

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK**

	X	
TOWN OF SOUTHAMPTON, NEW YORK,	:	
and CHARLES McARDLE in his official	:	
capacity as Superintendent of Highways,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	Index No. 631610/2024
	:	
LISA GOREE, LANCE GUMBS, SENECA	:	
BOWEN, BIANCA COLLINS, GERMAIN	:	
SMITH, DANIEL COLLINS, SR., and	:	
LINDA FRANKLIN, in their official	:	
capacities as members of the Council of	:	
Trustees of the Shinnecock Indian Nation,	:	
	:	
Defendants.	:	
	X	

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**DEFENDANTS' MEMORANDUM OF LAW IN REPLY TO PLAINTIFFS'  
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS AND RESPONSE TO  
CROSS-MOTION FOR ALTERNATIVE SERVICE AND DEFENDANTS' CROSS-  
MOTION TO STRIKE EXHIBITS C AND D TO THE AFFIRMATION OF MICHAEL  
PAVLAVSKY, PARAGRAPHS 19 AND 20 IN THE AFFIRMATION, AND PAGE 10 OF  
THE MEMORANDUM IN OPPOSITION**

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## I. PRELIMINARY STATEMENT

Defendants (hereinafter referred to as “Trustees”) are elected officials of the federally recognized Shinnecock Indian Nation (hereinafter “Nation”) sued in their official capacities only. *See* Complaint at ¶ 3, (Doc. 1).<sup>1</sup> There are solid grounds to contest the jurisdiction of this Court on the basis of sovereign immunity and for other reasons, and failure to join necessary and indispensable parties - the United States and the Shinnecock Indian Nation – both of who hold the only real property interests in Westwoods restricted fee Territory that the Complaint seeks to challenge title to and jurisdiction over. *Cf.* Plaintiffs’ Memorandum in Opposition at 5 (Doc. 34) (hereinafter “Opposition”). But that is a matter for another day after the Plaintiffs have properly served a Summons in compliance with the requirements of N.Y. C.P.L.R. § 308(1) or (2).<sup>2</sup>

This Motion is well-founded given the utter failure of the Plaintiffs to serve each Trustee at their residence, place of abode, or **actual** place of business. Plaintiffs did not provide an Affidavit from the process server who served Wesley Collins on a public street through his car window on December 26, 2024, to confirm the facts they assert to resist the Motion. *See*, Affirmation of Michael T. Pavlavsky at ¶¶ 6-10 (Doc. No. 35) (hereinafter “Pavlavsky Aff.”). To

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<sup>1</sup> References to pleadings filed in the NYCEF system will be referred to as “Doc. \_\_\_\_.”

<sup>2</sup> While irrelevant to this Motion, Plaintiffs cite to *Comm’r of N.Y. State Dept. of Transp. v. Polite*, No. 2020-05137, 2024 WL 4964811, at \*5 (N.Y. App. Div. 2d Dept. Dec. 4, 2024) to argue the Court has personal jurisdiction. Opposition at fn. 1 (Doc. 34). That case is pending Renewed Motions to Dismiss before the Supreme Court, and Motions to Take Judicial Notice and Renewed Motions to Dismiss and Alternative Appeal before the Second Department based on the January 2, 2025 letter from the Department of Interior confirming the Westwoods Territory is restricted against alienation without the approval of the United States under 25 U.S.C. § 177. The letter is cited in Plaintiff’s Memorandum in Support of its Motion for a Preliminary Injunction, presenting a very different set of jurisdictional facts in this case. Motion at 8 (Doc. 9). A Motion to Dismiss based on lack of jurisdiction can be raised at any stage of the litigation and is properly filed twenty (20) days after service under N.Y. C.P.L.R. § 3012. *See*, *Frazier v. Turning Stone Casino*, 254 F.Supp.2d 295, 305 (N.D.N.Y. 2003).

the extent the Attorney Affirmation asserts what the process server did, it is hearsay and should be given no weight. *See, People v Steiner*, 30 N.Y.2d 762, 763 (1972). Plaintiffs did not serve Trustee Lance Gumbs on February 6, 2025, because the place served was not Lance Gumbs actual place of business. Plaintiffs did not serve Trustee Bianca Collins at her residence because she does not reside at 27 Canvasback Lane, East Quogue— it is her brother’s residence.

