

AUG 29 2016

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REJECTED

CÓDE: _____ CLERK: BR

IN THE NOOKSACK TRIBAL COURT OF APPEALS

(2) 8-29-16
rec'd

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
(MARJORIE) LAJUNE RABANG; and
BONNIE CLARA GLADSTONE
FORBES RUSSELL,

Petitioners,

v.

NOOKSACK TRIBAL COURT

Respondent,

and

NOOKSACK INDIAN TRIBE

Real Party in Interest.

NO. 2016-CI-CL-004

**PETITION FOR WRIT OF
MANDAMUS OR PROHIBITION**

I. RELIEF REQUESTED

Pro Se Plaintiffs/Petitioners Deborah Eileen Gladstone Alexander, Robert Stanley Forbes Gladstone, Margretty (“Marjorie”) Lajune Rabang, and Bonnie Clara Gladstone Forbes Russell (“Petitioners”) petition the Court for a Writ of Mandamus instructing the Tribal Court Clerk to file Petitioners’ Motions for Preliminary Injunction (“Motions”) and set a hearing on the Motions immediately; or a Writ of Prohibition preventing Defendants Robert Kelly, *et al.*, from taking any further action to disenroll or disenfranchise Petitioners until the Motions are accepted, set, heard and decided by the Trial Court.

This Petition is offered by each Petitioner on his or her own behalf, *pro se*, and is based on appendices A-F attached to this Petition.

II. ISSUES PRESENTED

Whether the Tribal Court or Court Clerk clearly erred in rejecting the Motions and should be instructed to answer this petition or accept the Motions for filing immediately.

III. ARGUMENT

The Court has the authority to issue a writ of mandamus or prohibition. *In Re Galanda, Broadman, Dreveskracht, pro se*, No. 2016-CI-CL-002, Order Re: Petition for Writ of Mandamus, at 4 (Nooksack Tribal Ct. App. April 25, 2016).

Once a petition for a writ of mandamus or prohibition is filed with the appellate court, the Court may deny the petition without an answer; however, if the Court believes that the petition may have merit, it must order the respondent at whom the requested writ of mandamus is directed to answer within a fixed time. *Id.* at 6.

Appellate courts typically analyze five factors in determining the propriety of mandamus or prohibition:

- (1) Whether the party seeking the writ has no other adequate means, such as a direct appeal, to attain the relief he or she desires;
- (2) Whether the petitioner will be damaged or prejudiced in a way not correctable on appeal. (This guideline is closely related to the first);
- (3) Whether the lower court's order is clearly erroneous as a matter of law;
- (4) Whether the lower court's order is an oft-repeated error, or manifests a persistent disregard of applicable rules; and
- (5) Whether the district court's order raises new and important problems, or issues of law of first impression.

Bauman v. United States Dist. Court, 557 F.2d 650, 654-55 (9th Cir. 1977) (citations omitted). Importantly, factor (3), the existence of clear error as a matter of law, is dispositive. *Calderon v. United States Dist. Court*, 98 F.3d 1102, 1105 (9th Cir. 1996).

Here, the *Bauman* factors favor immediate issuance of a Writ.

As to factors (1) and (2), Petitioners have no other adequate means to obtain relief, and cannot obtain review by direct appeal from a judgment after trial. If the Respondents' inaction stands, there will be no trial. The Tribal Court/Clerk has filed Petitioners' Complaint by assigning a cause number to it. *See* Complaint, Appendix A. But the Court Clerk will not accept motions in the case. *See* Motions, Appendices B-E. The harm—the attempted permanent, unreviewable, disenrollment of Petitioners—could be effectively unreviewable if the Motions cannot be filed.

Factor (3), clear legal error, is satisfied and dispositive. The Tribal Court's inaction is clearly legally wrong because it directly contradicts the Nooksack Tribal Court of Appeals Order of April 25, 2016. There the Court ordered:

One of the clerk's nondiscretionary, ministerial duties directly related to both the management of the flow of cases through the court and maintenance of official records **is the duty to accept every document a person seeks to file with the court.**

In Re Galanda, No. 2016-CI-CL-002, at 4 (emphasis added). The Court of Appeals has directed the Tribal Court to accept all pleadings and motions properly filed with it. The Tribal Court has refused to do so, in violation of Nooksack law. *See* Appendices B-E. While it is now appreciated that the *pro se* Motions do not all contain the correct case number, and are incorrectly captioned as matters before the Nooksack Tribal Court of Appeals instead of Tribal Court as intended,¹ these are not bases upon which the Tribal Court or Clerk could reject filings without any explanation. *See* Appendices B-E. Such decisions are for a judge. As this Court has made quite clear to the Tribal Court/Clerk:

¹ Before she was terminated, Chief Judge Susan Alexander foretold the challenges that Defendants'—and now Respondent's—actions since February 24, 2016 would present to *pro se* litigants and the Court. *Belmont v. Kelly*, No. 2014-CI-CL-007, Case Management Order, at 19 -20 (Nooksack Tribal Ct. Mar 7, 2016) (citing “readily predictable” problems “at the time [Respondents] enacted Resolution #16-28.”).

