

FILED

5/9/14 AA

**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 GOLFORD,
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

MOTION FOR TEMPORARY
RESTRAINING ORDER

*Telephonic Hearing Requested on
May 9, 2014, by 5:00 p.m.*

I. INTRODUCTION

Plaintiffs are members of the federally recognized Paskenta Band of Nomlaki Indians ("Tribe"). Their rights have been violated, and continue to be violated, by the unlawful actions

1 of members and non-members of the Tribe, as described below. Plaintiffs seek to protect their
2 rights, and to that end seek injunctive relief in the form of a temporary restraining order (“TRO”)
3 against (1) Andrew Freeman, former Chairperson of the Tribe; (2) Ambrosia Rico, Andrew
4 Alejandro, and Latisha Miller (“Tribal Defendants”); and (3) the other named Defendants.¹

5
6 A TRO must issue to prevent Defendants’ illegal and violent takeover of the Tribal
7 government and Paskenta enterprises at a specially called General Council scheduled for
8 **tomorrow, Saturday, May 10, 2014, at 10:00 a.m.** The Tribal Council has cancelled that
9 meeting by Resolution, in accordance with Article VII, Section 2(b) of the Tribal Constitution,
10 but a TRO must issue in order to keep the peace and restore order at Paskenta and to avoid any
11 violence by or before the General Council body tomorrow morning.

12
13 Plaintiff Geraldine Freeman is a Paskenta Tribal member, Tribal elder, the Tribe’s
14 elected Tribal Council Secretary, and a member of Board of Directors for the Rolling Hills
15 Health Clinic and Dental Lab. Having brought this suit in her own personal and official
16 capacity, and as *parens patriae* on behalf of the Paskenta Tribe’s entire membership, Ms.
17 Freeman has a clear legal and equitable right to be free from interference on Tribal lands.

18
19 Plaintiff Ines Crosby is a Paskenta Tribal member, Tribal elder, and Chair of the Board of
20 Directors for the Rolling Hills Health Clinic and Dental Lab. Plaintiff Crosby, too, has a clear
21 legal and equitable right to be free from interference on Tribal lands.

22
23
24 ¹ Although inadvertently left off of the caption to Plaintiffs’ Amended Summons and First Amended Complaint
25 (“Complaint”), Dennis Barnes, Lynda Braeger, Maria Duby and Gretchen Allen are named in Tribal Council
Resolution No. 2014-0424, which excludes them and other therein named non-Tribal member Defendants from all
lands over which the Tribe possesses legal or beneficial title, including the Tribe’s Rolling Hills Casino. Those four
people can therefore be treated as John and Jane Doe Defendants, as contemplated by Paragraph 7 of the Complaint,
for purpose of this TRO motion and until the Complaint can be further amended. Complaint, p. 3 (“Defendants
John and Jane Does 1-100 are individual members and non-members of the Tribe who have transacted business,
have violated or threaten to violate Tribal law, or have otherwise established minimum contacts with the Tribe.”).

1 Mr. Freeman, the immediate past Tribal Chairman as fully discussed below, and the
2 Tribal Defendants have purported to effect a hostile overthrow of the Paskenta Tribal
3 government in an effort to gain control of the Tribe's lands and operations for their own personal
4 gain and to the exclusion of targeted members of the Tribe and its duly-elected Tribal
5 government, including Plaintiffs. These actions — though undoubtedly harmful to the Tribe, its
6 membership, and Plaintiffs individually — are legally *ultra vires*, void *ab initio*, and of no legal
7 effect.
8

9 Mr. Freeman and Tribal Defendants must be immediately enjoined from any further
10 interference in Tribal governmental affairs, including, but not limited to, their purporting to hold
11 themselves out, or purporting to take action, as members of the Tribal Council.
12

13 While Mr. Freeman and Tribal Defendants have directed their energies at purporting to
14 effect an illegal takeover of Paskenta's government, the remaining Defendants have aided the
15 effort for their own purposes by taking managerial control over the Tribe's Rolling Hills Casino
16 operation, which they are now running without regard to federal law, tribal law, a tribal-state
17 gaming compact, or basic compliance measures.

18 In sum, Defendants, collectively, are implementing illegal actions with armed personnel,
19 having effectively installed a SWAT team charged with quieting dissent and democracy.
20 Defendants have ordered illegally employed armed troops to exclude from all Tribal lands and
21 operations the Tribe's own duly elected and federally recognized Tribal Council governing body
22 and its adherents, including Plaintiffs. Defendants have quite literally turned Paskenta lands into
23 an armed encampment. Defendants must be enjoined from further violating or discarding the
24 law. The Tribe's financial integrity, as well as and the health, safety, and welfare of the Tribal
25

1 membership, quite literally depend on it.

2 II. FACTS

3 On December 22, 2010, the Tribe confirmed with the U.S. Bureau of Indian Affairs
4 (“BIA”) that the following officials had been duly elected into office: David Swearingner, Vice
5 Chairperson; Geraldine Freeman, Secretary; and Allen Swearingner, Member-at-Large. On
6 January 12, 2011, the BIA responded to the Tribe, acknowledging that these officials represent
7 the Tribe.² On October 25, 2012, the Tribe confirmed with the BIA that the following officials
8 had been elected into office: Andrew Freeman, Chairperson; and Leslie Lohse, Treasurer.³ Per
9 Article IV, Section 1 of the Tribe’s Constitution, as amended in 2004, these Councilmembers
10 were elected, and are entitled to, four-year terms.⁴

11
12 On Saturday, April 12, 2014, at 10:15 a.m., Tribe conducted its Annual Meeting of the
13 General Council at the Carlino’s Event Center at Rolling Hills Casino, as required by Article
14 VII, Section 2(a) of its Constitution. All Council members were present at this meeting Prayers
15 were given, and a roll call was conducted, which took about fifteen minutes to call.⁵
16 Immediately after the prayers and roll call, Rolling Hills Casino security officers, including
17 several who were not working their normal shifts, stormed the meeting room.⁶ According to
18 witness statements and the official Annual Meeting minutes, at this point then-Chairperson
19 Freeman departed from the duly-noted Annual Meeting agenda and attempted to order members
20 of the Tribe with lineage to the Henthorn/Pata Family, including Plaintiff Crosby and Treasurer
21 Lohse, to be removed from the Annual Meeting, and purported to exclude or banish them from
22
23
24

25 ² Declaration of Geraldine Freeman in Support of Temporary Restraining Order (“Decl.”), Exhibit A.

