

RECEIVED
NOOKSACK COURT CLERK
10:12 AM
MAR 7 2016

FILED BY

Betty Deather

IN THE NOOKSACK TRIBAL COURT

ELEANOR J. BELMONT; et al.,

Plaintiffs,

v.

ROBERT KELLY; et al.,

Defendants.

NOOKSACK INDIAN TRIBE, a federally
recognized Indian tribal government, Third-
Party Plaintiff,

v.

ELEANOR J. BELMONT; et al.,

Third-Party Defendants.

NO. 2014-CI-CL-007

FOURTH DECLARATION OF
MICHELLE ROBERTS

I, Michelle Joan Roberts, say:

1. I am the above-named enrolled Nooksack Tribal member and a direct descendent of Annie George. I am over eighteen years of age, I am competent to testify, and I have personal knowledge of the facts set forth herein.

2. I understand from Tribal Councilpersons Nadine Rapada and Carmen Tageant that the Tribal Council Defendants passed at least two Resolutions or other laws on February 23, 24 or March 2, 2016, to ban, exclude or expel Galanda Broadman, PLLC, under some 1983

FOURTH DECLARATION OF MICHELLE ROBERTS - 1

1 Tribal Council Resolution and business license law; a Resolution further amending Title 10; and
2 a Resolution amending Title 60. The Resolutions against Galanda Broadman were passed by
3 votes of 4-2-0 and 5-2-0.

4 3. Tribal Council Defendants have also caused a recall petition to be taken out
5 against Councilperson Tageant for "treason," presumably under the new Title 60, apparently for
6 voting against a recent Tribal Council Resolution that ratified the Constitutional amendment to
7 delete Section 1(H) from the Nooksack Constitution.

8 4. Today, I went to the Nooksack Tribal Court, Tribal Attorney's Office, and
9 Administration building to learn more. I went to the Tribal Court to ask whether Galanda
10 Broadman, PLLC, had been disqualified from representing the Plaintiffs in this lawsuit and other
11 proceedings at Nooksack. Deanna Francis did not know anything about that matter. I also asked
12 her if I could apply for admission as an advocate to represent myself and the other Plaintiffs in
13 this lawsuit and other Tribal Court matters. She did not know.

14 5. I then paid a visit to Ray Dodge. I asked him if I could get copies of any
15 Resolution against Galanda Broadman, or any new versions of Title 10 or 60. He said I would
16 have to go to the Tribal Court to obtain any new Title 10 or 60. I was sitting in Court on
17 February 22, 2016, when he promised the Court that he would ask Tribal Council Defendants if
18 any new Title 60 could be provided to Plaintiffs. He did not say anything about that to me today,
19 and instead acted like he never made that promise.

20 6. As for Galanda Broadman, Ray Dodge said I would need to speak with Defendant
21 Katherine Canete. She was unavailable so I left a message for her. I have not yet received any
22 return call, and highly doubt she will return my call.

23 7. I then paid a visit to the Nooksack Police Chief, Rory Gilliland. He had copies of
24 at least one Resolution against Galanda Broadman, and a new Title 10, and mentioned something

1 about changes to the "advocate code" that were passed on February 26, 2016. He confirmed that
2 Galanda Broadman is "barred" from doing business in Tribal Court but did not feel it was his
3 place to share the Resolution or other new laws passed against us by Tribal Council Defendants.
4 I respected his discretion.

5 8. Before I could leave his office, Defendant Katherine Canete called Chief Gilliland
6 and then Defendant Lona Johnson called him. They both asked, in a rather rude way, what Chief
7 Gilliland was doing talking to me. Chief Gilliland politely said he was answering routine
8 questions about trespassing.

9 9. Attached as **Exhibit A** are a true and correct copy of a series of emails and letters
10 that I have been copied with since February 23, 2016, when we first heard word that Tribal
11 Council Defendants passed some form of Resolution against Galanda Broadman. I offer them
12 through this Declaration, not knowing whether Galanda Broadman can do so at this time.