Also, as a practical matter, if a court clerk refuses to file a complaint it prevents the judge from performing his or her duty adjudicate the complaint. NTC 10.03.040. If a defendant believes a complaint fails to state a cause of action, suffers from some other infirmity, or was filed by a party not entitled to file a complaint, the defendant can file the appropriate motion with the court and request the judge dismiss the complaint. The refusal to file a complaint, however, is akin to dismissing the complaint and the Clerk does not have the authority to perform that judicial function. To prevent the judge from performing his or her duty to adjudicate a complaint is tantamount to interfering with a court proceeding, something the Clerk has sworn not to do

In Re Galanda, No. 2016-CI-CL-002, at 4. The refusal to file the Motions was tantamount to denying the Motions, and “the Clerk does not have the authority to perform that judicial function.” *Id.* The Tribal Court/Clerk is preventing the judge from performing his or her duty to adjudicate this matter, and is therefore interfering with a court proceeding, in violation of his or her oath. *Id.* Because there is a clear error of law and no adequate procedural remedy, this Court need not look further. This clear error of law is dispositive.

Bauman factor (4) is also satisfied, as the Tribal Court/Clerk’s action reflects a patent disregard of applicable rules. The Tribal Court or Clerk continues to repeat the legal error that requires Petitioners to bring this matter to the Court’s attention.

Bauman factor (5) is also satisfied. The matter at bar is a new, important problem of first impression. In light of binding case law, the Tribal Court Clerk still appears to be rejecting filings. It is almost inconceivable that the Tribal Court Clerk could be doing so, in the face of contrary orders, without the advice or direction of some other person—possibly a judge or attorney. It appears that profound decisions related to Petitioners are being made by opposing counsel in concert with Tribal Court staff. The harm to Petitioners is immeasurable.

IV. CONCLUSION

Petitioners respectfully request that this Court issue either a Writ of Mandamus instructing the Tribal Court Clerk to either file Petitioners' Motions and set a hearing on the Motions immediately, or answer this Petition; or a Writ of Prohibition preventing Defendants from taking any further action to disenroll or disenfranchise Petitioners until the Motions are accepted, set, heard and decided by the Trial Court.

Respectfully submitted this 26th day of August, 2016


Deborah Eileen Gladstone Alexander, *Pro Se*


Robert Stanley Forbes Gladstone, *Pro Se*


Margretty ("Marjorie") Lajune Rabang, *Pro Se*


Bonnie Clara Gladstone Forbes Russell, *Pro Se*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the Nooksack Tribe and the State of Washington that:

1. I am over the age of 18 and have knowledge of the facts stated herein;
2. On the date below I caused the foregoing to be filed with the referenced court; and
3. I caused the same document to be filed, and served on the following parties in person, by U.S. Mail and/or by email:

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

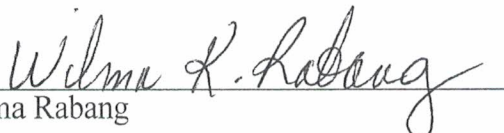
Chairman Robert Kelly
Nooksack Tribal Council
Nooksack Indian Tribe
5016 Deming Road
Deming, WA 98244

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

Raymond Dodge
Nooksack Tribal Court
4971 Deming Road
Deming, WA 98244

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

DATED this 26th day of August, 2016, at Bellingham, Washington.



Wilma Rabang

APR 29 2016

TIME: 12:58 PM
FILED BY: CLERK: [Signature]

IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
(MARJORIE) LAJUNE RABANG; and
BONNIE CLARA GLADSTONE FORBES
RUSSELL,

Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
Vice-Chairman of the Nooksack Tribal
Council; AGRIPINA SMITH, former
Treasurer of the Nooksack Tribal Council;
BOB SOLOMON, Councilmember of the
Nooksack Tribal Council; KATHERINE
CANETE, former Councilmember of the
Nooksack Tribal Council and Nooksack
General Manager; AGRIPINA "LONA"
JOHNSON, former Councilmember of the
Nooksack Tribal Council; ELIZABETH KING
GEORGE, Enrollment Officer of the Nooksack
Tribal Council; ROY BAILEY, Enrollment
Officer of the Nooksack Tribal Council, in
their personal and official capacities,

Defendants.

