

# PECHOTA LAW OFFICE

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1617 Sheridan Lake Road  
Rapid City, South Dakota 57702-3483

Fax: (605) 341-0716  
Tel: (605) 341-4400

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Terry L. Pechota  
Attorney at Law  
[tpechota@1868treaty.com](mailto:tpechota@1868treaty.com)

Miranda Madsen  
Paralegal  
[miranda@1868treaty.com](mailto:miranda@1868treaty.com)

Michelle Hollow Horn Bear  
Administrative Assistant  
[michelle@1868treaty.com](mailto:michelle@1868treaty.com)

October 27, 2015

Lower Brule Sioux Tribal Court  
Marlys Langdeau  
PO Box 122  
Lower Brule, SD 57548

Re: *Langdeau, Jr., et al. v. Wright, et al.*  
*Civ 14-12-0119*

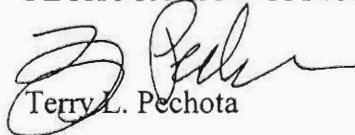
Dear Marlys:

Enclosed for filing in the above referenced matter is the original *Motion to Summarily Affirm and Remand for Election*. Please file accordingly. I am also emailing a copy of these documents to Chase Iron Eyes as noted on the certificate of service.

Should you have any questions, please contact my office. Thank you.

Sincerely,

PECHOTA LAW OFFICE

  
Terry L. Pechota

TLP/mhbb  
Enc.

cc: clients

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Terry L. Pechota  
Attorney at Law  
[tpechota@1868treaty.com](mailto:tpechota@1868treaty.com)

October 27, 2015

Chase Iron Eyes  
Attorney at Law  
Box 888  
Fort Yates, ND 58538

Re: *Langdeau, Jr., et al. v. Wright, et al.*  
*Civ 14-12-0119*

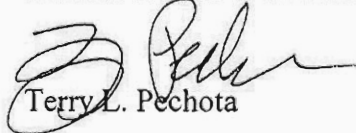
Dear Chase:

Enclosed for your review and records in the above referenced matter is a copy of the *Motion to Summarily Affirm and Remand for Election* which has been mailed to the Lower Brule Sioux Tribal Court for filing.

Should you have any questions, please contact my office. Thank you.

Sincerely,

PECHOTA LAW OFFICE

  
Terry L. Pechota

TLP/mhbb  
Enc.

cc: clients

IN THE LOWER BRULE SIOUX TRIBE

SUPREME COURT

ORVILLE "RED" LANGDEAU, JR. and JOHN McCAULEY SR.,

Cross-Appellants,

v.

KEVIN WRIGHT, SONNY ZIEGLER, and  
DESIREE LaROCHE,

Appellees.

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Appeal from the Lower Brule Sioux Tribal  
Trial Court  
The Honorable BJ Jones, Presiding

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Appeal No.

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MOTION TO SUMMARILY AFFIRM AND REMAND  
FOR ELECTION

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Terry L. Pechota  
Attorney for Cross Appellants  
Pechota Law Office  
1617 Sheridan Lake Road  
Rapid City, SD 57702  
605-341-4400  
[tpechota@1868treaty.com](mailto:tpechota@1868treaty.com)

LOWER BRULE SIOUX TRIBE  
LOWER BRULE SIOUX INDIAN RESERVATION  
LOWEER BRULE, SOUTH DAKOTA

TRIBAL APPELLATE COURT

CIV. 14-12-0119

ORVILLE "RED" LANGDEAU, JR. AND  
JOHN MCCAULEY, SR.,

CROSS-APPELLANTS,

MOTION TO SUMMARILY AFFIRM  
AND REMAND FOR ELECTION

v.

KEVIN WRIGHT, SONNY ZIEGLER,  
AND DESIREE LAROCHE,


APPELLEES.

Comes now Terry L. Pechota, attorney for cross-appellants, Orville Langdeau, Jr., and John McCauley, Sr., and move this Honorable Court to summarily affirm the decisions made by Honorable BJ Jones, Lower Court Judge, in all respects including, but not limited to the determination that a quorum of the Lower Brule Sioux Tribal Council is (5) five and that any action must receive the affirmative vote of (4) four council members.

Appellants have failed to file any briefs in this case. Cross appellants have filed their brief.