13 The foregoing statement is made under penalty of perjury under the laws of the Nooksack
14 Tribe and the State of Washington and is true and correct.

15 Signed at Deming, Washington this 4th day of March, 2016.

16 

17 _____
18 Michelle Joan Roberts
19
20
21
22
23
24

EXHIBIT A



Gabe Galanda <gabe@galandabroadman.com>

Re: Nooksack Business License

1 message

Fri, Mar 4, 2016 at 1:12 PM

Gabe Galanda <gabe@galandabroadman.com>

To: salexander@nooksack-nsn.gov

Cc: Ray Dodge <rdodge@nooksack-nsn.gov>, Betty Leathers <BLEathers@nooksack-nsn.gov>, Deanna Francis <dfrancis@nooksack-nsn.gov>, Sue Gearhart <sgearhart@nooksack-nsn.gov>, Rebecca Jch Jackson <r.jackson@msaj.com>, "Thomas P. Schlosser" <t.schlosser@msaj.com>, AB <anthony@galandabroadman.com>, Ryan Dreveskracht <ryan@galandabroadman.com>, Molly Jones <molly@galandabroadman.com>, "Rickie W. Armstrong" <rarmstrong@nooksack-nsn.gov>, Michelle Roberts <michelle.roberts3012@gmail.com>

Judge Alexander:

This is the correct email strand referenced in my first email to you last night.

Gabriel S. Galanda

Attorney at Law

Galanda Broadman, PLLC

m: 206.300.7801

gabe@galandabroadman.com

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On Fri, Feb 26, 2016 at 11:39 AM, Gabe Galanda <gabe@galandabroadman.com> wrote:

All:

It has now been 48 hours since we have heard word that the Tribal Council Defendants called some urgently called Special Meeting on Wednesday and passed some Resolution to somehow disqualify us from practice at Nooksack under guise of business licensure. We, including our clients, have contacted opposing counsel, the Tribe, and Tribal Court about this matter but as of yet have heard nothing from anybody. We've emailed and left messages. We have not seen any Resolution, or new business license form, or any form of instruction or direction from anybody. Tribal Council Defendants and defense counsel's ploy rather obviously prejudices us and our clients. (Indeed, Mr. Dodge, who advised this Court on Monday that Council Defendants would not next meet for a couple weeks, did this to his opposing counsel at Quinault in the Pura v. Quinault Housing Authority matter.) We need to have this issue addressed, and again ask for the Court to convene a telephonic status conference today.

Thank you,

Gabriel S. Galanda

Attorney at Law

Galanda Broadman, PLLC

m: 206.300.7801

gabe@galandabroadman.com

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On Thu, Feb 25, 2016 at 8:14 AM, Gabriel Galanda <gabe@galandabroadman.com> wrote:
Madam Clerks Leathers and Francis:

We understand that the Tribal Council Defendants took some action yesterday to expel, exclude or otherwise impede our law firm from practicing law at Nooksack, under guise of business licensure. We have been admitted to the Nooksack bar since 2013 but never before had been advised of any need for business licensure. Despite repeated inquiries by our office and clients since mid-day yesterday (see below), we have yet to be advised of the precise nature of the Council Defendants' action. In hopes of minimizing the intended prejudice to our clients, we hereby ask the Court to convene a telephonic status conference on this subject tomorrow/Friday. We will immediately remedy any newly invented or imposed business licensure requirement but at this point we cannot ascertain how.

Thank you,

Gabriel S. Galanda
Galanda Broadman
c 206.300.7801

On Feb 24, 2016, at 7:16 PM, Gabriel Galanda <gabe@galandabroadman.com> wrote:

Rickie:

Billie reports that you just told her that there is no business license form at present but that Joe Mace, the Tribe's new CFO, will be in charge of the new license form; and that any \$100 license fee is subject to acceptance, specifically "pay the \$100 with the [non-existent] form and maybe it will be accepted." Please let us know if we're mistaken. And we still require a reply to our inquiry below from one of you, at once.

