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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRANK’S LANDING INDIAN  
COMMUNITY, *et al.*,

Plaintiffs,

v.

LINDA MYHRE ENLOW,

Defendant.

CASE NO. 3:25-cv-05929-TL

WA HE LUT INDIAN SCHOOL’S  
[PROPOSED] AMICUS BRIEF IN  
SUPPORT OF DEFENDANT ENLOW’S  
RESPONSE TO PLAINTIFFS’ MOTION  
FOR PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:  
MARCH 23, 2026

**I. INTRODUCTION**

Proposed *Amicus Curiae* Wa He Lut Indian School (“School”) urges the Court to deny Plaintiffs’ preliminary injunction motion and order Plaintiffs to show cause why this case should not be dismissed, because (a) Plaintiffs’ lack of authority vis-à-vis the purported Frank’s Landing Indian Community (“FLIC”) Council’s lack of authority to bring suit in the name of FLIC; (b) recent settlement agreements and Thurston County Superior Court dismissal orders for three Plaintiffs render their claims here moot; and (c) Plaintiffs fail to state a claim upon which relief can be granted insofar as the State of Washington possesses adjudicatory authority over the School and, therefore, the underlying Thurston County Superior Court civil action.

Plaintiffs are otherwise unworthy of this Court’s equitable intervention. Plaintiffs’ hands

1 are soiled—in fact filthy—from their physical takeover of a Native American grade school in July  
2 2024, involving broken locks, blaring security alarms, and missing property, as well as an episode  
3 of associated semi-automatic gun violence that caused Native school children to shelter-in-place  
4 and hide under their desks for twenty minutes. Tainted by their reprehensible behavior, Plaintiffs  
5 are disqualified from affirmative equitable relief. *See Precision Instrument Mfg. Co. v. Auto.Maint.*  
6 *Machinery Co.*, 324 U.S. 806, 814–15 (1945) (“[H]e who comes into equity must come with clean  
7 hands.”).

8 Plaintiffs have demonstrated a lack of both conscience and good faith throughout this  
9 controversy. Even worse, Plaintiffs have shown a propensity for violence and hostility. Plaintiffs  
10 must therefore be refused access to the federal courthouse for relief, in equity, from the Thurston  
11 County Superior Court injunction that currently prevents them from returning to the School to  
12 cause further destruction to property—or to harm those School employees who work there and the  
13 Native children who go to school there.

## 14 II. DISCLOSURE STATEMENTS

15 The School hereby certifies that it is a Washington nonprofit, nongovernmental  
16 corporation, it has no parent corporation, and no publicly held corporation owns 10% or more of  
17 its stock. *See* LCR 7(o)(4) (incorporating Fed. R. App. P. 29(a)(4)(A)); *see also* Fed. R. Civ. P.  
18 26.1.

19 The School’s counsel represents the School Board Chairman, Willie Frank III, and the  
20 Superintendent and Principal, Harvey Whitford. The School certifies that no party’s counsel  
21 authored this brief, in whole or in part; no party’s counsel contributed money that was intended to  
22 fund preparing or submitting this brief; and, other than the School or its counsel, no person  
23 contributed money that was intended to fund preparing or submitting this brief. *See* LCR 7(o)(4)  
24 (incorporating Fed. R. App. P. 29(a)(4)(E)).

### III. IDENTITY AND INTEREST OF *AMICUS CURIAE*

The School was founded in 1974 to ensure Native American children would get the education promised in the Medicine Creek Treaty and is organized as a Washington nonprofit corporation. The potential grant of a preliminary injunction in Plaintiffs' favor has far-reaching consequences for the School's interests as a Native American grade school. To protect the School's interests and to present its unique history and legal status, and because the School's position is not adequately represented by Defendant Court Clerk Myhre Enlow, the School respectfully asks the Court to grant it leave to file this brief in support of Defendant Enlow's opposition to Plaintiffs' preliminary injunction motion. *See* LCR 7(o)(4) (incorporating Fed. R. App. P. 29(a)(4)(D)).

