

HON. JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARMEN TAGEANT,

Plaintiff,

v.

MICHAEL ASHBY, in his personal capacity,

Defendant.

NO. 2:19-cv-01082-JLR

**SECOND DECLARATION OF
GABRIEL S. GALANDA**

I, GABRIEL S. GALANDA, say:

1. I am now and at all times herein mentioned, a legal, permanent resident of the United States, over the age of eighteen years, and competent to testify. I am counsel of record for Plaintiff Carmen Tageant. I have personal knowledge of the facts contained in this declaration.

2. On December 21, 2016, I attempted to appear in the Nooksack Tribal Court for Margretty Rabang, who was subject to an unlawful detainer action that lacked due process. I was illegally barred from entering the Tribal Court as counsel for Ms. Rabang. At the strip of land owned by the Burlington Northern Santa Fe Railway company that leads to the Tribal Court, as described in the accompanying Declaration of Deborah Alexander, there was a police blockade comprised of Nooksack police officers and vehicles and neon yellow traffic cones. I

1 took this photo:



15 Defendant Mike Ashby is pictured in this photo, at right.

16 3. Attached hereto as **Exhibit 1** is a true and correct copy of an email from
17 Whatcom County Sheriff Bill Elfo to Elizabeth Gallery and Jeff Parks dated April 27, 2017,
18 which was produced in response to a public records request I submitted to the Whatcom County
19 Sheriff’s Office, expressing that “there has been a change of leadership in the [Nooksack] Police
20 Department that is of concern.”

21 4. Not even two weeks earlier, on April 14, 2017, Nooksack Police Chief Rory
22 Gilliland retired and Defendant Michael Ashby became the Interim Nooksack Police Chief,
23 according to the true and correct copy of the April 24, 2018, Declaration of Katherine Romero
24 in *Tageant v. Ashby*, No. 18-2-00073-37 (Whatcom Cty. Super Ct.), attached as **Exhibit 2**.

1 Dated this 4th day of September 2019, at Seattle, Washington.

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4 Gabriel S. Galanda

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CERTIFICATE OF SERVICE

I, Wendy Foster, declare as follows:

1. I am now and at all times herein mentioned a legal and permanent resident of the United States and the State of Washington, over the age of eighteen years, not a party to the above-entitled action, and competent to testify as a witness.

2. I am employed with the law firm of Galanda Broadman PLLC, 8606 35th Ave. NE, Suite L1, Seattle, WA 98115.

3. On September 4, 2019, served the foregoing documents via CM/ECF on the following:

Charles Hurt, WSBA #46217
Rickie W. Armstrong, WSBA #34099
Office of Tribal Attorney
P.O. Box 63
5047 Mt. Baker Hwy
Deming, WA 98244

Thomas B. Nedderman
200 W. Thomas St., Ste. 500
Seattle, WA 98119
F: (206) 441-8484
tnedderman@floyd-ringer.com

Attorneys for Defendant Ashby

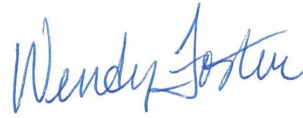
Michelle Lambert
Assistant United States Attorney
Western District of Washington
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402
MLambert@usa.doj.gov

Counsel for the United States

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

Signed at Seattle, Washington, this 4th day of September, 2019.



Wendy Foster

EXHIBIT 1

From: Bill Elfo BElfo@co.whatcom.wa.us 
Subject: RE: FW: Whatcom County Superior Court Order Re Nooksack
Date: April 27, 2017 at 1:39 PM
To: Elizabeth Gallery EGallery@co.whatcom.wa.us, Jeff Parks JParks@co.whatcom.wa.us

BE

Liz, we do not have any type of interlocal agreement with the Nooksack Police Department. The police chief has not requested that we insert ourselves in these matters. However, there has been a change of leadership in the Police Department that is of concern. We will ensure that we provide advice to our deputies and not immerse ourselves in these matters.

