

LOWER BRULE SIOUX TRIBAL COURT)
LOWER BRULE SIOUX TRIBE) ss: LOWER BRULE SIOUX
TRIBAL CIVIL DIVISION) TRIBAL COURT

ORVILLE LANDEAU, JR. and)	CASE NO. CIV-15-9-0111
JOHN MCCAULEY,)	AFFIDAVIT OF MRS.
Plaintiffs/Appellees, v.)	KELLY KING IN SUPPORT OF
KEVIN WRIGHT, SONNY)	MOTION TO DISMISS FOR
ZIEGLER AND DESIREE)	VIOLATION OF THE LBST
LAROCHE,)	RULES OF CIV. PRO. AND
Defendants/Appellants.)	MOTION TO DISMISS
	T.R.O. ISSUED ERRONEOUSLY

Mrs. Kelly King, an enrolled member of the Lower Brule Sioux Tribe, being first duly sworn upon oath deposes and swears:

1. I attended the September 2, 2015 Tribal Council meeting held at Lower Brule, South Dakota. I was observing as the meeting was recorded by video camera.
2. I obtained a copy of the video recording and typed a transcript of what was intelligible during the meeting when individuals including Scott Jones yelled at one another, creating an uproar, throughout the September 2, 2015 Tribal Council meeting.
3. I have attached the draft minutes that I prepared from the video recording I obtained of the September 2, 2015 Tribal Council meeting. That document is demoninated **Exhibit F**, draft minutes of September 2, 2015 Tribal Council meeting.
4. Further, affiant sayeth naught.

Dated: Lower Brule Indian Reservation
Lower Brule, SD

September 7, 2015

Mrs. Kelly King

Witnessed this 7th day of September, 2015

My commission expires the __ day of _____, 201_.

[Seal]

Exhibit E, Affidavit of Mrs. Kelly King, prepared draft transcript of September 2, 2015 meeting

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Exhibit F, draft minutes of September 2, 2015 Tribal Council meeting

LBST Draft Minutes from September 2nd, 2015 Regular Session

Verbatim Minutes of the Lower Brule Sioux Tribal Council Regular Meeting held on September 2nd, 2015, in Lower Brule, SD at the Tribal Administration Building. Recording began a few minutes after meeting was called to order by Acting/Vice-Chairman Kevin Wright. I, Mrs. Kelly King transcribed these draft minutes of that meeting.

Kevin Wright: I am the Vice-Chairman here. You are not going to take my vote away.

Orville Langdeau: You don't have a vote and if you are going to continue in this motion...

Kevin Wright: Moving on, moving on..

Orville Langdeau: No, we are not moving on... not if you are going to continue in this manner. You do not have a vote and you were never

Kevin Wright: Brandy Crazy Bull request for surplus equipment declaration

Orville Langdeau: If you don't want to conduct business in the proper way..

Kevin Wright: We are conducting business in the proper way..

Orville Langdeau: No... no.. you are not.. not really no...

Kevin Wright: How can you say that? This is what the constitution says...

Orville Langdeau: I know what the constitution says!!

Kevin Wright: Okay number five..

Orville Langdeau: I am leaving at this time.. if this is how you wanna .. you wanna just...no...

Kevin Wright: If you leave you are...abandoning your post!

Orville Langdeau: No I'm not!!

Kevin Wright: Yes you are!

Orville Langdeau: No I'm not!!

Kevin Wright: Yes you are!

Orville Langdeau: You are conducting mis ahhh..

Kevin Wright: You are violating a court order if you leave!

Orville Langdeau: No I'm not!!

Kevin Wright: You are violating a court order if you leave!

Orville Langdeau: No I'm not!!

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Kevin Wright: Yes you are.

Orville Langdeau: No I'm not!!

Kevin Wright: Yes you are.

Orville Langdeau: You guys can play it anyway you want..

Sonny Ziegler: This is the way you guys wanted to for years... you don't follow this.. (tribal constitution)

Unknown: Kevin!

Kevin Wright: We have a motion on the floor.. Lets second it.. is there a second on it?

John McCauley: I cant be a part of this...

Unknown: Kevin!

Kevin Wright: There is another one abandoning his post!

John McCauley: Nope.. You guys need to read the constitution for a way on a council meeting is supposed to run..!

Kevin Wright: I read the constitution right here. Are you gonna ... continually recording Scott? Or are you going to leave?

Orville Langdeau: (Yelling from the back door) You don't have a quorum to continue!

Kevin Wright: For the record, for the record!!..

