

Exhibit 5 – Order Converting TRO to Preliminary Injunction,
same case (Aug. 9, 2024)

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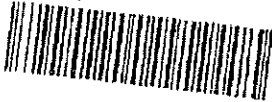
Hearing Date: 8/9/2024
Hearing Time: 9:00 a.m.
Judge/Calendar: Hon. Chris Lanese

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2024 AUG --9 AM 10:49

Linda Myhre Enlow
Thurston County Clerk

24-2-02515-34
ORPRINJ 47
Order for Permanent Injunction
17215873



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,

Plaintiff,

v.

ANZA SMITH; BEN PAZ; CHI-TOL-BIA
MILLS; CRISSY 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.

No. 24-2-02515-34

~~[PROPOSED]~~ ORDER GRANTING
THE WA HE LUT INDIAN SCHOOL'S
MOTION TO CONVERT
TEMPORARY RESTRAINING ORDER
INTO A PRELIMINARY INJUNCTION

CLERK'S ACTION REQUIRED

SCHEDULED HEARING: AUGUST 9,
2024 AT 9:00 A.M.

This matter came before the Court on Plaintiff The Wa He Lut Indian School's ("School")
Motion to Convert Temporary Restraining Order into a Preliminary Injunction ("Motion") filed
on July 31, 2024. The Court heard argument from the School on Friday, August 9, 2024, at 9:00
a.m. Having heard oral argument, and having considered the School's Motion and all other papers
filed with the Court, this Court finds and orders as follows:

~~[PROPOSED]~~ ORDER GRANTING SCHOOL'S MOTION
TO CONVERT TRO INTO PRELIMINARY INJUNCTION - 1
CASE NO. 24-2-02515-34

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I. FINDINGS

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2 1. The School possesses a clear legal or equitable right to its real and personal property
3 located on a 6.33-acre parcel at 11110 Conine Avenue SE, Olympia, WA, 98513, title to which is
4 held in fee status by the United States for the exclusive use of the School.

5 2. Defendants have no legally cognizable right to the School's real or personal
6 property or financial assets.

7 3. The School has demonstrated that Defendants have invaded its legal or equitable
8 right to its real and personal property and financial assets, and that School representatives have a
9 well-grounded fear that Defendants will continue to invade the School's legal or equitable right to
10 its real and personal property or financial assets.

11 4. The School has sustained and will continue to sustain actual, substantial harm to
12 the School's real and personal property and financial assets, and to School employees' and
13 students' significant privacy interests, if the Court does not enjoin Defendants from trespassing on
14 School property and/or converting the School's personal property or financial assets.

15 5. Based on these findings, on July 15, 2024, the Court entered a Temporary
16 Restraining Order, temporarily restraining Defendants from entering the School's real property or
17 converting its personal property or financial assets.

18 6. Pursuant to Civil Rule 5, the School served the Temporary Restraining Order on all
19 Defendants and posted it at the principal entrances to the School, including at the front gate and
20 the front entrance of the main building. After copies of the Temporary Restraining Order were
21 removed on July 16, 2024, and again on July 17, 2024, the School re-posted the Temporary
22 Restraining Order at the principal entrances to the School.

1 7. Even after the Court issued the Temporary Restraining Order on July 15, 2024,
2 Defendants continued to or attempted to occupy the School and retain the School's personal
3 property. Defendants' actions demonstrate that no amount of notice will deter them from
4 unlawfully trespassing on the School's real property, converting the School's personal property or
5 financial assets, or invading the significant privacy interests of School employees and students.

6 8. On July 26, 2024, both parties appeared at a hearing on Plaintiffs' application to
7 convert the Temporary Restraining Order into a preliminary injunction. To provide Defendants
8 with sufficient time to find legal counsel, the Court continued the preliminary injunction hearing
9 to August 9, 2024, set a preliminary injunction briefing schedule, and reissued the Temporary
10 Restraining Order, which is now set to expire on August 12, 2024.

11 9. The School served all Defendants with copies of the reissued Temporary
12 Restraining Order, this Motion, and supporting documents in accordance with Civil Rule 5. The
13 School also posted the reissued Temporary Restraining Order at the principal entrances to the
14 School.

15 10. Despite Defendants' constructive and actual notice of the reissued Temporary
16 Restraining Order and this Motion, and despite being represented by legal counsel, Defendants did
17 not timely oppose the Motion on August 5, 2024, and have not otherwise moved for dissolution or
18 modification of the reissued Temporary Restraining Order.

19 11. The School is therefore entitled to an order granting its unopposed application to
20 convert the Temporary Restraining Order issued on July 26, 2024, into a preliminary injunction,
21 thereby enjoining Defendants from entering its property and from removing or retaining the
22 School's personal property or financial assets.

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25 [PROPOSED] ORDER GRANTING SCHOOL'S MOTION
TO CONVERT TRO INTO PRELIMINARY INJUNCTION - 3
CASE NO. 24-2-02515-34

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II. PRELIMINARY INJUNCTION

Pursuant to Civil Rule 65(a) and RCW 7.40.020, it is hereby ORDERED that:

The School's application to convert the Temporary Restraining Order issued on July 26, 2024, into a Preliminary Injunction is GRANTED.

Defendants Anza Smith, Ben Paz, Chi-Tol-Bia Mills, Chrissy Mills, Dakota Case, Dakota Fire Thunder, Deona McCloud, Dillon Woodward, Ervina "Binah" McCloud, Keetchud Cabacud Kay Mills, Marie Frank Ironpipe, Qual-Beet-Tub Mills, Syka John, Yekaboltsa Mills, Yesmowit Mills, and Does Nos. 1-10 are restrained from entering the 6.33-acre parcel upon which the School sits at 11110 Conine Avenue SE, Olympia, WA, 98513.

Defendants are further restrained from removing School property from the School or retaining School property or financial assets that were already removed from the School (regardless of whether such property is in tangible, paper, or electronic form) and from interfering with the School's operations or financial assets.

The Court hereby waives the required bond pursuant to RCW 7.40.080.

This Order shall take effect immediately and shall remain in effect until further order of the Court.

DATED this 9 day of August, 2024, at 9:23 (a.m.) / p.m.

Judge Chris Lanese
Thurston County Superior Court Judge

[PROPOSED] ORDER GRANTING SCHOOL'S MOTION
TO CONVERT TRO INTO PRELIMINARY INJUNCTION - 4
CASE NO. 24-2-02515-34

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