Gabriel S. Galanda
Galanda Broadman
c 206.300.7801

On Feb 24, 2016, at 6:47 PM, Gabriel Galanda <gabe@galandabroadman.com> wrote:

Ray, Rickie, Tom, et al:

We expect immediate response to our inquiry. Or we will alert the Judge given the obvious, intended prejudice to our clients.

Gabriel S. Galanda
Galanda Broadman
c 206.300.7801

On Feb 24, 2016, at 4:53 PM, Gabriel Galanda <gabe@galandabroadman.com> wrote:

What is this we hear that your clients have taken some action to exclude Galanda Broadman, PLLC, from practicing at Nooksack for

Gabriel S. Galanda
Galanda Broadman
c 206.300.7801

From: Molly Jones <molly@galandabroadman.com>
Date: February 24, 2016 at 4:41:54 PM EST
To: Deanna Francis <dfrancis@nooksack-nsn.gov>
Cc: Gabe Galanda <gabe@galandabroadman.com>
Subject: Nooksack Business License

You indicated that you would call me back with the information. Please respond to this email rather than by phone.

Molly Jones
Paralegal
GALANDA BROADMAN PLLC
An Indian Country Law Firm
PO Box 15146
Seattle, WA 98115
Main: 206.557.7509
Fax: 206.299.7690

...view=nt&search=sent&th=1534379aec6b2acd&siml=1534379aec6b2acd

3/4/2016

Galanda Broadman Mail - Re: Nooksack



Gabe Galanda <gabe@galandabroadman.com>

Re: Nooksack

1 message

Fri, Mar 4, 2016 at 11:56 AM

Thomas P. Schlosser <t.schlosser@msaj.com>
To: Gabe Galanda <gabe@galandabroadman.com>

I understand that Rebecca called you today. I've on the road. As she indicated, we don't have new versions of the codes, Ray and Rickie may have updated versions.

Best,
Tom

On 3/4/2016 9:32 AM, Gabe Galanda wrote:

Tom:

I just tried your office but you're not in. Please call me back this morning. Thanks.

Gabriel S. Galanda
Attorney at Law
Galanda Broadman, PLLC
m: 206.300.7801
gabe@galandabroadman.com

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3/4/2016

Galanda Broadman Mail - Motion for Judicial Notice



Gabe Galanda <gabe@galandabroadman.com>

Motion for Judicial Notice

1 message

Fri, Mar 4, 2016 at 9:45 AM

Gabe Galanda <gabe@galandabroadman.com>

To: "r.jackson@msaj.com" <r.jackson@msaj.com>

Cc: "Thomas P. Schlosser" <t.schlosser@msaj.com>, Ray Dodge <rdodge@nooksack-nsn.gov>, "Rickie W. Armstrong" <ramstrong@nooksack-nsn.gov>, AB <anthony@galandabroadman.com>, Ryan Dreveskracht <ryan@galandabroadman.com>, Molly Jones <molly@galandabroadman.com>

Rebecca:

Thanks for the courtesy of your return call this morning. As I explained, we will be filing a motion for judicial notice of the various new laws we believe your clients have passed since the last Court hearing. As I explained, because our status at Nooksack is uncertain and as such, we cannot get any information at all from Court staff at this time, we will file the motion, like you did your last motion for continuance, without noting it for any particularly hearing date. You agreed at the end of the call that the conferral requirements of Title 10.

In the course of our conversation, you also refused to shed any light whatsoever on any Resolutions that have been passed to ban/exclude our law firm, or to amend Title 10 or 60 as rumored. I implored you to do what was right and to be forthright about these abuses of process, but you refused, deferring instead to Ray Dodge, who hasn't replied to a single email of ours over the last nine days. I explained that defendants' and your and your fellow defense counsel's ploys since the last hearing are beyond under-handed.

We will email you our motion later today. Call in the interim should you or yours have any change of heart or tactical position.