³ *Id.* at Ex. B.

⁴ These individuals are identified herein as the “Tribal Council.”

⁵ Decl., Ex. N.

⁶ *Id.*

1 all of the Tribe's tribal lands.⁷ None of the remaining Councilmembers were aware of the
2 Chairperson's unilateral proclamation, the legal authority upon which he was attempting to act,
3 or the reasoning behind it. In shock, they objected.⁸

4 It became immediately apparent that Mr. Freeman's provocative statements troubled
5 many Tribal members in attendance at the Annual Meeting, as Tribal members began to
6 vociferously reproach the Tribal Council and their fellow members, causing chaos and
7 disruption. Mr. Freeman did not call the meeting to order, and pandemonium ensued. Tribal
8 members began to rush towards the front of the auditorium, where the Tribal Council was
9 seated.⁹ In fear of violence and in concern for the safety of the Tribal membership, Vice-
10 Chairperson Swearinger immediately made a motion to adjourn the meeting.¹⁰ Belligerent
11 Tribal members yelled, "you can't adjourn the meeting!"¹¹ When local police attempted to calm
12 these people down, they yelled "I'm tribal and you cant [sic] touch me."¹²
13
14

15 Plaintiff-Secretary Freeman seconded the motion to adjourn. Vice-Chairperson
16 Swearinger called for the question, but Chairperson Freeman refused to call the vote.¹³ The
17 Tribal Council agreed to adjourn the meeting, and Vice-Chairperson Swearinger stated to the
18 Tribal Council and General Council that the meeting was adjourned.¹⁴ Local police reports
19 indicate that by approximately 10:48 a.m., the Annual Meeting was adjourned; and by 10:58
20

21 ⁷ *Id.*; Complaint, Appendix E.

22 ⁸ Complaint, Appendix E.

23 ⁹ *Id.* According to at least one witness statement:

24 Immediately along with regular security officers came many sherrifs [sic] officers and highway
25 patrol officers also. Rolling Hills casino officers surrounded the back of the Tribal Council. I
could see they [the Tribal Council] 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 loudly and became unruly.
The cops tried to calm them down.

Decl., Ex. N.

¹⁰ Complaint, Appendix E.

¹¹ Decl., Ex. N.

¹² Complaint, Appendix E.

¹³ *Id.*

¹⁴ Complaint, Appendix F.

1 a.m., all parties had dispersed from the Annual Meeting.¹⁵ The Meeting Minutes and
2 Certification of Meeting Adjournment each confirm this adjournment.¹⁶

3 Shortly thereafter, the Tribal Council was notified by the Tribe’s alarm system that there
4 had been a break-in at the Tribal Office (headquarters) in Orland, California. Upon the Tribal
5 Council’s arrival, it was discovered that Rolling Hills Casino security officers — including
6 several Defendants — had broken into the Tribal Office. This would be the first of at least three
7 break-ins, in one week. Mr. Freeman was present. The City of Orland Police Department was
8 called to the scene by 11:09 a.m. Before things got out of control, then-Chairperson Freeman
9 and other duly elected Tribal Council members agreed to have the locks changed and to give the
10 key to Orland law enforcement until the situation could be mediated.
11
12

13
14 ¹⁵ *Id.*, Appendix G. Fake Annual Meeting Minutes fabricated by Defendants and signed by Defendant Andrew
15 Alejandro purport to represent that in the ten minute span between 10:48 a.m. and 10:58 a.m., the Chairperson and
16 an excited General Council body of Tribal members undertook the following: (1) “[T]he Chairperson stated that the
17 persons who had left the meeting had abandoned their positions on the Tribal Council and should be removed
18 immediately, thereby creating three vacancies”; (2) “The General Council approved [the Chairperson’s] resolution
19 by acclamation”; (3) “Ambrosia Rico was nominated to fill one of the vacated Tribal Council positions and
20 appointed to the office of Tribal Council Treasurer . . . by acclamation”; (4) “The Chairperson then administered the
21 oath of office to Ms. Rico”; (5) “Andre Alejandro was then nominated to one of the vacated Tribal Council positions
22 and appointed to the Tribal Secretary [and approved] by acclamation”; (6) “The Chairperson administered the oath
23 of office to Mr. Alejandro”; (7) “Latisha Miller was then nominated to one of the vacated Tribal Council positions
24 and appointed to the Tribal Secretary [and approved] by acclamation”; (8) “The Chairperson administered the oath
25 of office to Ms. Miller”; (9) “Once the new Tribal Council members were seated, the Chairperson stated that the
next order of business was to consider whether the Henthorne/Pata [sic] family members had met membership
criteria . . .”; (10) Dr. Dorothy Theodoratus “made a presentation” about the Henthorn/Pata Family’s genealogy;
(11) “The General Council then held an extensive discussion of whether members of the Henthorne/Pata [sic] family
were properly enrolled as Members; (12) “After a thorough discussion and questions and comments, and upon [sic]
motion duly made, second and approved by a vote of 60-1, the General Council passed” as Resolution that “the
Henthorne/Pata [sic] family shall be permanently removed from Membership of the Tribe” (emphasis added); and
finally (13) “[U]pon motion duly made, second and approved by unanimous acclamation, the Annual Meeting of the
General Council was adjourned.” *Id.*, Appendix A. It is inconceivable that all of this transpired, before an excited
General Council, in such a short time span. Of course, even if it had, it would be of no legal import, as the Annual
Meeting had already adjourned. But even assuming the Annual Meeting had not adjourned and legal business could
have been conducted, it would have been impossible for the Tribal Council members to be removed by the General
Council in compliance with Tribal law, given the notice and procedural requirements imposed by that law. At a
minimum, the alleged actions would have violated Article V, Section 1, and Article VII, Section 1 of the Tribe’s
Constitution.

¹⁶ Complaint, Appendices E, F; *see also id.* Appendix G (police report noting that as of 10:58 “ALL SUBJ[ECT]S
HAVE DISBURSED [sic]”).

