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9 DUANNA KNIGHTON

10
11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **SACRAMENTO DIVISION**

14 DUANNA KNIGHTON,

CASE NO.: _____

15 Plaintiff,

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

16 vs.

17 CEDARVILLE RANCHERIA OF
18 NORTHERN PAIUTE INDIANS,
19 CEDARVILLE RANCHERIA TRIBAL
20 COURT,
21 PATRICIA R. LENZI, in her capacity
22 as Chief Judge of the
23 CEDARVILLE RANCHERIA TRIBAL
24 COURT, and DOES 1-50, inclusive,

DEMAND FOR JURY TRIAL

25 Defendants.
26 _____ /

27 **I. INTRODUCTION**

28 Plaintiff, DUANNA KNIGHTON, respectfully requests that this Court issue Declaratory Judgment that the Cedarville Rancheria Tribal Court lacks jurisdiction over claims arising from a complaint filed by the Cedarville Rancheria of Northern Paiute Indians Tribe against Knighton

1 in Tribal Court and Injunctive Relief enjoining Defendants from adjudicating said claims and
2 subjecting Knighton to litigation in a forum without jurisdiction.

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4 **II. PARTIES, JURISDICTION, AND VENUE**

5 1. Plaintiff DUANNA KNIGHTON is a resident of the State of California, within the
6 County of Modoc.

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8 2. The CEDARVILLE RANCHERIA OF NORTHERN PAIUTE INDIANS (hereinafter
9 “Tribe”) is a federally recognized Indian Tribe, with its tribal headquarters located in
10 Alturas, California and its reservation, housing, travel and community centers located in
11 Cedarville, California. As such, the Court has personal jurisdiction over the Tribe.

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13 3. The CEDARVILLE RANCHERIA TRIBAL COURT (hereinafter “Tribal Court”) is a
14 specially created court of the Cedarville Rancheria of Northern Paiute Indians and was
15 first created on December 14, 2013 pursuant to Tribal Ordinance 13-07. As such, the
16 Court has personal jurisdiction over the Tribal Court.

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18 4. PATRICIA R. LENZI is Chief Judge of the Cedarville Rancheria Tribal Court, and
19 included herein in her official capacity only. As such, the Court has personal jurisdiction
20 over Lenzi.

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22 5. Pursuant to 28 U.S.C. § 1331, the court has original subject matter jurisdiction over this
23 claim because it involves claims arising under the Constitution, laws, or treaties of the
24 United States. The claims require the Court to analyze whether an Indian Tribe may
25 compel a non-Indian party to submit to the jurisdiction of its Tribal Court where said
26 Tribal Court did not exist at the time the events giving rise to the dispute occurred. *See*
27 *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 554 U.S. 316, 324 (2008)
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1 (“[W]hether a tribal court has adjudicative authority over nonmembers is a federal
2 question.”); *Nat’l Farmers Union Ins. Cos. v. Crow Tribe of Indians*, 471 U.S. 845, 853
3 (1985) (“[A] federal court may determine under § 1331 whether a tribal court has
4 exceeded the lawful limits of its jurisdiction”).
5

6 6. Suit against Patricia R. Lenzi, in her official capacity as Chief Judge of the Tribal Court,
7 is appropriate because her actions in this matter exceeded the Tribe’s legal authority.
8 *See Michigan v. Bay Mills Indian Cmty.*, 134 S. Ct. 2024, 2035 (2014) (“[T]ribal
9 immunity does not bar such a suit for injunctive relief against individuals, including
10 tribal officers, responsible for unlawful conduct”).
11

