

IN THE NOOKSACK TRIBAL COURT OF APPEALS

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

Petitioners,

v.

Nooksack Tribal Court,

Respondent,

and

Nooksack Indian Tribe,

Real Party in Interest.

Trial Court No. 2016-CI-CL-001

**DECLARATION OF GABRIEL S.
GALANDA IN SUPPORT OF
RESPONSE RE: ORDER ON
MOTION TO ENFORCE
CONTEMPT ORDER**

I, Gabriel S. Galanda, declare as follows:

1. By preparing and filing this Declaration, I do not intend to practice law or transact business within the Nooksack Tribe's jurisdiction.

2. In reaction to this Court's July 25, 2016, Order On Motion To Enforce Contempt Order, I twice emailed the Tribal Court Clerk regarding the status of my and my colleagues' *pro se* Complaint (Mar. 24, 2016), First Amended Complaint (May 25, 2016), Motion For Injunctive And Declaratory Relief (Mar. 24, 2016), and Motion for Partial Summary Judgment (June 15, 2016). I copied the Tribal Police Chief and Tribal Attorney on my two emails, true and correct copies of which are attached a **Exhibit A**.

3. As of the signing of this Declaration, I have yet to receive any reply to those emails from the Tribal Court Clerk, Tribal Police Chief or Tribal Attorney. Nor have I received any other word from the Tribal Court Clerk, Tribal Police Chief or Tribal Attorney that the Clerk has filed any of our *pro se* papers or been arrested by the Police Chief. Attached as **Exhibit B** is a true and correct copy of the latest *Bellingham Herald* article in this regard, which suggests that the Tribal Court Clerk and Tribal Police Chief continue to flout this Appeals Court's Orders, at the behest of Chairman Bob Kelly.

4. According to an email from the Court Clerk to Michelle Roberts, Mr. Dodge has returned to Nooksack, purportedly as the Chief Judge, after resigning in disgrace in May 2016. A true and correct copy of that email is attached as **Exhibit C**.

5. On July 16 2016, our office received a Notice Of Withdrawal from Mr. Dodge, a true and correct copy of which is attached as **Exhibit D**. I emailed Mr. Dodge, "as counsel, withdrawing counsel," that same date:

[Y]ou snail mailed your notice via the Office of the Tribal Attorney, although we understand you are the new Chief Judge at Nooksack. This raises appearance of fairness issues, especially as the Clerk continues to reject our Court filings and otherwise obstruct justice since you've become Chief Judge.

Mr. Dodge never replied to my email.

6. Attached as **Exhibit E** is a true and correct copy of a letter from Garvey Schubert Barer to new Nooksack Chief Judge Ray Dodge. I attached and referenced that letter in my August 1, 2016, email to the Court Clerk. *See* Exhibit A. In regard to Judge Dodge, that email to the Court Clerk provides in pertinent part:

Having architected my and my firm's barring, disbarment or whatever, on February 24, 2016 as the Senior Nooksack Tribal Attorney and then counseled you in that regard on an ex parte basis as recent as April 2016, [Judge Dodge] should have nothing more to do with your handling, or mishandling, of our filings now that he has returned to Nooksack as Chief Judge.

If Judge Dodge is to do anything, he should immediately assign a Judge Pro Tem to file and in turn hear our pro se case. . .

As of the signing of this Declaration, I have not received any official word that Judge Dodge has recused himself from any handling of *Galanda v. Bernard*, or assigned a Pro Tem in his stead.

7. Attached as **Exhibit F** is a true and correct copy of our Nooksack tribal business license denial reconsideration and appeal paperwork. My colleagues and I first sought a business license from the Tribe on February 26, 2016. We have now been seeking that license, and enduring a “sham” administrative process overseen by Katherine Canete, for over five months. *See* Exhibit E. Our exhaustion efforts are futile.

8. As I testified in my Fourth and Fifth Declarations, on June 9, 2016, I was also subject to some form of telephonic banishment, disbarment, etc., “hearing” before the purported Nooksack Tribal Council. Almost two months later, I still have yet to receive any resulting written decision from the “plainly biased” purported Tribal Council. My exhaustion efforts are also futile.

9. Meanwhile, my and my colleagues’ *pro se* Indian Civil Rights Act Complaint, which concerns both our business license denial and my banishment, disbarment, etc., has been rejected for filing for over four months. Our litigation efforts have proven futile too.