Gabriel S. Galanda

Attorney at Law

Galanda Broadman, PLLC

m: 206.300.7801

gabe@galandabroadman.com

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Gabe Galanda <gabe@galandabroadman.com>

Re: Nooksack Business Licensure

1 message

Thu, Mar 3, 2016 at 8:09 PM

Gabe Galanda <gabe@galandabroadman.com>

To: salexander@nooksack-nsn.gov

Cc: "Rickie W. Armstrong" <rarmstrong@nooksack-nsn.gov>, Ray Dodge <rdodge@nooksack-nsn.gov>, "Thomas P. Schlosser" <t.schlosser@msaj.com>, Rebecca JCH Jackson <r.jackson@msaj.com>, Betty Leathers <BLEathers@nooksack-nsn.gov>, Deanna Francis <dfrancis@nooksack-nsn.gov>, Anthony Broadman <anthony@galandabroadman.com>, Ryan Dreveskracht <ryan@galandabroadman.com>, Molly Jones <molly@galandabroadman.com>

Judge Alexander:

Please forgive the unorthodox nature of this email, meaning insofar as it is directed to you directly. We feel it necessary to email you because, as will be demonstrated by an email strand with your Court Clerks that will follow, we have been questioning our law firm's status at Nooksack for the last eight days given word that the Tribal Council Defendants convened a special meeting last Wednesday, February 24, to ban or expel our law firm from Nooksack lands for some newly enforced business licensure requirement. Since then our repeated inquiries to the Court have gone without any reply. Likewise, a series of emails to opposing counsel have not been met with the courtesy of any reply. We email this evening having just now received word of your February 29 ruling, denying Defendants' reconsideration request. It was snail mailed to our clients on or around Monday, rather than emailed to us that day as has been the Court's practice in this litigation since 2013, thus causing a three day delay to our receipt of the ruling as Plaintiffs' counsel of record. As you can see from the attached correspondence, notwithstanding what was by last Friday, February 26, two days of radio silence from defense counsel and the Court, we attempted to remedy any newly enforced business license requirement that day, but to no avail. We have yet to receive any notice of our banishment/expulsion from the Tribe in violation of all tenets of due process, or notions of lawyer collegiality. Our clients are rather obviously prejudiced by the brinkmanship of the Tribal Council Defendants and defense counsel. We therefore again request that you convene a telephonic status conference tomorrow/Friday or Monday, so we can, at the very least, learn about our fate at Nooksack and with the Court.

Thank you,

Gabriel S. Galanda

Attorney at Law

Galanda Broadman, PLLC

m: 206.300.7801

gabe@galandabroadman.com

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On Fri, Feb 26, 2016 at 10:22 AM, Molly Jones <molly@galandabroadman.com> wrote:
Please see attached a courtesy copy of a letter being sent to Joe Mace today.

3/4/2016

Galanda Broadman Mail - Re: Nooksack Business Licensure

Betty Leathers and/or Deanne Francis, please see that Judge Alexander receives a copy.

Thank you,

Molly Jones

Paralegal

GALANDA BROADMAN PLLC

An Indian Country Law Firm

PO Box 15146

Seattle, WA 98115

Main: 206.557.7509

Fax: 206.299.7690

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2 attachments



2-26-16 Letter to Nooksack CFO Mace re Business Licensure w check.pdf
1257K



2-29-16 Nooksack letter returning our check and denying business license.pdf
123K

3/4/2016

Galanda Broadman Mail - Re: Nooksack Business Licensure



Gabe Galanda <gabe@galandabroadman.com>

Re: Nooksack Business Licensure

1 message

Thu, Mar 3, 2016 at 8:10 PM

Gabe Galanda <gabe@galandabroadman.com>

To: salexander@nooksack-nsn.gov

Cc: "Rickie W. Armstrong" <rarmstrong@nooksack-nsn.gov>, Ray Dodge <rdodge@nooksack-nsn.gov>, "Thomas P. Schlosser" <t.schlosser@msaj.com>, Molly Jones <molly@galandabroadman.com>, Rebecca JCH Jackson <r.jackson@msaj.com>, Betty Leathers <BLEathers@nooksack-nsn.gov>, Deanna Francis <dfrancis@nooksack-nsn.gov>, Anthony Broadman <anthony@galandabroadman.com>, Ryan Dreveskracht <ryan@galandabroadman.com>

Judge Alexander:

This is the email strand referenced in my prior email to Your Honor.

