



**ORIGINAL**

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA**

Nathan Anderson, Ryan Herrod, Wesley Montemayor, Leyahna Hicks, Malinda Noon, Inda McGrit, Jason Sawyer, Joyce Noon, Summer Barnes, Leeanna Tomah, Individually and as elected officials of the Thlopthlocco Tribal Town, a federally-recognized Indian Tribe,

Petitioners,

-vs-

THE HONORABLE LAWRENCE PARISH, District Judge of Okfuskee County, State of Oklahoma, and PLAINTIFFS holding themselves out at Thlopthlocco Tribal Town, a federally-recognized Indian Tribe In CASE NO. CJ-2025-79 in the District Court of Okfuskee County,

Respondent.

**NO. 123548**

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SUPREME COURT  
STATE OF OKLAHOMA

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SELDEN JONES  
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**AMENDED  
REAL PARTY IN INTEREST THLOPTHLOCCO TRIBAL TOWN  
RESPONSE TO  
AMENDED BRIEF IN SUPPORT OF PETITION SPECIAL APPEARANCE FOR  
LACK OF SUBJECT MATTER JURISDICTION AND WRIT OF PROHIBITION**

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Real Party in Interest for Honorable Lawrence Parrish

DECEMBER 03, 2025



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Thlopthlocco Tribal Town, a federally-recognized Indian Tribe, as the real party in interest for Respondent, the Honorable Lawrence Parish, comes before the court and respectfully submits the following amended response to the Application and Amended Brief filed on November 14, 2025. (Group 2). This amended response will reflect the fluid events that have occurred since the oral argument for the emergency hearing.

**NEW MATTER**

Since oral argument on Petitioners' emergency application on November 17, 2025, the district court of Okfuskee County heard a scheduled temporary injunction hearing on November 18, 2025 with testimony and evidence offered in open court.<sup>1</sup>

1. The district court entered a court minute (Resp. Ex. 16) that denied Anderson's Motion to Dismiss based on subject matter jurisdiction and then proceeded with the hearing. In its Minute, the district court heard testimony that the existing Business Committee which has governed Thlopthlocco since 2007 had internally resolved the claims of Nathan Anderson and Brent Smith who each claimed they won the single candidate "elections" they called without tribal authority. (Resp. Ex. 12).

In its Decision and Consent to Jurisdiction (Resp. Ex. 12), the Business Committee noted that neither of these "elections" were called by the existing Business Committee, nor were conducted by the Election Committee in accordance with the Election Ordinance (Resp. Ex. 06), as well as other irregularities.

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<sup>1</sup> Additional exhibits are included in Volume 2 of the Appendix, which supplements the previous Appendix submitted to this Court on November 17, 2025.

The court minute also reflects that the district court issued a temporary injunction. The court has not yet filed formal findings of facts and conclusions of law. Respondent will supplement the record with the formal court rulings when received.

2. After petitions from Mr. Smith and Mr. Anderson, Kasey McKenzie, the local Acting Superintendent of the Department of Interior Bureau of Indian Affairs, denied recognition of either Mr. Smith or Mr. Anderson as part of tribal leadership. (Resp. Ex. 17). Instead, it changed the status of tribal leadership as follows:

Chief: (Subject to Tribal Leadership Dispute) \*Brent Brown/Nathan Anderson/Brent Smith

Even so, footnote 8 of the letter noted that the maintenance of the Directory is not a:

“ . . . government-to-government decision and is itself not an appealable decision that adversely affects any interested party. The Directory does not support or establish the Bureau’s Official Recognition of tribal leadership.”

Resp. Ex. 17, p. 5.

Even so, the existing Business Committee has appealed the decision on the basis that it denigrates Thlopthlocco sovereignty in that it disregards the existing Business Committee’s internal resolution of the claims of Mr. Anderson and Mr. Smith.