The only “charade” here belongs to the Plaintiffs, who have failed to diligently effect service. It is not the Trustees or their legal counsel’s obligation to cure Plaintiffs’ lack of diligence by admitting service under N.Y. C.P.L.R § 312-a (2) long before the thirty (30) days provided as an option for the Trustees.<sup>3</sup> *See* Affirmation of Danielle Lazore-Thompson In Support of Plaintiffs’ Reply at ¶¶ 8-9 (hereinafter “Lazore Thompson Aff. 2”).

Given Plaintiffs’ lack of diligence and the utter disrespect with which Plaintiffs have characterized their lack of diligence as the fault of the Trustees, who are elected officials of a sovereign tribal government, alternative service is unwarranted. *See*, Opposition at 1, 17. Plaintiffs should act with diligence and personally serve the Trustees at the Nation’s Headquarters. When that is completed, this Motion to Dismiss can be resolved provided that equitable relief including reasonable dates to file responsive pleadings to the Complaint and the Motion for a Preliminary Injunction is granted, or the Complaint is dismissed. (Doc. 1, Doc. 9).

The Motion to Dismiss is not moot and alternative service is not warranted. Plaintiffs lack of due diligence resulted in the filing of the Motion to Dismiss: it is not the Trustees who should be penalized for exercising their right to be properly served before they file responsive

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<sup>3</sup> The affirmation of Michael Pavlovsky fails to inform the Court that mailing of the Complaint to Legal Counsel was not completed until February 1, 2025, making the deadline to file an affirmation if Defendants elected to do so March 3, 2025 at the earliest. N.Y. C.P.L.R. § 312-a (2).

pleadings, including a response to the Motion for a Preliminary Injunction currently set for return on February 19, 2025 with Trustees response due on February 12, 2025.

## II. STATEMENT OF FACTS.

On December 26, 2024, the day after Christmas, John Savage, process server, claimed he served Wesley Collins at the actual place of business of the Trustees, which he listed as 31 Church Street, Southhampton, NY. *See*, Ex. A to Affirmation of Danielle-Lazore Thompson in Support of the Motion to Dismiss (Doc. 6, Exhibit A) (hereinafter “Lazore-Thompson Aff. 1”). Now, Plaintiffs’ assert – not by Affidavit from Mr. Savage - but rather by way of hearsay from counsel’s affirmation, that Mr. Savage proceeded to 100 Church Street first, which appeared to be a private home, so he proceeded to 31 Church Street and attempted service on December 23, 2024. Pavlavsky Aff. at ¶¶ 6-7 (Doc. 35).

Further compounding the hearsay, counsel asserts that Mr. Savage returned to the Community Center on December 26, 2024, and when he spoke to Mr. Wesley Collins, Mr. Collins informed Mr. Savage he was a relative of two of the Trustees. *Id.* at ¶ 8. Regardless of whether Mr. Wesley Collins is a “relative” of any of the Trustees, the fact is that Mr. Savage was sitting on a public road - Church Street – in his car in front of the Presbyterian Church – not even the Community Center - when he handed the Summons’ to Mr. Collins through his car window – he did not enter the Community Center and therefore did not serve anyone at an actual place of business. Affidavit of Wesley Collins at ¶ 10, Exhibit A to the Lazore-Thompson Aff. 2 (hereinafter “W. Collins Aff.”).

Mr. Savage did not confirm with Mr. Collins that he had any professional connection to the Community Center or the Trustees. *Id.* at ¶¶ 15, 16. Wesley Collins is not an employee of the Council of Trustees or the Community Center. *Id.* at ¶¶ 5, 6. *See also*, Exhibits B-H to the Lazore-

Thompson Aff. 1 at ¶ 6. What Mr. Savage did was roll down his car window, hand papers to Mr. Wesley Collins through his car window, and “asked if he could leave them with me and he stated again that they were very important papers but that he could leave them with anyone on the reservation.” W. Collins Aff. at ¶¶ 13, 14, Ex. A to Lazore-Thompson Aff. 2. Mr. Collins’ car is not any Trustee’s place of business.

Mr. Savage did not ask Mr. Collins what Nation’s government offices or its Council of Trustees or the Community Center address was. *Id.* at ¶¶ 16, 17. The Nation’s Website lists the Nation’s business address as 100 Church Street, Southhampton, New York - not 31 Church Street, as Plaintiffs concede. Opposition at 4; Ex. A to Pavlavsky Aff. at 22. Plaintiff’s assert by way of hearsay again, that their process servers could not locate the Nation’s current business address at 1 Nations Way provided in the Motion to Dismiss and Affidavits thereto. *Id.* at 5; *See* Exs. B-H to Lazore-Thompson Aff. 1 at ¶ 3. They assert that an unnamed United States Postal Service employee could not locate that address. Opposition at 5; Pavlasky Aff. at ¶ 11. What Plaintiffs’ process servers did not do, apparently, is pick up a telephone and call the advertised telephone number for the Nation’s offices listed on the Nation’s website - (631) 283-6143 extension 5 - to ask for directions. Pavlavsky Aff. Ex. A at 22.

