

IN THE NOOKSACK TRIBAL COURT OF APPEALS

Gabriel S. Galanda, pro se, Anthony S.
Broadman, pro se, and Ryan D. Dreveskracht,

Petitioners,

v.

Nooksack Tribal Court,

Respondent,

Nos. 2016-CI-CL-001 & 002

**MOTION TO ENFORCE
CONTEMPT ORDER**

On June 28, 2016, this Court held Nooksack Tribal Court Clerk Betty Leathers in contempt and ordered the following:

If the contempt is not purged by the Court Clerk accepting the return of the Complaint and Motion for Injunctive and Declaratory Relief from Messrs. Galanda, Broadman and Dreveskracht on or before July 6th, 2016, the Nooksack Chief of Police is ordered to arrest and jail Betty Leathers until such time as the return of the documents from Messrs. Galanda, Broadman and Dreveskracht are accepted by a clerk of the Nooksack Tribal Court and the contempt purged.

Galanda v. Nooksack Tribal Court, No. 2016-CI-CL-001 (Nooksack Ct. App. Jun. 28, 2016). As of today, Ms. Leathers continues to refuse to accept Plaintiffs' *pro se* Complaint and Motion for Injunctive and Declaratory Relief.¹ She remains in contempt.

The Nooksack Chief of Police apparently refuses to comply with this Court's order. *See* Declaration of Gabriel S. Galanda in Support of Motion to Enforce Contempt

¹ Nor has she filed Plaintiffs' First Amended Complaint (May 23, 2016) or Messrs. Broadman and Dreveskracht's Motion For Partial Summary Judgment (June 15, 2016). *See* Galanda Decl., Ex. A. Also, the Tribe will not confirm whether a new Chief Judge has been installed, or "confirm or deny" that immediate past Nooksack Tribal Attorney Ray Dodge has assumed that helm. Galanda Decl., at 2. Any participation by Mr. Judge in the obstruction of justice at issue would violate judicial canons and the RPCs.

Order (“Galanda Decl.”), Exs. A, D. The Chief, too, must therefore be held in contempt. *See e.g. In re Owle*, No. SC 06-26, 2006 WL 6500581 (E. Band Cherokee Indians Tribal Ct. Oct. 24, 2006) (holding tribal police officer in contempt for failing to comply with tribal court order).

This despotic obstruction of justice continues chiefly at the hands of one man. Last week, Bob Kelly stated that he would not allow Ms. Leathers or the Police Chief to comply with this Court’s Order because he believes the Court’s Order is “invalid.” Galanda Decl., Ex. D. While the Ms. Leathers and the Police Chief are likely only following orders, their refusal to honor this Court’s Orders as officers of the Nooksack Judiciary, is contemptible. *See Galanda*, No. 2016-CI-CL-001 (finding Ms. Leathers in contempt while alluding to the possibility that Bob Kelly had “deliberately coerce[d] or intimidate[d] the Court Clerks into violating the lawful orders of this Court.”).²

Civil contempt proceedings may be employed to coerce a person into compliance with a court order, or to compensate the complainant for losses sustained, or both. *Chicago Truck Drivers v. Brotherhood Labor Leasing*, 207 F.3d 500, 504-05 (8th Cir. 2000). Either incarceration or a fine may accomplish the purpose of coercion; where compensation is intended, a fine is imposed payable to the complainant. *Id.* When contempt orders are not enough, in other words, courts impose compensation. *See e.g. United States v. Work Wear Corp.*, 602 F.2d 110, 115 (6th Cir. 1979) (proper for court to impose contempt penalties so as to vindicate authority of its orders, \$1 million fine imposed); *United States v. Darwin Construction Co.*, 680 F.Supp. 739, 741 (D. Md. 1988) (same, \$30,000 fine imposed); *Pub. Interest Research Grp. of New Jersey, Inc. v.*

² The Court Clerk also refuses to provide Plaintiffs a copy of the very latest iteration of Title 10, in violation of the Trial Court’s Order in *Belmont v. Kelly*, No. 2014-CI-CL-007 (Nooksack Tribal Ct. Mar. 21, 2016). *See Galanda Decl., Ex. A.*

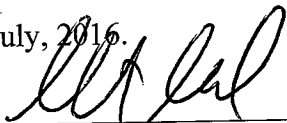
Top Notch Metal Finishing Co., No. 87-3894, 1988 WL 156725, at *9 (D.N.J. Dec. 23, 1988) (same, \$900,000 fine).

As noted above, the Court previously found Ms. Leathers in contempt. Mr. Kelly and the Police Chief join her in contempt of this Court's Orders. In the instant motion, Plaintiffs satisfy their burden to establish that the contemnors presently stand in violation of this Court's Order. *Chicago Truck Drivers*, 207 F.3d at 504-05. Neither those three tribal officers nor any of the Defendants have made any attempt to establish any reason why further action should not be taken to coerce compliance with the Court's Orders.


Thus, Plaintiffs request that this Court assess (1) a daily monetary penalty in an amount to be determined, and (2) an award of reasonable attorneys' fees and expenses incurred by Plaintiffs in contempt motion practice, against each of these bad actors, until they purge their contempt. *See e.g. Rodriguez v. Lawns of Distinction, Ltd.*, No. 07-0447, 2008 WL 2952660, at *2 (E.D. Mo. July 29, 2008); *see also United States v. Montgomery Glob. Advisors*, No. 04-0733, 2006 WL 950102, at *3 (N.D. Cal. Mar. 2, 2006) (\$1,000 per-day fine). In addition, this Court should issue a Writ of Prohibition in favor of Mr. Galanda and summary judgment in favor of Messrs. Broadman and Dreveskracht.

The Trial Court can no longer be entrusted to administer justice.

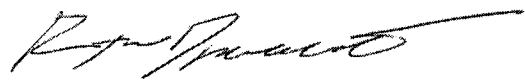
Respectfully submitted this 11th day of July, 2016.



Gabriel S. Galanda, *pro se*



Anthony S. Broadman, *pro se*



Ryan D. Dreveskracht, *pro se*

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2016, I served the foregoing by causing it to be mailed, postage prepaid, one copy to the following individuals:

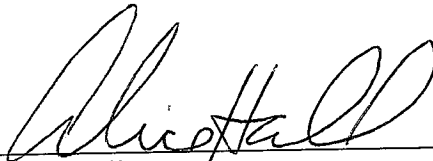
Katie Nicoara
NICS
20818 4th Ave W, Suite 120
Lynnwood WA 98036

Chairman Robert Kelly
Nooksack Tribal Council
Nooksack Indian Tribe
5016 Deming Road
Deming, WA 98244

Chief Rory Gilliland
Nooksack Police Department
Nooksack Indian Tribe
5016 Deming Road
Deming, WA 98244

Betty Leathers
Nooksack Tribal Court
4971 Deming Road
Deming, WA 98244

Rickie Armstrong
Tribal Attorney
Office of Tribal Attorney
Nooksack Indian Tribe
5047 Mt. Baker Hwy
P.O. Box 157
Deming, WA 98244



Alice Hall