### IV. BACKGROUND

#### 1. Factual Background

As alleged in the School's operative Thurston County Superior Court complaint, the Third Amended Complaint (Dkt.# 1-6) ("Superior Court Action"), the School was founded by FLIC members in 1974 to ensure that Native American children would get the education promised in the Medicine Creek Treaty. *Id.*, ¶¶ 7–8. The School sits on a 6.33-acre parcel of fee land in Thurston County, originally acquired in 1918 by Willy Frank, a member of the Nisqually Tribe. *Id.*, ¶ 8. In 1942, that tract was condemned by the United States for Fort Lewis Army Base. Declaration of Gabriel S. Galanda ("Galanda Decl."), Ex. 1

In 1976, the School entered into a funding agreement with the U.S. Bureau of Indian Education ("BIE"), and the School remains under contract with the BIE. *Id.*, ¶ 9; Dkt.# 1-30. The School currently enrolls an average of 145 students, grades K–8, from more than 25 different Indian Tribes. Dkt.# 1-6, ¶ 15.

In 1980, Congress transferred title to the 6.33-acre parcel in "fee" status to "the Secretary of Interior for the Wa-He-Lute Indian School for its use as an Indian school and community center

1 for education or cultural purposes” (“Secretarial Fee Parcel”). Dkt.# 1-23 (Pub. L. No. 96-277,  
2 § 5(a), 94 Stat. 546 (June 17, 1980)); Galanda Decl., Ex. 2 (U.S. Department of the Interior Title  
3 Status Report). Congress provided that if the Secretarial Fee Parcel ceases to be used for the  
4 School, title will “be taken in trust for the benefit of Willy Frank [more commonly known as Billy  
5 Frank, Jr.] . . . or his heirs.” *Id.*<sup>1</sup> In addition to the 6.33-acre parcel, the School holds title to four  
6 contiguous parcels, also in fee status. *Id.*; see *Wa He Lut Indian School v. Smith*, No. 3:24-cv-5796  
7 (W.D. Wash.), Dkt.# 9-4.

8 The School’s fee lands, including the Secretarial Fee Parcel, are indisputably not subject  
9 to the jurisdiction of any Tribal nation. *Cf. Nisqually Indian Tribe v. Gregoire*, 623 F.3d 923, 927  
10 (9th Cir. 2010) (“Frank’s Landing is a geographic location . . . [not] located on the Nisqually or  
11 Squaxin Island Reservations.”); see also *Frank’s Landing Indian Community v. Nat’l Indian*  
12 *Gaming Com’n*, 918 F.3d 610, 614 (9th Cir. 2019). According to recent guidance from the U.S.  
13 Department of the Interior, the Secretarial Fee Parcel on which the School sits instead “likely  
14 constitutes a federal enclave **over which Washington State exercises civil and criminal**  
15 **jurisdiction.**” Galanda Decl., Ex. 1 (emphasis added); see *id.* (“The tract’s subsequent change in  
16 use [from U.S. military to] educational purposes likely revested the State’s concurrent  
17 jurisdiction.”); see *Howard v. Commissioners*, 344 U.S. 624, 626 (1953) (allowing state civil  
18 regulatory power over “the federal area within its boundaries, so long as there is no interference  
19 with the jurisdiction asserted by the Federal Government”).

20 In 1987, several years after Congress transferred the 6.33-acre tract to the U.S. Secretary  
21 of Interior for the School’s exclusive use, Congress formally recognized FLIC as a “self-governing  
22 dependent Indian community that is not subject to the jurisdiction of any federally recognized  
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24 \_\_\_\_\_  
25 <sup>1</sup> Again, the School’s counsel represents Willy Frank Sr.’s heir, Willie Frank III, the School’s current School Board  
Chairman.

1 tribe,” which is “eligible to contract, and to receive grants, under the Indian Self-Determination  
2 and Education Assistance Act” (“ISDEAA”). Dkt.# 1-24 (Pub. L. No. 100-153, 101 Stat. 886  
3 (Nov. 5, 1987), *as amended by* Pub. L. No. 103-435, 108 Stat. 4566 (Nov. 2, 1994)). FLIC, itself,  
4 is indisputably “not a federally recognized tribe.” *Gregoire*, 623 F.3d at 927; *see also Frank’s*  
5 *Landing Indian Community*, 918 F.3d at 614 (the Frank’s Landing Indian Community “concedes  
6 that it has not been federally recognized”).