While no law requires the Trustees to help the Plaintiffs cure their lack of diligence, Plaintiffs are not evading service, and as such, are providing GIS latitude and longitude coordinates for 1 Nations Way from Google Earth; a current aerial map of the building from Nearmap; a picture of the front of the building; and the hours of operation for the Trustees’ actual place of business. Affidavit of Chairwoman Lisa Goree in Support of Plaintiffs’ Reply, Exhibit B to Lazore-Thompson Aff. 2 at ¶¶ 2-6, 11; Exhibits 1, 2, 3 thereto (hereinafter “Goree Aff. 2”). This is

information easily obtainable by making a phone call to the advertised telephone number for the Nation's place of business.

Plaintiffs assert they served a person of suitable age and discretion at Trustee Lance Gumbs' actual place of business, which they assert is 42 Montauk Highway, on February 6, 2025. Opposition at 5. In support of that assertion, they provide a Facebook posting from 2017 – over seven (7) years ago. Pavlavsky Aff., Ex. B. Plaintiffs assert – again through hearsay – that their process servers tried to serve Trustee Lance Gumbs at that address on February 5, 2025. Pavlavsky Aff. at ¶ 17. 42 Montauk Highway, Southhampton, New York is not Trustee Launcelot A. Gumbs actual place of business. Exhibit C to Lazore-Thompson Aff. 2 at ¶¶ 4-6 (hereinafter “Gumbs Aff. 2”); Exhibits 1 and 2 to Gumbs Aff. 2. A search of Secretary of State records would have revealed that Trustee Gumbs is not an owner, member, or manager of the business located at 42 Montauk Highway, South Hampton, New York - Cloud Nine Convenience, LLC. Gumbs Aff. 2 at ¶ 6, Ex. C to Lazore-Thompson Aff. 2.

Plaintiffs assert – again by way of hearsay – that their process servers made “repeated attempts” “day and evening” to serve Trustee Bianca Collins at 27 Canvasback Lane, East Quogue, New York, although Plaintiffs provide no details or Affidavit in support. Opposition at 6; Pavlavsky Aff. at ¶ 18. Trustee Bianca Collins does not now, or has she ever resided at 27 Canvasback Lane, East Quogue, New York – this is her brother's home. Affidavit of Bianca Collins at ¶ 3, Exhibit D to Aff. Lazore-Thompson 2 (hereinafter “Collins Aff. 2”). Trustee Bianca Collins residence is and has been for years, 40 Montauk Highway, Southhampton, New York. *Id.* at ¶ 4.

Plaintiffs assert - by way of hearsay - that they searched unnamed public databases for the personal addresses of Trustees Lisa Goree, Daniel Collins, Sr., and Germain Smith and found no



physical addresses. Pavlavsky Aff. at ¶ 14. Plaintiffs then assert, with nothing more than an Affirmation from Mr. Terry containing no details or explanation, that the physical addresses someone found in unnamed public databases for Daniel Collins, Sr., and Germain Smith “do not exist.” *Id.* at ¶ 25; Exhibit E to Pavlasky Aff. Despite clearly knowing that Chairwoman Lisa Goree works at the Plaintiffs offices as the Town Assessor, they made no effort to serve her there. *Id.* at ¶ 22.

### III. ARGUMENT

#### 1. Service on Welsey Collins was not Service on any of the Defendant Trustees in Compliance with N.Y. C.P.L.R. § 308(2).

As set forth in Section II, *infra*, Plaintiffs failed to serve the Trustees on December 26, 2025 not because Mr. Collins is not of proper age or mental capacity, but because Mr. Wesley Collins is not an employee of the Community Center or the Nation or its Council of Trustees. *See*, Section II at 7. This was supported by no less than seven Affidavits affirming Mr. Collins is not an employee of the Nation or its Council of Trustees – this is evidence. *See* Exhibits B-H at ¶ 6 to Lazore-Thompson Aff. 1; *Cf.* Opposition at 7 (asserting the Trustees proffered “no evidence”). Affidavits affirming a party was not served at their residence, place of abode or actual place of business satisfy the burden to establish prima facie evidence justifying a hearing on personal service. *Austin v. Tri-Cnty. Mem'l Hosp.*, 39 A.D.3d 1223, 1224, 834 N.Y.S.2d 419 (4<sup>th</sup> Div. 2007).

