

Sauk-Suiattle Indian Tribe
5318 Chief Brown Lane
WA 98241
(360) 436-0131, ext. 237

IN THE TRIBAL COURT
OF THE SAUK-SUIATTLE INDIAN TRIBE

SAUK-SUIATTLE INDIAN TRIBE)

Plaintiff/Petitioner,

v.

ROBERT FERGUSON, Governor,
State of Washington; **ANGELA**
RAMIREZ, Secretary, State of
Washington Department of Social
and Health Services; and **JOHN** and
JANE DOE, employees of the State
Of Washington Department of Social
And Health Services,

Respondents.

No. SAU-civ-07/26-002

MOTION FOR PRELIMINARY INJUNCTION

“The first amendment protects against indirect coercion or penalties on the free exercise of religion not just outright prohibitions.”

--*Casrson v. Making*, 596 U.S. 676. 778 (2022).

I. MOTION

Plaintiff moves the Court to enter a preliminary injunction pending further proceedings enjoining respondents from taking plaintiff’s property, or funds in lieu of property, and converting them to their benefit, interfering with internal ceremonial and social relations, and substantially burdening and inhibiting the ability of the Sauk-Suiattle Indian Tribe to engage in sacred ceremonial and religious exercises ordained and endowed by the law of the Creator.

1 II. INTRODUCTION

2 Plaintiff has filed a Complaint seeking a declaration that respondents have violated
3 plaintiff's right to free exercise of religion, converted plaintiff's property to an unauthorized use,
4 interfered with internal social relations of plaintiff and unlawfully taxed plaintiff by assessing the
5 value of plaintiff's property and deducting that amount to public benefits to which plaintiff's
6 people are entitled.
7

8 For the following reasons, the Motion should be granted.
9

10 III. FACTS

11 The facts alleged in plaintiff's Complaint are incorporated by reference in support of this
12 motion.
13

14 IV. STANDARD OF REVIEW

15 The Sauk-Suiattle Indian Tribe Law and Order Code provides that the court has authority
16 to issue an order or writ necessary and proper to the complete exercise of the court's power.
17 SSIT Law & Order Code § 2.070 (6). If a course of the proceeding is not specified, any suitable
18 process may be adopted that is in keeping with the spirit of the laws of the Sauk-Suiattle Indian
19 Tribe. Id., § 2.010. Federal Rule of Civil Procedure 65 is a process spiritous of the Law and
20 Order Code. That rule provides that the court may issue a preliminary injunction of restraining
21 order if a moving party may suffer irreparable injury if temporary relief is not granted pending
22 further hearing. The standards of sister courts for issuance of such an order or writ are set forth
23 below.
24

25
26 There are two alternative tests for granting preliminary relief. The first is the traditional
27 four-part test that a party seeking preliminary injunctive relief must demonstrate: (1) a likelihood
28 of success on the merits; (2) likelihood of irreparable harm if relief is not granted; (3) the balance

of equities favors the moving party; and (4) an injunction is not contrary to the public interest.
Alliance for the Wild Rockies v. Cottrell, 632 F. 3d 1127 (9th Cir. 2011).

The second merely requires the movant to demonstrate that he or she has raised “serious questions” going to the merits and the balance of hardships “tips sharply in his or her favor.”
Id. 632 F. 3d 1131-32.

Under either standard, preliminary injunctive relief is appropriate in this case.

V. ARGUMENT

A. Preliminary Relief is appropriate.

1. There is a likelihood of success on the merits.

As to whether there is a likelihood of success on the merits, the facts stated in the complaint demonstrate that irreparable harm will occur if relief is not granted. In *Alliance for the Wild Rockies*, *supra*, the Ninth Circuit held, *inter alia*, that mere “interference” with hunting, fishing, hiking, and horseback riding was sufficient to constitute actual and irreparable injury “even though that was a *de minimis* injury.” 632 F. 3d at 1135. In contrast to the impact upon the *recreational* hunting activities interfered with in *Alliance*, *supra*, plaintiff’s activities interfered with by the respondents were not mere sporting activities. Respondents took plaintiff’s money that plaintiff and its members are required to raise themselves up in order to participate in ceremonies requiring the distribution of wealth within the tribal community, and maintain a system of communal sharing of resources as required by the Creator.