7 In 2007, the Wa he lut School Board of Directors appointed Harvey Whitford to serve as  
8 Superintendent and Principal of the School. Dkt.# 1-6, ¶ 12. Also in 2007, the Community adopted  
9 the Constitution of Frank’s Landing Indian Community. *Id.* ¶ 13; *see* Dkt.# 1-28.

10 In 2017, the School entered a State-Tribal Education Compact with the Washington State  
11 Superintendent of Public Instruction (“OSPI”) pursuant to chapter 28A.715 RCW, and the School  
12 remains under OSPI regulation today. Dkt.# 1-6, ¶ 14.

13 Leading up to March 2022, the following FLIC members held the five appointed FLIC  
14 Community Council seats: Willie Frank III, Plaintiff Yekaboltsa Mills, Wetekosh Mills, Spap  
15 Gottfriedson, and Adochas Gottfriedson. *Id.* ¶ 22; *see* Dkt.# 1-28 (Const. Art. VII, § 1). But on  
16 March 17, 2022, two FLIC members who were not on the FLIC Council, Plaintiff Clarence Sidney  
17 “Sid” Mills and Suzette Mills, issued a purported “Executive Order” to appoint four of their  
18 children and grandchildren to the FLIC Council. Dkt.# 1-7. They appointed five FLIC members  
19 as new Councilmembers: Plaintiffs Yesmowit Mills and Keetchud’Cabacud Kay Mills (their  
20 children), Qual-Beet-Tub Mills and Chi-Tol-Bia Mills (grandchildren), and Marie Frank Ironpipe.  
21 *Id.* They did so without consensus or approval by (or notice to) the sitting Councilmembers. Dkt.#  
22 1-6 ¶ 23; Dkt.# 1-28 (Const. Art. VII, § 4) (requiring any sitting Councilmember to “select a  
23 successor by consensus” or “designate their own successor prior to departure”). The purported  
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1 “Executive Order” FLIC Council has never been recognized as valid by the Federal Government.  
2 *See* Dkt.# 1-30 at 3, n.6.

3       Leading up to their purported appointment on FLIC pursuant to this unconstitutional  
4 “Executive Order,” Plaintiffs illegally operated that marijuana retail operation within 1,000 feet of  
5 the School. Dkt.# 1-6, ¶¶ 26–32; Dkt.# 1-7 at 4. They did so without a compact with the State of  
6 Washington through approximately June 2024, even after the state seized cannabis products, three  
7 firearms, and cash from them in August 2023. *Id.* Plaintiffs did not (and could not) contest  
8 Washington’s assertion of criminal investigatory jurisdiction over the operation or allotment. *See*  
9 RCW 37.12.010; *see, e.g., State v. Cooper*, 928 P.2d 406, 408 (Wash. 1996) (“Washington  
10 assumed full nonconsensual civil and criminal jurisdiction over all Indian country outside  
11 established Indian reservations.”). After Plaintiffs closed down their illegal operation, they set their  
12 sights on controlling the School as a new source of revenue. Dkt.# 1-6, ¶ 33.

13       On June 20, 2024, Plaintiffs Yesmowit Mills, Qual-Beet-Tub Mills, Chi-Tol-Bia Mills,  
14 Keetchud’Cabacud Kay Mills, and Marie Frank Ironpipe drafted a series of purported FLIC  
15 Resolutions, including Resolution No. 200-001 to “terminate[] Mr. Harvey Whitford as  
16 Superintendent of Wa He Lut Indian School effective immediately”; and Resolution No. 200-002  
17 to “dissolve[] the School Board of the Wa He Lut Indian School effective immediately.” *Id.*, ¶ 34.  
18 In response, the School demanded Plaintiffs “cease and desist from taking any further action to  
19 jeopardize the School’s educational mission or operations”; it also cautioned Plaintiffs: “Anyone  
20 who steps foot on Wa He Lut Indian School . . . grounds without permission or to cause trouble  
21 will be subject to trespass.” *Id.*, ¶ 36.

22       The School closed from July 2 to 6, 2024, because Superintendent Whitford was concerned  
23 that Plaintiffs would threaten the safety of School employees (as students were out for the  
24 summer). Dkt.# 1-6, ¶¶ 37–39.