1 On Monday, April 14, 2014, at approximately 1:20 p.m., Mr. Freeman went to the Orland
2 Police Department and, misrepresenting that the situation had been mediated, picked up the keys
3 to the Tribal Office.¹⁷ Upon discovering that Mr. Freeman was at the Tribal Office, other
4 members of the Tribal Council immediately went to the scene. The Orland Police Department
5 was again called to keep the peace, and the Mr. Freeman and other members of Tribal Council
6 agreed to “hold off” on occupying the Tribal Office until the BIA could determine whether
7 Chairperson Freeman possessed the authority to take these unilateral actions.¹⁸

9 At approximately **2:00 a.m.** on Tuesday, April 15, 2014, Mr. Freeman called the Orland
10 Police Department and requested that they assist him while he and certain of Defendants —
11 several of whom were armed with guns and held themselves out as Rolling Hills Casino security
12 officers — removed Tribal property such as documents, file cabinets, and computers, from the
13 Tribal Office.¹⁹ Vice Chairperson David Swearinger arrived on the scene to find Mr. Freeman
14 standing in the middle of the room, shouting, **“I am the Tribal Council! I am the Tribal**
15 **Council! I am the Tribal Council!”** Orland police maintained the peace, but took no action to
16 stop the removal of the Tribe’s property.²⁰ By 2:40 a.m., Defendants had stolen much of the
17 Tribe’s tangible property, including computers and confidential government documents, and had
18 left the Tribal Office in shambles.

20 Fearing that Mr. Freeman and Defendants would next pilfer the Tribe’s finances, the
21 Tribal Council contacted Cornerstone Community Bank (“Cornerstone”), the Tribe’s and the
22 Rolling Hills Casino’s regular deposit bank, to apprise its representatives of the situation. The
23

24
25 ¹⁷ Decl., Ex. C.

¹⁸ *Id.*, Exs. D-E.

¹⁹ *Id.*, Ex. F.

²⁰ Video footage of the break-in can be viewed at:

<https://drive.google.com/file/d/0BzqZ742MB3eeRjBXRfVsU293MEE/edit?usp=sharing>; *see also* Complaint, at 7-10 (photographic evidence of break in).

1 Tribal Council also requested the BIA to issue a letter (1) pronouncing the tribal government that
2 the BIA had had acknowledged after the Tribe's last election; (2) providing assurance to
3 Cornerstone and the Orland Police Department that this remained federally recognized
4 leadership of the Tribe; and (3) more specifically, to declare that a five-person Tribal Council —
5 not any one Tribal official, including the Tribal Council Chairperson — possesses lawful
6 authority as the governing body over the Tribe's governmental and financial affairs. In response
7 to this request, the BIA issued a letter stating: "Due to the recent notification of events that have
8 occurred at the Paskenta Rancheria, we are sending the attached document, which is the last
9 Tribal Council Record at this Agency."²¹ The "attached document" is the above-referenced
10 January 12, 2011, letter from the BIA to the Tribe, which provides:
11

12 [T]he following individuals currently represent and serve as officials of the
13 Paskenta Rancheria Tribal Council:

- 14 1. Andrew Freeman, Chairperson
- 15 2. David Swearinger, Vice-Chairperson
- 16 3. Leslie Lohse, Treasurer
- 17 4. Geraldine Freeman, Secretary
- 18 5. Allen Swearinger, Member At-Large²²

19 Yesterday, however, two things occurred: First, the Tribal Council received a letter from
20 the BIA that qualified its April 15, 2014, letter to say that the ultimate determination of who are
21 the rightful members of the Tribal Council is one to "be resolved in a tribal forum," *i.e.* this
22

23
24 ²¹ Complaint, Appendix B; *see Alturas Indian Rancheria v. Acting Pacific Regional Director*, 54 IBIA 1, 8 (2011)
25 (it is "well established that "'when an intra-tribal dispute has not been resolved and the [BIA] must deal with the
tribe for government-to-government purposes, the Department . . . recognize[s] . . . the last undisputed officials . . .
as tribal officials . . .'" (quoting *Wasson v. Western Regional Director*, 42 IBIA 141, 158 (2006); *George v. Eastern
Regional Director*, 49 IBIA 164, 190 (2009)). Pursuant to P.T.C. § 4.4, the Tribal Court takes consideration of prior
judicial precedent in the following priority order: the Tribal Court; Federal Courts; and the courts of the State of
California or other state or other jurisdictions.

²² Complaint, Appendix B.

1 Tribal Court.²³ Secondly, and in part caused by the BIA's stated recalcitrance despite its clear
2 duty to "continu[e] to recognize the last undisputed officials" at Paskenta,²⁴ the Tribal Council
3 passed Resolution No. 2014-433, vacating the Chairperson position as required by Article V,
4 Section 1.²⁵ As such, "effective immediately" and until a special election is called in the next
5 thirty days to fill the now vacant Chairperson's seat, the Tribal Council is comprised of: David
6 Swearinger, Vice-Chairperson; Leslie Lohse, Treasurer; Geraldine Freeman, Secretary; and
7 Allen Swearinger, Member At-Large.²⁶ The consequences of these very latest developments are
8 fully explained below but in short: pending a preliminary injunction process, these four elected
9 Tribal officials must be recognized by this "tribal forum" as the rightful members of the Tribal
10 Council so that governmental integrity and order can be restored to Paskenta.
11

12 Returning to the sequence of events that unfolded in prior weeks: On April 16, 2014, the
13 day after the BIA issued its first letter, and in disregard for that federal proclamation, then-
14 Chairperson Freeman attempted to call a special meeting of his purported "Tribal Council."
15 According to forged minutes, in attendance were Defendants "Ambrosia Rico, Andre Alejandro
16 [sic] and Latisha Miller."²⁷ As the only item of reported business, Defendants approved the fake
17 Annual Meeting minutes purportedly signed by Defendant Alejandro on April 12, 2014,
18
19
20
21
22

23 ²³ Decl., Ex. U.