The Acting Superintendent also negated the claim made by Petitioner Anderson and Group 2 that his listing on SAM.gov recognizes him as tribal “Leader” noting:

In closing, the Bureau would like to point out that Nathan Anderson’s registration in SAM.gov is Mr. Anderson’s assertion that he is the “Leader” of Thlopthlocco Tribal Town. The Bureau does not consider and/or recognize an individual’s listing in SAM.gov as the “Leader” for a particular tribe, as conclusive evidence that he/she is the duly elected Leader of said Tribe. Mr. Anderson’s listing in SAM.gov as the “Leader” of Thlopthlocco Tribal Town was done unilaterally and arbitrarily by Mr. Anderson and not because SAM.gov and/or the Bureau formally recognized Mr. Anderson as the “Leader” of Thlopthlocco Tribal Town. SAM.gov is a system operated by the U.S. General Services Administration and the Bureau does not have the ability to edit any information within said system.

Resp. Ex. 17, p. 4.<sup>2</sup>

Respondent existing Business Committee contends this Court should not reward someone who hacks a government website portal or anybody who might counsel such a criminal act. Mr. Anderson may wish to reconsider his verification of Petitioner's filing and the logical admission that he hacked the website to put his name as Mekko.

The Acting Superintendent also noted Brent Smith's physical takeover of TTT Tribal land:

During the last 2 weeks of October 2025, it was reported to the Okmulgee Agency that the Brent Smith faction had assumed physical control of the tribal complex, including access to the Tribal Town's computer server. However, it was reported by the Brent Smith faction that the Brent Brown faction had sabotaged the tribal complex, bank accounts and access to the post office box. Then, on November 3, 2025, Cole Trickey, an elected officer with the Brent Smith faction, contacted the Okmulgee Agency regarding an incident that occurred over the weekend at the Tribal Town's gaming operation, Golden Pony, in addition to having questions regarding law enforcement.

Resp. Ex. 17, p. 3.

The narrative of this "report" does not indicate that the tribal complex was taken by threats of physical harm to Thlopthlocco employees and the occasional presence of guns. Resp. Ex. 18 are two photographs admitted into evidence at the November 18, 2025 hearing before Judge Parrish showing persons on tribal property with what looks like an assault weapon and another individual carrying a rifle.

The reference to "sabotage" is unknown, but it may be the Smith group intends

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<sup>2</sup> Anderson's reference to *Cayuga Nation v. Campbell*, 34 N.Y.3d 282, 284, 117 N.Y.S.3d 105, 107, 140 N.E.3d 479, 481 (2019) as a basis for this SAM.gov recognition is simply not well founded and misleading. As here, the *Cayuga* court found that the designation of a faction by the BIA to receive funds was insufficient to establish recognition and the Court of Appeals dismissed the entire claim. The acting superintendent's decision indicated that Brent Brown had been recognized as the Mekko for certain distribution of funds, but does not indicate whether that has changed.

the temporary restraining order entered by Judge Parrish on October 27, 2025 which they continue to ignore, as well as the temporary injunction issued on November 18, 2025. (Resp. Ex. 19).

Brent Smith and his cohorts are trespassers. A letter to the BIA dated October 18, 2025 (Resp. Ex. 20) clearly indicates that Smith and his group recognized the existing Business Committee as the governing body of the Tribe when they appeared for the quarterly Business Committee meeting, but then describes a process of “removal” of tribal officers that does not comport with Article VI of the Thlopthlocco Constitution in that the members “selected” for the Grievance were not the pre-existing Grievance Committee. (Ex. 01). Nor did this vote occur, “after giving the accused a hearing.” (Ex. 01, TTT Const., Art. V).

Moreover, the document is confusing and ambiguous. There is a reference to a “regular annual meeting” in paragraph 1 of Resp. Ex. 20<sup>3</sup> and later in the next paragraph there is a reference to a “regularly annual meeting held quarterly”, which is a nonsensical reference. Resp. Ex. 08 indicated that this was a quarterly meeting of the Business Committee which is not an annual membership committee. Resp. Ex. 21 are the Minutes of the quarterly meeting of the Business Committee. Smith’s single candidate election by 25 of his family and friends disenfranchised the thousand other Thlopthlocco members who had no notice of any election.