As set forth in the X^wsalik^w Code, attached as Exhibit 1 of plaintiff’s complaint for injunctive relief. X^wsalik^w is a sacred religious practice for the sharing of tribal property, resources and wealth within the community X^wsalik^w forms the foundation of the Tribe’s religion

1 and is embedded into the very fabric of Sahkuméhu society. Section 1.020 (3), page 3 of
2 Exhibit 1.

3 The principles of X^wsalik^w require that tribal property distributed among the tribe be
4 shared to promote the welfare of the Tribe. X^wsalik^w marks special occasions such as marriages,
5 coming of age rites, the giving of a new name, when the annual salmon run begins, at death,
6 reburial, celebrating a first successful hunt, initiating a dancer or member of a longhouse or
7 smokehouse to name a few. As described by then Washington State Office of the Governor's
8 Office of Indian Affairs director Willard Bill, Ph.D:
9
10

11 [G]ifts [are] presented in amounts or values that varied according to the rank of
12 the recipient and were distributed in the order of rank. It [is] an insult to give a
13 gift of less value than the rank of the recipient entitled him to receive. The more
14 the host gave, the more important everyone thought him to be. Sometimes the
15 family would work and save for a year to make sure they had enough to give
16 away to all of the guests. Sometimes they had very little or nothing left for
themselves when the potlatch was over. But, before a year passed, each guest had
to give back twice as much goods as this host had given to him. So, before long,
the host was rich again. Honor was [sic] very important to Native people.

17 W. Bill, Ph.D., *The Feast System*, State of Washington Office of Superintendent of Public
18 Instruction (October 2023).¹ (Exhibit 2 of Plaintiff's Complaint).
19
20
21
22
23
24
25
26
27

28 ¹ [peunit3thefeastsystem.pdf](#)



Figure 1. Sahkuméhu Longhouse where X^wsalik^w is frequently held.

Respondents' conduct of taking property simposes a severe hardship upon Plaintiff and its citizens ability to practice its religion and imposes a severe hardship upon plaintiff and its citizens possess the resources to accumulate items necessary to the practice of X^wsalik^w. Specifically such rituals of the x^wsalik^w, or potlatch, name-givings, first kill ceremonies, dance initiation, weddings and funeral memorials at which personal property is to be distributed to attendees, witnesses and persons in the capacity of clergy presiding over the event.



Figure 2. Rejoining dancing following a period of mourning for loss of a loved one involves X^wsalik^w as do name-givings, weddings and other acknowledgment events.

Respondents' restraint of customary tribal religion is at least as severe as was involved in *The Church of the Lakumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993), where, in a unanimous 9-0 decision, the United States Supreme Court held that a Florida city's ban on the ritual slaughter of goats was an unconstitutional violation of religious freedom.

In *Kennedy v. Bremerton School District*, Supreme Court No. 21-418 (June 27, 2022), the United States Supreme Court held that the Free Exercise Clause and Free Speech Clauses of the First Amendment protected high school football coach Kennedy's use of public property to quietly exercise and express his personal religion a practice that was a "longstanding tradition" predating his employment:

The Clause protects not only the right to harbor religious beliefs inwardly and secretly. It does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of (or abstention from) physical acts.

1 That case held that preventing coach Kennedy from using public property to engage in his
2 “longstanding tradition” of praying on a field violated his right to free exercise of religion. In
3 this case, the religious practices of the Sauk-Suiattle Indian Tribe which the respondents’ takings
4 have inhibited are not merely *longstanding*, but they have been practiced since *Time*
5 *Immemorial*. There is no question that they are sincerely held and *bona fide*, notwithstanding
6 that, contrary to American culture, the distribution or giving away of property brings one closer
7 to the Creator rather than the accumulation of wealth. As stated in *Kennedy*:

8
9
10 This Court has instructed that the Establishment Clause must be interpreted by
reference to historical practices and understandings.

11 (Slip Opinion at 23). According to the opinion in *Kennedy*, the Free Exercise Clause is to be
12 interpreted by reference to longstanding traditions as well:

13
14 [I]t is true that this Court and others often refer to the Establishment Clause, the
15 Free Exercise Clause, and the Free Speech Clause as separate units. But the three
16 clauses appear in the same sentence of the same Amendment....a natural reading
of that sentence would seem to suggest the Clauses have complimentary purposes,
not warring ones[.]

17
18 Id. If it was violative of the football coach’s right to freely exercise his tradition of praying on
19 the field after a game, how can it *not* be violative of plaintiff’s rights for respondents to seize and
20 forfeit property provided by plaintiff to the persons who own it and need it to practice the beliefs
21 they have held since Time Immemorial?

