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LOWER BRULE SIOUX TRIBAL COURT
LOWER BRULE SIOUX TRIBE
LOWER BRULE INDIAN RESERVATION

IN TRIBAL COURT
CIVIL DIVISION

Civil 15-9-0111

ORVILLE "RED" LANGDEAU, JR.,
AND JOHN MCCAULEY, SR., on behalf
of themselves and all other Tribal members
affected by the conduct of defendants,

Plaintiffs,

v.

MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

KEVIN WRIGHT, SONNY ZIEGLER,
DESIREE LAROCHE, AND LEWIS
GRASSROPE,

Defendants.

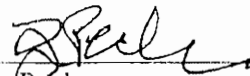
Comes now plaintiffs, through their counsel, Terry L. Pechota, pursuant to the Verified Complaint with attachments, and moves this Honorable Court to issue a temporary restraining order without notice or a temporary restraining order and preliminary injunction with notice enjoining the defendants from:

1. holding meetings without notice, without a quorum, from taking any action without 4 affirmative votes in favor of any action taken, having anyone filling the Chairman's position voting except in the case of a tie, or enforcing any action taken on September 2, 2015, or September 3 or 8, 2015, including submitting signature cards to any banking institution adding names of parties who will have access to Tribal funds and from terminating any employees, hiring any attorneys, or abolishing any boards.

2. passing any motions or resolutions or taking any action in violation of the Tribal Constitution and By-laws, enforcing or giving effect to any action taken on September 2 or

September 3 or 8, 2015, or filling the position of Tribal Chairman.

Dated September 11, 2015.



Terry L. Pechota
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LOWER BRULE SIOUX TRIBAL COURT
LOWER BRULE SIOUX TRIBE
LOWER BRULE INDIAN RESERVATION

IN TRIBAL COURT
CIVIL DIVISION

ORVILLE "RED" LANGDEAU, JR.,
AND JOHN MCCAULEY, SR., on behalf
of themselves and all other Tribal members
affected by the conduct of defendants,

~~Civil 14-12-0149-~~
15-9-0111

Plaintiffs,

v.

SUMMONS

KEVIN WRIGHT, SONNY ZIEGLER,
DESIREE LAROCHE, AND LEWIS
GRASSROPE,

Defendants.

THE LOWER BRULE SIOUX TRIBE TO THE ABOVE-NAMED DEFENDANTS,

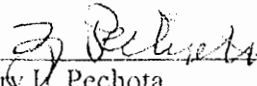
GREETING:

You are hereby summoned and required to answer the Complaint of the Plaintiff's, which is herewith served upon you, and to serve a copy of your answer on the undersigned at his office at 1617 Sheridan Lake Road, Rapid City, South Dakota 57702, within 30 days from the date of the service of this Summons upon you, exclusive of the day of such service.

YOU ARE FURTHER advised that this action is an action for Temporary and Emergency Restraining Order and/or Injunction as well as a Permanent Restraining Order and/or Injunction.

That if you fail to appear and answer as aforesaid, Judgment by Default may be rendered against you, as requested in the Complaint herein.

Dated at Rapid City, South Dakota, this 11th day of September, 2015.



Terry L. Pechota
Attorney for Plaintiffs
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LOWER BRULE SIOUX TRIBAL COURT
LOWER BRULE SIOUX TRIBE
LOWER BRULE INDIAN RESERVATION

IN TRIBAL COURT
CIVIL DIVISION

Civil ~~14-12-0119~~
15-9-0111

ORVILLE "RED" LANGDEAU, JR.,
AND JOHN MCCAULEY, SR., on behalf
of themselves and all other Tribal members
affected by the conduct of defendants,

Plaintiffs,

v.

VERIFIED COMPLAINT

KEVIN WRIGHT, SONNY ZIEGLER,
DESIREE LAROCHE, AND LEWIS
GRASSROPE,

Defendants.