Gabriel S. Galanda
Attorney at Law
Galanda Broadman, PLLC
m: 206.300.7801
gabe@galandabroadman.com

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On Wed, Mar 2, 2016 at 12:02 PM, Gabe Galanda <gabe@galandabroadman.com> wrote:
All:

Attached please find the Tribe's response to our recent letter and attempt to satisfy any newly enforced business licensure requirement. It has not been almost a week and we have yet to receive word of any official action that the Council Defendants took against our law firm on February 23rd. Nor have we received any word from the Tribe regarding our request for Title 60 during open court on February 22nd. We, therefore, await word from the Court about the possibility of a telephonic status conference.

Gabriel S. Galanda
Attorney at Law
Galanda Broadman, PLLC
m: 206.300.7801
gabe@galandabroadman.com

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Please see attached a courtesy copy of a letter being sent to Joe Mace today.

Betty Leathers and/or Deanne Francis, please see that Judge Alexander receives a copy.

Thank you,

Molly Jones
Paralegal
GALANDA BROADMAN PLLC
An Indian Country Law Firm
PO Box 15146
Seattle, WA 98115
Main: 206.557.7509
Fax: 206.299.7690

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NOOKSACK INDIAN TRIBE

5016 Deming Road • P.O. Box 157 • Deming, WA 98244
Administration: (360)592-5176 • Fax: (360) 592-2125

February 29, 2016

RECEIVED

MAR 02 2016

Galanda Broadman PLLC

Mr. Gabriel S. Galanda
Galanda Broadman PLLC
P.O. Box 15146
8606 35th Ave. NE # L1
Seattle, WA 98115-3677

Re: Business Licensure

Dear Mr. Galanda:

We have enclosed your check # 1732, in the amount of \$100.00, and are not able to issue the requested license.

Sincerely Yours,


Joseph D. Mace
Chief Financial Officer

galanda022916

GALANDA BROADMAN

An Indian Country Law Firm

February 26, 2016

VIA U.S. MAIL, CERTIFIED RETURN RECEIPT / EMAIL

Joe Mace
CFO
Nooksack Tribe
5016 Deming Road
Deming, WA 982445

Re: Business Licensure

Dear Mr. Mace:

We understand that on Wednesday, February 24, 2016, the Tribal Council convened some Special Meeting during which is resuscitated Resolution No. 83-487 and Title 54, which had not been enforced at Nooksack over the last 30-plus years. We further understand that by a 4-2 vote, some Resolution was passed requiring us to obtain a Nooksack business license pay a \$100.00 business license fee. We have requested a copy of that February 24, 2016 Resolution and any related information or instruction, but not yet been afforded it from the Tribe.

Our clients understand from Tribal Attorney Rickie Armstrong that you are in the process of creating a business license form, as one did not exist prior to February 24, 2016, and that you are now responsible for business license fees. Enclosed please find a check made payable to the Nooksack Tribe for \$100.00, for the business license fee contemplated by Title 54, Section 54.02.010.

We render that payment without waiver of any objection that Galanda Broadman, PLLC, is a "business" as defined or contemplated by Title 54, Section 54.01.010, or any other objection regarding the Tribal Council's selective enforcement of Title 54 against Galanda Broadman, PLLC.

Please immediately notify us regarding any other action we must take to remain in good standing at Nooksack as we have been since March 2013.