12 7. The court has further subject matter jurisdiction over this claim because Knighton has
13 exhausted all available Tribal Court remedies prior to filing the immediate action. A
14 non-Indian defendant seeking to challenge tribal court jurisdiction must exhaust tribal
15 court remedies before pursuing relief in federal court. *See, e.g., Iowa Mut. Ins. Co. v.*
16 *LaPlante*, 480 U.S. 9, 19 (1987); *Nat’l Farmers Union Ins. Cos. v. Crow Tribe of*
17 *Indians*, 471 U.S. 845, 856-57 (1985); *Atwood v. Fort Peck Tribal Court Assiniboine &*
18 *Sioux Tribes*, 513 F.3d 943, 948 (9th Cir. 2008).
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21 8. Pursuant to 28 U.S.C. § 1391(b), venue is proper in the United States District Court,
22 Eastern District of California, because a substantial part of the events giving rise to the
23 claim occurred in this district.
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1 **III. ALLEGATIONS COMMON TO EACH CAUSE OF ACTION**

2 9. Knighton was an employee of the Tribe from approximately July 1996 to March 2013,
3 ultimately holding the title of Tribal Administrator at the time her employment ended
4 with the Tribe.
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6 10. Knighton is not a member of the Tribe.
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8 11. Knighton has never resided on nor owned property on tribal land.
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10 12. Knighton does not operate any business on tribal land.
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12 13. Knighton does not benefit from the laws of the Tribal Court and has not submitted to the
13 jurisdiction of the Tribal Court.
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15 14. Knighton is and was employed by Resources for Indian Student Education (hereinafter
16 “RISE”). RISE is a California not-for-profit corporation that provides education services
17 and programs to Indian children.
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19 15. The Tribal Court was established pursuant to Cedarville Rancheria Judicial Code
20 (hereinafter “Judicial Code”) § 101 *et. seq.*, which was enacted on December 14, 2013.
21 A true and correct copy of the Judicial Code is attached hereto as **Exhibit 1**.
22

23 16. The Tribal Court was created approximately nine months after Knighton’s employment
24 with the Tribe ended.
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26 17. The Tribe alleges that it has jurisdiction over its complaint against Knighton in Tribal
27 Court pursuant to its Judicial Code § 201 *et. seq.*
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- 1 18. At the time of Knighton’s employment, the Tribe regulated its employees pursuant to
2 Articles XIII – XVIII and XX of the Cedarville Rancheria Policies, true and correct
3 copies of which is attached hereto as **Exhibit 2**.
4
- 5 19. Employee conduct was regulated pursuant to Cedarville Rancheria Policies, Article
6 XVI, entitled “Performance Standards and Appraisal.”
7
- 8 20. Cedarville Rancheria Policies,, Article XVI, Section 1, Paragraph D lists the causes for
9 disciplinary action as including in pertinent part: “Gross neglect of duty;” “Misfeasance
10 or malfeasance in the performance of duty;” and “Use of CR personnel, property or
11 other resources (including the employee’s own work time) for personal reasons,
12 purposes, or gain without the supervisor’s prior approval.”
13
- 14 21. Cedarville Rancheria Policies, Article XVI, Section 1, Paragraph D lists the serious
15 causes of action that warrant immediate disciplinary action or immediate dismissal as
16 including in pertinent part: “Carelessness or negligence with the monies or property of
17 the Rancheria;” “Violation of personnel rules, official policies, or departmental orders;”
18 “major misfeasance or malfeasance in the performance of duty;” and use of Rancheria
19 property for personal reasons, purposes or gain.
20
- 21 22. Cedarville Rancheria Policies, Article XVI, Section 1, Paragraph E establishes the types
22 of disciplinary action available and states that the “specific type and degree of
23 disciplinary action will be determined by the nature of the offense. Before disciplinary
24 actions are taken because of unsatisfactory work performance, counseling training,
25 discussion of work standards[,] voluntary reassignment of duties and other positive
26 action should be considered.” Paragraph F states that the following disciplinary actions
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1 may be initiated in the order below or “selectively as appropriate”: (1) verbal warning;
2 (2) written reprimand (corrective review); (3) suspension without pay; (4) demotion
3 (involuntary); and (5) involuntary termination (dismissal).
4