#### **THE EXISTING BUSINESS COMMITTEE**

Respondent Thlopthlocco still disputes the allegations of Petitioners’ Application, both here and in the district court. Thlopthlocco Tribal Town has had the same existing

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<sup>3</sup> The poor photographic quality of this exhibit existed in the first copy provided to the Respondents.

Business Committee ("existing Committee") with various replacements as members have resigned and left the Committee since 2007 ("existing Business Committee").

The Thlopthlocco Constitution provides that the Business Committee has plenary authority over tribal town affairs. Under the Thlopthlocco Constitution (Ex. 01), all governing authority of Thlopthlocco is vested In the Business Committee:

The Business Committee shall have power to appoint subordinate committees and representatives, to transact business and otherwise speak or act on behalf of the town on all matters in which the town is empowered to act now or in the future.

Ex. 01, Constitution, Article V, Section 7, p. 4.

Since 2007, the Thlopthlocco Tribal Town ("TTT" or "Thlopthlocco") through its existing Business Committee has acted on behalf of Thlopthlocco through its normal business activity, and in extensive tribal court litigation with Nathan Anderson, and federal court litigation with the Muscogee (Creek) Nation ("MCN") dealing with the protection of its sovereignty. *Thlopthlocco Tribal Town v. Stidham*, 762 F.3d 1226 (10th Cir. 2014). This case is just a continuation of various efforts by Anderson to hijack the Thlopthlocco government.<sup>4</sup>

There was no reason to continue certain of the previous litigation because Anderson admitted in 2011 that he was no longer the Mekko.<sup>5</sup>

Some of these facts are taking from the *Stidham* litigation which grew out of an

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<sup>4</sup> Anderson has previously attempted to call "elections" without any official authority. (Ex. 09, MVSPOKE News 10/01/24; Ex. 10, MVSPOKE News 10/15/24).

<sup>5</sup> See Resp. Ex. 22 (Transcript-Hearing 01/28/2011). In the 2011 case filed in the MCN District Court, Anderson testified at an injunction hearing on 1/28/2011 that he was not Mekko and was removed by the Grievance Procedure before the Tribe and that George Scott was the current Mekko. (" -- clearly Mr. Scott is the Town King.") (App. 833-34).

earlier dispute with Anderson who was elected Mekko in 2007. After serving four months, Anderson conducted a *coup d'état* of the tribal government and declared all other Business Committee offices vacant claiming that the tribal election had ineligible voters.<sup>6</sup> He then used Article V, Section 6 of the Thlopthlocco Constitution to appoint his friends and family to a rump Business Committee. (Constitution, Ex. 01, p. 4).

Anderson's group immediately set out to seize control of Town bank accounts and its Casino. With his latest attempt, he has made several efforts to obtain control of Thlopthlocco's accounting services, bank accounts, and payroll services which were explained in the 11/18/2025 hearing.

In 2007, the elected Business Committee and advisors came together, stripped Anderson of his authority, approved a consent to jurisdiction and limited waiver of sovereign immunity and filed suit in the MCN courts. (Resolution, Ex. 03, Resolution; Ex. 04). They also initiated a complaint to the Tribal Grievance Committee under Article VI of the Thlopthlocco Constitution. (Constitution, Ex. 01, p. 4). Anderson was successfully removed by a grievance procedure in which the entire Town had a chance to attend conducted on July 28, 2007 (unlike the grievance procedure which Smith claimed was conducted). Thlopthlocco filed a Notice of Internal Resolution to the MCN courts seeking dismissal. (Notice Ex. 05). The internal resolution was ignored by the MCN courts which allowed Anderson to file cross-claims to sue to recover his office even though properly removed by the internal Grievance procedure.

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<sup>6</sup> In actuality, it was Anderson who was not properly elected. The Thlopthlocco Constitution requires a majority of the votes cast. (Constitution, Ex. 01, Art. V, Section 5, p. 4) ("Election shall be by standing vote and a majority of the votes cast shall determine the action thereon."). Anderson was announced the winner with a plurality of since the moderator failed to call for a runoff. (Ex. 02, Minutes of Tribal Election, p. 2). Thlopthlocco routinely video recorded its elections.