NO. 2016-CI-CL-004

COMPLAINT

I. INTRODUCTION

1. Defendants are violating or will violate the Nooksack Constitution and laws. Defendants are attempting or will attempt to disenroll Plaintiffs without providing due process and in violation of the Nooksack Constitution and a Nooksack Tribal Court Order.

II. JURISDICTION

2. Plaintiffs, enrolled members of the Nooksack Indian Tribe, bring this action against Defendants, who are current or former officers, employees, or agents of the Tribe, acting in their official and personal capacities.

COMPLAINT - 1

GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
eighteenth floor
1191 second avenue
seattle, washington 98101-2939
206 464 3939

1 9. Each Plaintiff wrote a letter to the Tlingit & Haida Tribe in Juneau, Alaska,
2 stating that each wished to relinquish the right to be enrolled in the Tlingit & Haida Tribe.
3 Copies of each letter were immediately provided to Defendant Elizabeth King George and are
4 attached hereto as Exhibit B.

5 10. Each Plaintiff was advised that the Tlingit & Haida Tribes could not take action
6 on Plaintiffs' request until May 2016. However, the Notice stated that the Plaintiffs would be
7 disenrolled if they did not provide confirmation from the Tlingit & Haida Tribes that evidences
8 the Plaintiffs' relinquishment within 30 days of the Notice or by April 7, 2016. This set an
9 arbitrary deadline to obtain "evidence" that Plaintiffs cannot obtain from the Tlingit & Haida
10 Tribe in time to meet this deadline.

11 11. Each Plaintiff has received a formal Notice of Intent to Disenroll ("Notice of
12 Intent") on the basis that each had failed to "provide satisfactory evidence that you relinquished
13 your membership from the Central Council Tlingit & Haida Tribes of Alaska."

14 12. The Notice of Intent cited NTC § 63.04.001(B)(2) of the Nooksack Code. The
15 Defendants are currently barred from proceeding with disenrollment under Title 63 by a Tribal
16 Court order issued in *Belmont v. Kelly*, No. 2014-CI-CL-007 (Nooksack Tribal Ct. Feb. 26,
17 2015).

18 13. Article II § 2 of the Constitution requires the approval of the Secretary of the
19 U.S. Department of the Interior for any changes made to Title 63 by the Tribal Council to
20 become effective. That governing provision guarantees that disenrollees are entitled to fairness
21 and due process; it provides for Secretarial approval as a procedural check on the Noosack
22 Tribal Council's authority to pass laws that do not comport with these fundamental rights.

23 14. To date, the Secretary's approval has not been obtained, and the matter is
24 currently under appeal to the Interior Board of Indian Appeals.

25 15. On February 26, 2015, the Nooksack Tribal Court issued an Order in 2014-CI-
26 CL-007 that precludes the Defendants from proceeding with disenrollment actions until the

Secretary has finally approved the Defendants' latest changes to Title 63. Therefore, the Defendants cannot presently proceed to disenroll Plaintiffs. Nor can they force Plaintiffs to relinquish their membership from the Tlingit & Haida Tribe.

16. The Notice of Intent contains the same infirmities as those at issue in the *Belmont* case.

17. The Notice and Notice of Intent are pretexts for the Defendants to retaliate against the Plaintiffs here for supporting the Plaintiffs who are subject to disenrollment and commonly known as "the Nooksack 306." The Defendants fail to provide due process to the Plaintiffs to cure the alleged "defect" in their Nooksack Tribal membership.

18. The Defendants also cannot proceed because no lawful, functioning tribal council exists to proceed with Plaintiffs' disenrollment. The Tribal Council was required by law to conduct a general and primary election by March 19, 2016, for the purpose of electing four new council members. The Tribal Council failed to do so. Defendants Agripina Johnson, Rick D. George, Agripina Smith, and Katherine Canete's term of office expired as of March 24, 2016. The Tribal Council cannot govern because there are only four validly elected members of the eight-member body, and they can only act if a quorum (five) of members exists. Nooksack Bylaws Art. II § 4.

V. CAUSE OF ACTION

(Injunction/Declaratory Judgment – Violation of Nooksack Constitution)

19. Plaintiffs incorporate and reallege the foregoing allegations.

20. "[T]he Tribe's Constitution itself clearly provides a Tribal member with a right to challenge the enforcement or threatened enforcement of an unconstitutional law or policy, and with a forum where the member can bring that challenge." *Lomeli*, at 14.

