

IN THE NOOKSACK COURT OF APPEALS
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

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|--------------------------------------|---|------------------------|
| ELEANOR J. BELMONT, et al., |) | |
| Plaintiff, Counter Claim Defendants, |) | |
| Respondents, |) | NO. 2014-CI-CL-007 |
| |) | |
| vs. |) | |
| |) | ORDER DENYING MOTION |
| ROBERT KELLY, Chairman of the |) | TO EXPAND JURISDICTION |
| Nooksack Tribal Council, et al., |) | |
| Defendants, Counter Claimants, |) | |
| Petitioners. |) | |
| |) | |

Plaintiff/Petitioner Michelle J. Roberts filed with this court a Motion to Expand Jurisdiction dated August 4, 2016.

By way of background, this court entered an order on June 28, 2016, in response to a Motion for Writ of Mandamus filed by Plaintiff/Petitioner on April 15, 2016. We granted the motion and held, in part that:

The Tribal Court's failure to appoint a judge to preside over the lawsuit would constitute a violation of the plaintiff's rights to equal protection and due process under the Constitution of the Nooksack tribe and order that the Tribal Council either appoint in a timely fashion a judge to adjudicate Petitioner's challenge to her threatened disenrollment or in the alternative to refrain from taking any further action to disenroll her.

On July 1, 2016, Plaintiff/Petitioner attempted to file a Motion for Injunction with the tribal court seeking to expand the scope of the injunction to encompass all of the 272 Plaintiffs in this case that were similarly threatened with disenrollment. Despite an assurance given to Plaintiff/Petitioner on July 11, 2016, by the Clerk of the Tribal Court that arrangements were being made to appoint a pro tem judge to hear That motion has languished because no such appointment has been made to date.

Plaintiff/Petitioner now asks us to expand our June 28, 2016, Order which was specific to her, to encompass all persons similarly situated, *i.e.*, all plaintiffs in this case and order the Defendants/Respondents to refrain from taking any further action to disenroll any of the Plaintiffs until (a) a pro tem judge is assigned and a hearing is held on all pending motions in this matter and (b) either she is allowed to advocate for the Plaintiffs or civil counsel of the Plaintiffs' choosing is allowed to do so.

This court is disinclined to take unilateral action to expand the application of a previous order to include others who were not a party to the motion that resulted in that order. Absent a formal indication from other plaintiffs in this case that they are similarly situated and wish to have the June 28, 2016, order apply to them, we hereby deny the Motion to Expand Jurisdiction.

It is so ordered this 29th day of August, 2016, for the panel.

Eric Neilsen, Chief Judge
Gregory Silverman, Associate Judge


Douglas Nash, Associate Judge