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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELILE ADAMS,
Petitioner,
v.
RAYMOND DODGE, et al.,
Respondents.

NO. 2:19-cv-1263 JCC
**SUPPLEMENT TO PETITIONER’S
OBJECTIONS TO MAGISTRATE’S
SECOND REPORT AND
RECOMMENDATION**

Petitioner Elile Adams supplements her objections to the Magistrate’s July 13, 2020, Report and Recommendation (“R&R”), with clear evidence that the Nooksack Tribal Court remains an unfair, biased tribunal.

Yesterday Petitioner received an *ex parte* email communication from Tribal Court Clerk Deanna Francis that was intended for Respondents’ defense counsel in this action, Charles Hurt. Fifth Declaration of Elile Adams (“Adams Decl.”), Ex. A; Dkt. # 26.¹ Ms. Francis inadvertently sent that email to Petitioner, in response to Petitioner’s August 3, 2020, email, asking about the

¹ On November 27, 2019, Mr. Hurt and the Nooksack Indian Tribe’s Office of Tribal Attorney appeared in action on behalf of Respondents Mr. Francis, Betty Leathers, and the Nooksack Indian Tribe. Dkt. # 26.

1 status of her Tribal Court *Pro Se* Application for Writ of *Habeas Corpus*. *Id.*; Dkt. # 47-1. Ms.
2 Francis *ex parte* email to Mr. Hurt reads in pertinent part:

3 Good morning, Chuck;

4 . . . Could you please advise on what I can inform Miss Elile Adams? **I am**
5 **wondering if I can let her flat out know she has not followed through with the**
6 **code or just keep telling her to consult her attorney for procedural process of**
7 **the code that she seems to think she knows what the court should be doing.**

8 This has been my response to her the last several emails she has been sending me:

9 *“The Nooksack Tribal Court Clerk’s Office is not permitted to provide legal*
10 *advice. If you have questions about Nooksack Court rules or procedures, please*
11 *consult your legal representative. If you do not have legal representation, the*
12 *Nooksack Office of Tribal Attorney maintains a referral service for your*
13 *assistance. In addition, the Northwest Justice Project and the Whatcom County*
14 *Bar Association maintain rosters of attorneys who may be willing to assist you on*
15 *a reduced fee or free basis.”*

16 **Please help** and thank you,

17 Deanna Francis
18 Tribal Court Clerk

19 Adams Decl., Ex. A (bolding added; italics in original). Ms. Francis’ request to ***defense counsel***
20 ***of record*** for advice regarding how to “flat out” reject Petitioner’s request for administrative
21 guidance violates due process, judicial and legal ethics, and is crystal clear evidence of the Tribal
22 Court’s bad faith conduct towards Petitioner.²

23 It is now plain that Respondents have no intention of considering Petitioner’s application
24 for *pro se* writ of *habeas corpus*. This Court can now see and establish for itself that what
25 Petitioner declared last week is true: “Respondents will continue to deny Petitioner any access to
justice.” Dkt. # 46 at 6; *see also* Dkt. # 47 at 2 (“I have no doubt that Respondents will not

² This is not the first time that the Tribal Court Clerks have sought or received unethical advice from the Tribe’s defense lawyers. In 2016, Connie Sue Martin, the then managing partner of Schwabe Williamson & Wyatt’s Seattle office, was caught advising Respondents Francis and Leathers to reject Plaintiffs’ counsel’s own *pro se* Tribal Court and Court of Appeals filings and drafting unsigned letters from those Respondents to substantiate the rejections. Fourth Declaration of Gabriel S. Galanda, Ex. A. It was this unethical behavior, in particular, that caused the Washington State Bar Association (“WSBA”) to declare that the Tribal Court is probably not worthy of the description “justice system.” Dkt. # 30-14 at 4. This Court should order Mr. Hurt to show cause as to why this Court should not sanction him or refer him to the WSBA for disciplinary action.

1 consider my *pro se* application for writ of *habeas corpus* or issue any writ “without a delay.”³
2 Based on this latest revelation, Petitioner renews her alternative claim that Respondents’ bad
3 faith eliminates any need for her to exhaust Tribal Court remedies. *Grand Canyon Skywalk Dev.,*
4 *LLC v. ‘Sa’ Nyu Wa Inc.*, 715 F.3d 1196, 1201 (9th Cir. 2013) (exhaustion not required where a
5 tribal court “acts in bad faith to avoid the requirement to exhaust tribal court remedies.”); *Acras*
6 *v. Blue Lake Rancheria*, No. 16-5391, 2017 WL 733114, at *3 (N.D. Cal. Feb. 24, 2017) (a tribal
7 court acts in bad faith when it fails to provide “a fair and neutral proceeding”).

8 The Tribal Court does not deserve comity from this Court, as the Magistrate has
9 recommended. Dkt. # 45 at 11. Petitioner’s unconditional freedom is the only legal relief owing
10 from this Court.

11 DATED this 11th day of August 2020.

12 GALANDA BROADMAN, PLLC

13 s/Ryan D. Dreveskracht

14 Gabriel S. Galanda, WSBA #30331
15 Ryan D. Dreveskracht, WSBA #42593
16 Attorneys for Petitioner
17 8606 35th Avenue NE, Suite L1
18 P.O. Box 15146, Seattle, WA 98115
19 (206) 557-7509 Fax: (206) 299-7690
20 Email: gabe@galandabroadman.com
21 Email: ryan@galandabroadman.com

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25 ³ Ms. Francis’ suggestion that Petitioner has somehow not “followed through with the code” is mistaken. Adams
Decl., Ex. A. Petitioner properly waits for the Tribal Court to issue a writ “without a delay” so it can be served upon
Respondents along with her *habeas corpus* application “in the same manner as a summons.” Dkt. # 13 at 91.

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 Avenue NE, Ste. L1, Seattle, WA 98115.

3. Today, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system which will send notification of such filing to the parties registered in the Court's CM/ECF system.

Signed at Seattle, Washington, this 11th day of August 2020.

s/Wendy Foster

Wendy Foster

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