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Date June 10<sup>th</sup> 2015

DEFENDANTS' AFFIDAVITT TO DISQUALIFY SPECIAL JUDGE B.J. JONES FROM CASE  
CIV#14-12-0119

IMMEDIATELY BASED UPON FACTS & REASONS STATED IN AFFIDAVITT:

FILED TO THIS COURT UNDER LOWER BRULE SIOUX TRIBAL CODE RULE 33.

DISQUALIFICATION

**Vice-Chairman Kevin Wright now acting Chairman (due to the elected Chairman recently passing away), Lower Brule Sioux Tribal Council member Sonny Ziegler and Lower Brule Sioux Tribal Council member Desiree LaRoche do file this affidavitt under oath and by Rule 33. of Lower Brule Sioux Tribal code.**

The reasons for the above three defendants' affidavitt for disqualification of the special judge B.J. Jones from this action/amended lawsuit by intervenors is due to his clear and blatant bias and/or prejudice he has expressed in his rulings toward the above named three defendants and showing clear favor to one of the opposing parties that the original intevenors Oriville (Red) Langdeau and John McCauley Sr., disregarding the Lower Brule Sioux Code Rule 16. Dismissal (b), numbers 1,2,3,and also[c] . The special judge has written that he has dismissed the original action in civ 14-12-0119;

1. But yet in violation of Rule 16 he allows the two intervenors to pursue/proceed in this action that was dismissed.

2. The intervenors where not the original plaintiff so this case is done with. The intervenors will have to re-file a new action if they want to proceed

3. The special judge showing further favoritism to the intervenors move them into the position as plaintiffs in this case after dismissing the original plaintiff and thereby effectively dismissing this whole case.

4. The special judge had received notice on May 20<sup>th</sup> 2015 of a remand order from Lower Brule Appellate Court for the judge to reexamine the special court's jurisdiction. The special judge did not issue his ruling on this matter to the defendants until less than one day before the June 11<sup>th</sup> 2015 hearing. Some 30 days later thereby not giving defendants time to appeal the judge's order and ruling.

5. Lower Brule Sioux Tribal Code Rule 33. b. states that when an affidavit for disqualification of a judge is filed the judge will then proceed no further therein; except to call in another judge to hear and determine the matter.

6. If special judge B.J. Jones proceeds any further in any actions of civ 14-12-0119 ; the special judge B.J. Jones will be in violation of Rule 33. and therefore also violation of tribal law.

7. Notice and copies are to be sent by clerk of courts and the defendants will send notice for enforcement Rule 33. with complied and enforced.

Date: June 10 2015

The defendants oppose placing Judge Miner or Judge Gibb from hearing this disqualification case, based on 2014 controversy over tribal election for chief Judge.

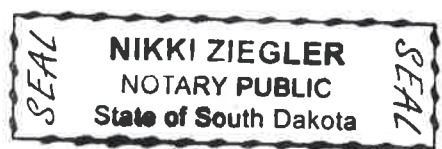
Signed defendant 1. Kevin Wright

Signed defendant 2. Jonny Ziegler

Signed defendant 3. Desirae LaRoche

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Hude

6/10/2015  
Nikki Ziegler



lx 12/16/2014

LOWER BRULE SIOUX TRIBAL COURT ) IN TRIBAL APPELLATE COURT  
LOWER BRULE SIOUX RESERVATION ) CIVIL DIVISION  
LOWER BRULE SIOUX JURISDICTION ) CIV-#14-12-0119

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Lower Brule Sioux Tribe, Originally Plaintiff; in this amended lawsuit now called Intervenors consisting of Tribal Secretary/Treasurer Oriville (Red) Langdeau and Tribal Council member John McCauley Sr. 0119

- \* THE DEFENDANTS' AFFIDAVITT
- \* [ALSO MOTION OR COMPLAINT]
- \* TO DISQUALIFY SPECIAL JUDGE
- \* B.J. JONES FROM CASE CIV#14-12-

vs.  
\* IMMEDIATELY BASED UPON FACTS &  
Lower Brule Sioux Tribal Council  
Vice-Chairman Kevin Wright, now acting Chairman  
Tribal Council member Sonny Ziegler  
and Tribal Council member Desiree LaRoche  
Defendants

- \* REASONS STATED IN AFFIDAVITT:
- \* FILED TO THIS COURT UNDER
- \* RULE 33. DISQUALIFICATION
- \* LOWER BRULE SIOUX TRIBAL CODE
- \* Notice and copies are to be sent by clerk of courts and
- \* the defendants will sent notice for endurance Rule 33.
- \* with complied and enforced.

