal Council. Despite the clear warning, you left the General Council Meeting and the General Council acted entirely within their constitutional authority by immediately and unanimously removing you from office.

Please be advised that your unwillingness to immediately adhere to this *cease and desist order* may trigger *grounds for suspension* of your Tribal Membership privileges pursuant to the Tribe's Membership Act, Article III, Section 3-302, "(h) Disruption of the Tribal government or a Tribal business; (j) Submitting a statement or other information to an Official or Agency of the Tribe, or to an entity of another government, that the Member knew or should have known to be false, fictitious or fraudulent in any material respect; or (k) Any other act that harms, jeopardizes or brings disrepute onto the Tribe, a Tribal Member or a Tribal business or enterprise." Furthermore, if you continue to disrupt the government operations of the Paskenta Tribe of Nomlaki Indians by misrepresenting your status as a Tribal Council Member, it could be *grounds for termination* of your Tribal Membership privileges pursuant to the Tribe's Membership Act, Article IV, Section 3-402 "(a) Any act or pattern of conduct that would constitute grounds for suspension and temporary disenrollment from the Tribe under Section 3-302; (d) Interference with the Tribe's business relationships and undertakings; and (e) Conduct significantly detrimental to the Tribe, its Members or its businesses or undertakings."

Finally, as you know, the Chairman and Tribal Council have *voluntarily* called for a General Council Meeting to occur this Saturday, May 10, 2014. This General Council Meeting was called as a direct and proximate result of your gross mischaracterization of the facts as they occurred on April 12, 2014, made to the BIA, NIGC, Congressman LaMalfa, and a myriad of other state and federal agencies, and so we believe it's in the best interest of the Tribe to have a second meeting to *reaffirm* all prior actions of the General Council. We have encouraged representatives from the BIA, NIGC and Congressman LaMalfa's office to be present, and we would encourage you to be present as well and to make any objections you have known directly to the General Council.

Kind Regards,

A handwritten signature in cursive script that reads "Andrew Freeman". The signature is written in dark ink and is positioned above the printed name and title.

Andrew Freeman
Chairman

EXHIBIT R



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF NOMLAKI INDIANS

Resolution No. 2014-0421

Date: April 26, 2014

Andrew Freeman
Chairman

David Swearingen
Vice Chairman

Leslie Lohse
Treasurer

Geraldine Freeman
Secretary

Allen Swearingen
Member at Large

Subject: DESIGNATION OF REGULAR MEETINGS

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally recognized Indian tribe; and

WHEREAS: The Tribe is governed by a Constitution (the "Tribal Constitution") approved by the members of the Tribe on April 18, 1998, approved by the Secretary of the Interior on May 15, 1998, and amended by the members of the Tribe on April 17, 2004; and

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the governing body of the Tribe is the Tribal Council; and

WHEREAS: Article VII, Section 1(a) of the Tribal Constitution provides that the Tribal Council have regular meetings the first Saturday of each month at a place designated by the Tribal Council, or at such other times as the Tribal Council shall provide by Resolution; and

WHEREAS: Article VII, Section 1 (a) also provides that such regular meetings shall now be held on Trust land should there be a suitable site; and

WHEREAS: Current Tribal Council Members have purportedly been "banned" from access to Tribal trust land and properties; yet the Tribal Council is committed to avoiding conflict or violence and instead to keeping the peace throughout Paskenta Indian country.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Article VII, Section 1(a) of the Tribal Constitution, the Tribal Council designates the following Tribal Council regular meetings:

1. Tuesday, April 29, 2014 at 6:00 PM
2. Wednesday, April 30, 2104 at 6:00 PM
3. Friday, May 1, 2014 at 1:00 PM

and;

NOW, THEREFORE, BE IT FURTHER RESOLVED that such regular Tribal Council meetings shall be held at the Orland Public Library, 333 Mill Street, Orland, CA unless the Tribal Council provides notices of a venue change at least 24 hours in advance of a scheduled time.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 26th day of April 2014, and was adopted by a vote of 3 for, 0 against and abstentions. A quorum of 3 was present.

