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

Lower Brule Sioux Tribe, Originally Plaintiff; in this amended lawsuit now called Intervenors consisting of Tribal Secretary/Treasurer Orville (Red) Langdeau and Tribal Council member John McCauley vs. Lower Brule Sioux Tribal Council Vice-Chairman Kevin Wright, now acting Chairman Tribal Council member Sonny Ziegler and Tribal Council member Desiree LaRoche Defendants	* THE DEFENDANTS' ANSWER OF * GENERAL DENIAL TO PLAINTIFFS * OR INTERVENORS AMENDED * LAWSUIT AND/OR COMPLAINT * IN CIVIL ACTION CIV-#14-12-0119 * * * *
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COMES NOW, on date of May 11th 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;

1. their answer of GENERAL DENIAL to all charges or claims both old and new listed in the plaintiffs and/ or intervenors' amended lawsuit and/or complaint of civ-14-12-0019.

2. The Defendants state since the special judge's Feb 13th 2015 judgment that they have not tried to enact any motions or purse issues from the December 12th 2014 special meeting. The defendants took the action that they at that time reasonable believed was legitimate due to the two remaining plaintiffs now called intervenors walking out of the regular council meeting; when the vice chairman attempted to bring to the floor issues of the undisputed chief judge election, missing federal funds in the amount over 24 million and questions about the tribe's involvement in shady investment deal plus transparency of the tribal farm finances. The defendants state to the trial court that they have not attempted

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to remove the any of the plaintiffs and that elected chairman passed away due to natural causes . The vice-chairman then by the Tribal Constituent stepped in chairman position through the recognized chain of command and assumed the chairman duties in acting capacity.

3.The defendants state to the trial court in react to the court allowing the plaintiffs to amend their lawsuit that the defendants have made (*as it is their legal right to do so under these very confusing circumstances and actions by plaintiffs and the the tribal [trial] court*) a petition for a extraordinary writ of mandamus to the Tribe's Superior court; requesting the Superior court to order the Lower Brule Sioux Tribal (trial) Court (*the inferior court*) specifically special Judge B.J. Jones to do specific things and also for the two plaintiffs now also called intervenors John McCauley and Orville (Red) Langdeau to do specific things that are numbered and listed (*defendants' requests to Superior Court*) in the petition for the writ. The defendants state in their petition to the Appellate (*Superior*) Court the reasons for their petition for the writ. The three named defendants are all duly elected members of the Lower Brule Tribal Council and are vested representatives of the TRIBE and did argue to the Superior Court that Lower Brule regular (*Inferior Ct.*) tribal court lacks both types of jurisdiction over them in this amended Lawsuit; both Subject Matter Jurisdiction and Persona Jurisdiction. see *Hagan v. Sisseton-Whapeton Community College 205 F.3d 1040 (8th Cir.2000)* also see *Santa Clara Pueblo v. Martinez 436 U.S. 49, 58 (1978)*. : Also see the Lower Brule Tribal Law and Order Code Rules of Civil Procedure Chapter 11 Section 2. Tribe immune from suit. The defendants state that the special judge's wording on the plaintiff as TRIBE is very confusing and now is best determined how "Tribe" applies in this amended suit by the Superior Court of the Lower Brule Sioux Tribal Appellant Court. Whether or not defendants in their elected capacity are part of "Tribe?"

4.The special Judge gives a confusing statement as to the way "TRIBE" is applied in this lawsuit

and its amendment. The defendants ask if the last chairman before his untimely passing was viewed by this court as “TRIBE”; then is the vice-chairman who by emergency circumstances had to assume this position of Chairman now also “TRIBE?”

5. The defendants state to the special judge that they have filed a motion for STAY to this Tribal (trial) Court until their petition for an extraordinary Writ of Mandamus is heard by the Lower Tribal Appellate Court.

6. The defendants state to the special judge that they have filed their petition for an extraordinary Writ of Mandamus to the Appellate (Superior) Court and made request number one that the Superior Court order or command the tribal (inferior) Court to stay all proceedings until the whole Writ of Mandamus is heard by the Lower Brule Tribal Appellate Court.