10. This Appeals Court’s immediate issuance of a Writ of Prohibition to prevent my certain banishment, disbarment, etc., remains just.

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.

Signed this 3rd date of August, 2016.



Gabriel S. Galanda, *Pro Se*

EXHIBIT A



Gabe Galanda <gabe@galandabroadman.com>

Re: In Re Galanda v. Nooksack Tribal Court, Order on Motion to Enforce Contempt Order

1 message

Gabe Galanda <gabe@galandabroadman.com>

Mon, Aug 1, 2016 at 9:30 AM

To: Betty Leathers <BLEathers@nooksack-nsn.gov>, "Rickie W. Armstrong (rarmstrong@nooksack-nsn.gov)" <rarmstrong@nooksack-nsn.gov>

Cc: "rgilliland@nooksack-nsn.gov" <rgilliland@nooksack-nsn.gov>, "Deanna Francis (DFrancis@nooksack-nsn.gov)" <DFrancis@nooksack-nsn.gov>, Anthony Broadman <anthony@galandabroadman.com>, "Ryan Dreveskracht (ryan@galandabroadman.com)" <ryan@galandabroadman.com>, "CSMartin@SCHWABE.com" <CSMartin@schwabe.com>

Ms. Leathers:

We still have yet to receive any word that our pro se Complaint, Amended Complaint and Motions have been filed, and our Motions set for hearing. If we do not electronically hear from you or the Police Chief by Wednesday at 4:30 PM, we will presume each of your continued failure to honor the above-referenced Appeals Court's Order, leaving us with no choice but to seek further relief from the Appeals Court.

Also, we were copied with the attached letter from Garvey Schubert and Barer to Chief Judge Dodge. To the extent you decide to file our papers, please ensure that this letter is also filed in Galanda v. Bernard. To the extent you still do not do as you have been ordered, please ensure that Judge Dodge is aware of this letter insofar as we are concerned.

Having architected my and my firm's barring, disbarment or whatever, on February 24, 2016 as the Senior Nooksack Tribal Attorney and then counseled you in that regard on an ex parte basis as recent as April 2016, he should have nothing more to do with your handling, or mishandling, of our filings now that he has returned to Nooksack as Chief Judge.

If Judge Dodge is to do anything, he should immediately assign a Judge Pro Tem to file and in turn hear our pro se case. As former Chief Judge Susan Alexander observed before she was fired in late March 2016, Nooksack judges have the inherent power to manage their docket themselves. A Judge Pro Tem could thus accept our pro se papers for filing herself under these unprecedented circumstances.

Finally, we again request any recent amendments to Title 10 or other laws that govern attorney conduct at Nooksack. The Appeals Court referenced yet another set of amendments made by the former Tribal Council in mid-April 2016.

We have made repeated requests of you and Mr. Armstrong for those most recent Nooksack code amendments over the past few months, but to no avail. Of course previous to February 24, 2016, we would simply ask for the new laws, and you would provide them to us. We cannot be expected to adhere to ever-changing Nooksack laws, sight unseen.

As with all of our prior emails to the Tribal Court or Tribal Attorney, this email should not be construed as the practice of law or transaction of business at Nooksack.

We really hope to hear from you, or the Judge.

Thank you,

Gabriel S. Galanda, Pro Se

On Tue, Jul 26, 2016 at 1:50 PM, Gabe Galanda <gabe@galandabroadman.com> wrote:

Ms. Leathers:

Should you file our pro se Complaint, Amended Complaint and Motions, and set our Motions for hearing, please let us know electronically, in the interest of time. We hope to avoid further appellate motion or contempt practice.

Rickie:

You signed a pleading on behalf of the Tribe and Court in In Re Galanda last month but have not filed any notice of appearance for the Defendants before the trial court or for the Respondents before the Court of Appeals. In fact, with

the exception of that one appellate filing you signed, since March you (and Ray) have gone underground in all the litigation we've been involved with, preferring of course to instead engage in ex parte communication with the Clerks and other unethical behavior from behind closed doors. I raise this issue in case you are now taking the position that you are counsel for the Clerk or Chief, in which case I will cease emailing them as officers of the Court in regard to the state of our pro se filings. Despite our repeated "who's on first?" inquiries of you and your colleagues over the last several months about the identity of our opposing counsel, we have yet to get a single reply. We would still be grateful for that courtesy.