5 23. Pursuant to Cedarville Rancheria Policies, Article XX, entitled “Grievances, Appeals,
6 and Discipline,” all employees who are subject to disciplinary action are entitled to file
7 a grievance. The grievance procedure consists of three levels of review as well as the
8 right to appeal certain disciplinary actions after exhausting available administrative
9 remedies.
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11 24. Prior to creation of the Tribal Court, the Tribe’s remedial abilities were greatly limited
12 by virtue of its Constitution and Bylaws, which provided for internal governance over
13 members but did not confer any jurisdiction over non-Indians nor provide a mechanism
14 for asserting civil adjudicative authority over non-Indians. A true and correct copy of
15 the Cedarville Rancheria Constitution and Bylaws is attached hereto as **Exhibit 3**.
16

17 25. In enacting its Judicial Code and thereby establishing a Tribal Court, the Tribe created
18 its adjudicative authority. The Tribe, through its Tribal Court, exercises vastly broader
19 authority than it was previously capable of prior to the existence of the Tribal Court.
20 The Tribal Court can issue orders and judgments, award monetary damages and
21 injunctive relief, and can apply the laws of the Tribe or any other tribe; whereas
22 previously the Tribe had no such regulatory authority at the time Knighton’s
23 employment ended.
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26 26. On February 20, 2014, a shooting occurred during the Tribal Court, where a former
27 tribal chairperson, Cherie Lash Rhoades, shot and killed four tribal members. The
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1 shooter and the victims were all linked to the present dispute. Ms. Rhoades, on behalf
2 of the Tribe, approved each of the matters and things which the Tribe now complains of.

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4 27. On October 2, 2014, the Tribe filed a Complaint for damages in Tribal Court against
5 Knighton and RISE, a true and correct copy of which is attached hereto as **Exhibit 4**
6 (hereinafter “Tribal Court Complaint”). The lawsuit is captioned *Cedarville Rancheria*
7 *of Northern Paiute Indians v. Duanna Knighton, et al.*, CED-CI-2014-00002
8 (hereinafter “Tribal Court Action”). Each of the matters and things complained of by
9 the Tribe within the complaint were previously approved and ratified by Tribal
10 leadership during Knighton’s employment.

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12 28. The Tribal Court Action was only the fifth case to be heard by the Tribal Court.

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14 29. The Tribal Court Complaint alleges that Knighton fraudulently received higher
15 compensation and benefits than she was entitled to; made poor investments on behalf of
16 the Tribe, which caused a loss in 2008; and breached her fiduciary duty when she
17 involved herself in the sale of a building from RISE to the Tribe.

18
19 30. With respect to RISE, the Tribal Court Complaint alleges that RISE fraudulently sold
20 the Tribe real estate in 2009 and that Knighton was a part of that fraud. The Tribe
21 further alleges that RISE fraudulently obtained approximately \$29,000 upon Knighton’s
22 resignation from the Tribe.

23
24 31. On October 1, 2014, the Tribal Court issued a restraining order and injunction against
25 funds belonging to Knighton held by Oppenheimer. Pursuant to this order, Knighton
26 was precluded from managing her private funds. The Tribal Court, without any briefing
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1 nor argument, *sua sponte* declared that it had jurisdiction over Knighton and the claims
2 asserted therein. A true and correct copy of the order is attached hereto as **Exhibit 5**.

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4 32. In response to the Tribal Court Complaint, Knighton filed a motion to dismiss based
5 upon Rule 12(b)(2) of the Federal Rules of Civil Procedure to challenge the jurisdiction
6 of the Tribal Court. The Tribal Court heard Knighton's motion to dismiss on January 8,
7 2015 and issued its Order After Hearing denying the motion in its entirety on March 11,
8 2015. A true and correct copy of the Order After Hearing dated March 11, 2015 is
9 attached hereto as **Exhibit 6**.

10
11 33. On April 21, 2015, the parties therein (the Tribe, Knighton, and RISE) entered into a
12 stipulation to stay the entire case as to Knighton because RISE's Rule 12(b)(2) motion
13 to dismiss was pending as well. Within the stipulation to stay, the parties agreed that
14 Knighton exhausted the Tribal Court procedures to challenge jurisdiction and that
15 Knighton intended on challenging jurisdiction within the United States District Court,
16 Eastern District of California. Because the RISE motion to dismiss was still pending, the
17 stay was agreed to because "[t]he issues to be presented within the Federal Court are, to
18 a certain extent, intertwined with and depend upon the outcome of the pending RISE
19 motion to dismiss." A true and correct copy of the Stipulation dated April 21, 2015 is
20 attached hereto as **Exhibit 7**.