With continued refusal of the MCN courts to recognize Thlopthlocco sovereignty, the existing Committee initiated federal litigation. In its decision, the Tenth Circuit appeared to accept the existing Committee as the governing body of the Tribal Town and remanded to exhaust tribal remedies in the MCN courts about, among other issues, the refusal of the MCN to recognize the ability of a sovereign to withdraw from litigation consistent with *Beers v. Arkansas*, 61 U.S. 527, 529 (1857) ("*Beers*"). *Thlopthlocco v. Stidham*, 762 F.3d at 1240.

After remand and extended delays<sup>7</sup> in tribal court of almost 6 years, the MCN Supreme Court dismissed Anderson's cross-claims and recognized Thlopthlocco's sovereign immunity under the control of the existing Committee:

The Appellant is entitled to sovereign immunity in the Courts of the Muscogee (Creek) Nation. The Appellant, via its unique status under Muscogee tribal law, is also able to voluntarily submit to the jurisdiction of the Muscogee (Creek) Nation Courts.

*Thlopthlocco Tribal Town v. Anderson*, 2022 Muscogee Creek Nation Supreme LEXIS 1, 30.<sup>8</sup>

By any reasonable interpretation of Rule 30 of the District Courts of Oklahoma, the MCN decision is entitled to full faith and credit as to its determination that the existing Committee is the governing body of the Tribe.

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<sup>7</sup> Groups 1 and 2 both complain that elections have been delayed. This was at the direction of the Tenth Circuit during the sovereignty litigation, but the extended delay were occasioned by years long delays in the MCN district court:

Thus, we expect the tribal court to reach a final decision on the jurisdictional issue before it considers ordering an election. Accordingly, the Tribal Town will have the opportunity to exhaust its tribal court remedies and return to federal court before the tribal court has taken an action that the Tribal Town might not be able to challenge effectively.

*Thlopthlocco v. Stidham*, 762 F.3d 1241, n. 8.

<sup>8</sup> Respondents do not have access to any Westlaw citation for this case.

Ironically, because the Tenth Circuit held that Thlopthlocco is not a member of the MCN and is a separate federally recognized tribe, Anderson's "cross-claims" and later initiation of litigation in the "foreign" MCN courts sought rulings on Thlopthlocco internal tribal disputes without regard to concerns about subject matter jurisdiction.<sup>9</sup>

In its decision, the MCN Supreme Court mooted the *Beers* question. On appeal from the MCN Supreme Court, the Federal district court said the case was not moot, applied *Beers* and granted Thlopthlocco declaratory judgment that it could withdraw a consent to jurisdiction. *Thlopthlocco Tribal Town v. Wiley*, 710 F. Supp. 3d 1043, 1062 (N.D. Okla. 2023). However, the MCN appealed and the Tenth Circuit determined the question of *Beers* was moot and dismissed. *Thlopthlocco Tribal Town v. Wiley*, No. 24-5011, 2024 WL 5052986 (10th Cir. Dec. 10, 2024). Thus, MCN's refusal to apply *Beers* is problematic in that the MCN does not accord Thlopthlocco the same respect to which sovereigns are entitled in other courts.

While the existing Committee is working toward resuming its quadrennial elections,<sup>10</sup> the "elections" held by Groups 1 and 2 were just free wheeling because the existing Committee did not set either election. Just as the United States has only one

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<sup>9</sup> See *Thlopthlocco v. Stidham*, 762 F.3d at 1233:

" . . . our cases recognize the legal separation of the Tribal Town and the Muscogee Nation. "While the Creek Nation has jurisdiction to regulate its own citizens, the Thlopthlocco is an independent tribal entity that elects its own government pursuant to its own Constitution and is not itself a citizen of the Creek Nation."