Gabriel S. Galanda, Pro Se

On Mon, Jul 25, 2016 at 1:23 PM, Katie Nicoara <katien@nics.ws> wrote:

Good afternoon,

Please find the attached Court of Appeals' Order on Motion to Enforce Contempt Order, hard copies will follow in the mail. Thank you.

Katie Nicoara

Northwest Intertribal Court System

Assistant to Executive Director Dan Kamkoff

20818 - 44th Avenue West, Suite 120, Lynnwood, WA 98036-7709

Ph: (425) 774-5808, ext. 115/ Fx: (425) 744-7704

<http://www.nics.ws/>

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 **2016-07-28 Request for Recusal Letter (7958213 v 1) (1).PDF**
154K

EXHIBIT B

LOCAL JULY 29, 2016 4:42 PM

Nooksack tribal police chief could face fines for not jailing court clerk

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

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

Petitioners.

v.

Nooksack Tribal Court.,

Respondent.

Court No. 2016-CI-CL-002

Order on Motion to Enforce Contempt
Order

The procedural and substantive facts in this ongoing case are all too familiar with the parties and this Court. The following is merely a brief summary.

On April 25th, 2016, this Court accepted petitioners' interlocutory appeal and issued a writ of mandamus ordering the Court Clerk to accept the return of the petitioners Complaint and Motion for Injunctive and Declaratory Relief or file an answer with this Court on or before May 16th, 2016. May 16th came and went without the Court Clerk accepting the return of the documents or filing an answer with this Court. On May 26th this Court ordered that the Court Clerk accept and file all of petitioners' pleadings in this case by June 3rd or show cause by affidavit why we should not find her in contempt and order the Nooksack Chief of Police to hold her in jail until she purges the contempt by filing the pleadings. The Court Clerk still did not accept the documents for filing nor show cause by affidavit why we should not find her in contempt. On June 28, 2016, this Court found the Court Clerk in contempt and ordered the Nooksack Chief of Police to hold her in jail until she purged the contempt by filing the pleadings.

On July 12, 2016, petitioners filed with this Court this current Motion to Enforce Contempt Order. The motion is supported by petitioner Galanda's declaration that the Court Clerk has still not accepted the pleadings, and that the Nooksack Chief of Police has failed to comply with our June 28th order that the Court Clerk be held in jail until she purges her contempt by filing the pleadings.

In his declaration Galanda has also directed us to recent public statements attributed to the Nooksack Tribe's Chairman that suggest Nooksack Court of Appeals orders are extralegal. Galanda Declaration, Exhibit D (July 11, 2016 article published by the Bellingham Herald purporting to quote the Tribe's Chairman). We do not find the Chairman actually made those statements. If he did we do not know the context in which the statements were made. However, we take this opportunity to remind the Tribe's officials that the mechanism for challenging tribal court orders is through the Tribe's legal processes as mandated by its constitution. If Nooksack

ORDER RE: MOTION TO ENFORCE CONTEMPT ORDER 1



1 of 2



BY SAMANTHA WOHLFEIL
swohlfeil@bhamherald.com

When the Nooksack Tribal Court of Appeals ruled a court clerk was in contempt of court and should be sent to jail until she filed paperwork in a case involving attorneys fighting against disenrollment from the tribe, Nooksack Chairman Bob Kelly said the order was invalid.

Kelly said the tribe's constitution does not provide for a separation of powers.

“There is only one branch of government and control of the legislative, executive, and judicial functions of the Tribal government fall under the control of the Nooksack Tribal Council,” Kelly wrote in an email July 2. “The Northwest Intertribal Court System is attacking the sovereignty of the Nooksack Tribe with their paternalistic attempts at creating a second independent branch of government not provided for in the Nooksack Constitution. The three recent orders issued by the Nooksack Court of Appeals are invalid because the court is refusing to follow existing case law, and the rules procedures (sic) of the Nooksack court system that were legislated by the Tribal council.”

Now, the three-judge appeals court panel, contracted through a pool of lawyers from the Northwest Intertribal Court System, has said it will fine the tribe's police chief \$1,000 per day if he does not hold the clerk in jail until she purges her contempt.

