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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

GRINDSTONE INDIAN RANCHERIA and  
ONE HUNDRED PLUS MEN, WOMEN AND  
CHILDREN LIVING ON THE GRINDSTONE  
INDIAN RESERVATION

Plaintiff,

vs.

TERRENCE OLLIFF AND DOES 1-10,

Defendant

Case No.:

**COMPLAINT FOR TRESPASS,  
INTENTIONAL AND NEGLIGENT  
INFLECTION OF EMOTIONAL  
DISTRESS: DECLARATORY,  
INJUNCTIVE RELIEF AND DAMAGES**

1. Plaintiff, the Grindstone Indian Rancheria and its tribal membership, brings this Complaint, alleging as follows:

**JURISDICTION AND VENUE**

2. Subject matter jurisdiction arises under 25 U.S.C. § 345, 18 U.S.C. § 1151, and 28 U.S.C. § 1362 as this action pertains to the property/land allotment rights of federal land held in trust by the United States government which has been allotted/leased to Plaintiff, a federally recognized Indian Tribe. This Court has jurisdiction pursuant to the Declaratory Relief Act 28 U.S.C. §2201 et seq. This Court has supplemental jurisdiction over any claims in the Complaint arising under the laws of the State of California pursuant to 28 U.S.C. § 1367(a).

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1 3. Venue is proper as all of the events and/or omissions, property, trespasses and  
2 encroachments giving rise to this action occurred in this judicial district, and venue is therefore  
3 proper pursuant to 28 U.S.C. § 1391(b)(2).  
4

5 **PARTIES**

6 4. Plaintiff Grindstone Indian Rancheria is a federally-recognized Indian Tribe listed in the  
7 Notice published in the Federal Register as required by the Federally Recognized Indian Tribe  
8 List Act of 1994 ("List Act"), 25 U.S.C. § 479a, et seq., entitled Indian Entities Recognized and  
9 Eligible to Receive Services from the United States Bureau of Indian Affairs, and is organized  
10 pursuant to the Constitution and Bylaws of the Grindstone Indian Rancheria, dated June 27,  
11 1971. Plaintiffs reservation consists of one-hundred plus men, women and children who live and  
12 work on the reservation.  
13

14 5. Defendant, Terrence Olliff, own/occupy/control/possesses land that is directly adjacent  
15 to the Grindstone Indian Rancheria's trust land at issue in this action.  
16

17 6. Doe Defendants are unknown at this time but are alleged to be the agents of or too  
18 direction from Defendant Olliff in furtherance of his acts against Plaintiffs. As soon as DOE  
19 defendants are identified Plaintiff shall add them to this case as proper defendants.  
20

21 **FACTS RELATED TO ALL CAUSES OF ACTION**

22 7. The Tribe's Reservation is located on 120 acres of land, in federal trust, located in  
23 Elk Creek, Glenn County, California. One hundred plus tribal members, men women and  
24 children call the reservation home.  
25  
26  
27

1 8. In 2011, the Bureau of Land Management (BLM) conducted a survey of the  
2 Grindstone Rancheria federal trust lands. The results of the survey were mailed to the  
3 Tribe and Mr. Terrance Olliff, a landowner whose lands abutt the Reservation. Pursuant  
4 to the survey Defendant Olliff was required to respond by a certain time **if he objected to**  
5 **the survey's conclusions as to the land boundaries.** Mr. Olliff never responded or  
6 objected within the required time as required by the BLM.  
7  
8

9 9. Thereafter, Olliff has embarked and continues to embark on a pattern of domestic  
10 terrorism towards the Tribe and its membership. Mr. Olliff has torn down fences that are  
11 consistent with the BLM boundary lines; confiscated trust lands and claimed them as his;  
12 he has trespassed on trust lands and moved and taken tribal property; yelled obscenities at  
13 tribal members and employees, including tribal children; created roads on tribal trust land  
14 without the Tribe's permission and diverted water that belongs to the Tribe.  
15  
16

17 10. In 2014, Olliff filed a frivolous lawsuit in Glenn County Superior Court alleging  
18 a Grindstone employee caused him emotional distress. In reality the suit was an attempt  
19 to circumvent the Tribe's sovereign immunity and embroil the Tribe in litigation. When  
20 Olliff's counsel discovered his history of acts and threats against the Tribe, employees  
21 and members, his attorney agreed to dismiss the lawsuit as frivolous. (Ex. B, complaint  
22 and C, Dismissal). Since the dismissal Olliff continues to trespass, threaten tribal  
23 members, employees and guests and has appropriated a strip of land he claims title and  
24 interest as against the Tribe.  
25  
26  
27

11. On or about October 26, 2017, Defendant Olliff accused Grindstone Rancheria Chairman, Ronald Kirk, of trespassing on “his” land, when the land he claims is “his” is actually in trust for the benefit of the Tribe as noted in the 2012 BLM survey.