Sheriff Bill Elfo
Whatcom County Sheriff's Office
311 Grand Avenue
Bellingham, Washington 98225
(360) 778-6600 (office) 360-778-6605 (direct line)

"Dedicated to making Whatcom County the safest in the State through excellence in public safety."



EXHIBIT 2

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

CARMEN TAGEANT,

Plaintiff,

vs.

MICHAEL ASHBY, in his personal capacity,

Defendant.

NO. 18-2-00073-37

DECLARATION OF KATHERINE
ROMERO

I, Katherine Romero, declare as follows:

I am the General Manager for the Nooksack Indian Tribe. I am over the age of eighteen, a resident of the State of Washington, and otherwise competent to testify.

If called as a witness, I would testify from personal knowledge as follows:

1. On April 14, 2017, Chief of Police, Rory Gilliland, retired from service at the Nooksack Tribal Police Department.

2. On April 14, 2017, I appointed Michael Ashby, Deputy Chief, to the position of Interim Chief of Police for the Nooksack Indian Tribe.

DECLARATION OF KATHERINE ROMERO - 1

FLOYD, PFLUEGER & RINGER P.S.
200 W. THOMAS ST., SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1 3. Under the Nooksack Indian Tribe Personnel Policy, the General Manager has
2 the authority, in conjunction with the HR Director, to make appointments on an interim basis to
3 fill positions.

4 4. Michael Ashby's appointment was standard procedure, as he was the highest-
5 ranking officer in the Nooksack Police Department.

6 5. Michael Ashby, has been with the Nooksack Tribal Police Department since
7 June of 2006 and held the ranks of Patrolman, Sergeant, Lieutenant and Deputy Chief, before
8 his appointment as Interim Chief.

9 6. Suzanne Brownrigg, Director of Human Resources for the Nooksack Indian
10 Tribe, completed the Personal Action Notice to make the appointment change on April 15,
11 2017. See Exhibit A to this declaration.
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14 I declare under the penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct to the best of my knowledge and belief.

16 Executed this 24 day of April, 2018, at Deming Washington
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19 _____
20 Katherine Romero
21 General Manager
22 Nooksack Indian Tribe
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EXHIBIT A

NOOKSACK INDIAN TRIBE
PERSONNEL ACTION NOTICE (PAN)

PRINT CLEARLY
Today's Date: 4/14/17

Name Michael Ashby

BELOW SECTION IS FOR NEW HIRES ONLY

Date of Hire: _____ Date of Interview: _____
Grade/Wage: _____ Annual Wage _____ Hours per Pay Period _____
 - Exempt (Salaried) - Non-Exempt (Hourly)

Job Title: _____

Employee Status: 90-day Introductory Full Time Part Time – Hours per week: _____
 Seasonal/Ending Date: _____
 Temporary (90-day max)/Ending Date _____
 On-Call List

Name of Hiring Department: _____ Supervisor _____

Fund No.(s): _____

BELOW SECTION IS FOR CHANGES ONLY

DATE EFFECTIVE: 04/14/2017 Date Evaluations Completed in ADP

Wage/Salary Change:
Current Grade/Wage: K-10- \$37.84 Annual Wage: 83,491.20 Hours per Pay Period 80

New Grade/Wage: N7 Annual Wage 97,760.00 Hours per Pay Period 80

Status Change:
From: 90-day Introductory Period Temporary On-Call Regular Full Time Regular Part Time Other:
To: Regular Full Time (30+ hrs per week) Regular Part Time (20-29 hrs per week) Part Time (Less than 19 hrs per week) 90-day (Introductory Period) Other:

Position Title Change (Attach Signed Job Description) Interim - Chief of Police Department Change _____
New Title _____ New Department: _____

Supervisor Change
New Supervisor Katherine Canete

Change in Fund Account:
New Fund No. (s) _____

Reason for Change or Comments Chief Gilliland retired

APPROVAL
(Turn into HR when Supervisor and Director have approved)

Supervisor: _____ Date: _____
Department Director: _____ Date: _____
C.F.O. Evaluations for James Date: 4/14/17
H.R. Director: _____ Date: 4-14-17
General Manager: _____ Date: _____