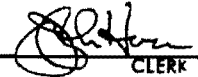


FILED

JUN 04 2015

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION CIV-15-4097


CLERK

Lower Brule Sioux Tribal Council members, * Federal Plaintiffs"Ex-parte Application for Temporary
acting Chairman Kevin Wright *and/or Permanent injunction and Restraining Order and
Sonny Ziegler and Desiree LaRoche * further relief against the Lower Brule Tribal Courts
Plaintiffs * and special judge from further action in tribal court
vs. * of case and/or lawsuit Civ14-12-0119; because of
L.B. Sioux Tribal Council members * fact plaintiffs would suffer immediate harm of removal
Orville (*Red*) Langdeau and John McCauley Sr., * from elected office if further hearings in tribal court
and Sally Jewell the Secretary of DOI * were allowed. The special Judge B.J. Jones allowed
Head of Agency for the Government Officials * a case/lawsuit to proceed without the named
*Plaintiff in the original tribal suit being clearly identified
* by the court, special judge or intervenors to opposing party
*of Kevin Wright Sonny Ziegler and Desiree LaRoche."TRIBE" was
*written in where Plaintiff name was suppose to be listed. The retained
* tribal attorney Tara Adamski who was mandated to provide legal services to the whole
*six member tribal council including Kevin WrightSonny Ziegler and Desiree LaRoche
* filed the lawsuit civ14-12-0119 and stated she was representing TRIBE. The records show
* that neither Tara Adamski nor any other named person representing TRIBE paid the required
court fees that had to be paid before civil action could be brought in tribal court. A three member party
listed as intervenors were then Chairman Michael Jandreau, Orville (*Red*) Langdeau and John
McCauley Sr. The record shows that they were not listed as plaintiffs and they did not pay the required
court fees to that had to be paid. The special judge B.J. Jones later allowed the two remaining
intervenors Orville (*Red*) Langdeau and John McCauley Sr., to amended the original lawsuit filed by
unknown party opponent TRIBE and put charges of removal again against Kevin Wright Sonny
Ziegler and Desiree LaRoche in reprisal ;for acting chairman Wright calling for help from federal
authorities to help find the missing or unaccounted for federal funds of a sum over 24 millions dollars
The two remaining intervenors Orville (*Red*) Langdeau and John McCauley Sr., and their associates
had access to these funds.Kevin Wright Sonny Ziegler .and Desiree LaRoche filed for dismissal in
tribal court as they were TRIBE also and their opposing party opponent could not be identified to
them by the tribal court or special judge. This request and other went unanswered by the tribal court,
so they field a extraordinary Writ of Mandamus and Interlocutory Appeal to Tribal Appellate court to
get this answer and other legal answers but the appellate court would not answer them and made a
unsigned remand order back to the special judge. The special judge would not reveal who TRIBE was
and in his order of May 5th 2015 dropped TRIBE as Plaintiff and inserted the remaining intervenors
Orville (*Red*) Langdeau and John McCauley Sr., as plaintiff without their own request or payment of
required civil court fees. Wright, Ziegler and LaRoche viewed thee acts as bias toward them and
favoring the party opponent so they filed their action to appellate court saying the special judge was
slicing and dicing and patching things up to allow this lawsuit to go on. Appellate court basically did
nothing so they filed in this court.

1.Comes now Kevin Wright Sonny Ziegler and Desiree LaRoche Plaintiffs in federal action civ15-

4097 who file this Ex-parte application in federal court for a Temporary or Permanent injunction

and/or Restraining Order and further relief against the Lower Brule Tribal Courts and special Judge B.J. Jones;

2. from pursuing a case/lawsuit civ14-12-0119 in Lower Brule tribal court because of fact plaintiffs would suffer immediate harm of removal from elected office if further hearings in tribal court were allowed.

3. This injury being threatened in reprisal for acting chairman Wright (*with support from Ziegler and LaRoche*) calling for help from federal authorities to help find the missing or unaccounted for federal funds of a sum over 24 millions dollars that the two remaining intervenors Orville (*Red*) Langdeau and John McCauley Sr., and their associates had access to these funds

4. The Federal Court Plaintiffs argue that the Federal District Court now has proper jurisdiction over their action by 28 USC Sec 1331 Arising under Federal Question and by the Federal Administrative Procedure Act 5 USC 5551-5559 and possibly the False Claim Act 31 USC 3729:

5. Kevin Wright Sonny Ziegler and Desiree LaRoche in the regular Dec 2014 tribal council meeting John McCauley Sr., were trying to find out about the missing federal funds, how the chief tribal judge got seated after losing out in the tribal elections for judge position. John McCauley Sr. then Orville (*Red*) Langdeau walked out of the meeting refusing to answer any of these issues. The tribal chairman then recessed the meeting and the tribal council conflict arose.