1 As anticipated, on or around July 8, 2024, Plaintiffs cut the padlock securing the front gate  
2 of the School, replaced it with Plaintiffs’ own padlock, and posted on the gate a purported “No  
3 Trespass Order” against Superintendent Whitford. *Id.*, ¶ 39. Plaintiffs entered the School’s  
4 property through the front gate and broke into the School building, triggering the School’s security  
5 alarm system. *Id.* ¶ 40. Plaintiffs then continued to trespass on School property, hacked into and  
6 disabled the School’s security system, and unlawfully accessed the School’s computers and IT  
7 systems containing confidential information about students and staff—prompting state police  
8 intervention. *Id.*, ¶ 41.

9 On July 9, 2024, after Superintendent Whitford and other School employees attempted to  
10 enter the School and secure School records, Plaintiffs arrived at the School’s front gate and, at one  
11 point, an unknown Defendant told a School employee: “I’m going to bury you.” *Id.*, ¶¶ 42–43.  
12 Plaintiffs blocked the front gate of the School and attempted to prevent School employees from  
13 leaving until they could “search” all School employees; School employees were forced to flee  
14 through the School’s back entrance. *Id.*, ¶ 43.

15 Until about July 16, 2024, Plaintiffs continued to occupy the School building and premises,  
16 24 hours per day. *Id.*, ¶¶ 44–45. Plaintiffs withdrew from School premises on or around July 16,  
17 only after the Thurston County Superior Court issued a Temporary Restraining Order (“TRO”)  
18 prohibiting Plaintiffs from entering the property on July 15. *See* Dkt.# 1-8.

19 On August 2, 2024, Plaintiff Qual-Beet-Tub Mills resigned from the FLIC Community  
20 Council. Galanda Decl., Ex. 3. He was purportedly replaced by Plaintiff Yekaboltza Mills (who  
21 was properly on the FLIC Council as of March 2022). Dkt.# 1, ¶ 17. That same day, the BIE issued  
22 a letter to the School regarding Plaintiffs’ “trespass, vandalism, and threats of violence,” as alleged  
23 by the School in the Superior Court Action. Dkt.# 1-30, 3 n.6. The BIE said it was “concerned  
24 about the safety of students and federal resources at Wa He Lut.” *Id.*

1 On October 9, 2024, School students and staff went into lockdown and called 911 after  
2 hearing automatic and semi-automatic gunfire (among other gunfire) being fired, which lasted  
3 about 20 minutes. Dkt.# 1-6 ¶¶ 53–54. Plaintiffs Keetchud Cabachud Kay Mills and/or Yekaboltsa  
4 Mills reside at the property from which weapons were fired. *Id.* Several Thurston County law  
5 enforcement officers were deployed to the School. *Id.* ¶¶ 54–55 (photos). The Native grade school  
6 students hid under their desks until state law enforcement cleared the scene. *Id.* (photos).

7 On May 19, 2025, the Interior Department issued a letter recognizing Willie Frank III, as  
8 the Chairman of the Wa He Lut Indian School Board. Galanda Decl., Ex. 1.

9 On June 4, 2025, Plaintiffs Yesmowit Mills, Chi-Tol-Bia Mills, Keetchud’Cabacud Kay  
10 Mills, Marie Frank Ironpipe, and Yekaboltsa Mills (“Purported FLIC Council”), purportedly  
11 passed FLIC Resolution No. 200-007, “authorizing this federal suit,” *Frank’s Landing Indian*  
12 *Community v. Enlow*, No. 3-25-cv-05929-TL (W.D. Wash.). Dkt.# 1 ¶ 18; *see also* Dkt.# 1-3. The  
13 Federal Government has never, even tacitly, recognized the Purported FLIC Council’s authority  
14 to act on behalf of FLIC. *See* Dkt.# 1-30, 3 n.6.

