

FILED
QUINALT TRIBAL COURT
2026 FEB 17 PM 2:47

IN THE COURT OF APPEALS OF THE QUINALT INDIAN NATION
TAHOLAH, WASHINGTON

BRYAN TARABOCHIA; JOSEPH
TARABOCHIA;

Appellants,

v.

QUINALT INDIAN NATION; ET AL.,

Appellees.

Case no. CV-23-015

ORDER DISMISSING
INTERLOCUTORY APPEAL

Per the Presiding Judge, Matthew L.M. Fletcher, the court dismisses the Appellants' emergency petition for a writ of mandamus.

The rules of appellate procedure provide that the presiding judge is to make an initial determination whether there are grounds for appeal. Specifically, the rules provide:

Within 15 days of the filing of a notice of appeal, the Presiding Judge of the Court of Appeals shall determine whether the notice of appeal states facts that, if true, constitute adequate grounds for appeal. In making this decision the Presiding Judge shall take all the facts stated in the notice of appeal as true.

(a) If the Presiding Judge finds that adequate grounds are stated, the case shall be scheduled on the Court of Appeals docket.

(b) If the Presiding Judge finds that adequate grounds are not stated, or that the appeal is frivolous, the appeal shall be summarily dismissed and the appellant notified promptly.

Quinalt Indian Nation, Court of Appeals Procedures § 31.10.010.

The Appellants seek a writ of mandamus from this court ordering the trial court to set aside the appointment of Judge Lori Guevara to sit on the case below. Appellants argue that Judge Guevara is unqualified to sit as a trial judge for the Quinalt Indian Nation because she has a felony record. Pointing to a 2014 decision of the Washington State Bar Disciplinary Board, Appellants argue that Judge Guevara pled guilty to a felony in Oklahoma. Appellants argue that Quinalt law, specifically § 5.04.010, forbids individuals with a felony record to sit as judges.

The Respondents object to the petition on several grounds. First, Respondents argue that Quinalt judicial code § 5.04.090 forbids parties from moving to disqualify two judges in the same proceeding. Respondents point out that Appellants successfully moved to disqualify Judge Randall Steckel last November. Second, Respondents argue that Quinalt law does not authorize

the appellate court to issue writs of mandamus. Third, assuming for the sake of argument that the Appellants' factual allegations about the qualifications of Judge Guevara are true, Quinault law does not disqualify her.

We largely agree with the Respondents.

First, we note that Appellants have already invoked their right to seek disqualification of a judge in their case. Section 5.04.090 provides in relevant part, "No party or their legal representative shall be permitted to make more than one [judicial disqualification] application in any action or proceeding and such application must be timely." Appellants concede that they have already invoked their right to seek disqualification of a judge by disqualifying Judge Steckel. Appellants also concede that they have no right to seek disqualification of Judge Guevara under § 5.04.090.

Second, despite the fact that the Appellants have already exhausted their right to disqualify the judge in their case largely disposes of the matter, this court must address the factual allegations made by the Appellants against Judge Guevara under § 31.10.010. The Appellants claim in their petition that the second judge is barred under tribal law from sitting as a Quinault judge.

Initially, Appellants point out that Judge Guevara pled guilty to a felony in Oklahoma, a fact recognized by the Washington State Bar Association. Respondents, however, point out that the Oklahoma court did not accept the guilty plea and deferred sentencing. That was more than a decade ago. This court infers from the lengthy period of time since that guilty plea and now that Judge Guevara has been completely law-abiding. Moreover, record shows that Judge Guevara remains in good standing with the Washington State Bar Association. This court agrees with the Respondents that Judge Guevara's appointment does not violate the prohibition on judges serving with a felony record.

Secondarily, Appellants allege through a convoluted morass of suppositions and personal attacks on multiple Quinault judges that Judge Guevara's appointment and Judge Guevara herself are motivated by bias against the Appellants. This argument is not well taken by the court. Section 5.04.090 provides, "No judge shall be qualified to act in any case where he or she has an interest, is or has been a material witness, is related to any party or their counsel by marriage or blood in the first or second degree." Unlike the factual allegations backing the qualifications claim, which was supported by an official document of the state bar association, there is no evidence backing this claim whatsoever. The only "fact" alleged is that Judge Guevara once represented a different judge's sister in a different proceeding. This "fact" is not only supported by any proffer of evidence, but it is also irrelevant. In the absence of any evidence of judicial bias, we must reject the claim.

Third, and finally, we leave for resolution in another case the argument made by Respondents that the appellate court does not have the power to issue a writ of mandamus. The court notes first that section 5.01.020 of the judicial code provides, "The Quinault Tribal Courts shall have power to issue any order or writ necessary and proper to the complete exercise of its jurisdiction." Respondents argue that the term "Tribal Courts" exclusively refers to the trial level

court and not the appellate court, thereby implicitly denying the appellate court the power to issue a writ of mandamus. Perhaps the Respondents are correct, but this court notes that if a plainly unqualified judge was appointed to the bench and a party has already exhausted their one opportunity to disqualify a judge, then that party would have no remedy. That said, this court certainly would not condone spurious and repeated efforts, such as this one, to invoke the power of mandamus to seek disqualification of trial judges. We leave this issue for another day.

Dated this 17th day of February, 2026

/s/ Matthew L.M. Fletcher
Matthew L.M. Fletcher, Presiding Justice
On behalf of the Court of Appeals

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2 **IN THE TRIBAL COURT OF THE QUINAULT INDIAN NATION**

3 **TAHOLAH, WASHINGTON**

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6 **DECLARATION OF SERVICE**

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8 I, Paris Underwood, declare under penalty of perjury under the laws of the Quinault Indian Nation that the
9 foregoing is true and correct. I served the Order Dismissing Interlocutory Appeal to Plaintiffs' and
10 Respondents' via email to the following email address':

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17 *Attorneys for Defendants*

18 DATED: February 17, 2026

19 *Paris Underwood*
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21 Clerk, QUINAULT TRIBAL COURT
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