“

IF NOOKSACK COURT OF APPEALS ORDERS ARE SIMPLY IGNORED BY THE TRIBE'S GOVERNMENT OFFICIALS THE NOOKSACK GOVERNMENT CEASES TO OPERATE UNDER THE RULE OF LAW AND AS A RESULT IT FORFEITS (1) ITS CLAIM TO EQUAL STATUS WITH OTHER SOVEREIGN TRIBES (2) ANY RIGHT TO DEMAND OTHER JURISDICTIONS RESPECT NOOKSACK TRIBAL COURT ORDERS OR THAT OTHER SOVEREIGN GOVERNMENTS DEAL WITH IT GOVERNMENT TO GOVERNMENT, AND (3) ITS LEGAL AUTHORITY TO GOVERN THE TRIBE.

Nooksack Tribal Court of Appeals panel in a Monday, July 25, 2016 order

When asked for comment on this story Friday, July 29, Kelly said his previously emailed statement still applies.

In his July 2 email, Kelly said the absence of a separation of powers in the tribe's constitution does not provide the Northwest Intertribal Court System “with the authorization to disregard legislation created by the governing body of a sovereign like the Nooksack Tribe, nor does it authorize them to unilaterally create a second independent branch of government within the Nooksack Tribe.”

Court filings

The tribe's court clerk was supposed to return paperwork from attorneys Gabriel Galanda, Anthony Broadman, and Ryan Dreveskracht, to a file created in March. The filing involves the Nooksack Tribal Council's February decision to disbar or block the three attorneys from practicing in Nooksack Tribal Court without giving them the chance to defend themselves.

EXHIBIT C



Re: Pending motions

1 message

Michelle Roberts <michelle.roberts3012@gmail.com>
To: Betty Leathers <BLEathers@nooksack-nsn.gov>

Mon, Aug 1, 2016 at 2:18 PM

Hi again, Betty.

Are we any closer to getting a pro tem assigned and having our motions heard? It's now been almost two months since Ray became the Chief Judge, on or around June 13 best I can tell, so we don't understand what's taking so long.

Please let me know when you can.

Thanks again,

Michelle

On Tuesday, July 26, 2016, Betty Leathers <BLEathers@nooksack-nsn.gov> wrote:

We are making arrangements for a pro tem judge to hear matters that Ray Dodge is conflicted out of, and we anticipate getting finalization – the matters will be scheduled for hearings soon.

From: Michelle Roberts [mailto:michelle.roberts3012@gmail.com]
Sent: Tuesday, July 26, 2016 12:33 PM
To: Betty Leathers <BLEathers@nooksack-nsn.gov>
Subject: Re: Pending motions

Hi again, Betty.

I've not heard back from you about hearing dates. Again, these motions have now been pending for a really long time. One motion was filed in February. I've communicated with you and Rickie to schedule a hearing now for the last several weeks, but with no success. We also don't know if Ray or somebody else is our Judge. Please reply to let me know if or when these motions can finally be heard, and by who.

Thank you,

Michelle

On Tue, Jul 19, 2016 at 12:37 PM, Michelle Roberts <michelle.roberts3012@gmail.com> wrote:

Betty,

Are you now able to set a hearing on my motions? They have been pending for far too long.

Also, the family and I got withdrawal notices from Ray that were mailed out from the tribal attorney's office.

Is he the new chief judge? Nobody at the court has yet answered this question.

If he is the new judge, and he has now withdrawn as counsel, will he be presiding over our cases?

Please let us know. We need to know who's who and what's what.

Thank you,

Michelle

EXHIBIT D



SEATTLE OFFICE
eighteenth floor
second & seneca building
1191 second avenue
seattle, washington 98101-2939
TEL 206 464 3939 FAX 206 464 0125

anchorage, alaska
beijing, china
new york, new york
portland, oregon
washington, d.c.
GSBLAW.COM

GARVEY S CHUBERT BARER

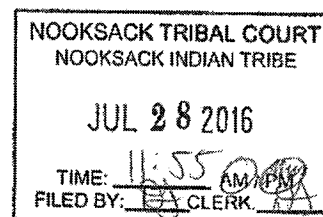
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to JUDITH A. ENDEJAN
jendejan@gsblaw.com
TEL EXT 1351

