

Hon. Leona Colegrove

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
GALFORD, TERRY CONTRERAS, JEFF
REALANDER, GARY POYNDR, 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 GONEZERIK, JOHN DOES 1-100,
AND JANE DOES 1-100,

Defendants.

NO. PTCV-14-001

TEMPORARY RESTRAINING
ORDER

BEFORE the Tribal Court is Plaintiffs' Motion for Temporary Restraining Order ("TRO"). Present for the telephonic hearing on the Motion were Plaintiffs, by and through their counsel of record, Galanda Broadman, PLLC. Defendant's failed to appear after having been provided electronic notification. Having reviewed said Motion

1 and the file and pleadings therein, and considered oral argument during a telephonic
2 hearing, the Tribal Court deems itself otherwise fully advised in the premises.
3 Accordingly, Plaintiffs' Motion is **GRANTED**.

4 The Tribal Court **FINDS** and **CONCLUDES** that (1) this Court has exclusive
5 subject matter and personal jurisdiction in this matter (2) there are serious questions
6 going to the merits of Plaintiffs' claims; (3) Plaintiffs would suffer irreparable injury
7 absent the issuance of this TRO; (4) granting the TRO will not harm Defendants; and
8 (4) issuing the TRO serves the public interest.

9
10 **IT IS THEREFORE ORDERED THAT:**

11 1. Consistent with Resolution No. 2004-0433 and the April 15, 2014, letter
12 from the Acting Superintendent of the federal Bureau of Indian Affairs to the City of
13 Orland Police Department and Cornerstone Community Bank, and until this Court can
14 further consider this matter in reference to any permanent injunction, the following four
15 individuals are currently **RECOGNIZED** as the rightful and legitimate elected officials of
16 the Paskenta Rancheria Tribal Council in accordance with Article VI, Section 1 of the
17 Tribe's Constitution:

- 18
19 1. David Swearinger, Vice-Chairman
20 2. Leslie Lohse, Treasurer
21 3. Geraldine Freeman, Secretary
22 4. Allen Swearinger, Member At-Large

23 Per Resolution No. 2004-0433, the position of Tribal Chairperson is currently vacant.

24 2. Andrew Freeman, Ambrosia Rico, Andrew Alejandre, and Latisha Miller
25 are hereby **ENJOINED** from interfering in Paskenta Tribal governmental or business
affairs, including, but not limited to, purporting to hold themselves out, or purporting to
take action, as members of the Tribal Council.

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3 3. Bruce Thomas, Chuck Galford, Terry Contreras, Jeff Realander, Gary
4 Poyner, Dennis Kinney, Kate Grissom, Bob Cloud, Dan Largent, Art Felix, Lori
5 LaGrande, Vicky Roy, Deanna Drake, Dustin Wayne, David Carter, Mary Sweet,
6 Russell Dennis, Nobadel Davis, Paul Lay, Hal Hensley, Anthony Boerner, Nathan
7 Platte, Sherry Freeman, Amy Gonczruk, Dennis Barnes, Lynda Braeger, Maria Duby
8 and Gretchen Allen, are hereby **ENJOINED** from entering or being present in any
9 manner upon any of the lands described in Article I of the Tribe's Constitution, including,
10 but not limited to:

- 11
12 (1) The Rolling Hills Casino outbuildings, parking lots, and grounds located at
13 2655 Everett Freeman Way, Corning California; (2) the golf course,
14 clubhouse, parking lot, related facilities at the Rolling Hills Casino known as
15 "Sevillano Links"; (3) the hunting and fishing club, clubhouse and facilities
16 located to the west of Golf Course operating under the name of "Clear Creek
17 Sports Club at Rolling Hills," which includes 1,400 acres of hunting ground, a
18 clubhouse and lodging facilities, a trap rang firearms range, and a pond; (4)
19 two hotels that are attached to immediately adjacent to the Casino, known as
20 The Lodge Vagabond Inn and the Inn at Rolling Hills; (5) an RV park located
21 next to the Casino known as the "RV Park at Rolling Hills"; (6) a Chevron gas
22 station located next to the Rolling Hills Casino; (7) a truck stop facility located
23 next to the Rolling Hills Casino; (8) an equestrian facility, parking lots, and
24 related buildings and improvement also located on the Casino grounds; (9)
25

1 the MD Barnmaster offices, sales, and display yard located at 3489 South
2 Highway 99 West, Corning,

3
4 California; (10) an office located at 1012 South Street, Orland, California; (11)
5 the Rolling Hills Medical Clinic located at 2540 Sister Mary Columbia Drive,
6 Red Bluff, California; and (12) the Rolling Hills Medical Clinic consisting of
7 two separate buildings located at 740 Solano Street and 705 East Street,
8 Corning, California.
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10 Said Defendants are also **ENJOINED** from interfering in any and all Paskenta Tribal
11 governmental or business affairs, including, but not limited to, purporting to hold
12 themselves out, or purporting to take action, as agents of the Tribe or its subordinate
13 entities.
14

15 6. Pursuant to Resolution No. 2004-0433, the May 10, 2014, General
16 Council Special Meeting has been canceled. Plaintiffs have proven by a
17 preponderance of the evidence that the health, safety, and welfare of the Tribal
18 membership will be put in jeopardy if Defendants are allowed to gather at Carlino's
19 Event Center at Rolling Hills Casino on May 10, 2014 and purport to hold a General
20 Council meeting. Defendants are thus hereby **ENJOINED** from gathering at Carlino's
21 Event Center at Rolling Hills Casino on May 10, 2014.
22

23 7. Because this suit is an action which Tribal law provides the rule of
24 decision, this Court's jurisdiction is exclusive and not concurrent with any other federal,
25 state or court's adjudicatory or legislative powers (P.T.C. § 3.5.2); provided, any such
other court shall not be foreclosed from extending comity or full faith and credit to this

1 Order.

2 The Court hereby schedules a telephonic status conference for May 19th, 2014 at 9:00
3 AM, to schedule a permanent injunction hearing and related briefing. TO

4 **PARTICIPATE IN THE HEARING THE PARTIES SHALL**

- 5
- 6 1. Five minutes before the hearing dial this number: 1-866-877-5147
 - 7 2. When prompted, enter this access code plus the # key: 433157#
 - 8 3. Wait for the hearing to start. If you are the first person on the call be patient, even
9 if you experience a silence or are placed on "music-on-hold", as the Clerk will join
10 the call in due course. Until your hearing starts, refrain from speaking other than
11 with the Clerk.

12 The Judge will call the hearing to order once the "recording" alarm signals.

13 Until then, Defendants are **ENJOINED** as outlined above.

14 SIGNED and ISSUED this 9th day of May, 2014.

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HON. LEONA COLEGROVE