Scott Jones: I..I..I..this hasn't become a traditional meeting but I'll record on this motion.

Kevin Wright: No no no no no no... we don't need you to tell us what it is...this is still a council meeting.

Scott Jones: You lost your quorum.

Kevin Wright: Its still a council meeting. These two (Orville Langdeau and John McCauley) are in violation and I want that on the record. We'll have, we'll have order in here... You're seconding?

Desiree LaRoche: Yes

Sonny Ziegler: I make a motion.. For Boys and Girls Club..

Kevin Wright: For?

Sonny Ziegler: For ten grand

Scott Jones: We did vote for that.. that was passed already 5 for..

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Kevin Wright: All in favor? All against? Not voting? Motion will pass..

Scott Jones: I would like to caution you on

Kevin Wright: Next? So that resolution passed.... New Business. Issuance of Kevin Wright and Sonny Ziegler to the signatory list. Motion made by, so moved by Des, Desiree (Council Woman Desiree LaRoche) Second by Sonny. All in favor?

Amanda Jandreau, woman 1 from the audience: She don't got a mouth or what!!!! She cant speak!!!!? She supposed speak as a woman!!!.. She don't got a mouth!!?

Kevin Wright: You are out of order, you're out of order... you are out of order right now.

Scott Jones: We are questioning this illegal quorum.

Kevin Wright: I am going to caution you, Scott, all I asked you to do is record.

Scott Jones: I am recording.. but you are violating your own court order.

Kevin Wright: These two (Orville Langdeau and John McCauley) left on their own accord, they don't want to deal with this that they have to deal with.. they are violating their own court order. This constitution is law, this constitution is law!!

Sonny Ziegler: Did we vote already?

Kevin Wright: Yes we did. This resolution will pass with 2 absent,

Scott Jones: They are absent

Kevin Wright: They chose to leave. They are not needed to have a quorum.

Scott Jones: You can't call a council meeting in their absence so you need to disregard...

Kevin Wright: We still have us, we still have us and we have a quorum. This is getting out of order!! This number six will pass. 3 for none not voting. Number seven!.

Scott Jones: I cant record what isn't the truth here.

Kevin Wright: I asked you to record.

Scott Jones: You don't even know what your status is here, you're living in an fantasy world, you're making up the rules everyday.

Kevin Wright: Hey hey hey...! Hold on here, you're out of order, I'm trying to keep it simple here.. I really am.

Pearl Colombe, Woman 2 from the audience: You're Acting Chairman, you're acting as a chairman, you're vice-chairman and your acting as.....

Kevin Wright: For the record... she was not recognized!

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Pearl Colombe, Woman 2 from the audience: You are wearing three hats and you don't belong in here!!! You don't belong in here your wearing three HATS!!!

Scott Jones: I can't record...

Lori Sue Ziegler, Woman 3 from the audience: Kevin was elected by the people just like the rest of them were.

Kevin Wright: You abandoning your post or what?

Scott Jones: Elected to follow the constitution.

Pearl Colombe, Woman 2 from the audience: You don't have a quorum!!!

Kevin Wright: Are you abandoning your post too?

Lori Sue Ziegler, Woman 3 from the audience: They were ordered by the court to hold council, ordered by judge.

Scott Jones: You're making it up. You're making it up. You're just making it up.

Kevin Wright: We are going by the agenda you made, we are going ... by the agenda.

Scott Jones: I mean that you don't have a quorum!

Kevin Wright: We are going by your agenda.

Scott Jones: Kevin, you don't have a quorum. You have to have a quorum to conduct business.

Sonny Ziegler: We have a quorum..

Kevin Wright: There was, there was a court order that allowed us to, that made us conduct business and that anybody that walks out will be held in contempt.

Scott Jones: That's not what he said.. He said that he cannot define what constitutes a meeting and once you have roll call under Article ahhhhh.....

Kevin Wright: No..no..no...no.. you're making that up!

Scott Jones: I'm not making anything up.

Kevin Wright: This council is the law, the supreme law of the land here.

Scott Jones: A quorum, a quorum of the council..

Kevin Wright: They left.. they abandon their posts.

Scott Jones: No.. they did not abandon their posts.

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Kevin Wright: Several times they (Orville Langdeau and John McCauley) have abandoned. How many times have they abandon?

Scott Jones: Go ask them!

Kevin Wright: Why don't you go ask them?

Lori Sue Ziegler, Elder Woman 3 from the audience: Why don't you? You're trying to run the meeting.