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23 34. On April 29, 2015, the Tribal Court issued a temporary stay for all purposes for
24 Knighton until it ruled on RISE's motion to dismiss. The Tribal Court also found that its
25 ruling of March 11, 2015 was not ripe for federal review and asserted that the order
26 should first be appealed to the Cedarville Rancheria Court of Appeals. A true and
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correct copy of the Temporary Stay dated April 29, 2015 is attached hereto as **Exhibit 8.**

35. On June 30, 2015, the Tribal Court issued its order granting RISE’s motion to dismiss in its entirety. The Tribal Court found that it did not have personal jurisdiction over RISE. A true and correct copy of the Order Granting Defendant RISE’s Motion to Dismiss dated June 30, 2015 is attached hereto as **Exhibit 9.**

36. Knighton filed her notice of appeal on July 20, 2015. On March 7, 2016, the appeal was denied in part and remanded in part. The appellate court did not consider Knighton’s indispensable party arguments, as the panel believed the Tribal Court should first consider the issue. A true and correct copy of the March 7, 2016 appellate decision is attached hereto as **Exhibit 10.**

37. Inasmuch as RISE’S motion to dismiss was granted, and the tribal appellate court declined to rule on the matter, Knighton filed a motion to dismiss based upon Rule 19 of the Federal Rules of Civil Procedure for failure to include an indispensable party, RISE. The Tribal Court heard the matter on June 13, 2016. On June 29, 2016, the Tribal Court issued its Order After Hearing on Knighton’s motion, denying the motion in its entirety. A true and correct copy of the Order After Hearing dated June 29, 2016 is attached hereto as **Exhibit 11.**

38. In response thereto, Knighton appealed the Order After Hearing Re: ‘Indispensable Party’. On September 26, 2016, the Tribal Court stayed the entire case pending the instant Federal Action filed by Knighton and vacated the appeal of the Order After Hearing Re: ‘Indispensable Party’ pursuant to a stipulation between the parties. A true

1 and correct copy of the Stay and Stipulation dated September 26, 2016 is attached
2 hereto as **Exhibit 12**.

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4 39. Pursuant to the September 26, 2016 Stay and Stipulation, the parties agreed that
5 Knighton had exhausted her Tribal Court remedies with respect to seeking dismissal for
6 lack of jurisdiction and/or an indispensable party.

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8 **IV. FIRST CAUSE OF ACTION FOR DECLARATORY JUDGMENT**

9 40. Plaintiff restates and incorporates by reference Paragraphs 1 through 39 as though fully
10 set forth herein.

11 41. The Federal Declaratory Judgment Act, 28 U.S.C. 2201, *et seq.*, empowers the Court to
12 “declare the rights and other legal relations of any interested party seeking such
13 declaration, whether or not further relief is or could be sought.”

14 42. An actual and justiciable controversy has arisen and now exists between Plaintiff and
15 Defendants concerning their respective rights and obligations, in that Defendants
16 contend that they have jurisdiction over Plaintiff with regards to the Tribal Court
17 Complaint.

18 43. Plaintiff seeks a judicial determination of Defendants’ rights and Plaintiff’s obligations
19 to litigate the Tribe’s claims, as set forth in the lawsuit captioned *Cedarville Rancheria*
20 *of Northern Paiute Indians v. Duanna Knighton, et al.*, CED-CI-2014-00002.

21 44. The Tribal Court is acting beyond its legal authority in adjudicating the Tribal Court
22 Action against Knighton.
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1 45. Patricia R. Lenzi, acting in her capacity as Chief Judge of the Tribal Court, has
2 permitted the Tribal Court Complaint to proceed despite the Tribal Court's lack of
3 jurisdiction over Knighton.