21. "[A]ny procedural rules governing disenrollment proceedings must be adopted by ordinance and the ordinance approved by the Secretary of Interior as provided for in the

1 Nooksack Constitution.” *Roberts v. Kelly*, No. 2013-CI-CL-003, at 9 (Nooksack Ct. App.
2 Mar. 18, 2014).

3 22. The Notice and Notice of Intent set forth vague rules governing disenrollment
4 proceedings.

5 23. The ordinance under which the Notice and Notice of Intent were issued has not
6 been finally approved by the Secretary of the Interior.

7 24. Defendants are using or are threatening to use the Notice and Notice of Intent
8 against Plaintiffs.

9 25. Defendants have not provided clear procedural rules governing disenrollment
10 proceedings.

11 26. Defendants must provide clear procedural rules governing disenrollment
12 proceedings as a matter of due process and the Nooksack Constitution.

13 27. Plaintiffs have clear legal or equitable rights and a well-grounded fear of
14 immediate invasion of those rights. The relative equities of the parties favor granting
15 injunctive relief. Defendants have acted and are continuing to act in excess of their
16 constitutional authority in this matter. If not enjoined by order of the Court, Defendants will
17 continue to enforce unconstitutional statutes and Resolutions, and Plaintiffs will suffer
18 irreparable injury. Plaintiffs do not have a plain, speedy, and adequate remedy in the ordinary
19 course of law.

20 28. An actual controversy exists between the parties concerning the issues identified
21 above.

22 29. A judicial determination resolving this actual controversy is necessary and
23 appropriate at this time.
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VI. CAUSE OF ACTION
(Injunction/Declaratory Judgment – Lack of Authority)

30. Plaintiffs incorporate and reallege the foregoing allegations.

31. The Tribal Council was required by Nooksack law to conduct a general and primary election by March 19, 2016 for the purpose of electing four new council members. The Tribal Council failed to do so. Defendants Agripina Johnson, Rick D. George, Agripina Smith, and Katherine Canete's term of office expired as of March 24, 2016. The Tribal Council cannot govern because there are only four validly elected members of the eight member body and they can only act if a quorum (five) of members exists. Nooksack Bylaws Art. II § 4.

32. An actual controversy exists between the parties concerning the issue of whether the Defendants have any authority to act to disenroll Plaintiffs.

33. A judicial determination resolving this actual controversy is necessary and appropriate at this time.

VII. RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for relief as follows:

A. For injunctive relief enjoining disenrollment proceedings against Plaintiffs;

B. For declaratory judgment that Defendants have no authority to act on any matter, including Plaintiffs' disenrollment;

C. For attorneys' fees and costs;

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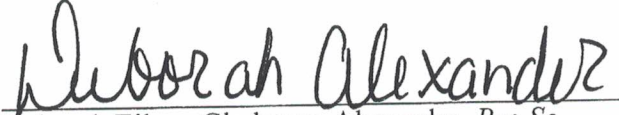
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1 D. Contempt of the Order issued in *Belmont v. Kelly*, No. 2014-CI-CL-007
2 (Nooksack Tribal Ct. Feb. 25, 2016).

3 E. For such other relief as the Tribal Court may deem just and equitable.

4 Plaintiffs reserve the right to further amend their Complaint.

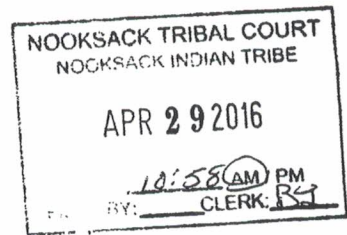
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6 DATED this 28th day of April, 2016.

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9 Deborah Eileen Gladstone Alexander, *Pro Se*

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12 Robert Stanley Forbes Gladstone, *Pro Se*

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15 Margretty ("Marjorie") Lajune Rabang, *Pro Se*

16
17 
18 Bonnie Clara Gladstone Forbes Russell, *Pro Se*



IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
(MARJORIE) LAJUNE RABANG; and
BONNIE CLARA GLADSTONE FORBES
RUSSELL,

Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
Vice-Chairman of the Nooksack Tribal
Council; AGRIPINA SMITH, former
Treasurer of the Nooksack Tribal Council;
BOB SOLOMON, Councilmember of the
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GEORGE, Enrollment Officer of the Nooksack
Tribal Council; ROY BAILEY, Enrollment
Officer of the Nooksack Tribal Council, in
their personal and official capacities,

Defendants.