VIA HAND DELIVERY AND U.S. MAIL

July 28, 2016

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



Re: *Belmont v. Kelly*, No. 2014-CI-CL-007
Kelly v. Kelly, No. 2016-CI-CL-001
Tageant v. Kelly, No. 2016-CI-CL-003
Galanda v. Bernard, No. 2016-CI-CL-002
Gladstone v. Kelly, No. 2016-CI-CL-004

Dear Mr. Dodge:

We plan to represent the plaintiffs in *Belmont v. Kelly*, No. 2014-CI-CL-007, once we are admitted to practice before the Nooksack Tribal Court. David Smith and I have applied for admission to the Nooksack Tribal Court and have fulfilled the admission prerequisites, including obtaining a business license. On July 12, 2016, we supplemented our initial Motion for Admission to the Nooksack Tribal Court Bar, originally filed on March 14, 2012, to supply our business license and to request a hearing date. We are awaiting a hearing date from the Nooksack Tribal Court on this Motion, as well as all of the pending Motions in *Belmont*.

We have learned that you have been appointed as the Chief Judge of the Nooksack Tribal Court. Prior to this appointment, you were the Senior Tribal Attorney for the Nooksack Tribe and Tribal Council and represented or counseled the named defendants in the five actions cited above. All of these cases are interrelated and deal with the Nooksack Tribal Council's efforts to disenroll Nooksack Tribal members and/or retaliate against those Tribal members who support the targets of the Tribal Council's unlawful disenrollment actions. Indeed, you recently filed a withdrawal notice in a couple, but not all, of these actions in which you were involved or orchestrated as Senior Tribal Attorney. Curiously, you did so while you were the Chief Judge, yet through the Nooksack Office of Tribal Attorney.

We are, therefore, writing to request that you formally recuse yourself from any involvement in the above-cited five cases, including administrative involvement. You are disqualified from assuming any role, or responsibility, in these cases according to the Washington Code of Judicial Conduct as well as the Tribal Code of Judicial Conduct.



Your recusal is required under the Washington Code of Judicial Conduct, Rule 2.11(A)(1) and (6). Rule 2.11(A)(6) requires a judge to disqualify himself if

(a) [the judge] served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer for material witness in the matter during such association;

(b) served in governmental employment, and in such capacity participated personally and substantially as a public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy.

Rule 2.11(A)(1) requires disqualification if “[t]he judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.”

Based upon your conduct while serving as Tribal attorney and advocate for the defendants there can be no question that you have a personal bias or prejudice against all of the plaintiffs named in the above-cited five cases or that you have personal knowledge of facts that are in dispute in this proceeding. Furthermore, the model Tribal Code of Judicial Conduct, produced by the National Tribal Justice Center, states in Judicial Rule 3 that “**a judge shall perform the duties of judicial office impartially and diligently.**” Subsection (E)(1) of Rule 3 states:

A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party’s lawyer or has personal firsthand knowledge of disputed evidentiary facts concerning the proceeding;

b) the judge served as a lawyer in the matter in controversy or a lawyer with whom the judge previously practiced served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it.

Given your extensive involvement with crafting the defendants’ positions and, advising them and directing the course of this litigation, the plaintiffs were alarmed to learn of your appointment as the Chief Judge of the Nooksack Tribal Court and the possibility that you might make decisions that impact them and their cases. Therefore, your recusal is essential in the above-cited five cases.

Our clients are troubled that during the last six weeks you have been back at the Nooksack Tribal Court, they have been unable to schedule any hearing in *Belmont*, even before a Nooksack Judge Pro Tem. It seems to them that you are working with the former Nooksack Tribal Council to delay the assignment of a Pro Tem, just like you worked with the former Tribal Council to delay the March 19, 2016, election.

Your failure to recuse from all aspects of the five cases, including administrative aspects, would perpetuate the denial of due process and lack of justice accorded to the plaintiffs by the former Council and its Court, which now appears to be nothing but a puppet of that Council. If you do not expressly recuse yourself from each of the above-cited five actions, we will bring this failure to recuse to the



GARVEY SCHUBERT BARER

Ray Dodge
July 28, 2016
Page 3

attention of the Nooksack Court of Appeals, the Washington State Commission on Judicial Conduct and the disciplinary authorities at the Washington State Bar Association.