22
23 This has always been the supreme law of respondents’ nation. In 1785, James Madison, a
24 chief architect of the United States Constitution, said man’s “duty towards the *Creator*...is
25 precedent, both in order of time and in degree of obligation." *Memorial and Remonstrance*
26 *Against Religious Assessments* (1785), in 8 Papers of James Madison 295, 299 (R. Rutland, W.

1 Rachal, B. Ripel, & F. Teute eds. 1973). As was concisely stated by Supreme Court Justice
2 Clarence Thomas in *Catholic Charities v. Wisconsin*,

3 The exclusion of "religious observers from otherwise available public benefits" is
4 a well-established burden on the Free Exercise of Religion.

5 *Catholic Charities v. Wisconsin Labor and Industries Review Commission*, Supreme Court No.
6 24-154 (June 5, 2025), slip opinion at 16 (Thomas, J. concurring).

7
8 In this case, the respondents are taking the property which is necessary to religious
9 beliefs, preventing plaintiff's people from access to resources necessary for them to practice
10 religion by taking their *talá'*. How is this any different from when the federal court in *United*
11 *States v. Abeyta*, 632 F. Supp. 1301 (D. N.M. 1986) held that when the government applied
12 regulations that prevented the Acoma Pueblo access to Bald Eagles on its reservation such that
13 the Pueblo could not practice their religion, that violated their rights to exercise their religion.
14 The effect of both courses of conduct was to deny access to possession of a tangible resource
15 essential to the tribe's religious ceremonies. Neither *Kennedy* nor *Abeyta* have been overruled.
16

17
18 To the same effect is *Frank v. Alaska*, 604 P.2d 1068 (1979), where officials of
19 respondents' sister state sought to prohibit a Native Alaskan from possessing a moose during a
20 closed season, which was essential to distribute during his village's ceremonies along with other
21 fresh foods. As stated by the Alaska Supreme Court:

22
23 The violation of a man's [*sic*] religion or conscience often works an exceptional
24 harm to him which, unless justified by the most stringent social needs, constitutes
25 a moral wrong in and of itself, far more than would the impairment of his
26 freedoms of speech, press or assembly.

27 Id. It has been clear at least since *Sherbert v. Verner*, 374 U.S. 394 (1963), that in certain cases
28 the free exercise clause requires government to accommodate religious practices by creating
29 exemptions from general laws. Sherbert was fired because she would not work on Saturday, the

sabbath of her religion. Her claim for unemployment compensation was denied in the state courts because there was a condition of eligibility that a worker must be available to work Monday through Saturday. The Supreme Court held that the state had a duty to make an exception to this policy so that Sherbert's exercise of her religion would not be penalized. 374 U.S. at 406. The respondents action is a mirror of the conduct in *Sherbert*.

Apart from the protection of religious exercise afforded by the *United States* Constitution, it has been long recognized that Article I, Section 11 of the *Washington State Constitution* “absolutely protects the free exercise of religion, [and] extends broader protection than the first amendment to the federal constitution.” *First Covenant Church v. Seattle*, 120 Wn. 2d 203 (1992).

Respondents are diminishing plaintiffs’ eligibility for social services because plaintiffs need *talə*’ for ceremonies—in this case a miniscule amount, \$300 or \$450 for an elder.

Given respondents’ historically woeful treatment of native americans, apparently they deem that such free exercise of religion precedents applicable to other citizens do not apply to Indians. *See, e.g.*, Letter of Washington Supreme Court Justices (June 5, 2026):

We urge judges, the legal community, and lawyers to actively confront and rectify the historical and ongoing dehumanization of Indigenous people in Washington through their work, decisions, and daily practices. We recognize that the history of this state, including state courts, is intertwined with racism and violence inflicted upon Indigenous people.