NO. 2016-CI-CL-004

SUMMONS

TO: AGRIPINA "LONA" JOHNSON, Councilmember
Nooksack Tribal Council
Nooksack Indian Tribe
4979 Mount Baker Highway Suite F
P. O. Box 157
Deming, WA 98244

YOU ARE HEREBY NOTIFIED that the attached Complaint has been filed against
you. You are notified to appear and answer the Complaint by personally appearing and
stating your defense to the Complaint before the Nooksack Tribal Court, or by submitting
your written Answer to the Clerk and serving a copy of the same upon Plaintiffs *pro se*

Deborah Eileen Gladstone Alexander 2508 Suchanon Dr Everson WA 98247	Robert Stanley Forbes Gladstone 2508 Suchanon Dr Everson WA 98247
Bonnie Carla Gladstone Forbes PO Box 335 Stn. Main Chilliwack BC V2P 6J4	Margretty (Marjorie) LaJune Rabang 5913 Johnny Dr Deming WA 98244

within 30 days of service of this Summons and the Complaint upon you.

If you appear in person or by written answer within 30 days, a hearing will be set for a later date and time. If you do not appear or file a written answer, a Default will be taken against you awarding the Plaintiffs whatever was requested in the Complaint.

DATED this 29 day of April, 2016.

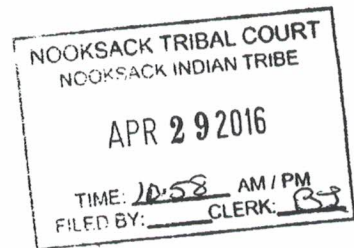

Clerk, Nooksack Tribal Court

☐ Sent to Defendant
by registered/certified mail return receipt requested

☐ Personal service upon Defendant

GSB:7754182.1

IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON



DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
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Defendants.

NO. 2016-CI-CL-004

SUMMONS

TO: KATHERINE CANETE, Councilmember
Nooksack Tribal Council
Nooksack Indian Tribe
4979 Mount Baker Highway Suite F
P. O. Box 157
Deming, WA 98244

YOU ARE HEREBY NOTIFIED that the attached Complaint has been filed against
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your written Answer to the Clerk and serving a copy of the same upon Plaintiff *pro se*

Deborah Eileen Gladstone Alexander 2508 Suchanon Dr Everson WA 98247	Robert Stanley Forbes Gladstone 2508 Suchanon Dr Everson WA 98247
Bonnie Carla Gladstone Forbes PO Box 335 Stn. Main Chilliwack BC V2P 6J4	Margretty (Marjorie) LaJune Rabang 5913 Johnny Dr Deming WA 98244

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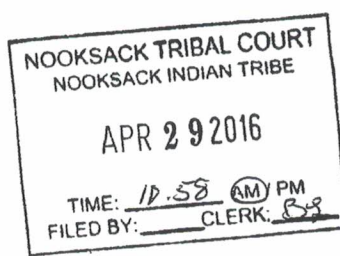
DATED this 29 day of April, 2016.


Clerk, Nooksack Tribal Court

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☐ Personal service upon Defendant

GSB:7754189.1



IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

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ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
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Officer of the Nooksack Tribal Council, in
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Defendants.

NO. 2016-CI-CL-004

SUMMONS

TO: BOB SOLOMON, Councilmember
Nooksack Tribal Council
Nooksack Indian Tribe
4979 Mount Baker Highway Suite F
P. O. Box 157
Deming, WA 98244

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Bonnie Carla Gladstone Forbes PO Box 335 Stn. Main Chilliwack BC V2P 6J4	Margretty (Marjorie) LaJune Rabang 5913 Johnny Dr Deming WA 98244

within 30 days of service of this Summons and the Complaint upon you.

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DATED this 29 day of April, 2016.


Clerk, Nooksack Tribal Court

☐ Sent to Defendant
by registered/certified mail return receipt requested

☐ Personal service upon Defendant

GSB:7754170.1

APR 29 2016

TIME: 10:58 AM PM
FILED BY: _____ CLERK: *[Signature]*

IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

DEBORAH EILEEN GLADSTONE
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FORBES GLADSTONE; MARGRETTY
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Plaintiffs,

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Defendants.

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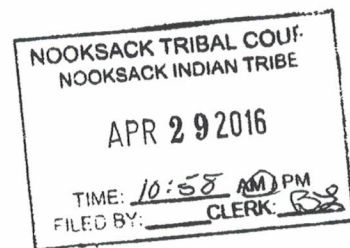
DATED this 29 day of April, 2016.