Accordingly, we request written evidence from the Nooksack Tribal Court that shows you will adhere to the Judicial Codes of Conduct referenced above and have and will not have any involvement whatsoever in any of the five cases that are pending before Nooksack Tribal Court.

Very truly yours,

GARVEY SCHUBERT BARER

Judith A. Endejan

cc: David Smith
Gabe Galanda
Michelle Roberts
Carmen Tageant
Deborah Alexander
Robert Gladstone

EXHIBIT E



**OFFICE OF TRIBAL ATTORNEY
NOOKSACK INDIAN TRIBE**

P.O. Box 63
DEMING, WA 98244

SEATTLE
WA 980
14 JUL '95
PM 2 1

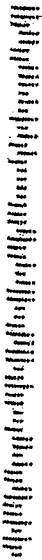
Ryan D. Dreveskracht
Attorney for Appellants
Galanda Broadman
P.O. Box 15146
Seattle, WA 98115



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000372308 JUL 13 2016
MAILED FROM ZIP CODE 98244

\$ 000.465

98115-014646



UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS

RUDY ST. GERMAIN and
MICHELLE ROBERTS,

Appellants,

v.

ACTING NORTHWEST
REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS,

Appellee.

Docket No. IBIA 16-022

NOTICE OF WITHDRAWAL

COPY

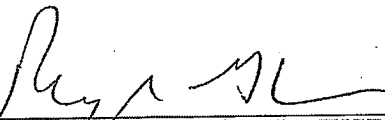
TO: THE CLERK OF THE INTERIOR BOARD OF INDIAN APPEALS; and

TO: COUNSEL FOR ALL PARTIES

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Raymond G. Dodge,
Jr, withdraws as co-counsel.

Dated this 7th day of July, 2016.

By:



Raymond G. Dodge, Jr., WSBA # 16020

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of association of Counsel was sent on July
13, 2016 via United States mail to:

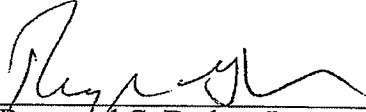
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203-1710

Copies were provided via United States mail to:

Mary Anne Kenworthy
Attorney for Appellees
U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205-3346

Ryan D. Dreveskracht
Attorney for Appellants
Galanda Broadman
P.O. Box 15146
Seattle, WA 98115

Dated this 13 day of July, 2016



Raymond G. Dodge, Jr.

EXHIBIT F

GALANDA BROADMAN

An Indian Country Law Firm

July 25, 2016

VIA U.S. MAIL

Tribal Council
Nooksack Indian Tribe
6106 Deming Road
P.O. Box 157
Deming, WA 98244

Katherine Canete, MPA
General Manager
Nooksack Indian Tribe
Via Email

Re: Notice of Appeal Re: July 7, 2016, Notice of Final Determination

Dear Tribal Council and Ms. Canete:

We appeal the July 7, 2016, Notice of Final Determination regarding the May 16, 2016, "Denial of Business License." This Notice of Appeal is not intended to be, nor should be construed as the practice of law or transaction of business at Nooksack.

The Notice of Final Determination lacks any rationale and is baseless. This is a sham process designed to deprive our Nooksack clients of their attorneys. A license should be provided to our firm. Our reconsideration materials are enclosed.

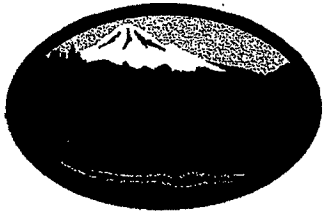
On June 30, 2016, Ms. Canete promised to provide us a copy of the audio from the hearing of that date, but we have yet to receive it. Please provide it to us.

If you do not issue us the business license, please again refund the \$100.00 fee that we submitted on May 2, 2016.

Very truly yours,



Anthony S. Broadman



Nooksack Indian Tribe

July 7, 2016

Galanda Broadman
Attn: Anthony Broadman
P.O. Box 15146
Seattle, WA 98115

Certified Return Receipt No.
7015 0640 0003 8499 4653

Re: Notice of Final Determination

Dear Applicant,

On May 2, 2016, the Tribal Administrative Office received your Business License application. On May 16, 2016, I denied your request for a business license as more fully set out in the Notice of Denial. Pursuant to Title 54.02.050, you requested the denial of your license be reconsidered and on June 30, 2016, I convened a hearing on your matter.