<sup>10</sup> Another possibility is a Secretarial Election called by the BIA, but apparently these are not favored for individual tribal officers. Title 25 eCFR, Part 81:

<<https://www.ecfr.gov/current/title-25/chapter-I/subchapter-F/part-81>>last checked 12/1/25).

The existing Business Committee has not foreclosed such a choice, if available.

President at a time, there can be only one Business Committee at a time and the existing Business Committee has an essential role in the conduct of the next tribal election because of its plenary authority under the Thlopthlocco Constitution.

Besides the fact that these elections were not set by the existing Committee, they also were not conducted by the Election Committee appointed by the existing Committee. Nor were they conducted in accordance with the Election Ordinance adopted by the existing Committee on July, 2022. (Ex. 06).

There were other noncompliances. Anderson's "notice" of an election meeting was improper. The notice published in the paper had the wrong date of January 22, 2025 instead of the actual date of February 22, 2022. (Ex. 07).

Brent Smith's Group 1 "election" was conducted after adjournment of a Thlopthlocco Quarterly Meeting.<sup>11</sup> There was no notice of an election on the agenda of the meeting (Ex. 08), essentially disenfranchising all of the approximately 1,000 tribal members except the 30 to 35 who remained after the quarterly meeting.

Neither Anderson or Smith had an official membership list maintained by the Thlopthlocco Membership Committee.

#### **THLOPTHLOCCO HAS SOVEREIGN IMMUNITY FROM THIS SUIT**

When this suit was filed in the State district court, Thlopthlocco included a limited waiver of sovereign immunity that set out the parameters of the litigation:

**BE IT FURTHER RESOLVED** that the Thlopthlocco Tribal Business Committee does hereby waive its sovereign immunity on the very limited basis stated herein only for the purposes of adjudicating this dispute only, only claims brought by the Plaintiff, Thlopthlocco Tribal Town, and only for injunctive and declaratory relief. This waiver of immunity shall not include

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<sup>11</sup> The quarterly meeting is a meeting of the Business Committee. (By-Laws, Ex. 01, Art. IV, Sec. 2, p. 6). Thus, when the Business Committee adjourned, it was over.

counterclaims, cross-claims, election disputes or any claim involving quo warranto.

Resp. Ex. 12.

As a sovereign, Thlopthlocco is entitled to limit its waiver of sovereign immunity and avoid counterclaims. See, *Okla. Tax Comm'n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505, 509, 111 S. Ct. 905, 909 (1991) ("We held that a tribe does not waive its sovereign immunity from actions that could not otherwise be brought against it merely because those actions were pleaded in a counterclaim to an action filed by the tribe. . . . 'Possessing . . . immunity from direct suit, we are of the opinion [the Indian nations] possess a similar immunity from cross-suits.'"). There are some exceptions to limited waivers of sovereign immunity, not relevant here.

#### **THLOPTHLOCCO IS LITIGATING A CIVIL TRESPASS, NOT AN INTERNAL MATTER**

Thlopthlocco Constitution has no judicial branch. This arose from thinking at the time of passage of the Oklahoma Indian Welfare Act [15 U.S.C. § 501-09] ("OIWA") that all tribal courts were abolished by the *Curtis Act*. *Curtis Act of 1898*, c. 517, 30 Stat. 495. Like Thlopthlocco, tribes seeking federal recognition under OIWA in the 1930's and subsequent, did not include a judicial system in their constitutions.

This changed in 1988 after *Muscogee (Creek) Nation v. Hodel*, 851 F.2d 1439 (1988). The court concluded that passage of the OIWA was an implied repeal by implication of the *Curtis Act*.

Thlopthlocco still does not have a court, but its recent history litigating in the MCN courts and subsequent difficulties doing that as illustrated in *Thlopthlocco v. Stidham*, and the expectation of an upcoming election, brought to the forefront the implementation of a judiciary and a law enforcement department. Thlopthlocco has had

several contentious elections in the past which resulted in litigation.<sup>12</sup>

Thlopthlocco has sought and obtained assistance from the BIA to establish a civil and criminal code and judiciary and a commissioned police department instead of armed security as well as cooperative agreements with other governments.