See also, State v. Nicolls, 61 Wash. 142 (1910) (“the power of the Legislature to pass laws prohibiting the sale of liquor to Indians or those of Indian descent, *rests upon the same principle of protection to the public as laws prohibiting the sale of liquor to minors, habitual drunkards, and the like*”); *State v. Alexis*, 89 Wash. 492 and *State v. Towessnute*, 89 Wash. 478 (1916) (“only that title was esteemed that came from white men...*the Indian was a child, and a*

1 *dangerous child*, of nature, to be both protected and restrained); *State v. Meninock*, 115 Wash.
2 528 (1921) (traditional method of fishing violated State law); *State v. Wallahee*, 143 Wash. 117
3 (1927) (treaty rights of Yakama Indians extinguished upon admission of Washington to
4 statehood, “*Yak[a]ma tribe was not an independent nation nor a sovereign entity of any kind*”);
5 *State v. Tulee*, 7 Wn. 2d 124 (1941) (treaty Indian must possess State license to fish at customary
6 fishing grounds); *State v. Satiacum*, 80 Wn. 2d 492 (1972) (“*Puyallup Indian Reservation has*
7 *ceased to exist*”); *Tonasket v. State*, 84 Wn. 2d 164 (1974) (State constitutional amendment was
8 unnecessary for State to assume civil and criminal jurisdiction over an Indian reservation);
9 *Fishing Vessel Association v. Tollefson*, 89 Wn. 2d 276 (1977) (State of Washington has no
10 responsibility to conform to the *Boldt* decision); *State v. Buchanan*, 138 Wn. 2d 186 (1999)
11 (Treaty hunting right limited to lands tribe hunted on at the time of the treaty and is “temporary
12 and self-limiting” in nature); *Lundgren v. Upper Skagit Indian Tribe*, 187 Wn. 2d 857 (2017).

13
14
15
16 Plaintiff’s people are subject to greater intrusion upon their rights than other citizens by
17 those purporting to act in the public interest like respondents. *See generally*, Grace Deng,
18 *Indigenous People in Washington Incarcerated at Higher Rates than any other Group, Data*
19 *Shows*, Washington state standard (October 17, 2023); Simone Carter, *Washington Traffic Stops*
20 *Show Racial Disparities, Per Capita, According to WSP Report*, The Olympian (December 8,
21 2025); Joshua Rovner, *Tribal Disparities in Youth Incarceration*, The Sentencing Project
22 (August 12, 2025).

23
24
25 The lack of respect or acknowledgement of plaintiff’s rights should be relegated to a
26 shameful past, and respondents, acting contrary to their own public policies and the mandate of
27 their own governing laws may not hide meekly behind claims of lack of jurisdiction. *See Ex*
28 *Parte Young*, 209 U.S. 123 (1908) and its progeny. *See also*, *Sprint Commc’ns Co. L.P. v.*

1 *Wynne*, 121 F. Supp. 3d 893, 900 (D.S.D. 2015); *DISH Network Serv. L.L.C. v. Laducer*, 725
2 F.3d 877, 882 (8th Cir. 2013), (jurisdiction may exist, regardless of defendant’s location, where
3 conduct threatens reservation welfare of tribe). Plaintiff issues the disbursement of property it
4 owns with its members, disbursement originates at the Tribe’s Finance Department, and the
5 property is restricted to uses furthering the interests stated in a tribal code. It can be said that,
6 preliminarily, the plaintiff can demonstrate a likelihood of success on the merits of its case—the
7 first prong of the test for issuance of a preliminary order.
8

9
10 Plaintiff’s exercise of its religious beliefs has been practiced since Time Immemorial and
11 is protected not only by the First Amendment of the United States Constitution but its treaty as
12 well. The Point Elliott Treaty was not a treaty of conquest. *Sohappy v. Smith*, 302 F. Supp. 899,
13 905 (D. Or. 1969). It was not ratified until 1859 due to a two-year war by the tribes¹, who were
14 reluctant to give up their customary ways of living. *Id.* It was negotiated at arm’s length. 302 F.
15 Supp. At 905. The treaty reserved rights “to every individual Indian, as though named therein.”
16 *United States v. Winans*, 198 U.S. 371, 382 (1905), and is binding upon the United States *and the*
17 *state* and its grantees. *United States v. Winans*, 198 U.S. 371, 382 (1905) (emphasis added).
18 Nothing in the Treaty of Point Elliott, relinquished the tribe’s right to freely exercise its religion
19 as it had since Time Immemorial. By taking property and denying members’ access to social
20 programs, respondents have imposed a substantial burden upon its exercise as guaranteed by
21 treaty.
22

23
24 In the treaty the United States agreed to provide education, health care, occupational
25 training and provide for the general welfare and advancement of the tribe. *Treaty of Muckel-Te-*
26

27
28 ¹ The war is noted in *Leschi v. Washington Territory*, 1 Wash. Terr. 13 (1858).