I have considered your original application materials, the written materials filed in support of your request for reconsideration, your past unlicensed business practices within the Nooksack Tribal jurisdiction, and your oral testimony. Given the above information, I uphold the earlier denial of your application for a business license.

Should you desire to appeal this Final Determination, you must file a written Notice of Appeal with the Tribal Council prior to August 2, 2016, the date of the next regularly scheduled Tribal Council meeting. You must attach copies of your original request for reconsideration and supporting documents presented at the hearing. Documents should be directed to:

Nooksack Tribal Council
P.O. Box 157
Deming, WA 98244

Regards,

Katherine Canete, MPA
General Manager

GALANDA BROADMAN

An Indian Country Law Firm

May 31, 2016

VIA U.S. MAIL & EMAIL

Katherine Canete, MPA
General Manager
Nooksack Indian Tribe
6106 Deming Road
P.O. Box 157
Deming, WA 98244
KCanete@nooksack-nsn.gov

Re: May 2, 2016 Nooksack Business License Application

Dear Ms. Canete:

We at Galanda Broadman, PLLC, write to request that you reconsider your May 16, 2016, "Denial of Business License." This reconsideration request is not intended to be, nor should be construed as the practice of law or transaction of business at Nooksack. You stated that Galanda Broadman "threatens the political integrity, economic security, peace, safety, morals, or general welfare of [the] Tribe." Respectfully, you are mistaken.

You allege that "since at least 2013, [we] continuously engaged in business on Tribal lands without a business license. Your conduct was in violation of tribal law and is deemed a fraudulent, deceptive and dishonest practice . . ." To be clear, nobody with our firm did any business at Nooksack before March 2013, and none of us have engaged in any "fraudulent, deceptive and dishonest practice" at Nooksack.

We understand that on February 24, 2016, the former Nooksack Tribal Council took some form of legislative action to bar or disbar my partner Gabriel S. Galanda and our law firm. We have yet to see Resolution 16-28 that was passed against him and us that date. But what we do know is:

- Between September 8, 1983, and February 24, 2016, no law firm was required to obtain a Nooksack Business License pursuant to N.T.C. Title 54. Longtime Nooksack Chairman Narz Cunanan confirms no person was ever required to obtain a tribal business license before February 24, 2016.
- In the Fall of 2013, the Nooksack's former Senior Attorney, Raymond Dodge, caused another downtown Seattle law firm, MacDonald Hoague & Bayless, to be disbarred from the practice of law before the Quinault Tribal Court. Mr. Dodge was the Quinault Attorney General at that time.
- On March 8, 2013, Mr. Galanda and Ryan Dreveskracht, also of our office, were admitted to practice law in the Nooksack Tribal Court, per N.T.C. § 10.02 *et seq.* They were each sworn in by Judge Raquel Montoya-Lewis in person. At no time then, or prior to February 24, 2016, did the Tribe or Tribal Court ever publish Title 54 or did the Judge or anybody else ever notify them of the need for a Nooksack business license.