Clerk, Nooksack Tribal Court

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☐ Personal service upon Defendant

GSB:7754180.1



IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
(MARJORIE) LAJUNE RABANG; and
BONNIE CLARA GLADSTONE FORBES
RUSSELL,

Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
Vice-Chairman of the Nooksack Tribal
Council; AGRIPINA SMITH, former
Treasurer of the Nooksack Tribal Council;
BOB SOLOMON, Councilmember of the
Nooksack Tribal Council; KATHERINE
CANETE, former Councilmember of the
Nooksack Tribal Council and Nooksack
General Manager; AGRIPINA "LONA"
JOHNSON, former Councilmember of the
Nooksack Tribal Council; ELIZABETH KING
GEORGE, Enrollment Officer of the Nooksack
Tribal Council; ROY BAILEY, Enrollment
Officer of the Nooksack Tribal Council, in
their personal and official capacities,

Defendants.

NO. 2016-CI-CL-004

SUMMONS

TO: AGRIPINA SMITH, Treasurer
Nooksack Tribal Council
Nooksack Indian Tribe
4979 Mount Baker Highway Suite F
P. O. Box 157
Deming, WA 98244

YOU ARE HEREBY NOTIFIED that the attached Complaint has been filed against
you. You are notified to appear and answer the Complaint by personally appearing and
stating your defense to the Complaint before the Nooksack Tribal Court, or by submitting
your written Answer to the Clerk and serving a copy of the same upon Plaintiffs *pro se*

Deborah Eileen Gladstone Alexander 2508 Suchanon Dr Everson WA 98247	Robert Stanley Forbes Gladstone 2508 Suchanon Dr Everson WA 98247
Bonnie Carla Gladstone Forbes PO Box 335 Stn. Main Chilliwack BC V2P 6J4	Margretty (Marjorie) LaJune Rabang 5913 Johnny Dr Deming WA 98244

within 30 days of service of this Summons and the Complaint upon you.

If you appear in person or by written answer within 30 days, a hearing will be set for a later date and time. If you do not appear or file a written answer, a Default will be taken against you awarding the Plaintiffs whatever was requested in the Complaint.

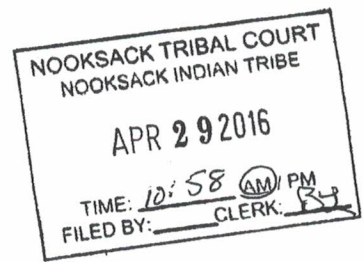
DATED this 29 day of April, 2016.


Clerk, Nooksack Tribal Court

☐ Sent to Defendant
by registered/certified mail return receipt requested

☐ Personal service upon Defendant

GSB:7754173.1



IN NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY
FORBES GLADSTONE; MARGRETTY
(MARJORIE) LAJUNE RABANG; and
BONNIE CLARA GLADSTONE FORBES
RUSSELL,

Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
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Council; AGRIPINA SMITH, former
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BOB SOLOMON, Councilmember of the
Nooksack Tribal Council; KATHERINE
CANETE, former Councilmember of the
Nooksack Tribal Council and Nooksack
General Manager; AGRIPINA "LONA"
JOHNSON, former Councilmember of the
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GEORGE, Enrollment Officer of the Nooksack
Tribal Council; ROY BAILEY, Enrollment
Officer of the Nooksack Tribal Council, in
their personal and official capacities,

Defendants.

NO. 2016-CI-CL-004

SUMMONS

TO: RICK D. GEORGE, Vice Chairman
Nooksack Tribal Council
Nooksack Indian Tribe
4979 Mount Baker Highway Suite F
P. O. Box 157
Deming, WA 98244

YOU ARE HEREBY NOTIFIED that the attached Complaint has been filed against
you. You are notified to appear and answer the Complaint by personally appearing and
stating your defense to the Complaint before the Nooksack Tribal Court, or by submitting
your written Answer to the Clerk and serving a copy of the same upon Plaintiffs *pro se* at

Deborah Eileen Gladstone Alexander 2508 Suchanon Dr Everson WA 98247	Robert Stanley Forbes Gladstone 2508 Suchanon Dr Everson WA 98247
Bonnie Carla Gladstone Forbes PO Box 335 Stn. Main Chilliwack BC V2P 6J4	Margretty (Marjorie) LaJune Rabang 5913 Johnny Dr Deming WA 98244

within 30 days of service of this Summons and the Complaint upon you.

If you appear in person or by written answer within 30 days, a hearing will be set for a later date and time. If you do not appear or file a written answer, a Default will be taken against you awarding the Plaintiffs whatever was requested in the Complaint.

DATED this 29 day of April, 2016.