Judge Jones has determined that in the event that his judgment is affirmed, there will be an election to determine the replacement for former Tribal Chairman, Michael Jandreau. That election should be allowed to proceed without delay. A copy of the Conditional Order for Special Election is attached hereto and incorporated herein as specifically set out.

Dated October 27, 2015.



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Terry L. Pechota  
Attorney for Cross Appellants  
1617 Sheridan Lake Road  
Rapid City, S.D. 57702  
605-341-4400 office  
605-341-0716 fax  
[tpechota@1868treaty.com](mailto:tpechota@1868treaty.com)

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2015, I caused to be served a true and correct copy of the foregoing *Motion to Summarily Affirm and Remand for Election* by sending it by mail, first class, postage prepaid, to the following:

Kevin Wright  
Box 57  
Lower Brule, SD 57548

Sonny Ziegler  
Box 294  
Lower Brule, SD 57548

Desiree LaRoche  
Box 488  
Lower Brule, SD 57548

Chase Iron Eyes  
Attorney for Appellants  
Box 888  
Fort Yates, ND 58538  
[chaseironeyes@gmail.com](mailto:chaseironeyes@gmail.com)

Lower Brule Sioux Tribal Court  
Marlys Langdeau  
PO Box 122  
Lower Brule, SD 57548



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Terry L. Pechota

LOWER BRULE SIOUX TRIBAL COURT ) IN TRIBAL COURT  
LOWER BRULE SIOUX TRIBE )SS  
LOWER BRULE SIOUX TRIBE JURISDICTION ) CIVIL DIVISION

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

CIV-15-9-0111

vs.

CONDITIONAL ORDER FOR  
SPECIAL ELECTION

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

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A hearing was scheduled in this case on the 23<sup>rd</sup> day of October 2015 on the Plaintiffs' motion for a restraining order and for an order invalidating certain actions taken by the Defendants at a Tribal Council meeting held in Rapid City, South Dakota in September of 2015. The Defendants' former counsel, Steven Emery, withdrew from representation and counsel Chase Iron Eyes appeared for the Defendants. The Plaintiffs appeared through attorney Terry Pechota. Counsel asked for additional time to submit legal arguments since Mr. Iron Eyes just got involved. The Court indicated it would permit the Parties until October 30 to submit any additional arguments.

The Court also visited with counsel and the Parties about an ultimate resolution of the dispute before the Court. After a lunch recess the parties indicated that they had reached a stipulation. Both sides submitted a name to replace the deceased Chairman and agreed to a special election to replace the Chairman. Each side indicated it would propose an entity to monitor the election. The Defendants indicated that their agreement to the

proposal is conditioned upon the Lower Brule Court of Appeals affirming this Court's decision regarding the number of votes necessary to pass resolutions and that the election could be held if the Court affirms this Court's ruling in CIV #14-12-0119.

WHEREFORE based upon the stipulation read into the record it is hereby

ORDERED, ADJUDGED, AND DECREED that if the Lower Brule Sioux Tribal Court of Appeals affirms this Court's decision that 4 votes are necessary to pass resolutions by the Lower Brule Sioux Tribal Council, or if the Court dismisses that appeal without reversing this Court, a special election shall be held within 30 days of the Court of Appeals' action between Lewis Grassrope and Boyd Gourneau for the position of Chairman of the Lower Brule Sioux Tribe. Each party shall submit the name of a proposed entity to oversee said election on or before October 30, 2015, and it is further

ORDERED, ADJUDGED, AND DECREED that the Parties have until October 30, 2015 to submit any closing arguments on the question of whether this Court should invalidate the actions of the Defendants at a Council meeting purportedly held in Rapid City, South Dakota in September of 2015.

Dated this 26<sup>th</sup> day of October 2015.



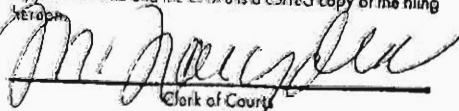
B.J. Jones  
Lower Brule Sioux Tribe  
Special Judge

ATTEST:



LOWER BRULE SIOUX TRIBAL COURT }  
LOWER BRULE, SD } ss.  
COUNTY OF LYMAN

I hereby certify that I have carefully examined this within instrument and compared the same with the original now on file and of record in this office and that it is a true and correct copy of the same and the above is a correct copy of the filing

  
Clerk of Court

By \_\_\_\_\_ Deputy