

**IN THE DISTRICT COURT OF OKFUSKEE COUNTY**  
**STATE OF OKLAHOMA**

**THLOPTHLOCCO TRIBAL TOWN, a** )  
federally recognized Indian Tribe, )  
 )  
**Plaintiff,** )

v. )

**NO. CJ-2025-79**

**(GROUP 1) BRENT SMITH, TIM CHEEK,** )  
**COLE TRICKEY, TIM WOLF,** )  
**MIRANDA KELOUGH, DAVID HANEY,** )  
**MIKE HARJOCHEE, and other unknown** )  
individuals acting in concert and joint )  
participation with Group 1 Defendants; )

**and,** )

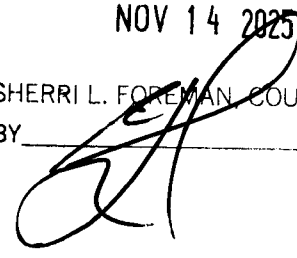
**(GROUP 2) NATHAN ANDERSON,** )  
**RYAN HERROD, WESLEY MONTEMAYOR,** )  
**LEYAHNA HICKS, MALINDA NOON,** )  
**INDA MCGRIT, JASON SAWYER,** )  
**JOYCE NOON, SUMMER BARNES,** )  
**LEEANNA TOMAH, and other unknown** )  
individuals acting in concert and joint participation )  
with Group 2 Defendants, )

**Defendants.** )

**FILED**  
IN DISTRICT COURT  
OKFUSKEE COUNTY, OKLA.

NOV 14 2025

SHERRI L. FOREMAN, COURT CLERK  
BY \_\_\_\_\_ DEPUTY



**AMENDED SPECIAL APPEARANCE ON BEHALF OF DEFENDANTS’  
(GROUP 2) EMERGENCY MOTION TO STAY TEMPORARY  
RESTRAINING ORDER PENDING RESOLUTION OF SPECIAL  
APPEARANCE AND MOTION TO DISMISS FOR LACK OF SUBJECT-  
MATTER JURISDICTION (Special Appearance – Objection to Jurisdiction)**

COME NOW, Jon Velie, specially appearing for the purpose of objecting to the subject-matter jurisdiction on behalf of the Group 2 Defendants (Nathan Anderson, Ryan Herrod, Wesley Montemayor, Leyahna Hicks, Malinda Noon, Inda McGrit, Jason Sawyer, Joyce Noon, Summer

Barnes, Leeanna Tomah, and all others acting in concert), by and through undersigned counsel, and pursuant to 12 O.S. §§ 993(A)(2), 990.4, 990.5, and the inherent authority of this Court, respectfully move this Court for an immediate stay of the Temporary Restraining Order entered in this cause on or about October 27, 2025, pending full briefing and hearing on Defendants' Special Appearance and Motion to Dismiss for Lack of Subject-Matter Jurisdiction filed November 11, 2025. In support thereof, Defendants state:

### **I. INTRODUCTION**

1. This case presents a pure intra-tribal leadership dispute within Thlopthlocco Tribal Town ("TTT"), a federally recognized sovereign Indian Tribe. The underlying claims concern who constitutes the lawful governing body of TTT, the interpretation and enforcement of TTT's 1938 Constitution, and control over tribal government operations that occur exclusively on federal trust land.
2. On November 11, 2025, Group 2 Defendants entered a special appearance and moved to dismiss the entire action for lack of subject-matter jurisdiction under well-established principles of federal Indian law, tribal sovereignty, and the infringement doctrine.
3. Despite the filing of that jurisdictional challenge, Plaintiff obtained an ex parte Temporary Restraining Order that directly interferes with the internal governance of a federally recognized Tribe and with federal recognition processes currently underway (including control of TTT's System for Award Management (SAM.gov) account and federal funding).

4. Enforcement of the TRO will cause immediate and irreparable injury to the sovereign rights of Thlopthlocco Tribal Town and to the federal government's ongoing recognition of the duly elected Anderson Administration.

## **II. LEGAL STANDARD FOR STAY OF A TEMPORARY INJUNCTION**

5. This Court retains jurisdiction and discretion to stay its own temporary injunction pending resolution of a challenge to subject-matter jurisdiction. See *Lucky Duck Drilling, LLC v. American Oil for Americans, LP*, 2019 OK CIV APP 32, 443 P.3d 1144; *General Motors Corp. v. Cook*, 1974 OK 144, 528 P.2d 1110.
6. A stay is particularly appropriate where enforcement of the injunction would alter the status quo in a case where the Court's very jurisdiction to act is seriously in doubt and where irreparable harm will result absent a stay.