## 15 **2. Procedural Background**

16 On July 12, 2024, four days after Plaintiffs physically invaded the School, the School filed  
17 the Superior Court Action, asserting state-law claims for trespass, conversion, civil criminal  
18 profiteering, and injunctive relief, along with a TRO motion. *See* Dkt.# 1-4. The Thurston County  
19 Superior Court granted the TRO on July 15, and it converted it into a preliminary injunction on  
20 August 9, 2024. Dkt.# 1-8. The injunction “remain[s] in effect” today. *Id.*

21 On July 17, Plaintiff Keetchud Cabachud K. Mills petitioned the Thurston County District  
22 Court for a state anti-harassment protection order against Superintendent Whitford, based on  
23 alleged events occurring on the School’s land on July 9. *See Wa He Lut Indian School v. Smith*  
24 (W.D. Wash.), Dkt.# 9 ¶ 4. The state court denied Plaintiff Mills’s petition on August 13, finding

1 (a) there was not “any assault, attempt of assault, threat of harm, harassment, or any other improper  
2 act by Harvey Whitford to [Plaintiff] Mills on or about July 9, 2024”; (b) “Mr. Whitford was  
3 fleeing from a potentially dangerous situation at the school” on July 9”; and (c) “[t]he court is  
4 concerned that this may be a **retaliatory filing**.” *Id.*, Dkt.# 9-2 (emphasis added).

5 On August 23, Plaintiffs filed in the Superior Court a motion to dismiss and a motion to  
6 dissolve the state court’s preliminary injunction. *Wa He Lut Indian School v. Smith*, Dkt.# 1-1 at  
7 10. The state court denied all of Plaintiffs’ motions, finding:

- 8 • Plaintiffs “fail[ed] to establish the [state court] lacked subject matter  
9 jurisdiction”;
- 10 • Plaintiffs “fail[ed] to establish [they] are immunity from suit under the tribal  
11 sovereign immunity defense”;
- 12 • Plaintiffs “fail[ed] to establish the School lacks standing to bring this action”;
- 13 • Plaintiffs “fail[ed] to establish the School is not the ‘real party in interest’ in this  
14 action”; and
- 15 • Plaintiffs “fail[ed] to establish the School has otherwise failed to state a claim  
16 for relief.”

17 *Id.*, Dkt.# 1-1 at 130–31. At the hearing on September 13, 2024, **Plaintiffs’ counsel represented**  
18 **that she did not believe federal courts had jurisdiction over this case.** *Id.*, Dkt.# 9 ¶ 9.

19 About a week later, on September 20, Plaintiffs filed the Notice of Removal of the Superior  
20 Court Action to this Court, in an apparent attempt to relitigate factual and legal issues already  
21 decided by the Superior Court. *Wa He Lut Indian School v. Smith*, Dkt.# 1-1 at 130–31. On  
22 November 19, U.S. District Court Judge Benjamin J. Settle granted the School’s motion to remand  
23 in *Wa He Lut Indian School v. Smith*, Dkt.# 22, concluding Plaintiffs waived their right to remand  
24 the case and that the School’s complaint did not present a federal question on its face. *Id.* The  
25 action was remanded to the Superior Court.

1 On January 22, 2025, Plaintiffs filed a summary judgment motion in the Superior Court  
2 Action, seeking to re-litigate the jurisdictional and other threshold issues already rejected by the  
3 Superior Court and this Court. Galanda Decl., Ex. 4. The Superior Court denied Plaintiffs’  
4 summary judgment motion on February 20, ruling: “The Court has already concluded that it has  
5 jurisdiction and [the School has] standing/legal capacity to bring this action. . . . [T]he reasons for  
6 the original rulings still stand.” *Id.*, Ex. 5.

7 On March 3, Plaintiffs sought reconsideration of the Superior Court’s Order denying them  
8 summary judgment, once again seeking to re-litigate the jurisdictional and other threshold issues  
9 already rejected by the Superior Court as well as this Court. *Id.*, Ex. 6. The Superior Court denied  
10 Plaintiffs’ reconsideration request and advised Plaintiffs they would be subject to sanctions  
11 “should they continue to file motions premised on already-rejected arguments.” *Id.*, Ex. 7; Dkt.#  
12 1-14.

13 On October 17, 2025, Plaintiffs filed this action. As Defendant Enlow correctly observes,  
14 Plaintiffs’ second federal action arising from their 2024 takeover of the School is simply their very  
15 latest attempt “to relitigate their previously unsuccessful arguments, made in both state and federal  
16 courts, asserting that the Thurston County Superior Court lacks subject matter jurisdiction to hear  
17 a dispute between the . . . School and certain individuals affiliated with the Frank’s Landing Indian  
18 Community.” Dkt.# 22.