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5 46. As a general rule, Indian tribes do not exercise jurisdiction over nonmembers. *Mont. v.*
6 *United States*, 450 U.S. 544, 564-565 (1981). Because nonmembers "have no say in the
7 law and regulations that govern tribal territory...those laws and regulations may be
8 fairly imposed on nonmembers *only if* the nonmember has consented, either expressly or
9 by his actions." *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 554 U.S.
10 316, 337 (2008) (emphasis added).

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12 47. There are two limited circumstances in which a Tribal Court may exercise jurisdiction
13 over a nonmember: first, where the Tribe and the nonmember have entered into a
14 consensual relationship; and second, where the conduct of the nonmember on non-
15 Indian fee land threatens or directly affects "the political integrity, the economic
16 security, or the health or welfare of the tribe." *Mont.*, 450 U.S. at 566.

17
18 48. However, even where a Tribal Court has jurisdiction, its adjudicative powers cannot
19 exceed its regulatory authority. *Strate v. A-1 Contrs.* 520 U.S. 438, 453 (1997).

20
21 49. Jurisdiction is only found if traditional notions of fair play and substantial justice are
22 met. *Lake v. Lake*, 817 F.2d 1416, 1421 (9th Cir. 1987); *Pac. Atl. Trading Co. v. M/V*
23 *Main Express*, 758 F.2d 1325, 1329-1331 (9th Cir. 1985).

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25 50. Because the Tribal Court did not exist at the time of Knighton's employment, the Tribe
26 is exceeding its authority to regulate Knighton's employment by subjecting her to the
27 Tribal Court's jurisdiction. Knighton never consented to judicial jurisdiction within the
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Tribe, including its increased penalties, remedies, and punishment against employees. As it exists, the Tribal Court can issue restraining orders, issue judgments, and award monetary damages. The Tribal Court is basically confidential (*See* Section 709 of Judicial Code), there is no jury (Section 706), damages against the Tribe are limited to the extent there is an applicable insurance policy (Section 708), the Tribe cannot be sued in its own court without an express waiver of sovereign immunity (Section 202), and the Tribal Court can apply the written laws of the Tribe or of any tribe.

51. Instead, any dispute between Knighton and the Tribe is subject to the regulatory procedures that existed at the time of employment, *to wit.*: the disciplinary and grievance procedures enumerated in Articles XV and XIX of the Tribe’s Personnel Policy and Procedure Manual. Otherwise, Knighton expected that she would only be subjected to judicial jurisdiction within California state and/or Federal Court as permitted by law.

52. Knighton neither did, nor could, consent to a tribal judicial system; such system did not exist during her employment. By pursuing its claims against Knighton in Tribal Court, the Tribe has exceeded the regulatory authority it held over Knighton at the time the events giving rise to its claims occurred. Imposing the tribal judicial system *ex post facto*, as the Tribe is attempting to do, deprives Knighton the Due Process of law guaranteed to her.

53. In addition to safety concerns, there is a patent conflict of interest within the Tribal Court system. The new Tribal Administrator, Nicki Mulholland (Knighton’s successor), is also the Tribal Court Clerk, the highest executive officer within the Tribal Court. Ms.

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Mulholland has submitted declarations within the Tribal Court Action against Knighton’s interests and she is a witness to the matters and things complained of by the Tribe.

54. A judicial determination is necessary and appropriate under the present circumstances to allow Plaintiff to ascertain her right to prevent Defendant from (1) subjecting Knighton to legal proceedings in a forum that lacks jurisdiction; (2) depriving Knighton of Due Process in violation of her constitutional rights; (3) exposing Knighton to the possibility of multiple and duplicative lawsuits with conflicting results; (4) causing Knighton to expend substantial money and resources to establish that the Tribal Court lacks the authority to hear this matter; (5) depriving Knighton of the protection and security which would be afforded in a state and/or federal courthouse in light of the legitimate concerns that violence will re-escalate should this matter continue in Tribal Court, and (6) to avoid conflicts of interest.