The Trustees all affirmed they were not served with the Complaint and Summons. Exhibits B-H at ¶ 8 to Lazore-Thompson Aff. 1. Any presumption of effective service is rebutted by an affidavit denial of receipt with specific facts showing the Affirmation is incorrect. Once shown, the burden shifts to the Plaintiff to demonstrate at hearing service was effective. *Sinay v.*

*Schwartzman*, 148 A.D.3d 1068, 1070, 50 N.Y.S.3d 141, 144 (2017); *Velez v. Forcelli*, 125 A.D.3d 643, 644, 3 N.Y.S.3d 84).

If Plaintiffs can call this effective service, then we should all be worried that process servers can assert we live in a community and are related to people in that community, so handing papers through our community members and relatives car windows serves us with process. Such is not the law in New York. In New York, strict adherence is required. *Goetz v. Synthesys Techs., Inc.*, 415 F.3d 481, 485 (5th Cir. 2005).

It is immaterial whether Mr. Collins “knows” the Trustees or is “related” to them. New York courts have made clear service is ineffective when it is not on a person at that actual business. An “‘actual place of business’ only includes (1) a place where the defendant regularly transacts business, or (2) an establishment that the defendant owns or operates, where there is a clear identification of the work performed by her within that place of business.” *Sackett v. Dirlam*, No. 6:22-CV-6245 EAW, 2023 WL 4206520, at \*6 (W.D.N.Y. June 26, 2023)

Mr. Collins’ car is not any Trustee’s actual place of business, and serving someone who is related to someone on the street does not meet the requirements of N.Y. C.P.L.R. § 308(1). Plaintiff’s failed, not only because the process server failed to serve someone in the Community Center, but because he failed to even attempt to inquire whether Mr. Welsey Collins had any connection to the alleged place of business, which he does not. *See* Section II at 7. Under these circumstances, Mr. Savage’s affirmation of service is due no deference.

The Affidavit of Welsey Collins only serves to highlight how mistaken Mr. Savage was – asserting that he had the right to serve “anyone on the reservation” and call it effective service. *See*, Section II at 7. At best this demonstrates ineffective service. At worst it demonstrates an unacceptable practice when serving tribal members and officials, and violates the right to actual

service of tribal member living on the “reservation” in New York. The Trustees were not served with the Summons and Complaint on December 26, 2024 for one reason: the lack of diligence on the part of Plaintiffs. Exs. B-H to Lazore-Thompson Aff. 1 at ¶ 8.

Plaintiffs’ cases cited do not refute this. Every case cited is a case involving service at a person’s residence or actual place of business, where it was clear that the location was the person’s actual residence or place of business. Opposition at 7-8, 11. Service on a person in a public common area outside of a residence or business, who is not an employee, is not effective service. *Fam. Fin. Corp. v. Canuelas*, 94 Misc. 2d 241, 242, 404 N.Y.S.2d 248, 249 (Civ. Ct. 1978)

**2. December 26, 2024 Service on Wesley Collins was Not Effectuated at the Community Center in Compliance with N.Y. C.P.L.R. § 308 or the Actual Place of Business of the Trustees at 1 Nations Way, Southhampton, New York.**

Plaintiffs assert that because the Nation’s website lists 100 Church Street as the address of the Shinnecock Indian Nation, the December 26, 2025 service was effective pursuant to N.Y. C.P.L.R. § 308 (8). Opposition at 7. But the Affirmation of Service states service was made at 31 Church Street – not 100 Church Street – the advertised address on the Nation’s website. Ex. A to Lazore-Thompson Aff. 1. 31 Church Street is not the business address for the Community Center – 100 Church Street is. Ex. B-H to Lazore-Thompson Aff. 1 at ¶¶ 3, 7. Each Trustee swore by Affidavit to the Court that 31 Church Street is not their actual place of business. *Id.* at ¶ 7.

Second, the Affidavits submitted in support of the Motion to Dismiss confirm the Community Center, which Plaintiffs assert (without affidavit support or evidence of GIS location from Mr. Savage or anyone for that matter) is actually located at 31 Church Street, was closed on December 26, 2024. Exhibits B-H to Lazore-Thompson Aff. 1 at ¶ 4. This confirms the impossibility of Mr. Terry’s Affirmation that he served a person at the Community Center. Mr.