Dated this 26th day of April 2014.

Andrew Freeman
Chairman

Geraldine Freeman
Secretary

Allen Swearingen
Member-at-Large

David Swearingen
Vice-Chairman

Leslie Lonse
Treasurer

EXHIBIT S



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF
NOMLAKI INDIANS

Resolution No. 2014-0428

Date: May 6, 2014

Andrew Freeman
Chairman

Subject: DESIGNATION OF REGULAR MEETINGS

David Swearinger
Vice Chairman

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally recognized Indian tribe; and

Leslie Lolise
Treasurer

WHEREAS: The Tribe is governed by a Constitution (the "Tribal Constitution") approved by the members of the Tribe on April 18, 1998, approved by the Secretary of the Interior on May 15, 1998, and amended by the members of the Tribe on April 17, 2004; and

Gracilene Freeman
Secretary

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the governing body of the Tribe is the Tribal Council, and the General Council shall consist of all adult members of the Tribe; and

Allen Swearinger
Member at Large

WHEREAS: Article VII, Section 1(a) of the Tribal Constitution provides that the Tribal Council have regular meetings the first Saturday of each month at a place designated by the tribal council; or

WHEREAS: The Tribal Council may by resolution designate such other regular meetings; and

WHEREAS: Article VII, Section 1 (a) also provides that such regular meetings be held on Trust land should there be a suitable site; and

WHEREAS: Such meetings shall be open to Tribal Members except those items that are designated by the Tribal Council as appropriate for executive session; and

WHEREAS: Current Tribal Council Members have been "banned" from access to Tribal Trust land and properties; and

NOW, THEREFORE, BE IT RESOLVED that in accordance with Article VII, Section 1(a) of the Constitution of the Paskenta Band of Nomlaki Indian the Tribal Council designates the following regular meetings:

1. Wednesday, May 7, 2014 at 6:00 PM
2. Thursday, May 8, 2014 at 6:00 PM
3. Friday, May 9, 2014 at 1:00 PM

And;

NOW, THEREFORE, BE IT FURTHER RESOLVED that such meetings shall be held at the Orland Public Library, 333 Mill Street, Orland, CA unless notified 24 hours in advance of venue change.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 6 day of May 2014, and was adopted by a vote of 3 for, 0 against and 0 abstentions. A quorum of 4 was present.

Dated this 6 day of May 2014.

Andrew Freeman
Chairman

Geraldine Freeman
Secretary

Allen Swearingen
Member-at-Large

David Swearingen
Vice-Chairman

Leslie Lohse
Treasurer

EXHIBIT T



The Paskenta Band of Nomlaki Indians of California

RESOLUTION OF THE TRIBAL COUNCIL OF THE PASKENTA BAND OF NOMLAKI
INDIANS

Resolution No. 2014-0433

Date: May 7, 2014

Andrew Freeman
Chairman

David Swearingen
Vice Chairman

Leslie Lolise
Treasurer

Geraldine Freeman
Secretary

Allen Swearingen
Member at Large

Subject: TRIBAL CHAIRPERSONSHIP VACANCY DECLARATION; NOTICE
OF CANCELLATION OF MAY 10, 2014 GENERAL COUNCIL MEETING

WHEREAS: The Paskenta Band of Nomlaki Indians (the "Tribe") is a federally
recognized Indian tribe; and

WHEREAS: The Tribe is governed by a Constitution (the "Tribal
Constitution") approved by the members of the Tribe on April 18, 1998,
approved by the Secretary of the Interior on May 15, 1998, and amended
by the members of the Tribe on April 17, 2004; and

WHEREAS: Article III, Section 1 of the Tribal Constitution provides that the
governing body of the Tribe is the Tribal Council; and

WHEREAS: Article V, Section 1 of the Tribal Constitution provides that if a
member of the Tribal Council is absent from three consecutive regular
meetings in any twelve month period, the Tribal Council shall declare the
position vacant; and