24 ²⁴ *Alturas*, 54 IBIA at 8; *see also* *George*, 49 IBIA at 186 ("The policy of recognizing particular individuals when
25 necessary for government-to-government relations is normally applied 'by recognizing the last undisputed
officials'") (internal quotes omitted); *Walter Rosales v. Sacramento Area Director*, 32 IBIA 158 (1998) (applying
last uncontested election results); *Cal. Valley Miwok Tribe v. Jewell*, 2013 LEXIS 174535, at *29 (D.D.C. 2013)
(recognizes the BIA's affirmative duty to promote the Tribe's political integrity).

²⁵ *Id.*, Ex. T.

²⁶ *Id.*

²⁷ *Id.*, Ex. A.

1 certifying them as “true, accurate and complete,” even though they are demonstrably untrue,
2 inaccurate, and incomplete.²⁸

3 On Friday, April 18, 2014, Cornerstone indicated a willingness to rely upon Defendants’
4 fabricated Annual Meeting minutes, explaining that because it “was not in a position to validate
5 Tribe election results” it would honor Mr. Freeman’s requests.²⁹ That same day the Tribal
6 Council learned that through Cornerstone that Mr. Freeman and certain Defendants acting at his
7 direction requested to draw down the entire remaining balance of the Tribe’s \$20 million line of
8 credit. In response, the Tribal Council passed Resolution No. 2014-0418, disclaiming and
9 disavowing any act taken by Mr. Freeman without Tribal Council approval as it relates to the
10 Tribe’s financial assets or institutions with which it does business.³⁰

11
12 Over the **2:00 a.m.** hour of Easter Sunday, April 20, 2014, Mr. Freeman and certain of
13 Defendants broke into the Tribal Office a third time.³¹ The Tribe’s security officers arrived at
14 the Tribal Office to find an audible alarm going off, and those Defendants holding themselves
15 out as Rolling Hills Casino security officers — brandishing firearms, but not wearing badges or
16 other identification as required by California law — attempting to forcibly gain entry to the
17 Office by drilling out the locks.³² The Tribe’s security officer stated that it was not the place of
18 Rolling Hills Casino security officers to change the locks on any Tribal buildings, including the
19 Tribal Office, to which Defendant Art Felix retorted, **“possession is nine points of the law, and**
20 **we have the nine points.”**³³ What “security guard” says that?
21
22
23

24 ²⁸ *Id.* Of course, the actions described in these “minutes” were taken without any legal authority whatsoever and
25 were thus necessarily of no legal effect or significance.

²⁹ *Id.*, Ex. H.

³⁰ *Id.*, Ex. G.

³¹ *Id.*, Ex. M.

³² *Id.* (emphasis added).

³³ *Id.*

1 The Tribe's security officer stated that he was in possession of BIA documentation
2 stating that the Tribal Council group is "the last tribal council group on record" — *i.e.* the BIA's
3 April 15, 2014 letter and attachment — to which Defendant Felix responded, "the [BIA] is just a
4 record keeper."³⁴ Defendants then proceeded to change the locks and scraped off the printed
5 "Paskenta Tribal Office" signage and insignia on the windows of the Tribal Office.³⁵ Needless
6 to say, legitimate governments do not take this sort of action in the dead of night, especially
7 through theft and vandalism.

9 During the daylight hours of April 20, 2014, the Tribal Council enacted Resolution No.
10 2014-0419, which demanded and instructed that Wells Fargo Bank not to "allow, authorize, or
11 otherwise permit any draws of funding with respect to the Wells Fargo Line of Credit unless
12 authorized in writing by at least a super-majority of four of the five Tribal Council members."³⁶
13 Wells Fargo has honored this "freeze" request.

15 Because the Tribe's financial accounts are not available to Mr. Freeman — and rightfully
16 so — Defendants' have spiraled into making a flurry of unlawful financial transactions that
17 gravely threaten the Tribe's financial assets and the economic integrity of the Tribe's gaming
18 operation. Most recently, for example, Mr. Freeman and Defendants have illegally advised
19 Rolling Hills Casino employees to cash their paychecks at the casino cage.³⁷ Even more
20 seriously, in violation of the Tribe's casino regulations — not to mention the Tribe's tribal-state
21 gaming compact — Defendants have transported large amounts of cash out the casino and into a
22 white Sport Utility Vehicle each morning to an unknown and undisclosed place.³⁸ Obviously,

24 ³⁴ *Id.*

25 ³⁵ *Id.*

³⁶ *Id.*, Ex. I.

³⁷ *Id.* at ¶5.

³⁸ *Id.* at ¶6. This further violated the Indian Regulatory Gaming Act, NIGC regulations, and the Tribal-State compact that allows the Tribe to game under federal law.

1 this is not how a legitimate government of business is run. And, given the risk of loss associated
2 with this unprotected method of transporting cash, it is easy to understand why.

3 On April 21, 2014, the National Indian Gaming Commission (“NIGC”) issued a letter to
4 Mr. Freeman, indicating that **he and Defendants are not authorized to manage the Tribe’s**
5 **gaming operation.** The NIGC letter stated the following, in relevant part:

6
7 On April 15, 2014, [the BIA] sent a letter . . . listing the names of the individuals
8 the BIA recognizes as the tribal government recognized by the BIA as the Band’s
9 leadership. Based upon th[is] information . . . , **it appears that the tribal**
government recognized by the BIA is not in control of the Band’s gaming
operation and remains excluded from the premises.

10 I am concerned that the gaming at the Casino is not being conducted by the
11 Band—that is, by the governmental authority recognized by the Secretary of
12 Interior—or by an entity licensed by the tribal government pursuant to NIGC
13 regulations. If true, the federally recognized tribal government is being deprived
of the sole proprietary interest in and responsibility for the gaming operation. . . .

14 I have initiated an investigation into this matter to determine whether or not to
15 recommend to the [NIGC] Chairperson that a Letter of Violation be issued.³⁹

16 Notwithstanding the NIGC’s notice that Tribal Vice-Chairperson David Swearinger,
17 Treasurer Leslie Lohse, and Plaintiff-Secretary Geraldine Freeman were improperly “excluded
18 from the premises” of the Rolling Hills Casino,⁴⁰ the very next day, April 22, 2014, then-
19 Chairperson Freeman and Tribal Defendants wrote to them and Plaintiff Crosby to inform that
20 they were somehow (and without any prior notice or due process) “barred from Tribal property,
21

22

³⁹ Complaint, Appendix C.