19 On November 17, Plaintiffs Keetchud Cabachud Kay Mills, Binah McCloud, and Marie  
20 Frank Ironpipe filed motions in the Superior Court Action to stay their depositions, each citing  
21 “ongoing jurisdictional concerns involving Indian Country.” Galanda Decl., Exs. 8–10. In  
22 contravention of the Superior Court’s March 20, 2025, warning, Plaintiffs made an “already-  
23 rejected” challenge to state court’s jurisdiction for the **seventh** time. The court denied Plaintiffs’  
24 motion on December 11, 2025. *Id.*, Ex. 11.

1 Plaintiffs have been unbelievably hostile to the School and its counsel over the past year  
2 and a half of litigation. During a routine discovery conference on February 9, 2026, for example,  
3 Plaintiff Yesmowit Mills made a profane, threatening attack against the School and its counsel.  
4 *See id.* at ¶13; *id.*, Ex. 12 (“**You’re gonna find out all the fucking truth . . . fuckers . . . Fuck**  
5 **you . . . Fuck you . . . Motherfucker.**”) (emphasis added). For the safety of the School and its  
6 children, Plaintiffs must remain subject to the Superior Court’s August 9, 2024 preliminary  
7 injunction Order through any trial in that matter. Dkt.# 1-8.

8 **V. ARGUMENT**

9 **1. The Purported FLIC Council Lacks Authority to Bring Suit.**

10 The Purported FLIC Council lacks authority to file this lawsuit in the name of, and on  
11 behalf of, FLIC. Only Plaintiff Yekaboltsa Mills, who was on the FLIC Council prior to March  
12 17, 2022, properly serves on the FLIC Council. Plaintiffs Yesmowit Mills, Chi-Tol-Bia Mills,  
13 Keetchud’Cabacud Kay Mills, and Marie Frank Ironpipe were never constitutionally appointed to  
14 the FLIC Council by “Executive Order” because it was without consensus or approval by (or even  
15 notice to) the then sitting Councilmembers in violation of Article VII, Section 4 of the FLIC  
16 Council. Dkt.# 1-7; Dkt.# 1-28.

17 While FLIC is not a Tribal nation (*Gregoire*, 623 F.3d at 927; *Frank’s Landing Indian*  
18 *Community*, 918 F.3d at 614), cases involving Tribal nations and members provide a helpful  
19 analogue: Tribal members who are not a Tribal nation’s official representatives may not assert  
20 claims in the name of that Tribe. *See Hackford v. Babbitt*, 14 F.3d 1457, 1466 (10th Cir. 1994).  
21 Where a case is captioned in a Tribal nation’s name, the suit cannot be maintained if the plaintiff  
22 “has no authority to act for the [Tribe] and bring suits in its name.” *Cherokee Nation v. United*  
23 *States*, 80 Ct. Cl. 1, 3 (1932); *see generally Warth v. Seldin*, 422 U.S. 490, 498–99 (1975) (a  
24 “plaintiff generally must assert his own legal rights and interests, and cannot rest his claim to relief  
25

1 on the legal rights or interests of third parties”).

2 In *The Nooksack Indian Tribe v. Zinke*, No. C17-0219-JCC, 2017 WL 1957076 (W.D.  
3 Wash May 11, 2017), this Court granted a motion to dismiss a suit brought against the United  
4 States by a holdover Nooksack Tribal Council “in the name of, and on behalf of, the Nooksack  
5 Indian Tribe.” *Id.* at \*4–6. As U.S. District Court Judge John C. Coughenour explained:

6 The dispute is whether the group representing itself as the Tribe, the holdover  
7 Council, is *authorized* to initiate the action on behalf of the Tribe. “Though not a  
8 question of constitutional standing, that issue nonetheless implicates the subject  
9 matter jurisdiction of this Court.”

10 *Id.* (citation omitted); *see also Cloverdale Rancheria of Pomo Indians of Cal. v. Jewell*, 593 F.  
11 App’x 606, 609 (9th Cir. 2014) (where plaintiffs were five members of a Tribe seeking recognition  
12 as the Tribe’s leadership, court concluded plaintiffs were “not entitled to act on behalf of a  
13 federally recognized ‘Indian tribe’ . . . because they [were] not the Tribe’s recognized governing  
14 body”).

