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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JAMES LEACHMAN AND SETH
LEACHMAN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

Plaintiffs Seth Leachman and James Leachman allege as follows:

1. This is an action for deprivation of civil rights under color of law and other wrongful acts.

2. This Court has subject matter jurisdiction over the claims specified in this Complaint pursuant to 42 USC §1983 and 28 USC §1331 and §1346 because the United States is the Defendant.

3. Venue in this case is proper in this district and division under 28 USC §1391 and LR 1.2 because the incidents giving rise to this lawsuit occurred in Roosevelt County, Montana.

4. Plaintiff Seth Leachman is a citizen of the State of Washington.

5. Plaintiff James Leachman is a citizen of the State of Montana and is a resident of Billings, Montana.

6. Plaintiffs filed Federal Tort Claim Act claims on April 18, 2019, and the Department of Interior Bureau of Indian Affairs received the claims on April 22, 2019. The government has not acted on the claims.

7. Early in 2012, James Leachman and Seth Leachman entered into an oral contract with James Holen and Richard Holen for the Holens to provide daily care and maintenance of 62 horses owned by the Leachmans on the Holens' property on the Fort Peck Indian Reservation.

8. James Holen is an enrolled member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation.

9. In June, 2012, the Holens transported 66 additional horses owned by the Leachmans to the Holens' property on the Fort Peck Indian Reservation from a feedlot near Park City, Montana, without notifying the Leachmans.

10. On June 19, 2012, the Holens sued the Leachmans in Fort Peck Tribal Court alleging breach of contract, among other claims.

11. The Fort Peck Tribal Court issued a series of rulings in favor of the Holens.

12. The Leachmans appealed the Tribal Court rulings to the Fort Peck Tribal Court of Appeals.

13. On May 10, 2017, the Fort Peck Tribal Court of Appeals ruled that the Fort Peck Tribal Court had violated Seth Leachman's and James Leachman's Constitutional rights to due process and equal protection. See Exhibit 1.

14. The Fort Peck Tribal Court of Appeals further ruled that jurisdiction was proper in the tribal courts.

15. The Fort Peck Tribal Court of Appeals further ruled that the Holens were required to return the Leachmans' horses or pay the Leachmans the value of the horses.

16. From 2012 to 2017, the Holens sold many of the Leachmans' horses.

17. To date, the Holens have neither returned the remaining horses to the Leachmans nor paid the Leachmans for the value of the Leachmans' horses that the Holens sold.

18. The Fort Peck Tribal Court of Appeals has ruled that the Fort Peck Tribal Court violated the Leachmans' rights to due process and equal protection.

19. The violations of the Leachmans' rights to due process and equal protection caused the Leachmans to lose control and management of the horses they owned.

20. Comity requires this Court to honor the rulings of the Fort Peck Tribal Court of Appeals finding violations of the Leachmans' civil rights.

21. This Court is the proper entity to enforce the civil rights violations of the Fort Peck Tribal Court.

22. The Leachmans have suffered damages because of the Fort Peck Tribal Court's violations of their rights to due process and equal protection.

23. Pursuant to 42 U.S.C. §1988, the Court may allow an award of attorneys' fees to Plaintiffs on claims asserted under 42 U.S.C. §1983.

WHEREFORE, Plaintiffs respectfully request the following relief:

1. For damages in a reasonable amount to compensate Plaintiffs fully for depravation of their constitutional rights.
2. For attorney fees pursuant to 42 U.S.C. §1988
3. For reimbursement of costs and expenses of suit; and
4. For all such further relief as the Court deems fair and just.

Dated this 29th day of November, 2019.

/s/Timothy M. Bechtold
Attorneys for Plaintiff