V. SECOND CAUSE OF ACTION FOR DECLARATORY JUDGMENT

55. Plaintiff restates and incorporates by reference Paragraphs 1 through 54 as though fully set forth herein.

56. Pursuant to Rule 19 of the Federal Rules of Civil Procedure, RISE is an indispensable party in the Tribal Court complaint. RISE is a “required” party because RISE has a substantial practical interest in the outcome of the Tribal Court Action.

57. In the Tribal Court Complaint, the Tribe alleged that Knighton worked concurrently for the Tribe and RISE during operative time periods, which created conflict of interest and

1 fraud issues. The Tribe made these allegations against RISE and Knighton jointly, based
2 upon the same set of operative facts.

3
4 58. Because the Tribal Court found that the it lacked personal jurisdiction over RISE,
5 joinder of RISE in this matter is infeasible. *See* Fed. R. Civ. P. 19(a)(1). Where joinder
6 of a necessary party is infeasible, the court must determine in “equity and good
7 conscience” whether to proceed or dismiss. *See* Fed. R. Civ. P. 19(b). Such a
8 determination is guided by four enumerated factors: (1) the extent to which judgment
9 rendered in the party’s absence might prejudice that party or the existing parties; (2) the
10 extent to which any prejudice could be lessened or avoided; (3) whether a judgment
11 rendered in the party’s absence would be adequate; and (4) whether the plaintiff would
12 have an adequate remedy if the action were dismissed for nonjoinder. However, these
13 four factors are not exclusive nor hierarchical. *See Paiute-Shoshone Indians of the*
14 *Bishop Cmty. v. City of Los Angeles*, 637 F.3d 993, 1000 (9th Cir. 2011) (“The Supreme
15 Court has interpreted Rule 19(b) as requiring us to consider at least four interests. ...
16 That list is not exclusive of other considerations, however. At all events, Rule 19(b)
17 requires us to undertake a ‘practical examination of [the] circumstances’ to determine
18 whether an action may proceed ‘in equity and good conscience’ without the absent
19 party”).

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23 59. Allowing the Tribal Court Action to proceed against Knighton alone will substantially
24 prejudice both Knighton and RISE. The claims involve actions taken by Knighton in her
25 capacity as an employee of RISE and therefore RISE could be vicariously liable for
26 Knighton’s conduct. Furthermore, the subject matter of the dispute, *to wit.*, the real
27 property sold, belonged to RISE. The Tribe has already recognized that the issues
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1 involved against Knighton and RISE are so intertwined that it warranted a stay as to
2 Knighton until such time as the Tribal Court ruled on RISE’s motion to dismiss. *See*
3 **Exhibit 7**, p. 2:2-4 [“The issues to be presented within the Federal Court are, to a
4 certain extent, intertwined with and depend upon the outcome of the pending RISE
5 motion to dismiss”]. Given the intertwined nature of the issues, there is substantial
6 prejudice to both Knighton and RISE if the Tribal Court Action were to proceed solely
7 against Knighton with another action filed separately against RISE as neither party
8 would be able to protect its interests in the other’s proceeding. Such a state of affairs
9 would likely result in conflicting rulings and litigation in multiple forums of identical
10 operative facts and legal issues. The Tribe should not be permitted an “end around” to
11 pursue RISE by continuing against Knighton, as ultimately any judgment against
12 Knighton would be adverse to RISE’s interests.

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16 60. Prejudice to Knighton and RISE would be avoided if the Tribe filed suit in an
17 alternative forum where it could proceed against both Knighton and RISE in a single
18 action; *to wit*, federal and/or California state court. The Tribe would not be prejudiced
19 by litigating its complaint in a single forum. In fact, the Tribe has previously availed
20 itself of the federal court in at least one other recent action where it sought to enforce its
21 jurisdiction over a nonmember. A true and correct copy of Cedarville Rancheria’s
22 Complaint for Trespass and Ejectment, filed December 19, 2012 in *Cedarville*
23 *Rancheria v. Cedarville County Water District, et al.*, E.D. Cal. Case No. 2:12-cv-
24 03046-JAM-CMK, is attached as **Exhibit 13**.