**FIRST CLAIM FOR RELIEF**

**(Willful Trespass)**

12. Plaintiff is, and at all times mentioned in this Complaint was, the owner/occupier/possessor/controller/beneficial owner of that real property (held in trust by the United States government) known as the Grindstone Indian Rancheria, situated in Elk Creek, Glenn County, California.

13. Defendant Olliff is, and at all times mentioned in this Complaint was, the owner/occupier/possessor/controller of that real property situated in Glenn County that abuts the reservation trust lands at issue in this case.

14. The above-described properties of Plaintiff and defendant adjoin each other and share common property boundaries. The boundaries have been conclusively verified via the determinations of the United States Bureau of Land Management, as described in **EXHIBIT A**.

15. Plaintiff is ignorant of the true names and capacities of defendants sued in this complaint as DOES 1-10, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and on that basis alleges that each of the fictitiously named defendants is responsible in some manner for the construction, maintenance, ownership, control, encroachment, trespass, and/or existence of the property rights violation on Plaintiff’s land as alleged in this Complaint.

1  
2 16. Plaintiff has become aware that Defendant knew and/or caused a fence/gate to be built  
3 on Plaintiff's property, Defendant has repeatedly moved and stored equipment belonging to  
4 Plaintiff within the encroached upon Property, and has diverted water from a creek on Plaintiff's  
5 property. Such encroachments, thefts and trespasses on Plaintiff's property by extending over  
6 the boundary between Plaintiff's and Defendant's properties and onto Plaintiff's land is without  
7 Plaintiff's consent.  
8

9 17. Defendant has willfully and intentionally encroached upon, trespassed upon, and  
10 obstructed Plaintiff's use and enjoyment of its property as described in this complaint. Plaintiff  
11 repeatedly advised Defendant (via counsel) in writing and otherwise that he was trespassing and  
12 encroaching on Plaintiff's land. Defendant even received confirmation of Plaintiff's property  
13 rights from the Bureau of Land Management. Defendant never appealed the conclusive  
14 determinations of the Bureau of Land Management as set forth in Exhibit A. Accordingly,  
15 Defendant knew or should have known that such encroachment, trespass, and obstruction on  
16 Plaintiff's property were in violation of Plaintiff's right to free enjoyment and use of its property.  
17

18 18. Such encroachment, trespass, and obstruction clouds the title to Plaintiff's property and  
19 Plaintiff has suffered damages for the loss of use of such land in an amount to be proven at trial.  
20 As a proximate result of this action, Plaintiff has suffered and will continue to suffer damages for  
21 loss of the use of the area as long as Defendant continues with his encroachment, trespass,  
22 control and obstruction of Plaintiff's property, including violation of Plaintiff's water rights.  
23

24 19. In causing these violations of Plaintiff's property rights, Defendant acted maliciously and  
25 oppressively toward Plaintiff in that at all times prior to, during, and after Defendant caused such  
26 violations, Defendant had knowledge of the location of the common boundary lines.  
27

Furthermore, in willful and conscious disregard of Plaintiff's rights, defendant continues to allow such violations of property rights to continue. Plaintiff therefore has suffered exemplary and punitive damages because of Defendant's actions in an amount to be proven at time of trial.

20. Unless Defendant is compelled to remove the encroachments, cease from trespassing, controlling, and encroaching on Plaintiff's property and violating Plaintiff's water rights, Plaintiff will suffer irreparable injury in that the continuing actions could ripen into adverse prescriptive property rights.

## **SECOND CLAIM FOR RELIEF**

### **(Negligent Trespass)**

21. Plaintiff incorporates in this Second Claim for Relief Paragraphs 1-20, inclusive.

22. In causing such encroachments and trespassing on and obstruction of Plaintiff's property rights, Defendant acted negligently and carelessly and in complete disregard of the true and conclusive location of the boundary lines between Plaintiff's and Defendant's properties.

23. As a proximate result of the negligence and the resulting trespass, Plaintiff has suffered damages from the loss of use and enjoyment of the property encroached upon, trespassed on, or obstructed in an amount to be proven at time of trial.

## **THIRD CLAIM FOR RELIEF**

### **Conversion (All Defendants)**

24. Plaintiff incorporates by reference all allegations contained in Paragraphs 1-23 of this Complaint as though fully set forth herein at length.

25. Plaintiff alleges that at all times it had a right to possess the trust lands and that Defendants wrongfully interfered with Plaintiff's right to possess the lands, by occupying the lands, placing

1 personal items and trash on the lands including old vehicles and or converting a portion of the land  
2 to their own wrongful uses.

3 26. Defendant prevented Plaintiff from having the right to possess the trust land and Plaintiff  
4 did not consent to Defendants' wrongful possession. Plaintiff has demanded they vacate the  
5 premises and pay damages for their unlawful use on several occasions.

6 27. As a result of Defendants' wrongful conversion of the property, Plaintiff suffered harm, in  
7 an amount to be determined at trial, Defendants being a substantial cause of Plaintiff's harm.  
8

9 **FOURTH CLAIM FOR RELIEF**

10 Intentional Infliction of Emotional Distress  
11 (All Defendants)

12 28. Plaintiff incorporates by reference all allegations contained in Paragraphs 1-27 of  
13 this Complaint as though fully set forth herein at length.