Clerk, Nooksack Tribal Court

☐ Sent to Defendant
by registered/certified mail return receipt requested

☐ Personal service upon Defendant

GSB:7754159.1

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AUG 22 2016

Office of Tribal Attorney
Nooksack Indian Tribe

personal sec.

NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE

AUG 22 2016

11:35 am

REJECTED

CODE: _____ CLERK: *SDP*

IN THE NOOKSACK TRIBAL COURT OF APPEALS

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY FORBES
GLADSTONE; MARGRETTY (MARJORIE)
LAJUNE RABANG; and BONNIE CLARA
GLADSTONE FORBES RUSSELL,
Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
Vice-Chairman of the Nooksack Tribal Council;
AGRIPINA SMITH, former Treasurer of the
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Councilmember of the Nooksack Tribal
Council; KATHERINE CANETE, former
Councilmember of the Nooksack Tribal Council
and Nooksack General Manager; AGRIPINA
"LONA" JOHNSON, former Councilmember of
the Nooksack Tribal Council; ELIZABETH
KING GEORGE, Enrollment Officer of the
Nooksack Tribal Council; ROY BAILEY,
Enrollment Officer of the Nooksack Tribal
Council, in their personal and official capacities,
Defendants.

NO. 2016-CI-CL-004

MOTION FOR PERMANENT
INJUNCTION

Defendants purportedly disenrolled me without providing me any opportunity for a hearing or honoring my right to counsel of my choosing, and/or without "any procedural rules governing disenrollment proceedings" having been "approved by the Secretary of Interior as provided for in the Nooksack Constitution." *Roberts v. Kelly*, No. 2013-CI-CL-003, at 9 (Nooksack Ct. App. Mar. 18, 2014).

1
2 Also, Defendants have waited far too long to disenroll me, "for supporting the Plaintiffs
3 subject to disenrollment, who are commonly known as 'the Nooksack 306.'" See Complaint, at
4 4; *id.*, Ex. A; subjoined Declaration, ¶2. *Alexander v. Confederated Tribes of Grand Ronde*, No.
5 A-15-008, at 19 (Grand Ronde Ct. App. Aug. 5, 2016) ("The Tribe is estopped [from
6 disenrollment] after making an initial enrollment decision 27 years ago, continually enrolling the
7 Petitioners/Appellants ever since, and after 27 years of consistently recognizing and stating that
8 these people are [tribal] citizens."); *Stoplman v. St. Croix Chippewa Indians of Wisconsin Tribal*
9 *Council*, No. 16-CV-500, at 19 (St. Croix Tribal Ct. Aug. 11, 2016) (in reversing the
10 disenrollment of members who were re-enrolled in 2013: "Tribal governments and their
11 administrative bodies must be bound to bring their causes of action in a timely manner . . .").

12 Defendants should, therefore, be permanently enjoined from disenrolling me.

13 DATED this 19 day of August, 2016.

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15 Bonnie Russell
Bonnie Russell, *Pro Se*
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1. I am over eighteen years of age, a Plaintiff in this action, and am competent to testify, and have personal knowledge of the facts set forth herein.
2. I am an enrolled member of the Nooksack Indian Tribe. I have been continuously enrolled at Nooksack since 2002.
3. Today, I caused the foregoing document to be filed with the referenced court and delivered to to:

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

Bonnie Russell
BONNIE RUSSELL

RECEIVED

AUG 22 2016

Office of Tribal Attorney
Nooksack Indian Tribe

personal use.

NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE

AUG 22 2016

11:35 am

REJECTED

CODE: _____ CLERK: *SS*

IN THE NOOKSACK TRIBAL COURT OF APPEALS

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY FORBES
GLADSTONE; MARGRETTY (MARJORIE)
LAJUNE RABANG; and BONNIE CLARA
GLADSTONE FORBES RUSSELL,
Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
Vice-Chairman of the Nooksack Tribal Council;
AGRIPINA SMITH, former Treasurer of the
Nooksack Tribal Council; BOB SOLOMON,
Councilmember of the Nooksack Tribal
Council; KATHERINE CANETE, former
Councilmember of the Nooksack Tribal Council
and Nooksack General Manager; AGRIPINA
"LONA" JOHNSON, former Councilmember of
the Nooksack Tribal Council; ELIZABETH
KING GEORGE, Enrollment Officer of the
Nooksack Tribal Council; ROY BAILEY,
Enrollment Officer of the Nooksack Tribal
Council, in their personal and official capacities,
Defendants.