23 ⁴⁰ On May 2, 2014, Defendant Ambrosia Rico told a local newspaper “that a more recent letter from the gaming
24 commission said it is classifying the dispute as an internal tribal affair, and at this time will leave the problem for the
25 tribe to rectify.” Julie R. Johnson, *Paskenta Tribe Shuns Members, Investigates Missing Funds*, CORNING
OBSERVER, May 2, 2014, available at http://www.appeal-democrat.com/corning_observer/paskenta-tribe-shuns-members-investigates-missing-funds/article_b48347f4-d25b-11e3-976b-001a4bcf6878.html. However, on May 4, 2014, NIGC General Council Eric Shepard rejected that assertion by confirming in writing that “[t]here is no more recent letter” than the NIGC’s April 21, 2014 letter. Decl., Ex. J. Defendant Rico and Defendants have published other false, and defamatory statements about Plaintiffs, the Tribe, and its members through various paid press releases, which will be addressed in due time, once damages can be quantified.

1 including the [Tribe's Health] Clinic" and the Casino.⁴¹ The same day, Mr. Freeman and Tribal
2 Defendants wrote to Plaintiff Crosby and other members of the Henthorn/Pata family, indicating
3 that on April 12, 2014, the General Council somehow allegedly voted to suspend "any rights and
4 benefits" these persons possess as enrolled Tribal members.⁴² Of course, then-Chairperson
5 Freeman and Tribal Defendants possessed no legal authority to do any of this.
6

7 On April 25, 2014, counsel for Mr. Freeman, Robert A. Rosette and Richard Verri of
8 Rosette, LLP, called the Tribe's outside general counsel, Bradley Bledsoe Downes of Bledsoe
9 Downes, PC. Through Mr. Rosette, Mr. Freeman admitted that the actions they purportedly
10 took during the Annual General Council Meeting on April 12, 2014, were illegal and of no
11 meaningful import. That same day, Mr. Freeman noticed a special General Council meeting for
12 May 10, 2014.⁴³ He wrote:

13 Dear Tribal Members,
14

15 Enclosed please find your regular per capita check. . . . I am calling a Special
16 General Council meeting in Carlino's [sic] Event Center at Rolling Hills Casino
17 beginning at 10:00 a.m. on Saturday, May 10, 2014. The sole purpose of the
18 meeting will be to reaffirm the General Council appointment of Tribal Members
19 Ambrosia Rico (Treasurer), Andre Alejandre (Secretary), Latisha Miller (Vice
20 Chair), which occurred at the previous April 12, 2014 General Council meeting.
The Tribal Council will update you on the membership and all the recent changes.
This is an important meeting. We hope to see you there.⁴⁴

21 ⁴¹ *Id.* at Appendix D.

22 ⁴² Decl., Ex. K. In contrast, the fake General Council Annual Meeting Minutes signed by Defendant Alejandre
23 represent that the Henthorn/Pata family was somehow already "permanently removed from Membership of the
Tribe." Complaint, Appendix A. As also noted above, there is serious disconnect between Mr. Alejandre's various
factual asseverations and the contemporaneous record. In any event, neither such action is permissible under Tribal
law.

24 ⁴³ *Id.*, Ex. O.

25 ⁴⁴ *Id.* Notably, on April 29, 2014, Mr. Freeman and Tribal Defendants left a document titled, "Paskenta Band of
Nomlaki Indians Talking Points," with U.S. Representative Doug LaMalfa during a visit to Washington, DC. *Id.*,
Ex. P. Defendants' "Talking Points" indicate that Mr. Freeman scheduled the Special Meeting "to conduct the
following business":

- Reaffirm actions taken by the General Council at its April 12, 2014 Meeting;
- Enact an initiative allowing for the Henthorne-Pata [sic] families to receive due process
and an opportunity for a Hearing regarding their Membership issues; and

1 On April 28, 2014, several armed guards approached a group of non-Indian golfers
2 conversing in the parking lot of the Servillano Links, which sits directly adjacent to the Rolling
3 Hills Casino, and directed those patrons of Paskenta to vacate the premises immediately.⁴⁵ It is
4 likely that this is not an isolated incident. In sum, former-Chairperson Freeman's security are
5 actively scaring away Rolling Hills Casino customers — the lifeblood of this Tribe's economy.
6

7 In light of the activities described above, on May 2, 2014, the Tribal Council passed
8 Resolution No. 2014-0424, excluding from all lands over which the Tribe possesses legal or
9 beneficial title, including the Tribe's Rolling Hills Casino, the following persons: Defendants
10 Bruce Thomas, Chuck Galford, Terry Contreras, Jeff Realander, Gary Poyner, Dennis Kinney,
11 Kate Grissom, Bob Cloud, Dan Largent, Art Felix, Lori LaGrande, Vicky Roy, Deanna Drake,
12 Dustin Wayne, David Carter, Mary Sweet, Russell Dennis, Nobadel Davis, Paul Lay, Hal
13 Hensley, Anthony Boerner, Nathan Platte, Sherry Freeman, and Amy Gonczeruk.⁴⁶
14

15 Each of these Defendants have aided and abetted the efforts of Mr. Freeman and the
16 Tribal Member Defendants by taking managerial control over the Tribe's Rolling Hills Casino
17 and other operations for their own purposes. Because of the acts and omissions of these
18 Defendants, many of the government services and revenue-producing operations are now
19

20 • 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.
21 *Id.* (emphasis omitted). Thus, contrary to the April 25, 2014, Special General Council Meeting notice to the Tribal
22 membership, "the sole purpose of the meeting" was not merely to "reaffirm" the illegal "appointment of Tribal
23 Members Ambrosia Rico (Treasurer), Andre Alejandro (Secretary), Latisha Miller (Vice Chair)." It was to further
the illegal removal, suspension, and disenrollment of Plaintiff Crosby and her family. Importantly, the document
24 prepared by or on behalf of Mr. Freeman and left with Congressman LaMalfa effectively admits what any legal
analysis will reveal: that **Mr. Freeman and his alleged "Tribal Council" have acted without lawful authority
for the past two weeks**, Mr. Freeman having purported to unilaterally disenroll certain members without the notice
25 and due process and procedures that Tribal law requires to be effective — disenrollment that purported to include a
duly elected member of the Tribe's governing body. **Consistent with Mr. Freeman's own lawyers' admissions**,
the document prepared by or on behalf of Mr. Freeman effectively admits this assertion of illegal authority, despite
having taken iron control of Paskenta's sovereign lands and operations, to the exclusion of the duly elected Tribal
Council, the government that the BIA last recognized as empowered to act for the Paskenta people.