Comes now plaintiffs, personally and through their attorney, Terry L. Pechota, and for the claim for relief state and allege as follows:

1. Plaintiff and defendants are members of the Lower Brule Sioux Tribe, reside on and within the Lower Brule Sioux Indian Reservation, and the claims arose on the Reservation.
2. Plaintiffs are duly elected members of the Lower Brule Sioux Tribal Council. Plaintiff Langdeaux is the Tribal Secretary-Treasurer.
3. The Tribal Council must abide by the provision of the Lower Brule Sioux Tribal Constitution and By-laws (LBSTC). Exhibit 1.
4. The controversy set forth herein is a continuation of the proceedings brought before the Court in Orville "Red" Langdeaux, Jr., and John McCauley, Sr. v. Kevin Wright, Sonny Ziegler, and Desiree Laroche in Civ-14-12-0119, a copy of last amended complaint in that action being incorporated herein as exhibit 2 as if fully set out.
5. The orders entered by this Court on December 16, 2014, June 30, 2015, and July 9,

2015, are incorporated herein as if specifically set out as exhibits 3, 4, and 5.

6. On September 2, 2015, the Lower Brule Sioux Tribal Council, including all parties except Grassrope, met at Lower Brule for the regularly scheduled Tribal Council meeting. During this meeting, Kevin Wright, while acting as Presiding Officer because of the vacancy in the Chairmans position, tried to vote to approve a motion in violation of Article IV, Section 4 of the LBSTC which says that “(t)he Chairman shall only vote to break a tie.” The Secretary/Treasurer, Langdeaux, called for point of order to inform Wright that he could not vote. Wright voted anyway. Orville Langdeaux informed the Council that he would not participate in any meeting that was in violation of the Tribal Constitution and left. Exhibit 6. John McCauley left shortly thereafter because of the loss of quorum and unprofessional conduct. Exhibit 7.

7. All business transacted on September 2, 2015, where Kevin Wright voted, after loss of a quorum, and in the absence of the Secretary-Treasurer, who must be in attendance at every meeting under Article I, Sections 3 &4 of the LBSTC By-laws is void, illegal, and of no effect.

8. On September 3 or 8, 2015, defendants held a meeting at the Ramkota Hotel in Rapid City, South Dakota. Exhibit 8. The meeting was not noticed. Plaintiffs were given no notice of any meeting in Rapid City. There was not a quorum of 5 present to transact official business. Article IV, Section 2 of the LBSTC By laws states specifically “No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) council members.”

9. Article IV, Section 1 of the LBSTC By laws provides that “(t)he regular meeting of the Tribal Council shall be held the first Wednesday of each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. Special meetings may be called by the Chairman or by the majority of the Tribal Council and when so called the

Tribal Council shall have the power to transact business as in regular meetings.”

10. At the September 3 or 8, 2015, meeting, defendants purportedly took the following official action: (a) hire new Tribal attorneys; (b) filled the position of Tribal Chairman with Lewis Grassrope; (c) abolished the Lower Brule Sioux Tribal Farm Board and appointed 3 new members to the Executive Board; (d) added Lewis Grassrope, Sonny Ziegler, Desiree LaRoche and Kevin Wright to banking signature cards; (e) hired Frank King, Jr., as media consultant; (f) terminated Lee Brannen as Tribal General Manager; (g) fired Scott Jones as Tribal administrative officer; (h) adopted the minutes of the September 8, 2015, meeting; and (i) appointed Desiree LaRoche as acting Tribal secretary. Exhibits 8, 9, and 10.

11. All business transacted on September 3 or 8, 2015, in Rapid City, South Dakota, is void, illegal, and of no effect on the following grounds and for the following reasons: (a) all action taken without a quorum; (b) all action taken without the presence of the duly elected Tribal Secretary-Treasurer; (c) no notice given to the plaintiffs, public, or membership about the holding of the meeting; (d) the meeting was illegally held outside of the Lower Brule Indian Reservation; (e) the purported action was not taken by the required 2/3 majority vote of the full Tribal Council; (f) Kevin Wright acting as Tribal Chairman voted; (g) absent council members were counted as votes for the affirmative; and (h) the conduct of the meeting violated existing orders of the Lower Brule Sioux Tribal Court.