15 Likewise here, five individual members of FLIC are not entitled to act on behalf of FLIC’s  
16 governing body because they were never properly appointed to serve in accordance with the FLIC  
17 Constitution. *See* Dkt.# 1-28. Plaintiffs lack authority to bring this action in the name of FLIC.

18 **2. Three Plaintiffs’ Claims Are Now Moot.**

19 The School recently entered into a Settlement Agreement and Mutual Release with each of  
20 Plaintiffs Qual-Beet-Tub Mills, Dakota Case, and Dillon Woodward.<sup>2</sup> Galanda Decl., Exs. 13–15  
21 On March 12, 2026, a result of those settlement agreements, the Superior Court dismissed the  
22 School’s state-law claims against three Plaintiffs from the Superior Court Action *with prejudice*.

23 *Id.*, Ex. 16. As such, Plaintiffs’ claim for “preliminary and permanent injunctive relief prohibiting

24 <sup>2</sup> Under each settlement agreement, each Plaintiff, among other things acknowledges and agrees that (a) the purported  
25 FLIC Councilmembers, Plaintiffs in this action, “were [n]ever lawfully appointed to the [FLIC] Council and (b) “the  
purported [FLIC] Council ‘Executive Order’ dated on or around March 17, 2022 is null and void.” Galanda Decl.,  
Exs. 13-15 ¶ 5.

1 [her] . . . from performing any ministerial or enforcement acts in connection with” the Superior  
2 Court Action, is moot. Dkt.# 1 ¶ 70.

3           There is no longer any “live” case or controversy between those three Plaintiffs and the  
4 School for purposes of Article III. *Already v. Nike*, 568 U.S. 85, 91 (2013) (“A case becomes . . .  
5 when the issues presented are no longer ‘live’”) (citation omitted); *Lewis v. Cont’l Bank Corp.*,  
6 494 U.S. 472, 479 (1990) (holding that a party must have “a specific live grievance . . . and not  
7 just an abstract disagreement.”). “If an event occurs that prevents the court from granting relief,  
8 the claim is moot and must be dismissed.” *Grand Canyon Tr. v. U.S. Bureau of Reclamation*, 691  
9 F.3d 1008, 1016–17 (9th Cir. 2012). Here, the Superior Court’s dismissal, with prejudice, of the  
10 School’s state-law claims for trespass, conversion, and injunctive relief against those three  
11 Plaintiffs prevents them from injunctive relief here.

12 **3. The State of Washington Possesses Adjudicatory Jurisdiction.**

13           Plaintiffs fail to state a claim against Defendant Enlow upon which relief can be granted.  
14 Fed. R. Civ. P. 12(b)(6). Specifically, Plaintiffs fail to state any viable claim that the Superior  
15 Court has improperly asserted civil jurisdiction over the School’s state-law claims against  
16 Plaintiffs such that Defendant Enlow should be prevented from doing any part of her ministerial  
17 duties. *See id.*; Dkt.#1. That is because the Secretarial Fee Parcel is subject to the State of  
18 Washington’s civil adjudicatory jurisdiction.

19           Attempting to (again) manufacture federal-question jurisdiction, Plaintiffs feign that the  
20 Secretarial Fee Parcel “qualifies as ‘Indian country.’” Dkt.# 1 ¶¶ 7-8. It is not. Plaintiffs abandoned  
21 their previous claim to this Court that the Secretarial Fee Parcel is in “trust” but holds fast to their  
22 claim that the tract sits within “Indian country.” *Compare id.*, with *Wa He Lut Indian School v.*  
23 *Smith*, Dkt.# 1 at 3–5. But even if the Secretarial Fee Parcel constitutes off-reservation “Indian  
24 lands” or “Indian country” under 18 U.S.C. § 1151 (it does not), the Superior Court is not deprived  
25

1 of jurisdiction over the School’s state-law claims. *See* Galanda Decl., Ex. 1; RCW 37.12.010;  
 2 *Cooper*, 928 P.2d at 408.