7. The defendant states and argues to the tribal (trial) court that the plaintiffs/intervenors' amended pleading are defective as to Conclusory allegations of derogation and mis- management of tribal business against the acting chairman and the other two defendants in their elected capacities. See Fed. R. Civ. P. Rule 9(b); Fraud or Mistake; Conditions of Mind. In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

Fed. R. Civ. P. Rule 9 (b) requires that circumstances constituting fraud be pleaded with particularity.

“Conclusory allegations that a defendant’s conduct was fraudulent and deceptive are not sufficient to satisfy the rule.”

Schaller Tel. Co., 298 F.3d at 746 (quoting Commercial Prop. v. Quality Inns Int’l, Inc., 61 F.3d 639, 644 (8th Cir. 1995)). Allegations pleaded on information and belief usually do not meet Rule 9(b)’s particularity requirement. See generally, 5A Charles Alan Wright & Arthur R. Miller, Federal Practice

& Procedure § 1298 (3d ed. 2004);

The defendants state to the tribal [trial] court that the plaintiffs in their amended pleadings make no specific violations of the Tribal Constitution by defendants other than what they perceive in their minds is a violation; and other can possibly see as the acting chairman engaging in honest tribal business trying to find out what happened to the missing 24 million + federal funds, what are the circumstances behind the tribe's failed investment venture and bringing transparency to the tribal farm operations.; with the other two defendants supporting this honest tribal business action and action to find the missing federal funds in excess of 24 million and for this transparency to the tribal farm operations!

Date: May 11th 2015

End of the defendants answer to the amended pleadings of the plaintiffs also called intervenors.

Signed defendant 1.

Kevin W. W. W.

Signed defendant 2.

Sammy Z.

Signed defendant 3.

Desiree LaRoche

Kevin Wright
Sonny Ziegler

CERTIFICATE OF SERVICE

I, Desiree LaRoche listed as defendants (Kevin, Wright, Sonny Ziegler and Desiree LaRoche) in action entitled CIV-#14-12-0119/also listed as defendants in the second amended document/motion in Lower Brule Sioux Tribal Court Civil Division filed by attorney Terry Pechota ; hereby certify on the date of May __ 2015 ; that I have caused to be served the " document called the defendants' (Kevin, ^hWright, Sonny Ziegler and Desiree LaRoche) ANSWER of general denial to plaintiffs and/or Intervenors amended pleading; with service upon the following persons listed below; I have made personal service upon Lower Brule Sioux Tribal Court Clerk at the tribal court house located in Lower Brule SD. Time 4:00 PM and date of May 11th 2015: the Lower Brule clerk of court is mandated to make service then upon the listed plaintiffs by service upon their attorney of record, However defendants Kevin, ^hWright, Sonny Ziegler and Desiree LaRoche just to be safe in addition to service upon the clerk of court; will also make service by first class mail to the plaintiffs Orville (Red) Langdeau and John McCauley Sr. listed now as intervenors' by serving their Attorney listed as Terry Pechota at his place of business address on the date of May 11th 2015.

Date: May 11th 2015

Defendants are Proceeding Pro-Se at this point in litigation:

Kevin Wright
Signature of listed Defendant Kevin Wight
Address PO Box 57 Lower Brule SD 57548

Sonny Ziegler
Signature of listed defendant Sonny Ziegler
PO Box 295 Lower Brule SD 57548

Desiree LaRoche
Signature of listed defendant Deiree LaRoche
PO Box 448 Lower Brule SD 57548

Addresses:

[.i] Lower Brule Sioux Tribal Court Clerk *Mauley Pechota* at the tribal court house located in Lower Brule SD.[method personal service]

[.ii] Plaintiffs/intervenors Attorney Terry Pechota [method of service by 1st class mail plus fax at place of business 605-341-0716:] business address 1617 Sheridan Lake Road Rapid City SD 57702