NO. 2016-CI-CL-004

MOTION FOR PERMANENT
INJUNCTION

Defendants purportedly disenrolled me without providing me any opportunity for a hearing or honoring my right to counsel of my choosing, and/or without "any procedural rules governing disenrollment proceedings" having been "approved by the Secretary of Interior as provided for in the Nooksack Constitution." *Roberts v. Kelly*, No. 2013-CI-CL-003, at 9 (Nooksack Ct. App. Mar. 18, 2014).

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11 administrative bodies must be bound to bring their causes of action in a timely manner . . .").

12 Defendants should, therefore, be permanently enjoined from disenrolling me.

13 DATED this 19th day of August, 2016.

Alexander
Deborah Gladstone
Deborah Gladstone, Pro Se

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1. I am over eighteen years of age, a Plaintiff in this action, and am competent to testify, and have personal knowledge of the facts set forth herein.
2. I am an enrolled member of the Nooksack Indian Tribe. I have been continuously enrolled at Nooksack since 2002.
3. Today, I caused the foregoing document to be filed with the referenced court and delivered to to:

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

Alexander
Deborah Gladstone
DEBORAH GLADSTONE

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AUG 22 2016

Office of Tribal Attorney
Nooksack Indian Tribe

personal use.

NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE

AUG 22 2016

11:35 am

REJECTED

CODE: _____ CLERK: *SB*

IN THE NOOKSACK TRIBAL COURT OF APPEALS

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY FORBES
GLADSTONE; MARGRETTY (MARJORIE)
LAJUNE RABANG; and BONNIE CLARA
GLADSTONE FORBES RUSSELL,
Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, former
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AGRIPINA SMITH, former Treasurer of the
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Councilmember of the Nooksack Tribal
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and Nooksack General Manager; AGRIPINA
"LONA" JOHNSON, former Councilmember of
the Nooksack Tribal Council; ELIZABETH
KING GEORGE, Enrollment Officer of the
Nooksack Tribal Council; ROY BAILEY,
Enrollment Officer of the Nooksack Tribal
Council, in their personal and official capacities,
Defendants.

NO. 2014-CI-CL-007

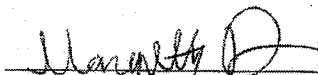
MOTION FOR PERMANENT
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11 administrative bodies must be bound to bring their causes of action in a timely manner . . .").

12 Defendants should, therefore, be permanently enjoined from disenrolling me.

13 DATED this ____ day of August, 2016.

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15 Margretty Rabang, Pro Se
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DECLARATION

I, Margretty Rabang, say:

1. I am over eighteen years of age, a Plaintiff in this action, and am competent to testify, and have personal knowledge of the facts set forth herein.

2. I am an enrolled member of the Nooksack Indian Tribe. I have been continuously enrolled at Nooksack since 1993.

3. Today, I caused the foregoing document to be filed with the referenced court and delivered to to:

Rickie Armstrong
Office of Tribal Attorney
Nooksack Indian Tribe
5047 Mt. Baker Hwy
P.O. Box 63
Deming, WA 98244

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

DATED this ____ day of August, 2016.


MARGRETTY RABANG

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AUG 22 2016

Office of Tribal Attorney
Nooksack Indian Tribe

personal sup.

NOOKSACK TRIBAL COURT
NOOKSACK INDIAN TRIBE

AUG 22 2016

11:35 am

REJECTED

CODE: _____ CLERK: _____

IN THE NOOKSACK TRIBAL COURT OF APPEALS

DEBORAH EILEEN GLADSTONE
ALEXANDER; ROBERT STANLEY FORBES
GLADSTONE; MARGRETTY (MARJORIE)
LAJUNE RABANG; and BONNIE CLARA
GLADSTONE FORBES RUSSELL,
Plaintiffs,

v.

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AGRIPINA SMITH, former Treasurer of the
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Councilmember of the Nooksack Tribal
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and Nooksack General Manager; AGRIPINA
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the Nooksack Tribal Council; ELIZABETH
KING GEORGE, Enrollment Officer of the
Nooksack Tribal Council; ROY BAILEY,
Enrollment Officer of the Nooksack Tribal
Council, in their personal and official capacities,
Defendants.

NO. 2016-CI-CL-004


MOTION FOR PERMANENT
INJUNCTION

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15 Robert Gladstone, Pro Se
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1. I am over eighteen years of age, a Plaintiff in this action, and am competent to testify, and have personal knowledge of the facts set forth herein.
2. I am an enrolled member of the Nooksack Indian Tribe. I have been continuously enrolled at Nooksack since _____.
3. Today, I caused the foregoing document to be filed with the referenced court and delivered to to:

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

Robert Gladstone
ROBERT GLADSTONE