3 Washington state courts enjoy civil (and criminal) adjudicatory authority over the  
 4 Secretarial Fee Parcel and, therefore, the underlying Superior Court Action. As the Interior  
 5 Department recently explained, the Secretarial Fee Parcel “likely constitutes a federal enclave **over**  
 6 **which Washington State exercises civil . . . jurisdiction.**” Galanda Decl., Ex. 1 (emphasis  
 7 added). Indeed, and as the Superior Court already concluded, Washington exercises broad  
 8 jurisdiction, both legislative and adjudicatory jurisdiction, over the Secretarial Fee Parcel under  
 9 Article IV, § 6 of the Washington Constitution, which provides that state courts “shall . . . have  
 10 original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by  
 11 law vested exclusively in some other court.” *Wa He Lut Indian School v. Smith*, Dkt.# 1-1 at 130.

12 The Secretarial Fee Parcel is not “Indian country” within the meaning of 18 U.S.C § 1151  
 13 because the land does not constitute a “dependent Indian communit[y].” *Id.* Before land may be  
 14 considered a “dependent Indian community,” the Court would need to find that (1) the land was  
 15 “set aside for the use of Natives as such” and (2) the “Natives [are] ‘under the superintendence of  
 16 the federal government.” *Alyeska Pipeline Serv. Co. v. Kluti Kaah Native Vill. Of Copper Ctr.*, 101  
 17 F.3d 610, 613 (9th Cir. 1996). Here, the Secretarial Fee Parcel was unmistakably set aside for the  
 18 use of the “Wa-He-Lut Indian School”—*not* FLIC or its members.<sup>3</sup> *See* Pub. L. No. 96-277, § 5;  
 19 *see Alyeska Pipeline*, 101 F.3d at 613 (concluding the land in dispute was not a “dependent Indian  
 20 community” because was not “set aside for the Natives as such”).

21 Assuming, *arguendo*, the Secretarial Fee Parcel constitutes off-reservation “Indian  
 22 country,” Congress further authorized Washington courts to exercise concurrent jurisdiction over  
 23

24 \_\_\_\_\_  
 25 <sup>3</sup> FLIC was not recognized as a “self-governing dependent Indian community . . . eligible to contract, and to receive grants” under ISDEAA,” until seven years after the Secretarial Fee Parcel was set aside for *the School*. Dkt.# 1-24.

1 the parcel by passing Public Law 280. *See* Pub. L. 83-280, 67 Stat. 588, §§ 6–7 (1953) (codified  
2 at 28 U.S.C. § 1360). Since at least 1963, Washington has regularly exercised civil jurisdiction  
3 over “Indians and Indian territory, reservations, country and lands within this state in accordance  
4 with the consent of the United States” pursuant to Public Law 280. RCW 37.12.010; *Cooper*, 928  
5 P.2d at 408. Indeed, in 1994, when recognizing FLIC’s federal contracting eligibility, Congress  
6 expressly clarified the federal statute could not “be construed to alter or affect the jurisdiction of  
7 the State of Washington under [Public Law 280].” Dkt.# 1-24 (Pub. L. No. 103-435, § 8). FLIC is  
8 best understood as “a geographic location” beyond any Indian reservation or the jurisdiction of  
9 any Tribal nation and therefore subject to state adjudicatory jurisdiction. *Id.*; *Gregoire*, 623 F.3d  
10 at 927; Galanda Decl., Ex. 1; Wash. Const., art. IV, § 6.

11 In other words, **whether the parcel is a federal enclave (it is) or “Indian country” (it is**  
12 **not), the state of Washington possesses civil adjudicatory jurisdiction over the Secretarial**  
13 **Fee Parcel.** *Compare id., with* Galanda Decl., Ex. 1. The Superior Court’s assertion of civil  
14 jurisdiction over the School’s state-law claims against Plaintiffs is proper.

15 **VI. CONCLUSION**

16 This Court should refuse to allow itself to be made “the abetter of iniquity” by granting  
17 Plaintiffs any relief, particularly an injunction against Defendant Court Clerk Enlow. *Precision*  
18 *Instrument*, 324 U.S. at 814 (citation omitted). For the aforementioned reasons, the Court should  
19 not only deny Plaintiffs’ preliminary injunction motion, but also order Plaintiffs to show cause  
20 why this case should not be dismissed.

21 DATED this 16th day of March, 2026.

22 GALANDA BROADMAN, PLLC

23 *s/Gabriel S. Galanda*

Gabriel S. Galanda, WSBA #30331

24 *s/Shelby R. Stoner*

Shelby R. Stoner, WSBA #52837

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I certify this memorandum contains 4,650 words in compliance with the Local Civil Rules.