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4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
5 IN AND FOR THE COUNTY OF WHATCOM

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

8 Petitioners,

9 v.

10 Nooksack Tribal Court.,

11 Defendant.

NO. 16-2-01663-1

**DECLARATION OF BREE R.
BLACK HORSE IN SUPPORT OF
PETITIONERS' RESPONSE TO
NOOKSACK POLICE CHIEF'S
MOTION TO VACATE ORDER
DOMESTICATING FOREIGN
JUDGMENT AND QUASH
EXECUTION AND ENFORCEMENT
EFFORTS**

12 I, BREE R. BLACK HORSE, say:

13 1. I am now and at all times herein mentioned, a legal, permanent resident of the
14 United States, over the age of eighteen years, and competent to testify.

15 2. From June 2016 through August 2016, the Nooksack Tribal Council or Nooksack
16 Tribal Court purportedly searched for somebody to be appointed to serve as Judge Pro Tem.

17 3. Attached as **Exhibit A** is a true and correct copy of an e-mail from Nooksack
18 Court Clerk Betty Leathers to Michelle Roberts dated July 26, 2016.

19 4. Attached as **Exhibit B** is a true and correct copy of an e-mail from Court Clerk
20 Leathers to Ms. Roberts dated July 11, 2016.

21 5. Attached as **Exhibit C** is a true and correct copy of a letter from Dean M. Seyler,
22 Director, Portland Area Indian Health Services, U.S. Department of Health and Human Services
23 dated November 18, 2016.

24 DECLARATION OF BREE R. BLACK HORSE
25 IN SUPPORT OF PETITIONERS' RESPONSE
TO NOOKSACK POLICE CHIEF'S MOTION
TO VACATE ORDER DOMESTICATING
FOREIGN JUDGMENT AND QUASH
EXECUTION AND ENFORCEMENT EFFORTS

GALANDA BROADMAN, PLLC
8606 35th Avenue, NE, Ste. L1
Mailing: P.O. Box 15146
Seattle, Washington 98115
(206) 557-7509

Signed at Seattle, Washington on this 2nd day of December, 2016.



Bree R. Black Horse

DECLARATION OF BREE R. BLACK HORSE
IN SUPPORT OF PETITIONERS' RESPONSE
TO NOOKSACK POLICE CHIEF'S MOTION
TO VACATE ORDER DOMESTICATING
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GALANDA BROADMAN, PLLC
8606 35th Avenue, NE, Ste. L1
Mailing: P.O. Box 15146
Seattle, Washington 98115
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EXHIBIT A



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

8/2/2016

Galanda Broadman Mail - Re: Pending motions

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 B

7/11/2016



Fwd: Hearing date

1 message

Mon, Jul 11, 2016 at 7:54 AM

From: **Betty Leathers** <BLEathers@nooksack-nsn.gov>
Date: Mon, Jul 11, 2016 at 7:30 AM
Subject: RE: Hearing date
To: Michelle Roberts <michelle.roberts3012@gmail.com>

We are trying to make arrangements for a pro tem judge to hear these matters. At the present time, we cannot set these matters for hearing.

As for title 10 you will need to do paper work from the Council House to request the Title 10

From: Michelle Roberts [mailto:michelle.roberts3012@gmail.com]
Sent: Friday, July 08, 2016 10:34 AM
To: Betty Leathers <BLEathers@nooksack-nsn.gov>; Deanna Francis <DFrancis@nooksack-nsn.gov>
Cc: Rickie W. Armstrong <rarmstrong@nooksack-nsn.gov>
Subject: Re: Hearing date

Betty, Rickie,

I'd like also to have all of my prior pending motions heard (default, election mandamus, injunction, contempt, etc.--there are at least four others) so please allow enough time.

Those other motions have been on hold since at least March. It seems most efficient to have everything heard at once.

Thanks again.

On Friday, July 8, 2016, Michelle Roberts <michelle.roberts3012@gmail.com> wrote:

Betty just checking in with you to see if you came up with any dates, when we had talked weds you said you were still working on it.

Also, when replying could you also attach a copy of the current Title 10?

I appreciate your time and look forward to hear from you soon.

Michelle Roberts

EXHIBIT C



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NOV 18 2016

PORTLAND AREA
INDIAN HEALTH SERVICE
1414 NW NORTHROP, Suite 800
PORTLAND, OREGON 97209

Mr. Robert Kelly, Jr.
Chairman, Nooksack Indian Tribe
P.O. Box 157
Deming, WA 98244

COPY FOR YOUR
INFORMATION

RECEIVED

NOV 21 2016

Dear Chairman Kelly:

Galanda Broadman PLLC

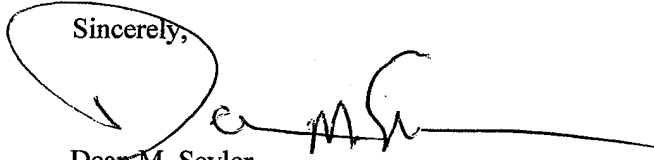
I am writing in response to a letter to Mary Smith, Principal Deputy Director, dated November 2, 2016 from Mr. Gabriel Galanda of the Galanda Broadman law firm sent on behalf of the 331 enrolled Nooksack Tribe to the Indian Health Service (IHS). The letter included a complaint with supporting evidence alleging the Nooksack Tribe's refusal to provide health care services for up to 331 enrolled members of the Nooksack Tribe.

The IHS and the Nooksack Tribe (Nooksack or Tribe) entered into a contract, authorized by Title I of the Indian Self-Determination and Education Assistance Act (ISDEAA) that requires the Nooksack Tribe to provide services to all eligible beneficiaries. It is our understanding that the Northwest Intertribal Court System issued an order on March 22, 2016, ruling that the 331 members in question are still enrolled members of the Nooksack Tribe. Furthermore, it appears that subsequent actions to disenroll these members by the Nooksack Tribal Council lacked a sufficient quorum and were done in violation of the Tribe's own Constitution and bylaws. See attached October 17, 2016 letter from the United States Department of Interior, Lawrence S. Roberts, Principal Deputy Assistant Secretary – Indian Affairs.

The IHS is not interpreting the Tribe's Constitution or interfering in internal Tribal matters, but rather ensuring all eligible beneficiaries receive health care benefits in accordance with both Federal and Tribal law. Accordingly, until the Tribe has a sufficient quorum and a final decision is reached regarding the status of the 331 members in question, Nooksack must ensure that they receive access to health care services. Failure to comply with the eligibility provisions of the Tribe's contract with IHS, and with IHS' eligibility regulations, may require the Agency to take necessary measures to ensure health services are provided in accordance with applicable federal law.

I trust this information is helpful. If you have questions regarding this letter, please contact Mr. Terry Dean, Director, Office of Tribal & Service Unit Operations, by telephone at (503) 414-5555 or by email at Terry.Dean@ihs.gov.

Sincerely,


Dean M. Seyler
Director

Enclosure

Cc: Tribal Council members, Nooksack Indian Tribe
Stanley M. Speaks, Regional Director Northwest Regional Office, Bureau of Indian Affairs
Gabriel S. Galanda, Galanda Broadman Law Firm