1 *Oh or Point Elliott*, Article 14, 927 (1859). As stated in the treaty, the provision of these
2 services and their expenses were “to be defrayed by the United States and not deducted” from
3 any annuities. That was the supreme agreement made in return for the tribes, including
4 Sahkuméhu, ceding title to millions of acres of land to allow respondents to arrive in their
5 territory. As the United States’ grantee, the promise is binding upon respondents. Because
6 Treaties are the supreme law of this Nation. U.S. Const. Art. VI, Cl. 2. They are also the
7 supreme law of the state of Washington. Wash. Const. Art. I, Section 11. It seems a reasonable
8 conclusion that, since the promises made in the treaty devolve to and are binding upon the State,
9 that the tribe’s understanding of the treaty¹, considered in the light most favorable to it, is that
10 their annuities—in this case belonging to the tribe itself, did not relieve allow respondents to
11 interfere with its ability to practice religion nor any obligations of the government to promote the
12 tribe’s welfare nor was it anticipated that respondents could interfere with the internal relations
13 of the tribe.

14
15
16
17 Apart from these promises, Social Welfare programs of the State of Washington are
18 primarily funded from federal funds passed through from the federal government. One such
19 program, for example, is the Temporary Assistance for Needy Families program administered by
20 respondents which provides assistance to low income families. The federal funds received are
21 intermingled with a nominal amount of the state’s own budget. Consequently, they are
22
23
24
25

26
27 ¹ *Choctaw Nation v. United States*, [119 U.S. 1](#), 7 Sup.Ct. 75, 30 L. Ed. 306; *Jones v. Meehan*, [175 U.S. 1](#), 20
28 Sup.Ct. 1, 44 L. Ed. 49.’ *United States v. Winans*, supra. [[198 U.S. 371](#), 49 L. Ed. 1089, 25 Sup.Ct.Rep. 662]”
Northern Pacific Railway Co. v. United States, [227 U.S. 355](#), 366, 33 S. Ct. 368, 57 L. Ed. 544 (1913).

1 impressed with the same obligations in the treaty. For the state use them to deny or offset the
2 eligibility of the tribe to such federally assisted programs is a violation of the treaty.¹

3 Additonally, the State's taking of the tribe's property and using what it deems its value to
4 deny or reduce the tribe's entitlement to federally assisted social programs is contrary to federal
5 law and regulation and the administrative guidelines the respondents are to operate under.

6
7 The tribal property is shared among the tribe to provide for their general welfare. Since it is not
8 lavish or extravagant, it is not "income". 26 U.S.C. § 139E. Nor is it a "resource" both because
9 it is not defined as income by federal law but also because such cannot be considered a
10 "resource" to deny eligibility if spent during the same month a recipient received the benefit of a
11 federally assisted program. As alleged in the complaint, respondents merely ask if the eligible or
12 already enrolled tribal participant in their program received any money in a given month,
13 whether it was "income" and how much, and then simply lazily deduct it from their entitlement
14 without asking whether it was spent in the same month. It would be remarkable if a beneficiary
15 who is already so impoverished as to decline to spend \$300 as soon as received.
16
17

18
19 2. The balance of equities favors plaintiff.

20 The balance of equities favors the plaintiff, in that the respondents forfeit plaintiff's
21 ownership and control of these items, even though the revenue involved is only \$300 a month.
22 At any given time, the estimated number of the tribe even enrolled in respondent's programs is
23 approximately a dozen. The impact upon such a tribal person is vastly less than the financial
24 impact on respondents.
25
26

27 ¹ According to the Washington State Budget and Policy Center, Washington State Department of Social and Health
28 Services (DSHS) data show clearly that Black and American Indian families are more likely than other groups to be
cut off or denied TANF. [Microsoft PowerPoint - 2020_01_14_TANF_Brief_Update\[5701\].pptx - Read-Only](#)

1 3. Granting the relief sought is not contrary to public interest.