⁴⁵ *Id.*, at ¶7.

⁴⁶ Decl., Ex. L.

1 running without regard to federal law, tribal law, a tribal-state gaming compact, or basic
2 compliance measures. In so doing, each of these Defendants has put the Tribe's financial
3 integrity and the health, safety, and welfare of the Tribal membership in serious peril.

4 The most recent known *ultra vires* and void *ab initio* action by former-Chairperson
5 Freeman occurred on May 6, 2014, when Mr. Freeman sent a letter to Vice-Chairperson
6 Swearinger ordering him to "immediately ***cease and desist*** from sending any further
7 correspondence . . . under the cover or identity as a Tribal Council Member" and that the Vice
8 Chairperson's "unwillingness to immediately adhere to" this so-called "**order** may trigger
9 **grounds for suspension [and] termination.**"⁴⁷

11 Of course, again, as elected Chairperson acting without Tribal Council sanction, Mr.
12 Freeman had no authority to take any of this action on his own. The Vice Chairperson *is* the
13 Vice Chairperson — it is his ***constitutional duty*** to "discharge all of the responsibilities of the
14 Tribal Chairperson" in the Chairperson's absence, and former-Chairperson Freeman had been
15 absent from the meetings of the Tribal Council for nearly three entire weeks. Const., art. VIII,
16 §2. Unless this Court takes action to issue the requested TRO, however, it is likely that
17 Defendants will act upon the Mr. Freeman's unlawful directive. The insanity must be stopped,
18 and law and order must be restored to Paskenta.

20 Indeed, not only is Vice-Chairperson Swearinger still an elected Tribal Council member,
21 he is now also effectively the Tribal Chairperson, per Article VIII, Section 2 of the Constitution.
22 On April 26, 2014, a quorum of the Tribal Council passed Resolution No. 2014-0421,
23 designating Tribal Council meetings for April 29, April 30, and May 1, per Article VII, Section
24

25

⁴⁷ *Id.*, Ex. Q (emphasis in original).

1 1(a) of the Constitution.⁴⁸ On May 6, 2014, a quorum of the Tribal Council passed Resolution
2 No. 2014-0428, designating Tribal Council meetings for May 7, May 8, and May 9, per Article
3 VII, Section 1(a) of the Constitution.⁴⁹

4 Mr. Freeman did not attend the noticed April 29, April 30, or May 1 Tribal Council
5 regular meetings — indeed, Mr. Freeman has not attended a single legitimate Tribal Council
6 meeting since April 12, 2014.⁵⁰ Thus, at the Tribal Council meeting of May 7, 2014, a quorum
7 of the Tribal Council passed Resolution No. 2014-0433, vacating the Chairperson position as
8 required by Article V, Section 1 of the Constitution.⁵¹ The Resolution states, in relevant part,
9

10 WHEREAS: A quorum of the Tribal Council convened the three regular
11 meetings at the dates, time and location designated by Resolution No. 2014-
12 0421, but Chairperson Andrew Freeman failed to attend those three consecutive
regular meetings; and

13 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 . . .

14 WHEREAS: Article VII, Section 2(b) of the Tribal Constitution allows the
15 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

16 WHEREAS: Recent events at Paskenta, most notably what transpired at the
17 General Council Annual Meeting before the meeting was adjourned by the
18 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

19 WHEREAS: The Tribal Council determined that it is in the best interests of
20 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

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

24 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
25

⁴⁸ *Id.*, Ex. R.

⁴⁹ *Id.*, Ex. S.

⁵⁰ *Id.* at ¶8.

⁵¹ *Id.*, Ex. T.

1 in accordance with Article V, Section 1 of the Tribal Constitution and the
2 Tribe's Election Ordinance. During those thirty (30) days, the Tribal Council
3 Vice-Chairperson shall preside over any meetings of the Tribal Council and/or
4 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

5 NOW, THEREFORE, BE IT FURTHER RESOLVED that effective
6 immediately any act made by Andrew Freeman as purported Chairperson of the
7 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.

8 NOW, THEREFORE, BE IT FURTHER RESOLVED that the General Council
9 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**.⁵²

11 III. LAW AND ARGUMENT

12 A. Standard

13 Although the Paskenta Law and Order code does not address the standard under which to
14 evaluate a TRO, generally "[t]he standard for granting either a TRO or a preliminary injunction
15 is the same." *Moore v. Kempthorne*, 464 F.Supp.2d 519, 525 (E.D. Va. 2006). Pursuant to
16 P.T.C. § 7.11.1, a party is entitled to a preliminary injunction to prohibit or require particular
17 action by another party "until the Tribal Court has a chance to reach a final decision in the case."
18 The Tribal Court must grant the requested relief "if the person requesting it shows that there is a
19 good chance that he or she will succeed on the merits and that he or she will suffer permanent
20 harm if the injunction is not issued." *Id.*; *see also Winter v. NRDC*, 129 S.Ct. 365, 374 (2008)
21 ("A [party] seeking a preliminary injunction must establish that he is likely to succeed on the
22 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
23 balance of equities tips in his favor, and that an injunction is in the public interest.").

24
25

⁵² *Id.* (emphasis in original).

1 **B. Plaintiffs are Likely to Succeed on the Merits.**

2 a. The governing body of the Tribe is its Tribal Council, Acting in Concert.