Savage did not enter the Community Center - he handed Mr. Wesley Collins the papers through his car window while he was parked on Church Street in front of the Presbyterian Church.

Section II at 7.

Finally, the Trustees provided Plaintiffs with the physical address for the current actual business address of the Shinnecock Nation Council of Trustees. Ex. B-H to Lazore-Thompson Aff. 1 at ¶ 3. There was no intention nor actual evasion of service of process in not providing precise GIS coordinates for this location. The telephone number of the Nation is listed on their website and a simple phone call to the Nation's government office would have resulted in directions being given. Asserting without Affidavit that some unnamed person talked to a Post Office employee who said the Post Office has no record of where 1 Nations Way was located and checking GIS map services does not constitute due diligence. Pavlavsky Juris. Aff. at ¶¶ 9, 11. Even though the Trustees are under no obligation to provide - unsolicited by Plaintiffs initially (at least until the afternoon of February 11, 2025) - the GIS coordinates, and additional detailed information on where 1 Nations Way is located, Trustees are doing so now. Goree Aff. at ¶¶ at ¶¶ 2-6, 11; Exhibits 1, 2, 3, Exhibit B to Lazore-Thompson Aff. 2. Plaintiffs could have called the Tribal Headquarters at any time to confirm directions. *U.S. Bank, N.A. v. Tauber*, 130 N.Y.S.3d 534, 536 (2d Dept. 2020), does not apply to this case – if for no other reason than Plaintiffs did not enter the Community Center and serve anyone.

**3. Service on Launcelot A. Gumbs aka Lance Gumbs and Bianca Collins was not proper under N.Y. C.P.L.R. § 308 so the Motion is not Moot.**

Plaintiffs did not serve a suitable person at Lance Gumbs' actual place of business on February 6, 2025. 42 Montauk Highway is not Lance Gumbs' actual place of business. Section II at 9. Regardless of whether the person who served was his daughter, she was not served at his place of business. *Id.* 42 Montauk Highway is the location for the business called Cloud Nine

Convenience, LLC. *Id.* Mr. Gumbs is not an Owner, Manager, or Member of Cloud Nine Convenience LLC. *Id.* A simple check of the Secretary of State business records would have confirmed this. Instead, Plaintiffs relied upon a Facebook post that is seven (7) years old to assert that Mr. Gumbs held this location out as his place of actual business and should be deemed served under N.Y. C.P.L.R. § 308 (8). Pavlavsky Aff., Ex. B. Had Plaintiffs been trying to serve Trustee Gumbs back in 2017 that might be true, but it is not true today. The argument should be rejected as unsupported by the law or the facts.

Plaintiffs did not serve Trustee Bianca Collins at her residence or place of abode on February 6, 2025 because that is not her residence or place of abode - it is her brother's residence. Section II at 9. Not only did Plaintiffs serve at the wrong house, but they also posted it on the door – which does not comply with the requirements of N.Y. C.P.L.R. § 308 (2). Plaintiffs proffer no Affidavit from anyone supporting their hearsay assertion that “repeated efforts” were made to serve Trustee Collins “day and evening.” Opposition at 16, Pavlavsky Juris Aff. at ¶ 18. Those efforts at a residence where Ms. Collins does not reside do not meet the requirements of either N.Y. C.P.L.R. § 308 (1) or (2). Where a Plaintiff serves a relative of a defendant at a location that is not their residence or abode or actual place of business, regardless of whether their relative accepted service, this is not effective service. *Ben-Amram v. Hershowitz*, 14 A.D.3d 638, 789 N.Y.S.2d 313 (Second Dept., 2005). Three attempts at service over two (2) days is does not meet the due diligence requirement in N.Y. C.P.L.R. § 308(4). *Austin v. Tri-Cnty. Mem'l Hosp.*, 39 A.D.3d at 1224.

Lastly, Plaintiffs argue that service on one Trustee should be deemed service on all of the Trustees, relying on N.Y. C.P.L.R. § 312. Opposition at 14. The Trustees agree with Plaintiffs that N.Y. C.P.L.R. § 311 does not apply to Tribal officials, but if Plaintiffs wish to concede that

the real party in interest is the Council of Trustees and not the individual Trustees in their official capacities, the Trustees will take that trade and Plaintiffs can amend their Complaint to name the Nation's Council of Trustees. A Motion to Dismiss the Complaint on the basis of the sovereign immunity of the Nation will follow shortly.