Thlopthlocco has hired a single district judge and is looking for appellate judges as it waits for BIA assistance to begin implementation of a court system.

The plenary authority of the existing Committee under the Thlopthlocco Constitution would logically include the power to set elections. If not, then under the interpretation of the Defendants in the trial court, ten tribal members spontaneously meeting under a street light can decide who gets what office and stymie MCN law enforcement and paralyze Thlopthlocco sovereign immunity.

The gravamen of the TTT lawsuit is the removal of trespassers from tribal property and cessation of the physical assaults and threats of Group 1. Both Groups 1 and 2 have attempted to seize control of Thlopthlocco bank accounts and other computer access. Stopping these excesses are also part of the lawsuit.

The “bogus” elections of Group 1 and Group 2 have no validity and a careful reading of the consent to jurisdiction attached to the Petition shows any “alleged” internal matters were settled by the existing Committee and are not asked to be decided by the court. (Resp. Ex. 12). This determination by the Thlopthlocco Business Committee is entitled to deference. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 66, 98 S. Ct. 1670, 1681 (1978) (“Nonjudicial tribal institutions have also been recognized as

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<sup>12</sup> During oral argument in *Thlopthlocco Tribal Town v. Wiley*, No. 24-5011, 2024 WL 5052986 (10th Cir. Dec. 10, 2024), the MCN counsel suggested that Thlopthlocco should get its own court.

competent law-applying bodies.”).

Lacking a judiciary and a police force, Thlopthlocco is looking for a method to enforce its decisions in much the same way foreign judgments can be accorded full faith and credit without dwelling on the merits of the underlying judgment.

Petitioners’ suggestions about “internal tribal matters” are illusory in this case. The existing Committee, resident since 2007, did not recognize either election. Internal decisions had already been resolved as noted in the consent to jurisdiction.

The state district court lawsuit was initiated only after a violent overthrow of Thlopthlocco administrative offices by Brent Smith’s Group 1 where forced entry was made into some buildings and regular Thlopthlocco employees were threatened with physical harm if they did not leave the premises. Smith also “seized” control of the Thlopthlocco Casino and “fired” the manager, who continued to manage and operate the Casino from a remote location.

In the district court, the evidence will show that after threats of physical harm to employees, some accompanied by the presence of guns, the Business Committee sent all employees home for their safety and the Thlopthlocco Gaming Commissioner issued a closure order of the Casino, the financial lifeblood of the Tribal Town, to avoid violations of regulations of the National Indian Gaming Commission (“NIGC”). (Petition filed in the District court on 10/27/2025). Smith resisted the closure order. (Ex. 13, Casino Facebook Post). Evidence presented in the Okfuskee District Court estimated projected losses from closure of the casino of about \$40,000 a day.

Smith roamed the property with a locksmith entering many locations where private information about membership and gaming employees was kept. It is likely Smith attempted to rob the vault in the Casino. (Ex. 14 MVSKEKE Media, 11/09/2025).

During the effort, two of three secure doors to the vault were penetrated. (Ex. 15). Smith and his group have refused to obey the temporary restraining order and continue in physical possession of the Tribal complex.

The MCN Attorney General chained and sealed the Casino. It is now apparent that Smith entered the Casino and has contaminated the crime scene. There has been no known response from the Light Horse about this trespass.

Both the Okfuskee Country Sheriff's office and the MCN Light Horse force have so far refused to respond to the takeover despite repeated requests.<sup>13</sup> The Tribal complex including the casino are "no man's lands" where the only law enforcement might be fairly described as "jurisdiction of the jungle" and thuggery controls.

#### **CAYUGA NATION IS NOT APPLICABLE TO THIS CASE**

As previously noted, internal matters have been resolved by the existing Business Committee. By its district court action, Thlopthlocco is seeking a remedy to remove trespassers.

In previous litigation in the MCN Courts, Thlopthlocco was there by consent to resolve an internal matter. (Ex. 04, Resolution). A sovereign that can't consent to jurisdiction in an external court when it does not have a court is not very sovereign.