GALANDA BROADMAN

An Indian Country Law Firm

February 26, 2016

VIA U.S. MAIL, CERTIFIED RETURN RECEIPT / EMAIL

Joe Mace
CFO
Nooksack Tribe
5016 Deming Road
Deming, WA 982445

Re: Business Licensure

Dear Mr. Mace:

We understand that on Wednesday, February 24, 2016, the Tribal Council convened some Special Meeting during which is resuscitated Resolution No. 83-487 and Title 54, which had not been enforced at Nooksack over the last 30-plus years. We further understand that by a 4-2 vote, some Resolution was passed requiring us to obtain a Nooksack business license pay a \$100.00 business license fee. We have requested a copy of that February 24, 2016 Resolution and any related information or instruction, but not yet been afforded it from the Tribe.

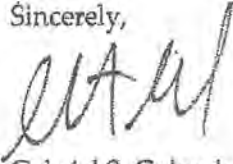
Our clients understand from Tribal Attorney Rickie Armstrong that you are in the process of creating a business license form, as one did not exist prior to February 24, 2016, and that you are now responsible for business license fees. Enclosed please find a check made payable to the Nooksack Tribe for \$100.00, for the business license fee contemplated by Title 54, Section 54.02.010.

We render that payment without waiver of any objection that Galanda Broadman, PLLC, is a "business" as defined or contemplated by Title 54, Section 54.01.010, or any other objection regarding the Tribal Council's selective enforcement of Title 54 against Galanda Broadman, PLLC.

Please immediately notify us regarding any other action we must take to remain in good standing at Nooksack as we have been since March 2013.

Thank you in advance for your immediate assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Galanda', written over the word 'Sincerely,'.

Gabriel S. Galanda

206.300.7801

gabe@galandabroadman.com

Enclosure

cc w/ encl. via email:

Ray Dodge & Rickie Armstrong, Esqs., Tribal Attorney

Thomas Schlosser & Rebecca Jackson, Esqs., Tribal Outside Counsel

Hon. Susan Alexander, Tribal Court Chief Judge (via Betty Leathers and Deanna Francis)

GALANDA BROADMAN PLLC
8806 35th Ave NE #11
Seattle, WA 98115-3677

Wells Fargo Bank, N.A.
www.wellsfargo.com
18-854/1250
18-854/1250

1732

February 26, 2016

\$ 100.00

DOLLARS

PAY TO THE
ORDER OF

Nooksack Tribe

One hundred and No/100s

MEMO

Nooksack Business License Fee



AUTHORIZED SIGNATURE



⑈001732⑈ ⑆125008547⑆ 7733033430⑈

1732

Nooksack Tribe

Nooksack Business License Fee

2-26-16

\$100.00

1732

3/4/2016

Galanda Broadman Mail - Nooksack - Belmont



Gabe Galanda <gabe@galandabroadman.com>

Nooksack - Belmont

1 message

Wed, Mar 2, 2016 at 11:54 AM

Molly Jones <molly@galandabroadman.com>
To: Betty Leathers <BLEathers@nooksack-nsn.gov>, Deanna Sheldon <deannasheldon3@msn.com>, Gabe Galanda <gabe@galandabroadman.com>

Betty and Deanna - Could you send us the newest version of Title 10 to the Constitution, via email?

what is the status of my request for the transcripts of hearings?

Thank you,

—
Molly Jones
Paralegal
Galanda Broadman PLLC
An Indian Country Law Firm
PO Box 15146
Seattle, WA 98115
Main: 206.557.7509
Fax: 206.299.7690

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1 message

Tue, Feb 23, 2016 at 9:49 AM

To: Betty Leathers <BLeathers@nooksack-nsn.gov>
Cc: Gabe Galanda <gabe@galandabroadman.com>, Ryan Dreveskracht <ryan@galandabroadman.com>

Jan 14, 2016;
Feb 10, 2016 and
Feb 22, 2016.

Please let me know the cost and I will put a check in the mail today.

Thank you for your assistance.

Molly Jones
Paralegal
GALANDA BROADMAN PLLC
An Indian Country Law Firm
PO Box 15146
Seattle, WA 98115
Main: 206.557.7509
Fax: 206.299.7690

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