**4. Plaintiff's Lack of Compliance with N.Y. C.P.L.R. § 308 and Lack of Diligence is not Grounds for Alternative Service.**

Plaintiffs lack of diligence in this case resulted in the Trustees' Motion to Dismiss. In an effort to cure their default, the Plaintiffs did not go back to the Community Center and serve anyone suitable person there, despite their arguments that N.Y. C.P.L.R. § 308(8) applies. They did not call the Nation's advertised phone number - even though they had that telephone number – and they have provided this Court and the Trustees with no affidavits demonstrating diligence in service. Instead, they rely on assertions secondhand in a legal counsel's Affirmation to the Court. It is not the fault of the Trustees that Google maps or other private corporation GIS mapping systems have not mapped the Nation's Territory. Such is not uncommon in Indian country in New York or anywhere in the United States - it is a product of decisions made by private corporations not to effectively serve tribal communities in Indian Country. It is not the fault of the Trustees that street names in tribal communities in Indian country are not recorded effectively; that a Post Office employee allegedly does not have the street names within the Nation's Territory; or that the unnamed public databases do not show the residential addresses of the Trustees. Without more than an unsupported assertion that locations "don't exist," the Motion for Alternative Service should be denied. The Affidavit of Chairwoman Lisa Goree provides the Plaintiffs with precise location and hours of operation during which the Plaintiffs can serve the Trustees at their actual place of business and a phone number to call.

**5. A Cross-Motion to Strike Exhibits C and D to Counsel's Affirmation; Paragraphs 19 and 20 of the Affirmation; and reference thereto on Page 10 of the Memorandum Should be Granted.**

In extraordinarily poor taste at best, and at worst, an effort to scandalize the Nation and Mr. Collins, Plaintiffs include Exhibit C to counsel's affirmation. That document is presented solely for the proposition that Mr. Collins is a member of the community, which is irrelevant to whether service is effective. *See* Pavlavsky Aff. at ¶ 19; Ex. C thereto. Likewise Exhibit D to Mr. Pavlavsky's Affirmation, a memorial publication for Trustee Lance Gumbs with his deceased brother's picture and details of death, is offered for the purpose of showing who he is related to – which irrelevant to effective service. *Id.* at ¶ 20, Exhibit D thereto. This is likewise unnecessarily included solely to cause harm to Trustee Gumbs. Exhibits C and D, paragraphs 19 and 20 to counsel's affirmation, and Page 10 of the Opposition discussing the Exhibits should be stricken pursuant to N.Y. C.P.L.R. § 3024. They serve no relevant purpose and are included solely to cause scandal and prejudice to the Trustees, Mr. Collins, and the Nation. Scandalous or prejudicial matters may be stricken from the record as well as matters contained in a pleading that are unnecessary. *Pisula v. Roman Cath. Archdiocese of New York*, 201 A.D.3d 88, 95, 159 N.Y.S.3d 458 (Second Dept., 2021).

**IV. CONCLUSION**

The Trustees respectfully request that this Court grant the Motion to Dismiss or provide equitable relief as this Court deems just including setting reasonable dates for the Trustees to file responsive pleading to the Complaint once the Summons is properly served pursuant to N.Y. C.P.L.R. § 308(1) or (2), and a reasonable date by which to objection to the Motion for Preliminary Injunction; Grant the Cross-Motion to Strike Exhibits C and D to counsel's

affirmation, Paragraphs 19 and 20 of the Affirmation, and Page 10 of the Opposition; Deny the Cross-Motion for Alternative Service; and award reasonable attorney's fees and costs.

Dated: February 12, 2025  
Akwesasne, NY

By:

  
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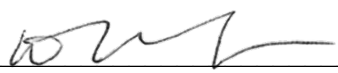
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**WORD COUNT CERTIFICATION**

I, Danielle Lazore-Thompson hereby certify that the foregoing **REPLY TO PLAINTIFFS' OPPOSITION TO TRUSTEE DEFENDANTS' MOTION TO DISMISS AND CROSS-MOTION FOR ALTERNATIVE SERVICE** contains 4,414 words, exclusive of the caption and signature, and I further certify that this document complies with the word count limit contained in 22 NYCRR 202.8-b(a). I have relied upon the word count of the word processing system used to prepare this document.

  
\_\_\_\_\_  
Danielle Lazore-Thompson, Esq.