WHEREAS: The Tribal Council adopted Resolution No. 2014-0421, pursuant
to Article VII, Section 1(a) of the Tribal Constitution, the Tribal Council
designated a schedule of Tribal Council regular meetings for: Tuesday, April
29, 2014 at 6:00 PM, Wednesday, April 30, 2014 at 6:00 PM, and Friday,
May 1, 2014 at 1:00 PM; and because "[c]urrent Tribal Council Members
have been purportedly 'banned' from access to Tribal trust land and
properties" and "is committed to avoiding conflict or violence and instead
to keeping the peace throughout Paskenta Indian country," the three
regular meetings were designated to occur at the Orland Public Library; and

WHEREAS: The Tribal Council ensured that Resolution No. 2014-0421 was
provided to all five members of the Tribal Council; and

WHEREAS: A quorum of the Tribal Council convened the three regular
meetings at the dates, time and location designated by Resolution No.
2014-0421, but Chairperson Andrew Freeman failed to attend those three
consecutive regular meetings; and

WHEREAS: The Tribal Council determined that it is in the best interests of
the Tribe to declare the position of the Tribal Chairperson vacant; and
WHEREAS: On April 24, 2014, Andrew Freeman noticed a General Council
special meeting to occur on May 10, 2014 at 10:00 a.m., at Carlino's Event
Center at Rolling Hills Casino; and

WHEREAS: Article VII, Section 2(b) of the Tribal Constitution allows the Tribal Council to cancel special meetings of the General Council called by the Tribal Council Chairperson even after a ten-day notice is given; and

WHEREAS: Recent events at Paskenta, most notably what transpired at the General Council Annual Meeting before the meeting was adjourned by the Tribal Council on April 12, 2014, have placed the health, welfare, security, and safety of the Tribe and the entire Paskenta membership in serious peril; and

WHEREAS: The Tribal Council determined that it is in the best interests of the Tribe to cancel the special meeting scheduled to occur at Carlino's Event Center at Rolling Hills Casino on Saturday, May 10, 2014, at 10:00 a.m.; and

NOW, THEREFORE, BE IT RESOLVED that pursuant to Article V, Section 1 of the Tribal Constitution, the Tribal Council hereby declares the position of the Tribal Chairperson **VACANT**, effective immediately.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a special election to fill the vacant position of the Tribal Chairperson shall be held in thirty (30) days in accordance with Article V, Section 1 of the Tribal Constitution and the Tribe's Election Ordinance. During those thirty (30) days, the Tribal Council Vice-Chairperson shall preside over any meetings of the Tribal Council and/or the General Council, and in that capacity shall be entitled to exercise all of the powers and be obligated to discharge all of the responsibilities of the Tribal Chairperson

NOW, THEREFORE, BE IT FURTHER RESOLVED that effective immediately any act made by Andrew Freeman as purported Chairperson of the Paskenta Band of Nomlaki Indians shall be legally *ultra vires*, void *ab initio*, and of no legal effect, including any act to convene, preside over or otherwise carry out the May 10, 2014 General Council special meeting.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the General Council special meeting scheduled to occur at Carlino's Event Center at Rolling Hills Casino on Saturday, May 10, 2014, at 10:00 a.m., is hereby **CANCELLED**.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Paskenta Band of Nomlaki Indians of California duly called and held on the 7th day of May 2014, and was adopted by a vote of 3 for, 0 against and 0 abstentions. A quorum of 4 was present.

Dated this 7 day of May 2014 at _____ p.m.