14 29. Defendant, Terrance Olliff, is and at all times herein mentioned was, a resident of Glenn  
15 County, California. Plaintiff is ignorant of the true names and capacities of defendants sued  
16 herein as DOES I through 10, inclusive, and therefore sues these defendants by such fictitious  
17 names. Plaintiff will amend this complaint to allege their true names and capacities when  
18 ascertained.  
19

20 30. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,  
21 each of the DOE defendant sued herein was the agent and employee of each of the remaining  
22 defendants and was at all times acting within the purpose and scope of such agency and  
23 employment.  
24

25 31. Defendant Olliff and DOE Defendants by act intended to inflict emotional distress upon  
26 Plaintiff and Plaintiffs members, employees and guests via verbal threats, racial epithets and  
27

1 threats of violence specific to members, employees and guests to the Grindstone Indian  
2 Rancheria. Said conduct was intentional and malicious and done for the sole purpose of causing  
3 Plaintiff to suffer humiliation, mental anguish and emotional and physical distress.

4  
5 32. As a further proximate result of defendant Olliff's actions and the consequences  
6 proximately caused by it, as hereinabove alleged, plaintiff suffered severe humiliation, mental  
7 anguish, and emotional and physical distress, and has been injured in mind and body as follows:  
8 damages in the sum to be determined at trial based on proof.

9  
10 **FIFTH CLAIM FOR RELIEF**  
11 Negligent Infliction of Emotional Distress  
(All Defendants)

12 33. Plaintiff incorporates by reference all allegations contained in Paragraphs 1-32  
13 of this Complaint as though fully set forth herein.

14  
15 34. Defendant Olliff by act negligently inflicted emotional distress upon Plaintiff and  
16 Plaintiffs tribal members employees and guests via verbal threats, racial epithets and threats of  
17 violence specific to members, employees and guests to the Grindstone Indian Rancheria. Said  
18 conduct was intentional and malicious and done for the sole purpose of causing Plaintiff to suffer  
19 humiliation, mental anguish and emotional and physical distress.

20  
21 35. As a further proximate result of defendant Olliff's actions and the consequences  
22 proximately caused by it, as hereinabove alleged, plaintiff suffered severe humiliation, mental  
23 anguish, and emotional and physical distress, and has been injured in mind and body as follows:  
24 damages in the sum to be determined at trial based on proof.



**SIXTH CLAIM FOR RELIEF**  
Civil Harassment Ca Civ. Code 527.6  
(All Defendants)

36. Plaintiff incorporates the above paragraphs 1-35 as set forth herein.

37. Plaintiff Olliff's course of conduct over the last five (5) years is a pattern of conduct composed of a series of acts over a period of time that threaten, stalk, batter, humiliate and threaten acts of violence against the Tribe, members, guests and employees. Said acts are not protected by the first amendment to the United States constitution.

**SEVENTH CLAIM FOR RELIEF**  
Declaratory Judgement 28 U.S.C. §2201 et seq.

38. Plaintiff incorporates by reference and re-avers each and every paragraph 1-37 above.

39. An actual and substantial controversy exists between Plaintiff and Defendant concerning the possession of the land. Plaintiff has provided evidence of his possessory interest in land, while Defendants continues to trespass upon the lands committing waste.

40. An actual and substantial controversy exists between the parties concerning their substantive legal rights and duties. Plaintiff contends that as the land is in trust, under the governance of the Land Ordinance and that he retains the rights and privileges over the use of the land and requests the Court issue a declaratory judgment to that effect. Therefore, declaratory relief is appropriate under 28 U.S.C. §2201 et seq.

**PRAYER FOF RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

1. For a permanent injunction compelling Defendant to remove the encroachments, cease from trespassing on, and obstructing any property rights (including violating Plaintiff's water rights) described in this Complaint in respect to Plaintiff's property and to restore Plaintiff's property to its condition immediately prior to such actions of Defendant.

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2. A permanent injunction restraining Defendant from intimidating, threatening and /or violence and racial epithets toward the Tribe, its members, employees and guests pursuant to CA Civil Code 527.6.

3. For general damages.

4. For exemplary and punitive damages.

5. For costs of suit incurred by this Complaint.

6. For a declaratory judgment that the property as identified by the BLM are the true and correct markers for purposes of identifying the boundaries of the Grindstone Indian Rancheria

6. For other and further relief as the court deems proper.

DURAN LAW OFFICE

Dated: 10/31/2017

By: /s/ Jack Duran  
Jack Duran Attorneys for Plaintiff  
GRINDSTONE INDIAN  
RANCHERIA et al

**CERTIFICATE OF SERVICE**

I certify that on October 31, 2017, a copy of this pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record via the court's electronic filing system.

/s/Jack Duran Jr.  
Jack Duran, Jr.