



7 IN THE TRIBAL COURT OF THE NOOKSACK TRIBE OF INDIANS FOR THE
8 NOOKSACK INDIAN TRIBE
9

10 BELMONT, *et al.*,
11 Plaintiff-Appellees,
12 v.
13 KELLY, *et al.*,
14 Defendant-Appellants.
15 v.
16 BELMONT, *et al.*

Case No. 2014-CI-CL-007

COA NO:

AMENDED NOTICE OF APPEAL
80.03.010

ORIGINAL

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18 The Nooksack Indian Tribe, pursuant to Nooksack Code of Laws, Title 80.03.010, seeks
19 review by the Tribal Court of Appeals of the ORDER RE. RESOLUTION #16-28 AND DUE
20 PROCESS; ORDER GRANTING MOTION FOR JUDICIAL NOTICE FILED BY PRO SE
21 PLAINTIFF MICHELLE JOAN ROBERTS; ORDER RE. NOOKSACK BUSINESS LICENSE,
22 dated March 21, 2016 (hereinafter "Order"). A copy of the Order is appended hereto.

23 **I. THE PARTIES**

24 The parties are represented by the following counsel (or pro se):
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Rickie W. Armstrong
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Attorney for Appellant
Nooksack Indian Tribe

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Pro Se
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II. REVIEWABLE PARTS OF DECISION

The Order granted Plaintiff Roberts' Motion for Judicial Notice of four distinct documents:
Roberts' Motion sought judicial notice of:

1. "[a]ny Resolutions or other laws passed on February 23, 24, or March 2, 2016 to ban, exclude, or expel Plaintiffs' counsel of record, Galanda Broadman, PLLC";
2. Resolution #16-26;
3. Resolution #16-27; and
4. Resolution #16-28.

The Court granted Plaintiff Roberts request. As the order found sovereign immunity inapplicable, the Order is subject to the Collateral Order Doctrine. *See, Breakthrough Management Group v. Chukchansi Gold Casino and Resort*, 629 F.3d 1173 (10th Circ., 2010).

III. ERROR OF FACT, LAW OR PROCEDURE

The Order contained the following errors:

A. Error of Law:

¹ To date, Pro se Plaintiff Roberts has not filed a Notice of Appearance nor provided Defendants with a record address. Defendants believe the address listed is correct pursuant to inquiry with the Nooksack Enrollment Department.

1. The Court disregarded the Tribe's invocation of its sovereign immunity which will result in Resolution No. 16-28 being provided which is outside scope of Plaintiffs' Complaint;

2. The Court disregarded the Tribe's Record Policy which will result in Resolution No. 16-28 being provided which is outside scope of Plaintiffs' Complaint;

3. The Court erroneously applied the Judicial Notice Doctrine which will result in Resolution No. 16-28 being provided which is outside scope of Plaintiffs' Complaint; and

4. The Court directed or granted relief not requested in the Complaint and for which the Tribe has not waived immunity (Business Licensing requirements) which will result in the providing documents that are outside the scope of the motion.

B. Error of Fact:

1. The Court made a factual determination regarding exhaustion of administrative remedies without any facts being presented by the moving party which will result in Resolution No. 16-28 being provided which is outside scope of Plaintiffs' Complaint.

RESPECTFULLY SUBMITTED this 30th day of March, 2016.

NOOKSACK INDIAN TRIBE
OFFICE OF TRIBAL ATTORNEY



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