12. On December 16, 2014, Judge B.J. Jones “restrained the Defendants from taking any actions to carry out motions passed” because they do not comport with the Tribal Constitution and restrained Defendants “from taking any actions to hold Special or General meetings of the Council without a quorum or remov(ing) any elected official of the Tribe without complying with

Article IV, Section 2 of the Tribe's By-laws, requiring 4 votes to pass any resolution, and Article V, Section 2 of the Tribe's Constitution. Exhibit 3.

13. On June 30, 2015, Judge B.J. Jones held that 4 council members must vote in favor of any person to fill the Tribal Chairman's position, not 2 or 3, and that all previous orders of the Court were to remain in effect. Exhibit 4.

14. On July 9, 2015, Judge B.J. Jones "den(ied) the Defendants' motion for reconsideration of its order of June 30, 2015, on the quorum and 2/3's of the full Council vote issue" and granted a preliminary injunction preventing Defendants from removing Plaintiffs from their elected positions or attempting to effectuate the actions they took on December 12, 2014, to remove the Plaintiffs from their positions." Exhibit 5.

15. Defendants, in both their official and individual capacity, have acted outside their power and authority under the LBSTC.

IRREPARABLE INJURY

16. The action and conduct of defendants has and is causing irreparable injury to plaintiffs and to the Lower Brule Sioux Tribe and its members. One, plaintiffs are not being notified of meetings and their absences considered an affirmative vote. Two, plaintiffs are being deprived of their votes as council members. Three, plaintiffs are effectively being removed from their positions as council members. Four, defendants are acting in violation of the Tribal Constitution and By-laws and previous orders of the Court. Five, general overall Tribal operations and financial condition will suffer drastic and unforeseen consequences by the termination of the Tribal General Manager, Tribal Administrative Officer, and abolishment of the Tribal Farm Board, a major financial and income generating enterprise of the Lower Brule Sioux

Tribe. Six, unauthorized and illegally appointed individuals will have access to Tribal coffers. Exhibit 11. Seven, an illegally appointed and unelected Tribal Chairman will be given free reins to the good name of the Tribe. Eight, the electorate of the Lower Brule Sioux Tribe is incensed by the actions of defendants and likelihood of physical harm and damage and civil strife is imminent because of it.

PRAYER FOR RELIEF

Plaintiffs, on behalf of themselves and others similarly affected by defendants' action, pray to this Court as follows:

1. Assume jurisdiction over this case and set the matter down a prompt hearing.
2. Issue a temporary restraining order restraining defendants from holding meetings without notice, without a quorum, without 4 affirmative votes in favor of any action taken, without anyone filling the Chairman's position voting except in the case of a tie vote, enforcing any action taken on September 2 or September 3 or 8, 2015, including submitting signature cards to any banking institutions adding names of parties who will have access to Tribal funds, or assuming the office of Tribal Chairman.
3. Issue a preliminary and final injunction enjoining defendants from passing any motions or resolutions or taking any action in violation of the Tribal Constitution and By-laws, enforcing or giving effect to any action take on September 2 or September 3 or 8, 2015, filling the position of Tribal Chairman, and all relief requested by the prayer for a temporary restraining order.
4. Declare that defendants are in violation of previous orders of this Court, the actual and legal composition of the Tribal Council, that the defendants have acted illegally and improperly

in taking the action contested by this Complaint, and that Lewis Grassrope has no authority to act as Tribal Chairman.

5. For costs and attorney's fees.

6. For such other or alternative relief as the Court may deem just in the premises.

VERIFICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BRULE)

Orville "Red" Langdeau, Jr., and John McCauley, Sr., after being first duly sworn upon their oath, state that they have read the Complaint and swear that the contents are true to the best of their knowledge, information, and belief.

Orville "Red" Landeau, Jr.
Plaintiff

John McCauley, Sr.
Plaintiff

Subscribed and sworn to before me on this 11th day of September, 2015, by persons known to me or proved to be Orville "Red" Langdeau, Jr., and John McCauley, Sr.

Notary Public

My commission expires:_____.

(SEAL)



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