2 Finally, the grant of the preliminary relief sought is not contrary to the public interest.
3 Respondents' conduct is not even consistent with lip-service in their own public policies. *E.g.*,
4 RCW 43.376.020 (state agencies must make reasonable efforts to collaborate with Indian tribes).
5 *See also*, RCW 37.12.060 (nothing herein shall deprive rights with respect to Indian land grants,
6 hunting, trapping, or fishing or the control, licensing, or regulation thereof) and RCW 13.34.240
7 (acts, records and proceedings of Indian tribes given full faith and credit); and *see In Re Beuhl*,
8 87 Wn 2d 649 (1976) (full faith and credit applicable to tribal courts). As they will not follow it
9 themselves, this Court must make respondents abide by their own policies. As stated in their
10 highest public policy:
11
12

13 *Absolute freedom of conscience in all matters of religious sentiment, belief and*
14 *worship, shall be guaranteed to every individual, and no one shall be molested or*
15 *disturbed in person or property on account of religion[.]*

16 Washington Const., Art. I, § 11 (emphasis added). Respondents, contrary to their lip-service
17 policy of according full faith and credit to the acts of tribes, have shown no comity toward the
18 customary laws of plaintiff that provide *inter alia* that:

19 [T]ribal property can only be used in a manner that benefits the Tribe (i.e.
20 restricted) it shall not be considered a resource, income, unearned income, or asset
21 of an individual tribal member by any governmental agency.

22 X^{salik} Section 2.070. Notwithstanding that one is a public officer, he or she is subjected to
23 personal liability when acting beyond the scope of authority and duties. Respondent's disregard
24 of their own law and public policy renders them *ultra vires*, uncloaked with official authority.
25

26 4. Plaintiff has raised serious questions going to the merits of his claims.
27
28

1 Should the court opt to apply the alternative “serious questions” standard in determining
2 whether to grant the preliminary injunction, the plaintiff clearly has raised serious questions
3 going to the merits of whether respondents have impermissible burden plaintiff’s ability to
4 practice tribal religion which is protected by the First Amendment of the United States
5 Constitution.¹

7 5. The balance of hardships is tipped sharply in plaintiff’s favor.

8 The second prong of the serious questions standard is the requirement that the balance of
9 hardships tips sharply in his favor. Plaintiff, at any given time is estimated to have less than a
10 dozen people participating in respondents’ programs annually whose entitlements are reduced
11 and, as previously stated, the amount is only \$300 in a given month, \$450 to an Elder.

12 On the other hand, a grant of the preliminary relief requested appears to work no hardship
13 upon the respondents. The items seized, have no value to them, and their value is so small as to
14 be immeasurable to the overall state budget. To the plaintiffs from whom it was seized, \$300 has
15 a monumental impact.

16 6. Public policy favors granting the relief sought.

17 Finally, the grant of preliminary relief to enable plaintiff to practice religion is not
18 contrary to public policy, any more than it was in *United States v. Washington*, 384 F. Supp. 312
19 (W.D. Wash. 1974), *affirmed* 520 F. 2d 767 (9th Cir. 1975), *cert. denied*, 420 U.S. 1083 (1976).
20 The State of Washington already allows persons in adult foster placement, for example, to
21 receive funds from other sources without it reducing their eligibility for public entitlements.
22 Substitute Senate Bill 5911, Washington Session Laws, Ch. 92 (June 11, 2026). Doing so does
23

24
25
26
27
28 ¹ The defendants’ Eleventh Amendment immunity does not preclude the prospective injunctive relief being sought
29 where, as in this case, it is alleged that defendant’s acted *ultra vires*, or contrary to law. *See generally, Ex Parte Young*, 209 U.S. 103 (1908).

1 not appear to place a hardship upon respondents' programs. Washington State's adult foster care
2 system supports approximately 15,000 to 16,000 residents statewide.¹ Plaintiff's entire
3 population is 314 people.
4

5 The policy of the United States is as follows:

6 It is our responsibility to see that the terms of the treaty are carried out, so far as is
7 possible, in accordance with the meaning they were understood to have by the
8 tribal representatives at the council and in a spirit which generally recognizes the
full obligation of this nation to protect tribal interests.

9 United States v. Smiskin, 487 F. 3d 1250 (9th Cir. 2007).

10 VI. CONCLUSION

11 For the foregoing reasons, plaintiff's motion for preliminary relief *pendent lite* should be
12 granted.
13

14
15 DATED this ____ day of July, 2026.
16

17 S/Dillon Louis Spiess

18 S/Jack W. Fiander
19

20 _____
21 Attorneys for Plaintiff
22 Sauk-Suiattle Indian Tribe
23
24
25
26

27
28 ¹ State of Washington Department of Social and Health Services, Report to the Legislature; *DSHS DDA Enhanced*
29 *Adult Family Home Specialty Pilot* (Dec. 1, 2024) p. 16, [24-1131 DDA Specialty AFH Pilot Legislative Report 2024.pdf](#)