6. The retained tribal attorney Tara Adamski who was mandated to provide legal services to the whole six member tribal council including Kevin Wright Sonny Ziegler and Desiree LaRoche filed the lawsuit civ14-12-0119 and stated she was representing TRIBE. But did not specially name any person or persons who were TRIBE or part of TRIBE.

7. The Lower Brule Sioux Tribal code at Chapter 11 section 2. states that the tribe cannot be sued in tribal court. Kevin Wright Sonny Ziegler and Desiree LaRoche [Federal Plaintiffs] argue by virtue of their elected tribal council positions that they are TRIBE or essential officials of TRIBE! Therefore they are protected from lawsuits in Lower Brule Sioux tribal court by the tribe's sovereign immunity. That the Lower Brule Sioux Tribal Court's special judge B.J. Jones does not have any subject matter or persona jurisdiction over them in civ lawsuit civ14-12-0119 in accordance with The Lower Brule Sioux Tribal code at Chapter 11 section 2.

8. The records show that neither Tara Adamski nor any other named person representing TRIBE paid the required court fees that had to be paid before civil action could be brought in tribal court. A three member party listed as intervenors were then Chairman Michael Jandreau, Orville (*Red*) Langdeau and John McCauley Sr.

9. The record shows that the Chairman Michael Jandreau, Orville (*Red*) Langdeau and John McCauley Sr. were not listed as plaintiffs and they did not pay the required court fees to that have never paid the required fees to bring a civil complaint in tribal court. Orville (*Red*) Langdeau and John McCauley Sr. did not pay the required court fees to that had to be paid

10. B.J. Jones in his Judgment dated Feb 13th 2015 found that the Lower Brule Sioux Tribe was like an association and cited the case of *Hunt v. Washington State Apple Advertising Comm'n* 432 U.S. 333, 343, 53 L.Ed. 2D 383, 97 S.Ct. 2434. The benchmark case of *Santa Clara Pueblo v. Martinez* 436, US 49, 58, (1978) says different that the tribes are like governments. Also in the False Claims act 31 U.S. 3729: it states that the tribes are not like association but are like state governments.

11. The special judge B.J. Jones later allowed the two remaining intervenors Orville (*Red*) Langdeau and John McCauley Sr., to amended the original lawsuit filed by unknown party opponent TRIBE and

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allowed them to put charges of removal again (*without paying the required filing fees*) against Kevin Wright Sonny Ziegler and Desiree LaRoche in reprisal for for acting chairman Wright calling for help from federal authorities to help find the missing or unaccounted for federal funds of a sum over 24 millions dollars The two remaining intervenors Orville (*Red*) Langdeau and John McCauley Sr., and their associates had access to these funds

12. Kevin Wright Sonny Ziegler and Desiree LaRoche have exhausted their tribal court remedies.

13..Kevin Wright Sonny Ziegler and Desiree LaRoche have filed their action to the Lower Brule Sioux Tribal Appellate Court judges and the response was not signed and very inadequate and did not answer their question of just who the Plaintiff was in the original tribal case lawsuit civ14-12-0119.

14.Kevin Wright, Sonny Ziegler and Desiree LaRoche have filed basically the whole tribal case lawsuit civ14-12-0119, now to federal district court as CIV-15-4097.

15.Kevin Wright, Sonny Ziegler and Desiree LaRoche argue that it is standard law procedure that a party cannot have the same case going on in two different courts at the same time.

16. The Lower Brule tribal special judge B.J. Jones ignores this standard law procedure and even though he had knowledge that the plaintiffs have file their action CIV-15-4097 regarding all claims and defenses in civ 4-12-0119. The judge still goes ahead with the June 11th 2015 hearing.

17.Kevin Wright, Sonny Ziegler and Desiree LaRoche state the the federal court is superior to the tribal court; therefore the tribal court proceedings must be stayed until the federal court rules on the plaintiffs claim that they have exhausted their tribal court remedies and also on the federal jurisdiction over the plaintiffs claims that they also raised in tribal court.

18.The tribal court proceedings must be dismissed if federal court finds it has jurisdiction.

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19. Kevin Wright, Sonny Ziegler and Desiree LaRoche pray for this federal court to grant their ex-parte application in federal court for a Temporary or Permanent injunction and/or Restraining Order and further relief against the Lower Brule Tribal Courts and special Judge B.J. Jones; Prohibiting the courts and special judge from proceeding further with action in civ 4-12-0119

20. and prohibiting the special judge from holding the June 11th 2015 hearing; based upon all the above arguments and facts and evidence.

Date: June 4, 2015

(605) 730-4105
Defendants are Proceeding Pro-Se at this point in litigation:

Kevin Wright

Signature of listed Defendant Kevin Wright et al
Address PO Box 57 Lower Brule SD 57548

Sonny Ziegler (605) 730-4373
Signature of listed defendant Sonny Ziegler
PO Box 295 Lower Brule SD 57548

Desiree LaRoche (605) 730-0913
Signature of listed defendant Desiree LaRoche
PO Box 448 Lower Brule SD 57548