3 The Tribe is governed by a Tribal Council, not merely by a Tribal Chairperson. Const.,
4 art. III, §1. The Tribal Council, acting in concert, possesses the constitutional authority to,
5 among other responsibilities: (1) enter into contracts and agreements, and to conclude those
6 contracts and agreements; (2) promote the health and general welfare of the Tribal members; (3)
7 to exclude unwanted persons from tribal lands; (4) manage the Tribe's economic affairs and
8 administer Tribal funds; (5) initiate legal action on behalf of the Tribe; (6) regulate subordinate
9 organizations, such as the Rolling Hills Casino and the Rolling Hills Health Clinic and their
10 agents; (7) review and rescind any action exercised by the Tribe's subordinate entities; and (8)
11 preserve, protect, and uphold the Tribe's Constitution. Const., art. VI, § 1.
12

13 Article VI, Section 2 of the Tribe's Constitution provides that "[t]he Tribal Council" —
14 not the Tribal Chairperson alone — possesses the "powers necessary to implement specific
15 provisions of this Constitution and to effectively govern the affairs of the Band."
16

17 The Chairperson, on the other hand, presides at all meetings of the Tribal Council and the
18 General Council and signs all contacts, leases, or other documents approved by the Tribal
19 Council or the General Council. Const., art. VIII, § 1. Further, the Chairperson generally
20 supervises Tribal officers, employees, and committees of the Tribe to see that duties delegated to
21 those entities by the Tribal Council are properly performed. *Id.* Nothing in the Constitution
22 grants the Tribal Chairperson the authority to unilaterally remove elected officers of the Tribal
23 Council, appoint new officers, or disenroll members of the Tribe.
24

25 The former-Chairperson's attempts to take the above-described unilateral actions were

1 *ultra vires*, void *ab initio*, and, as a consequence, of no legal effect. *See e.g. Honyaoma v.*
2 *Nuvamsa*, 7 Am. Tribal Law 320, 329 (Hopi Ct. App. Jan. 28, 2008) (acts taken without
3 “constitutional authority” are “without the effect or force of law”); *Tribal Ogema v. Tribal*
4 *Council*, No. 07-091-GC, 2007 WL 6900797, at *2 (Little River Tribal Ct. Jul. 31, 2007) (acts
5 taken without constitutional authority are “void and ha[ve] no effect”).
6

7 In order to ensure the health, general welfare and political integrity of the Tribe, Mr.
8 Freeman, Ambrosia Rico, Andrew Alejandre, and Latisha Miller must be enjoined interfering in
9 any Tribal governmental affairs by holding themselves out as so-called “Tribal Councilpersons.”
10 The Tribal Council has not delegated any governmental authority to these persons and Mr.
11 Freeman has been stripped of his authority under Resolution No. 2014-0433 and Article V,
12 Section 1 of the Tribal Constitution.
13

14 b. Defendants have been excluded from all tribal lands.

15 By Resolution No. 2014-0424, the Tribal Council has taken action to protect the Tribe's
16 sovereign lands and operations from continued harm. To that effect, the Tribal Council has
17 excluded from all lands described in Article I of the Tribal Constitution the following
18 Defendants and non-members: Bruce Thomas, Chuck Galford, Terry Contreras, Jeff Realander,
19 Gary Poyner Dennis Kinney, Kate Grissom, Bob Cloud, Dan Largent, Art Felix, Lori LaGrande,
20 Vicky Roy, Deanna Drake, Dustin Wayne, David Carter, Mary Sweet, Russell Dennis, Nobadel
21 Davis, Paul Lay, Hal Hensley, Anthony Boerner, Nathan Platte, Sherry Freeman, and Amy
22 Gonczerek. Article I of the Tribal Constitution extends the Tribe’s jurisdiction to “all lands” that
23 the Tribe possesses “legal or beneficial title.”⁵³
24
25

⁵³ This includes, but is not limited to: (1) the Rolling Hills Casino outbuildings, parking lots, and grounds located at 2655 Everett Freeman Way, Corning California; (2) the golf course, clubhouse, parking lot, related facilities at the Rolling Hills Casino known as “Sevillano Links”; (3) the hunting and fishing club, clubhouse and facilities located

1 As discussed above, Plaintiff Geraldine Freeman is a Paskenta Tribal member and elder,
2 the Tribe's elected Tribal Council Secretary, and a member of Board of Directors for the Rolling
3 Hills Health Clinic and Dental Lab. Having brought this suit in her own personal and official
4 capacity, and as *parens patriae* on behalf of the Paskenta Tribe's entire membership, Ms.
5 Freeman has a clear legal and equitable right to be free from interference on Tribal lands from
6 the above-named excluded persons and a well-grounded fear of immediate invasion of that right
7 given Defendants' threats to illegally remove *her* from those lands.
8

9 As also discussed above, Plaintiff Ines Crosby is a Paskenta Tribal member and elder,
10 and Chair of the Board of Directors for the Rolling Hills Health Clinic and Dental Lab. Plaintiff
11 Crosby, too, has a clear legal and equitable right to be free from interference on Tribal lands
12 from the above-named excluded persons and a well-grounded fear of immediate invasion of that
13 right given Defendants' threats to illegally remove *her* from those lands.
14

15 Section 8.6 of the Paskenta Tribal Law and Order Code specifically grants to private
16 parties the authority to commence a citizen suit against trespassers. *See* P.T.C. § 8.6 ("A private
17 person may commence an action pursuant to . . . this Code."). Clearly, Resolution No. 2014-
18 0424 decrees these Defendants as trespassers. *See* P.T.C. § 8.3 (a person commits the civil
19 infraction of trespass if he or she unlawfully enters or remains on Tribal lands); P.T.C. § 8.5
20 (denoting "Tribal Council Resolutions" as rendering a person's presence on Tribal lands a
21

22
23 to the west of Golf Course operating under the name of "Clear Creek Sports Club at Rolling Hills," which includes
24 1,400 acres of hunting ground, a clubhouse and lodging facilities, a trap rang firearms range, and a pond; (4) two
25 hotels that are attached to immediately adjacent to the Casino, known as The Lodge Vagabond Inn and the Inn at
Rolling Hills; (5) an RV park located next to the Casino known as the "RV Park at Rolling Hills"; (6) a Chevron gas
station located next to the Rolling Hills Casino; (7) a truck stop facility located next to the Rolling Hills Casino; (8)
an equestrian facility, parking lots, and related buildings and improvement also located on the Casino grounds; (9)
the MD Barnmaster offices, sales, and display yard located at 3489 South Highway 99 West, Corning, California;
(10) an office located at 1012 South Street, Orland, California; (11) the Rolling Hills Medical Clinic located at 2540
Sister Mary Columbia Drive, Red Bluff, California; (12) the Rolling Hills Medical Clinic consisting of two separate
buildings located at 740 Solano Street and 705 East Street, Corning, California.

