


Exhibit 7 – Order Denying Defendants’ Motion to Dismiss
(Sept. 2024)

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2024 SEP 13 AM 11:34

Linda Myhre Enlow
Thurston County Clerk

24-2-02515-34
ORDYMT 98
Order Denying Motion Petition
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

WA HE LUT INDIAN SCHOOL, a Tribally-
controlled school,

NO. 24-2-02515-34

Plaintiff,

~~PROPOSED~~ ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS

v.

ANZA SMITH; BEN PAZ; CHI-TOL-BIA
MILLS; DAKOTA CASE; DAKOTA FIRE
THUNDER; DEONA MCCLOUD; ERVINA
"BINAH" MCCLOUD; DILLON
WOODWARD; KEETCHUD CABACUD
KAY MILLS; MARIE FRANK IRONPIPE;
QUAL-BEET-TUB MILLS; SYKA JOHN;
YEKABOL TSA MILLS; YESMOWIT MILLS;
and DOES NO. 1-10, each in their individual
capacities,

Defendants.

This matter came before this Court on the Defendants' Motion to Dismiss ("Motion").

Having conducted a hearing on September 6, 2024, and having read and considered
Defendants' Motion, Plaintiff Wa He Lut Indian School's ("School") response to the Motion, any
materials filed in support of or in opposition to the Motion, and all other pleadings and papers filed
in the above-captioned action, this Court finds and orders the following:

I. The Motion fails to establish the Court lacks subject matter jurisdiction;

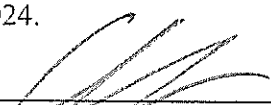
[PROPOSED] ORDER DENYING MOT. TO DISMISS - I
CASE NO. 24-2-02515-34

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- 1 2. The Motion fails to establish Defendants are immune from suit under the tribal
- 2 sovereign immunity doctrine;
- 3 3. The Motion fails to establish the School lacks standing to bring this action;
- 4 4. The Motion fails to establish the School is not the "real party in interest" in this
- 5 action;
- 6 5. The Motion fails to establish the School has otherwise failed to state a claim for
- 7 relief; and
- 8 6. Dismissal under Civil Rules 12(b)(1) or 12(b)(6) is not warranted.

9 THEREFORE, IT IS HEREBY ADJUDGED AND ORDERED that Defendants' Motion
10 is DENIED.

11 IT IS SO ORDERED this 13 day of September, 2024.



 The Honorable Chris Lanese

14 **Presented By:**
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 Gabriel S. Galanda, WSBA #30331

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