## **III. DEFENDANTS SATISFY EVERY FACTOR WARRANTING AN IMMEDIATE STAY**

### **A. Strong Likelihood of Success on the Merits**

7. As detailed in the Special Appearance and Motion to Dismiss filed November 11, 2025 (incorporated herein by reference), Oklahoma state courts categorically lack subject-matter jurisdiction over:
  - A. Intra-tribal governance and leadership disputes of a federally recognized Tribe, *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978); *Cayuga Nation v. Campbell*, 34 N.Y.3d 282 (2019);

- B. Civil disputes arising on federal trust land in Indian Country, *Williams v. Lee*, 358 U.S. 217 (1959); *Montana v. United States*, 450 U.S. 544 (1981);
- C. Disputes in which the State of Oklahoma is not a Public Law 280 jurisdiction for civil adjudicatory matters, 18 U.S.C. § 1162; *Bryan v. Itasca County*, 426 U.S. 373 (1976).
8. The Tenth Circuit has already recognized Thlopthlocco Tribal Town's sovereignty in a prior phase of this same leadership dispute and dismissed state and federal court interference. See *Thlopthlocco Tribal Town v. Stidham*, 762 F.3d 1226 (10th Cir. 2014).
9. Federal recognition via the SAM.gov portal — the federal government's sole mechanism for distributing funds to tribal governments — has been transferred to the Anderson Administration elected February 22, 2025. This constitutes binding federal acknowledgment of Defendants as the legitimate government under Cayuga Nation and related precedents.
10. The purported Plaintiff faction has not been elected in accordance with the TTT Constitution in over 18 years and lacks authority to waive tribal sovereign immunity or to bring this action on behalf of the Tribe.
11. Defendants are overwhelmingly likely to prevail on their jurisdictional challenge.

**B. Irreparable Harm to Movants Absent a Stay**

12. Continued enforcement of the TRO directly interferes with the sovereign governmental operations of a federally recognized Indian Tribe, an injury that is per se irreparable. See *Prairie Band Potawatomi Nation v. Wagnon*, 402 F.3d 1015, 1031 (10th Cir. 2005).

13. It risks permanent disruption of federal–tribal funding relationships and ongoing federal recognition processes, including a forensic audit and fraud investigation currently underway with the Federal Service Desk regarding the SAM.gov account.
14. It threatens to disenfranchise the tribal membership who participated in the February 22, 2025, constitutional election.

#### **C. No Substantial Harm to Plaintiff**

15. Plaintiff will suffer no cognizable harm from preserving the status quo that existed immediately prior to the TRO — a status quo in which the federally recognized Anderson Administration was recognized by the federal government through the SAMs account for federal funding.

#### **D. The Public Interest Strongly Favors a Stay**

16. The public interest, and the expressed policy of both the United States and the State of Oklahoma, is to respect and protect tribal sovereignty and to avoid state court intrusion into internal tribal affairs absent clear congressional authorization (which does not exist here).

### **IV. CONCLUSION AND PRAYER**

For the foregoing reasons, Group 2 Defendants respectfully request that this Court immediately stay the Temporary Restraining Order entered in this cause, and any further proceedings, pending full briefing and an evidentiary hearing on Defendants' Special Appearance and Motion to Dismiss for Lack of Subject-Matter Jurisdiction. Defendants further request that the

stay remain in effect until such time as this Court enters a final order determining that it possesses subject-matter jurisdiction (or, in the absence of such a finding, until the case is dismissed).

Respectfully submitted,

**Velie Law Firm**

By: /s/ Jon Velie

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**Attorney for Defendants**

**Group 2 Nathan Anderson**

### **CERTIFICATE OF SERVICE**

I certify that this document was served in accordance with the Rules for District Courts of Oklahoma (12 O. S. A. Ch. 2, App., et seq.) on November 14, 2025, by e-service, e-mail, regular mail, and/or facsimile on all counsel of record.

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**Attorney for Plaintiff**

**Thlopthlocco Tribal Town**

By: /s/ Jon Velie

**Jon Velie**