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26
27 61. By taking the aforementioned actions, Defendant Tribe has failed to join a necessary
28 party to the Tribal Court Action. A judicial determination is necessary and appropriate

1 under the present circumstances to allow Plaintiff to ascertain her right to prevent
2 Defendant from (1) subjecting Knighton to legal proceedings in a forum that lacks
3 jurisdiction; (2) depriving Knighton of Due Process in violation of her constitutional
4 rights; (3) exposing Knighton to the possibility of multiple and duplicative lawsuits with
5 conflicting results; (4) causing Knighton to expend substantial money and resources to
6 establish that the Tribal Court lacks the authority to hear this matter; (5) depriving
7 Knighton of the protection and security which would be afforded in a state and/or
8 federal courthouse in light of the legitimate concerns that violence will re-escalate
9 should this matter continue in Tribal Court, and (6) to avoid conflicts of interest.
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12 **VI. THIRD CAUSE OF ACTION FOR PERMANENT INJUNCTION**

13 62. Plaintiff restates and incorporates by reference Paragraphs 1 through 61 as though fully
14 set forth herein.
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16 63. Plaintiff seeks injunctive relief pursuant to Fed.R.Civ.P. 65.
17

18 64. Defendants' conduct has caused and, unless restrained and enjoined by the Court, will
19 continue to cause irreparable harm, damage, and injury to Plaintiff, including but not
20 limited to: (1) forcing Knighton to participate in legal proceedings in a forum that lacks
21 jurisdiction; (2) depriving Knighton of Due Process in violation of her constitutional
22 rights; (3) exposing Knighton to the possibility of multiple and duplicative lawsuits with
23 conflicting results; (4) causing Knighton to expend substantial money and resources to
24 establish that the Tribal Court lacks the authority to hear this matter; (5) depriving
25 Knighton of the protection and security which would be afforded in a state and/or
26 federal courthouse in light of the legitimate concerns that violence will re-escalate
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1 should this matter continue in Tribal Court; and (6) requiring Knighton to defend herself
2 in a forum with a patent conflict of interest.

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4 65. Alternative forums exist for the Tribe to proceed with its action in either California state
5 court or Federal Court. The Tribe has availed itself of alternative forums in the past. A
6 permanent injunction would not be contrary to the public interest as it will not result in
7 injury to the Tribe, who will have a full opportunity to litigate its claims in an
8 alternative forum. As such, the balance of harm weighs in favor of injunctive relief.

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10 66. Knighton has no other adequate remedy at law.

11 **V. PRAYER FOR RELIEF**

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13 **WHEREFORE**, Plaintiff prays for relief as follows:

14 67. For a declaration that the Tribal Court lacks jurisdiction over Knighton with regard to
15 the lawsuit captioned *Cedarville Rancheria of Northern Paiute Indians v. Duanna*
16 *Knighton, et al.*, CED-CI-2014-00002 and an order prohibiting the Tribal Court from
17 proceeding with adjudication of the case against Knighton.

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19 68. For a declaration that RISE is an indispensable party to the lawsuit captioned *Cedarville*
20 *Rancheria of Northern Paiute Indians v. Duanna Knighton, et al.*, CED-CI-2014-00002
21 whose joinder is infeasible, therefore an order dismissing Knighton from the case is
22 proper; and

23
24 69. For a permanent injunction against Defendants prohibiting Defendants from
25 adjudicating the claims set forth in the lawsuit captioned *Cedarville Rancheria of*
26 *Northern Paiute Indians v. Duanna Knighton, et al.*, CED-CI-2014-00002 for lack of
27 jurisdiction and for failure to join an indispensable party; and
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70. For any further relief the Court deems necessary and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, DUANNA KNIGHTON, hereby demands trial by jury in this action.

Dated: October 11, 2016

Respectfully submitted,

MAIRE & DEEDON



PATRICK L. DEEDON
Attorney(s) for Plaintiff,
DUANNA KNIGHTON