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*Attorney for Defendant
Waneka Rosebud Cornpeach*

THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH CENTRAL DIVISION

CHELSEA FARRER AND CHAD
YOUNG,
Plaintiffs,

v.

WANEKA ROSEBUD CORNPEACH,
in her individual capacity; JOHN DOES
1-5
Defendants.

**NOTICE OF REMOVAL OF CIVIL
ACTION FROM STATE COURT
TO FEDERAL COURT**

Case No.

District Judge

NOTICE OF REMOVAL

Pursuant to the Supremacy Clause of the United States Constitution, as well as 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Waneka Cornpeach (“Defendant”), by and through counsel, hereby removes this action styled *Chelsea Farrer and Chad Young v. Waneka Rosebud Cornpeach, et al.*, case no. 240800028, from the Eighth Judicial District

Court in and for Duchesne County, State of Utah, to the United States District Court for the District of Utah. In support of this Notice of Removal, Defendant states as follows:

1. Plaintiffs Chelsea Farrer and Chad Young (“Plaintiffs”) filed their Complaint against Ms. Cornpeach on July 15, 2024.
2. Plaintiffs received multiple extensions claiming they could not locate Ms. Cornpeach after diligent efforts to serve her.
3. Plaintiffs then filed a motion to allow service by alternative means, namely, through text and email to Greg Skordas and undersigned counsel, due to their representation of Defendant in her criminal case—despite the fact they had not entered into the civil case on behalf of Defendant.
4. That motion was granted, and Mr. Skordas and undersigned counsel were served on June 10, 2025, and June 12, 2025, respectively.¹
5. Plaintiffs’ Complaint contains various tort claims under Utah law against Defendant, and asserts jurisdiction in the state court is proper because the incident giving rise to this lawsuit “occurred on federal land and outside of the boundaries of the Uintah and Oray [sic] Indian reservation, and/or outside of any other tribal reservation boundary.”² See **Attachment A**, Plaintiffs’ Complaint.

¹In addressing the procedural history of this case, Defendant does not concede that service of process was proper.

²Defendant does not concede that jurisdiction in state court is proper. Defendant pleaded guilty in a federal criminal case (the same incident from which this civil suit arises) brought under the Major Crimes Act because Defendant is an Indian and it was found that the crime occurred on tribal land.

6. However, based on the fact Defendant is an enrolled member of the Ute Indian Tribe and that the incident giving rise to this civil action occurred on tribal land, this Court has original jurisdiction under 28 U.S.C. § 1331 because it involves issues related to infringement and preemption of tribal sovereignty.
7. Infringement therefore necessarily implicates a federal question because the exercise of state authority can “unlawfully infringe on the right of [R]eservation Indians to make their own laws and be ruled by them.” *White Mountain Apache Tribe v. Bracker*, 488 U.S. 136, 145 (1980). Thus, if an exercise of state court jurisdiction intrudes into the province of tribal self-government, it is precluded as a matter of federal law.
8. Moreover, preemption arises from the United States Constitution and federal laws. See *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324, 334-35 (1983). (“State jurisdiction is pre-empted by the operation of federal law if it interferes with or is incompatible with federal and tribal interests reflected in federal law, unless the state interests at stake are sufficient to justify the assertion of state authority.”)
9. This action can be removed to this Court pursuant to 28 U.S.C. §§ 1331 and 1441(a).
10. Removal of this action is timely because thirty days have not yet elapsed since service on Defendant’s criminal attorneys.
11. Pursuant to 28 U.S.C. § 1446(a) and Local Court Rule 81-1(b)(4). A copy of all process, pleadings, and orders served upon Defendant are attached as **Attachment C**.

WHEREFORE, Defendant submits notice that the above referenced action is removed from the Eighth Judicial District Court in and for Duchesne County to the United States District Court for the District of Utah, pursuant to the Supremacy Clause of the United States Constitution, as well as 28 U.S.C. §§ 1331, 1441, and 1446.

DATED this 10th day of July, 2025.

J. PRESTON STIEFF LAW OFFICES, LLC

/s/ J. Preston Stieff

J. PRESTON STIEFF

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2025, I electronically filed the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT TO FEDERAL COURT** with the U.S. District Court for the District of Utah. Notice will automatically be electronically mailed to the following individuals who are registered with the U.S. District Court CM/ECF System:

Neil A. Kaplan (Utah Bar No. 3974)
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DUCivR 81-1 CERTIFICATION

Pursuant to DUCivR 81-1, I certify that a copy of all processes, pleadings, and orders served on the removing party are filed in the federal case as required by this rule and 28 U.S.C. § 1446(a), and as permitted by 28 U.S.C. § 1447.