COMES NOW , on date of June 10<sup>th</sup> 2015 and proceeding Pro-Se are the three named defendants, in this amended lawsuit and all of its related actions ; the Lower Brule Sioux Tribal Council Vice-Chairman Kevin Wright now acting Chairman (*due to the elected Chairman recently passing away*), Lower Brule Sioux Tribal Council member Sonny Ziegler and Lower Brule Sioux Tribal Council member Desiree LaRoche who do file to the Lower Brule Sioux civil trial Court; **By and under the Lower Brule Sioux Tribal Court Code Rule 33. DISQUALIFICATION; their duly executed** affidavitt along with this motion or complaint to disqualify the appointed special judge B.J. Jones from this action/amended lawsuit by intervenors in civ: 14-12-0119.

The reasons for the above three defendants' affidavitt and complaint for disqualification of the special judge B.J. Jones from this action/amended lawsuit by intervenors is due to his clear and blatant bias and/or prejudice he has expressed in his rulings toward the above named three defendants and showing clear favor to one of the opposing parties that of the original intevenors Oriville (Red) Langdeau and John McCauley Sr., disregarding the Lower Brule Sioux Code Rule 16. Dismissal (b), numbers 1,2,3,and also[c] . The special judge has written that he has dismissed the original action in civ 14-12-0119;

was dismissed.

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Date: June 10<sup>th</sup> 2015

The defendants oppose placing Judge Miner or Judge Gibb from hearing this disqualification case, based on 2014 controversy over tribal election for chief Judge.

Signed defendant 1. *[Signature]*

Signed defendant 2. *[Signature]*

Signed defendant 3. *[Signature]*

- to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.
- (f) Stay of Judgment Upon Multiple Claims. When a Court has ordered a final judgment on some but not all of the claims presented in the action under the conditions stated in Rule 25, the Court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.
  - (g) Waiver of Undertaking. In all cases the parties may, by written stipulation, waive the requirements of this rule with respect to the filing of a bond or undertaking. In all cases where an undertaking is required by these rules, a deposit in Court in the amount of such undertaking, or such lesser amounts as the Court may order, is equivalent to the filing of the undertaking.
  - (h) Other Relief. No stay, injunction, waiver of undertaking or security for costs or any other relief from a judgment or order shall be granted by the Court without actual notice and opportunity to be heard on the part of the prevailing party to the action.

### RULE 33. DISABILITY OR DISQUALIFICATION OF A JUDGE.

- (a) Disability. If by reason of death, sickness, or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the Court under these rules after a verdict is returned or findings of fact and conclusions of law are filed, then, any other judge regularly sitting in or assigned to the Court may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.
- (b) Disqualification. Whenever a party to any action or proceeding, civil or criminal, or his attorney shall make and file an affidavit that the judge before whom such action or proceeding is to be tried or heard has a bias or prejudice, either

against such party or his attorney or in favor of any opposite party to the suit, such judge shall proceed no further therein, except to call in another judge to hear and determine the matter.

Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed as soon as practicable after the case has been assigned or such bias or prejudice is known. If the judge against whom the affidavit is directed questions the sufficiency of the affidavit, he shall enter an order directing that a copy thereof be forthwith certified to another judge (naming him), which judge shall then pass upon the legal sufficiency of the affidavit. If the judge against whom the affidavit is directed does not question the legal sufficiency of the affidavit, or if the judge to whom the affidavit is certified finds that it is legally sufficient, another judge must be called in to try the case or determine the matter in question. No party shall be entitled in any case to file more than one affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith.

- (c) "Sufficiency" for the purpose of this rule means whether the affidavit sets forth facts which, if true, would warrant disqualification of a judge. There shall be no hearing or other inquiry as to whether the facts as stated in the affidavit are indeed true, so as to preserve the dignity of the Court and avoid the hint of impropriety.

#### RULE 34. INJUNCTIONS.

- (a) Preliminary Injunction; Notice. No preliminary injunction shall be issued without notice to the adverse party.
- (b) Temporary Restraining Order; Notice; Rehearing; Duration. No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; and