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<sup>13</sup> There was an initial conversation with Okfuskee County District Attorney Max Cook and Assistant Andrew Goforth which included discussions of the preparation of a Memorandum of Understand ("MOU"). Thlopthlocco's counsel submitted a proposed MOU. Since then there have been repeated phone calls and emails without response.

A meeting between Mekko Brent Brown and MCN Public Safety Commissioner also included an offer of a MOU to be worked out, but since the attempted penetration of the Casino vault, nothing further has been received. The MCN Lighthorse surround the Casino and the Administrative Offices with "crime scene" tape, chained and sealed them shut and began an investigation. (Ex. 14, MVSKOKE Media, 11/08/20225).

Even so, neither law enforcement groups have repelled the invaders who freely occupy the tribal premises, both tribal and fee lands.

Here, there are judicial findings that the existing Committee is the only governing body of Thlopthlocco. Possessing plenary power over all tribal matters, it is an essential player in the enforcement of its constitutional authority including the selection of successors to its Business Committee. Individual tribal members with no official capacity in the tribal government cannot exercise tribal town authority and a "call" for elections can only be made by the existing Business Committee.

In *Cayuga*, the leadership dispute was longstanding and arose among the members of the governing body, not as here between governing individuals and nongoverning tribal members. The basis for state court jurisdiction was a federal statute exclusive to New York Indians that allowed for adjudication of civil matters under New York law. 25 U.S.C. §233. Tribes could declare tribal enactments to be submitted to the Secretary of the Interior that would govern tribal cases thereafter.

Under §233, it appears that the creation of jurisdiction in the New York courts by Congress was without a waiver of sovereign immunity. "It is settled that a waiver of sovereign immunity "cannot be implied but must be unequivocally expressed." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58, 98 S. Ct. 1670, 1677 (1978).

But a bogus elections are not an "internal dispute" but an ordinary case of trespass. And Thlopthlocco has sought access to the state district court to enforce trespass rights after consenting to jurisdiction.

This is not a case where the exercise of "state-court jurisdiction over Indians or activities on Indian lands would interfere with tribal sovereignty and self-government . . ." *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9, 15, 107 S. Ct. 971, 976 (1987). In fact, with the consent of Thlopthlocco, the exercise of state court jurisdiction in this instance protects tribal sovereignty.

## CONCLUSION

Lacking a police department, after a consent to jurisdiction, Thlopthlocco filed a civil trespass action to repel trespassers on its property. Indian tribes appear in state and federal courts regularly to seek the benefit of state law. If this is not permitted, tribes, such as Thlopthlocco without a judiciary would be left helpless as soon as any trespasser suddenly claims it is the successor government.

Even if it might be said that bogus elections are an "internal tribal dispute", Thlopthlocco, acting in its legislative capacity, resolved the internal dispute before it sought assistance from the State courts. It now seeks to repel thugs who have maintained control by threats of harm and firearms.

Having no police department, and getting no help from local county law official or the Light Horse law enforcement, Thlopthlocco submitted a limited consent to jurisdiction to obtain the enforcement of its legislative enactments.

The Petition should be denied.

Dated this 3rd day of DECEMBER, 2025.

Respectfully submitted,



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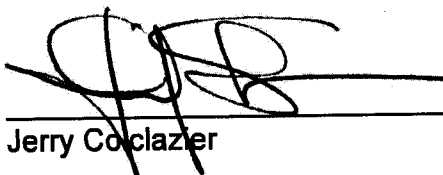
Attorneys for Thlopthlocco Tribal Town, a Federally Recognized Indian Tribe,  
Real Party in Interest for Honorable Lawrence Parrish

#### CERTIFICATE OF SERVICE

This is to certify that I delivered a copy of this instrument to which this certification is attached was sent by USPS mail to:

Jon Velie  
401 West Main St., Ste 300  
Norman, Oklahoma 73069  
Email: [jon@velielaw.com](mailto:jon@velielaw.com)

on this 3rd day of December, 2025.



Jerry Colclazier