Andrew Freeman, Chairperson

David Swearinger, Vice Chairperson

Geraldine Freeman, Secretary

Leslie Lohse, Treasurer

Allen Swearinger, Member-at-Large

EXHIBIT U



IN REPLY REFER TO:

Tribal Government

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

MAY 06 2014

CERTIFIED MAIL NO. 7009 3410 0000 1318 9543

RETURN RECEIPT REQUESTED

David Swearingner
Geraldine Freeman
Leslie Lohse
Allen Swearingner
1012 South Street
Orland, California 95963

Dear Mr. Swearingner, Mrs. Freeman, Mrs. Lohse, and Mr. Swearingner:

This is to address your letter dated May 1, 2014, where you request this Office write an advisory letter acknowledging the last undisputed elected leadership of the Paskenta Tribe of Nomlaki Indians as the rightful leadership of the Tribe.

The Pacific Regional Office is aware of the dispute within the Paskenta Band of Nomlaki Indians (Tribe), where in two factions have emerged. One faction is lead by Chairman Andrew Freeman and the other faction is lead by the four members of the Tribal Council, David Swearingner, Geraldine Freeman, Leslie Lohse, and Allen Swearingner.

Previous decisions, or acknowledgements, concerning leadership disputes or identification of tribal officials may have been issued without a request for a federal action by the Bureau of Indian Affairs; however, recent Interior Board of Indian Appeals (IBIA) case law reflects that the Bureau of Indian Affairs (BIA) is precluded from taking action on your request due to lack of a federal action.

Alturas Indian Rancheria v. Pacific Regional Director (54 IBIA 138, 138-39 (2011) states, in part:

In the absence of necessary Federal action by BIA on a specific matter, a BIA decision to recognize tribal officials, at least in the midst of a tribal government dispute, constitutes improper interference in internal tribal matters.

Coyote Valley Band of Pomo Indians v. Acting Pacific Regional Director, 54 IBIA 320, 320-21 (2012), states, in part:

**TAKE PRIDE
IN AMERICA** 

At no time has BIA identified, as jurisdiction for taking sides in the tribal dispute, any required BIA action that prompted BIA's intervention and adjudication of issues of tribal law at the time of BIA's decision . . . BIA acted contrary to well-established precedent forbidding such intrusion into tribal affairs in the absence of required Federal action . . . BIA must refrain from taking sides and from issuing a decision, i.e., intervening in the dispute, until some specific Federal action by BIA is both necessary and requires that BIA identify a tribal representative.

Committee to Organize the Cloverdale Rancheria Government, Javier Martinez, Sarah Goodwin, Lenette Laiwa-Brown, Gerad Santana, and John Trippo v. Acting Pacific Regional Director, 55 IBIA 220, 223-224 (2012), states:

The Superintendent and Regional Director properly declined the Committee's request to issue a decision on the validity of the constitution adopted in the Committee-sponsored election because the Committee's request, standing alone, did not provide a jurisdiction for BIA to intrude into internal tribal affairs. As we recently held, 'BIA must refrain from taking sides and from issuing a decision, i.e., intervening in [an internal tribal government] dispute, until some specific Federal action by BIA is both necessary and requires that BIA identify a tribal representative.' Coyote Valley Band of Pomo Indians v. Acting Pacific Regional Director, 54 IBIA 320, 320-21 (2012); see also Pueblo de San Ildefonso Council of Principally v. Acting Southwest Regional Director, 54 IBIA 253, 25-60 (2012); Alturas Indian Rancheria v. Pacific Regional Director (54 IBIA 138, 138-39 (2011)).

This Office recognizes there are internal issues within the Tribe; however, as demonstrated above, by recent IBIA case law, absent a request for a federal action BIA lacks the authority to intervene. Therefore, this Office nor the Superintendent, have any basis to respond to your request as these issues are considered internal tribal matters and are to be resolved in a tribal forum, not by the Department of the Interior, Bureau of Indian Affairs. Further, this Office encourages all parties to continue working with the Superintendent, Central California Agency, to obtain mediation in efforts to resolve this dispute.

Sincerely,

Acting

Regional Director

cc: Superintendent, Central California Agency
Office of the Solicitor, Pacific Southwest Region
Sara Dutschke Setshwaelo, Dentons, 525 Market Street, 26th Floor, San Francisco, CA 94105
Andrew Freeman, P.O. Box 398, Orland, CA 95963