

LOWER BRULE SIOUX TRIBAL COURT)
LOWER BRULE SIOUX TRIBE)SS
LOWER BRULE SIOUX TRIBE JURISDICTION)

IN TRIBAL COURT
CIVIL DIVISION

LOWER BRULE SIOUX TRIBE,
Plaintiff,

vs.

TEMPORARY RESTRAINING ORDER/
ORDER FOR HEARING

KEVIN WRIGHT, SONNY ZIEGLER,
AND DESIREE LAROCHE,
Defendants.

This matter has been assigned to this Special Judge, per the order of the presiding Chief Judge, pursuant to a summons and complaint filed by the Plaintiff Tribe and an application for a temporary restraining order pending hearing. The Court has reviewed the summons and complaint as well as the application for a temporary restraining order and finds as follows:

The Tribe asserts that the three Defendants are duly elected Tribal Council members for the Tribe and that on December 12, 2014 they purported to hold a Special Tribal Council meeting during which they attempted to remove the Chairman of the Plaintiff Tribe and other elected officers and replace them with other Tribal members. The complaint further alleges that a quorum of the Council, as defined at Article IV, Section 2 of the Lower Brule Sioux Tribal By-Laws, and the Tribal Treasurer were not present at said meeting thus rendering the three Defendants unable to constitutionally act at that time to take the actions they did. Lastly the application asserts that the removed elected officials were not provided due process of law in accordance with Article V, Section 2 of the Lower Brule Sioux

Tribal Constitution and therefore their removal is constitutionally suspect under the Constitution of the Lower Brule Sioux Tribe.

This Court has reviewed the pleadings and the Constitution of the Lower Brule Sioux Tribe and finds that an emergency exists justifying immediate court intervention into this dispute. The Tribe cannot have confusion regarding whom its duly elected leaders are because this calls into question the Tribe's government-to-government relationship with the United States, its commercial transactions with banking institutions and other entities, its internal governance, and its relationship with its members. It also renders it possible that some outside entity (such as the BIA or a federal court) may attempt to intervene into the sovereign affairs of the Tribe thus interfering with that sovereignty.

The Court finds that until a hearing is held in this matter that the Court must enjoin the Defendants from continuing to take actions that appear to be violative of the Lower Brule Sioux Tribe's Constitution and By-Laws and may threaten its sovereignty. The Plaintiff Tribe has asked that the Court enjoin the Defendants from participating in any other official business of the Lower Brule Sioux Tribe pending hearing. However, because the Defendants are duly elected officials whom have not been removed from office pursuant to Article V, Section 2 of the Lower Brule Sioux Tribal Constitution, this Court does not find it has any authority to enjoin an elected official from performing his duties Those duties must be performed, however, in accordance with the Lower Brule Sioux Tribal Constitution.

WHEREFORE it is hereby

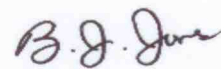
ORDERED, ADJUDGED, AND DECREED that the above-named Defendants are hereby temporarily restrained from attempting to take any actions that interfere with the rights of the other elected officials duly elected by the tribal membership and serving in office prior to December 12, 2014 and it is further

ORDERED, ADJUDGED AND DECREED that the Court enjoins the Defendants and any other party from recognizing the actions purportedly taken at a Special Council meeting on December 12, 2014 and restrains the Defendants from taking any actions to carry out the motions passed at that meeting because they do not appear to have comported with the Lower Brule Sioux Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that the Defendants and their agents and assigns are further temporarily restrained from taking any actions to hold Special or General meetings of the Council without a quorum or remove any elected official of the Tribe without complying with Article IV, Section 2 of the Tribe's By-Laws and Article V, Section 2 of the Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that hearing on whether this temporary restraining order should be extended shall be held on the 12th day of January 2015 at 8 30AM at the Lower Brule Sioux Tribal Court at which time all parties may be heard. Any responsive pleading shall be field by the Defendants at least 5 days before that hearing date.

So ordered this 16th day of December 2014.



B.J. Jones
B.J. Jones

Lower Brule Sioux Tribe
Special Judge

ATTEST: _____