1 “trespass”). A TRO must issue to protect Paskenta homelands.

2 **C. Plaintiffs Will Suffer Irreparable Harm if the Requested Relief is Not Granted.**

3 Plaintiffs have shown that Defendants will continue to violate rights secured to Plaintiffs
4 under the Tribe’s Constitution unless the requested relief is issued. Plaintiffs’ constitutional
5 rights will continue to be harmed unless the requested injunctive relief is issued. “The loss of
6 these rights constitutes an irreparable injury that cannot be compensated by remedies at law.”
7 *United Food & Commercial Workers Local 99 v. Bennett*, No. 11-0921, 2013 WL 1289781, at
8 *39 (D. Ariz. Mar. 29, 2013); *see also Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d
9 1046, 1059 (9th Cir. 2009) (“Unlike monetary injuries, constitutional violations cannot be
10 adequately remedied through damages and therefore generally constitute irreparable harm.”);
11 *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009) (“It has long been
12 established that the loss of constitutional freedoms, ‘for even minimal periods of time,
13 unquestionably constitutes irreparable injury.’”) (quoting *Elrod v. Burns*, 427 U.S. 347, 373
14 (1976)); 11A Wright & Miller, FED. PRAC. & PROC. § 2948.1 (2d ed. 2004) (“When an alleged
15 deprivation of a constitutional right is involved, most courts hold that no further showing of
16 irreparable injury is necessary.”).

17 **D. The Balance of Equities and the Public Interest Militate in Plaintiffs’ Favor.**

18 The balance of hardships tips sharply in favor of injunction for multiple reasons. First,
19 Plaintiffs, Tribal members and representatives of the Tribal government, are being stripped of
20 their Constitutional rights and authority by a rogue group of armed thugs with, at this point, no
21 ties to the Paskenta government. Mr. Freeman and the Tribal Council Defendants, conversely,
22 seek to alter the very fabric of the Tribe, to take steps that cannot be undone, and to change the
23
24
25

1 future of all Tribal members forever. Plaintiffs have run an effective Paskenta government for at
2 least two years. An injunction preserving that status for a matter of weeks will not
3 inconvenience Defendants, let alone cause them a hardship. Tribal members have a profound
4 interest in the even-handed constitutional application of their laws, the protection of individuals
5 from renegades and armed thugs, and the orderly review of Defendants' actions.

6
7 Second, Resolution No. 2014-0424 has explicitly and unequivocally excluded the other
8 Defendants from the Tribe's lands because of their aid to Chairperson Freeman and the Tribal
9 Defendants' hostile takeover. For their own purposes, these Defendants have taken managerial
10 control over the Tribe's Casino and other operations, which they now run without regard to basic
11 security measures or compliance with federal, Tribal, or state law. As it stands under Resolution
12 No. 2014-0424, these Defendants have absolutely no right to step foot on these lands —
13 enjoining them from entering Tribal lands will literally have no effect upon these Defendants'
14 interests.

15
16 A TRO would clearly not harm the public interest. On the contrary, "[a]s a practical
17 matter, if a plaintiff demonstrates both a likelihood of success on the merits and irreparable
18 injury, it almost always will be the case that the public interest will favor the plaintiff." *Am. Tel.*
19 *& Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 n. 8 (3d Cir. 1994).

20 IV. RELIEF REQUESTED

21
22 In light of the factual exposition and legal analysis above, it is clear that Plaintiffs are
23 entitled to a TRO. Plaintiffs respectfully request that the issued TRO temporarily:

24 1. Recognize the following four individuals as the rightful and legitimate elected
25 officials of the Paskenta Rancheria Tribal Council in accordance with Article VI, Section 1 of

1 the Tribe's Constitution:

- 2 1. David Swearinger, Vice-Chairman
- 3 2. Leslie Lohse, Treasurer
- 4 3. Geraldine Freeman, Secretary
- 4 4. Allen Swearinger, Member At-Large⁵⁴

5 2. Enjoin Andrew Freeman, Ambrosia Rico, Andrew Alejandre, and Latisha Miller
6 from interfering in Paskenta Tribal governmental or business affairs, including, but not limited
7 to, purporting to hold themselves out, or to take action, as members of the Tribal Council.

8 3. Enjoin Bruce Thomas, Chuck Galford, Terry Contreras, Jeff Realander, Gary
9 Poyner, Dennis Kinney, Kate Grissom, Bob Cloud, Dan Largent, Art Felix, Lori LaGrande,
10 Vicky Roy, Deanna Drake, Dustin Wayne, David Carter, Mary Sweet, Russell Dennis, Nobadel
11 Davis, Paul Lay, Hal Hensley, Anthony Boerner, Nathan Platte, Sherry Freeman, and Amy
12 Gonczerek from entering or being present in any manner upon any of the lands described in
13 Article I of the Tribe's Constitution and from interfering in any and all Paskenta Tribal
14 governmental or business affairs, including, but not limited to, purporting to hold themselves
15 out, or purporting to take action, as agents of the Tribe or its subordinate entities.

16 4. Enjoin Defendants from gathering at Carlino's Event Center at Rolling Hills
17 Casino on May 10, 2014.

18 / / /

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

⁵⁴ Again, as of yesterday, the position of Tribal Chairperson is currently vacant per Resolution No. 2014-0433; and the BIA has urged a "tribal forum" to determine the rightful members of the Tribal Council. Decl., Ex. U.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

V. CONCLUSION

Plaintiffs respectfully request the above-requested injunctive relief be immediately issued in the form of a TRO, until a preliminary injunction hearing can be held and disposition of the rights of the parties can be finally determined. A proposed order accompanies this Motion.

DATED this 8th day of May, 2014.



Gabriel S. Galanda
Scott Wheat
Anthony S. Broadman
Ryan D. Dreveskracht
Attorneys for Plaintiffs
GALANDA BROADMAN, PLLC
Email: ryan@galandabroadman.com
Email: anthony@galandabroadman.com
Email: gabe@galandabroadman.com
Email: scott@galandabroadman.com