Scott Jones: I am just explaining to you as an acting recording secretary that you have rules you have to follow.

Kevin Wright: They (Orville Langdeau and John McCauley) shouldn't be heading out either.. If they want to follow the rules they shouldn't be heading out either.

Scott Jones: Then you guys need to figure that out..

Sonny Ziegler: Why do we need to figure that out?

Scott Jones: I kept telling you.. no because I cannot be complacent in this.

Kevin Wright: You started when you started speaking up.

Scott Jones: You are unprofessional.

Kevin Wright: I disagree with you.

Scott Jones: You sure call these guys out of order but the rest start speaking up why don't you.....

Kevin Wright: Everybody is out of order here!!

Scott Jones: That's because you don't have a quorum..

Sonny Ziegler: Then why you worried about it then?

Scott Jones: These rules have been in place since 1934

Kevin Wright: No not until you replaced them in 1986..

Scott Jones: Leaves meeting.

Kevin Wright: Does anybody else having anything else they want to say??

Raquel Gourneau, Woman 4 from the audience: Standing..

Kevin Wright: Fire away..

Raquel Gourneau, Woman 4 from the audience: Are you conducting this meeting as Chairman or Vice-Chairman?

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Kevin Wright: I was elected as Vice-Chairman, I am conducting the business, conducting the council.

Raquel Gourneau, Woman 4 from the audience: You're vice chairman..

Kevin Wright: We vacated the seat. So then whats the problem? why is it that we cant, ok we cannot have it both ways right?

Raquel Gourneau, Woman 4 from the audience: No you cant! That's what I am saying.

Kevin Wright: That goes the same with the resolutions, resolutions that were passed! The resolutions that were passed in September should be null and void then? We will continue on to new business!

Raquel Gourneau, Woman 4 from the audience: So right now though, that was not my question, my question is are you presiding as chairman or vice-chairman? And are you afforded a vote?

Kevin Wright: I am the Vice-Chairman

Raquel Gourneau, Woman 4 from the audience: Okay however in the absence of a chairman you preside as chairman is that correct?

Kevin Wright: That is correct!

Sonny Ziegler: That doesn't take your vote away as Acting Chairman.

Kevin Wright: That doesn't take my vote away.

Raquel Gourneau, Woman 4 from the audience: It does...

Kevin Wright: It doesn't take my vote away.. I am vice-chairman.

Raquel Gourneau, Woman 4 from the audience: You cannot hold two seats.

Kevin Wright: You cannot tell me that I can't vote..

Raquel Gourneau, Woman 4 from the audience: You are not afforded two seats and yes I can!!

Kevin Wright: They (Orville Langdeau & John McCauley) didn't want to decide on a chairman

INAUDIBLE REDUNDANCY.. PROFANITY

Sonny Ziegler: There was a resolution passed with those three in the same manner by Mike Jandreau in 2003, that was a quorum and that was a resolution passed ..

Raquel Gourneau, Woman 4 from the audience: OK that was totally different...

Sonny Ziegler: Why...Why?

Raquel Gourneau, Woman 4 from the audience: Why? I don't know I wasn't here..

Sonny Ziegler: You don't know obviously..

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Raquel Gourneau, Woman 4 from the audience: That was not legal..

Amanda Jandreau, woman 1 from the audience: I thought we were trying to move forward why you guys bringing up the past for?

YELLING AND INAUDIBLE PROFANITY FROM AUDIANCE...

Raquel Gourneau, Woman 4 from the audience: You cannot continue a meeting without a quorum present.. yes it has been established but...

Kevin Wright: They walked out (Orville Langdeau & John McCauley).

YELLING AND INAUDIBLE PROFANITY...

Kevin Wright: The only ones giving me grief about this are the ones that are Mikes family, ill say it.

Raquel Gourneau, Woman 4 from the audience: What the FUCK! does that have to do with it!!!

Kevin Wright: I have to ask you to watch your language.

Raquel Gourneau, Woman 4 from the audience: Excuse my language but that has nothing to do with...

Kevin Wright: Council is getting out of order I am calling to go into executive, 11:25 A.M. CST

Sonny Ziegler: Second

Kevin Wright: Everybody please remove yourself as we are going into executive.

Council comes out of executive Session 11:45 A.M. CST and recesses until 1:00 P.M. Lunch Break.

1:15 P.M. Council reconvenes and recesses due to inability to maintain order in council. Violent outbursts continued and death threats made during lunch break.

Transcribed by Mrs. Kelly King

Finis