- In 2013, I was admitted to practice law in the Nooksack Tribal Court, per N.T.C. § 10.02 *et seq.* Judge Montoya-Lewis swore me in, in person, in Deming. Sue Gearhart's libelous allegation on March 11, 2016, that I was "'pending' as opposed to 'admitted'" to practice at Nooksack as of November 18, 2015, is untrue. At no time prior to February 24, 2016, did the Tribe or Tribal Court ever publish Title 54 or did anybody with the Tribe or Court notify me of the need for a Nooksack business license either.
- On February 24, 2016, Chairman Bob Kelly said: **"I have a resolution here to bar Gabe Galanda and his firm. For practicing in Tribal Court. Not for bullshit violation of a business code because he's being a jerk . . . The real reason that I want to do this is not because of that stupid business license . . ."** Indeed, there was not then, and has never been any reason, to bar us from Nooksack lands or the Tribal Court for want of a tribal business license.
- Moments later on February 24, 2016, Chairman Kelly and the former Tribal Council passed Resolution 16-27, to amend N.T.C. § 10.02.070 and adopt an "Advocates Code of Conduct" provision, thereby withdrawing lawyer disciplinary from the Tribal Court; and then Resolution 16-28, which apparently "bar[red] Gabe Galanda and his firm" from Nooksack lands and/or disbarred him or us from the Nooksack Tribal Court. Mr. Dodge was present and provided counsel that day. Indeed, it was his idea to bar or disbar us, just as it was his idea to do so to MacDonald Hoague & Bayless at Quinalt in 2013.
- Beginning on February 24, 2016, and continuing for several weeks thereafter, we requested the Tribe provide us a copy of the former Tribal Council's Resolution 16-28 and any business licensing laws that existed prior to that day. We were provided Title 54 that day but the Tribe has never provided us Resolution 16-28.
- On February 26, 2016, Galanda Broadman remitted the \$100.00 business license application fee contemplated by N.T.C. § 54.02.010. As of that day, the Tribe did not have any business application form; it had never before used such a form.
- On February 29, 2016, the Tribe's CFO, Joseph Mace, returned our \$100.00 business license application fee, explaining only that the Tribe was "not able to issue the requested license."
- On March 4, 2016, the Tribe's outside counsel provided us Resolution 16-27 and new Title 10, with an amendment to N.T.C. § 10.02.070. Neither Resolution 16-27 nor the amended N.T.C. § 10.02.070 are retroactive—meaning they do not apply to any failure of ours to possess a Nooksack business license from March 8, 2013 until February 24, 2016.
- On March 21, 2016, since-terminated Nooksack Tribal Court Chief Judge Susan Alexander entered an Order that Resolution 16-28 be produced. But Resolution 16-28 has never been produced by anybody with the Tribe.
- On May 2, 2016, both Galanda Broadman, PLLC, and Corr Downs, PLLC—Mr. Galanda and our law firm's own counsel—submitted completed Nooksack Business License Applications, and each remitted \$100.00 application fees.
- On May 9, 2016, the Tribe sent us an unsigned letter, prepared by Tribal Attorney Rickie Armstrong, reminding us "that until such time as the Nooksack Tribal Council takes further action, the Nooksack Tribal Courts are bound by Resolution #16-28 barring you from practicing in the Tribal Court." Mr. Armstrong further wrote: "Under Washington's Rules of Professional Conduct, a lawyer who is pro se is "representing a client." His

stated position, albeit unfounded, and his tact, albeit unethical as recently noted by the Nooksack Court of Appeals, underscores our need for a Nooksack business license.

- On or about May 13, 2016, the Tribe mailed Mr. Galanda an undated, unsigned Notice of Hearing, contending that: "On February 24, 2016, the Nooksack Tribal Council took emergency action barring [him] from Tribal lands and Tribal Court due to your failure to have a valid Nooksack business license" The Notice referenced Resolution 16-28 but did not include or append that Resolution.
- On May 16, 2016, you issued Corr Downs an "Order of Denial; Denial of Business License." On that day, you also denied our business license.

Today we assure you that we do not threaten the political integrity, economic security, peace, safety, morals, or general welfare of the Tribe. Dating back to March 8, 2013, we have been legal counsel of record for at least 331 Nooksack citizens—for nearly 20% of the Tribe. Mr. Galanda remains the traditionally those Nooksacks' authorized Speaker. In these ways, we embody the political integrity, economic security, peace, safety, morals, and general welfare of the Nooksack People. We do not threaten those values.

We, therefore, ask that you reconsider your May 16, 2016, "Denial of Business License" and issue us the requested business license before June 9, 2016, when Mr. Galanda is scheduled for an administrative banishment hearing. If you do not issue us the business license, please again refund the \$100.00 fee that we submitted on May 2, 2016.

Very truly yours,



Anthony S. Broadman

Cc: Rickie Armstrong, Esq. (via email)
Raymond Dodge, Esq. (via email)
Jacob Downs, Esq. (via email)

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2016, I served the foregoing Declaration of Gabriel S. Galanda with Exhibits, 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

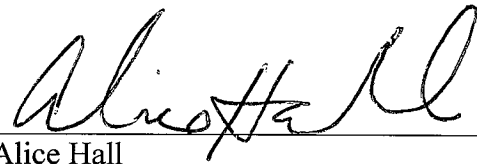
Rory Gilliland
Tribal Police Chief
Nooksack Indian Tribe
5016 Deming Road
Deming, WA 98244

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

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

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



Alice Hall