LOWER BRULE SIOUX TRIBAL COURT) IN TRIBAL COURT LOWER BRULE SIOUX TRIBE (1988) (1988) CIVIL DIVISION

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.

TEMPORARY RESTRAINING ORDER/ORDER TO SHOW CAUSE/NOTICE OF HEARING

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

The Plaintiffs, elected officials of the Lower Brule Sioux Tribe, have filed this complaint against the other three elected leaders of the Tribe and Defendant Grassrope, claiming that the Defendants are taking actions in derogation of the Lower Brule Sioux Tribal Constitution and in violation of a preliminary injunction this Court entered in CIV-14-12-0119. The legality of that injunction is currently on appeal to the Lower Brule Sioux Tribal Court of Appeals. In that case the Court enjoined the three elected Defendants from taking legislative action without the presence of a quorum and without the necessary 2/3's of the total number of elected leaders. Both parties appealed from this Court's ruling and that appeal remains pending.

This new lawsuit involves similar claims of unconstitutional action by the three elected Defendants and they have now included Defendant Grassrope, who has purportedly been installed as the new Chairman to replace the former Chairman who

died. The Plaintiffs claim that those actions are unconstitutional because they are contrary to this Court's interpretation of the Lower Brule Sioux Tribal Constitution in CIV-14-12-0119. This Court has not been pointed to any action by the Court of Appeals to vacate that continuing injunction.

From the filings of the Plaintiffs it appears that the Defendants have taken actions that run contrary to this Court's interpretation of the Lower Brule Sioux Tribal Constitution and that the Plaintiffs have also alleged harm to their rights as elected leaders to notice and the right to have their legislative voices heard. This may state a claim under the Indian Civil Rights Act and the Defendants may not be entitled to claim immunity from judicial review. However, the Court finds that the Defendants should have a right to be heard prior to this Court taking action to invalidate any actions of the Defendants.

WHEREFORE, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendants shall be temporarily restrained from taking actions as a legislative body without a quorum and without the necessary votes of that quorum as this Court ruled in CIV-14-12-0119 and it is further

ORDERED, ADJUDGED, AND DECREED that the Defendants shall have until September 24, 2015 by close of business to show cause, by affidavit or otherwise, why their actions taken at a meeting in Rapid City. South Dakota on September 8, 2015 should not be declared void and of no legal effect and it is further

ORDERED, ADJUDGED, AND DECREED that hearing on whether to grant the Plaintiff's a preliminary injunction shall be held on the 2nd day of October 2015 at 2 PM at the Tribal Courtroom in Lower Brule, South Dakota.

So ordered this 14th day of September 2015.

ATTEST: Wally Jung lac

B.J. Jones

Lower Brule Sioux Tribe

Special Judge

LOWER BRULE SIOUX TRIBAL COURT OFFICE OF PROBATION VAUGHN BIG EAGLE, PROBATION OFFICER (605) 473-5528 (605)208-6095

I, Vaughn Big Eagle Lower Brule Probation Officer of Tribal on 09-147-2015 @ 9:45am attempted to serve Lewis Grassrope, Kevin Wright and Sonny Ziegler. They refused to take or sign there Lower Brule Tribal Court Return of Service.

I put a copy of the Return of service in Kevin Wright and Sonny Ziegler box @ 12:14pm at the tribal office.

Date

Vaughn Big Eagle, Probation Officer

9.14.15

LOWER BRULE SIOUX TRIBAL COURT OFFICE OF PROBATION VAUGHN BIG EAGLE, PROBATION OFFICER (605) 473-5528 (605)208-6095

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Vaughn Big Pigle, Probation Officer

LOWER BRULE SIOUX TRIBAL COURT LOWER BRULE SIOUX TRIBE) IN TRIBAL COURT): SS
LOWER BRULE SIOUX TRIBE ***********************************	CIVIL DIVISION
Orville "Red" Langdeau Jr., and John McCauley Sr.,) Civ.# 15-9-0111
Vs. Plaintiff,))
Kevin Wright, Sonny Ziegler, Desiree LaRoche And Lewis Grassrope, Defendant's.) RETURN OF SERVICE)
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I, the undersigned Officer, hereby certify t	hat on theday of
, 20, l Serv Certified	red a True and Correct Copy of a
Copy of Copies of MOTION FOR TEMPROAL PRELIMINARY INJUCTION, SUMMONS at	
Upon: Lewis Grassrope	at the hour ofo'clock
.M., all in the above-entitled matter.	at the nout of
In the following manner:	
1.) Personal delivery of the an the subject of this matter,	
2.) Service of the above-mendult member of the resident family, who was ove	ntioned documents was made upon an r the age of 14 years of age.
Dated this day of	. 20
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LOWER BRULE SIOUX TRIBE LOWER BRULE SIOUX JURISDICTION ************************************	
Orville "Red" Langdeau Jr., and John McCauley Sr.,) Civ.# 15-9-0111)
Plaintiff, Vs.))) RETURN OF SERVICE
Kevin Wright, Sonny Ziegler, Desiree LaRoc And Lewis Grassrope,	,
Defendant's.)
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I, the undersigned Officer, hereby cert	ify that on theday of
, 20, 18	served a True and Correct Copy of a
PRELIMINARY INJUCTION, SUMMON Upon: Sonny Ziegler	at the hour of o'clock
.M., all in the above-entitled matter.	
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LOWER BRULE SIOUX TRIBAL COURT	
LOWER BRULE SIOUX TRIBE LOWER BRULE SIOUX JURISDICTION)	
McCauley Sr.,) Civ.# 15-9-0111
Vs. Plaintiff,) RETURN OF SERVICE
Kevin Wright, Sonny Ziegler, Desiree LaRoche () And Lewis Grassrope, Defendant's.	
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I, the undersigned Officer, hereby certify t	hat on theday of
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Upon: Kevin Wright	at the hour ofo'clock,
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In the following manner:	
1.) Personal delivery of the a	above-mentioned document/s was made ; or
2.) Service of the above-mer adult member of the resident family, who was ove	ntioned documents was made upon an rethe age of 14 years of age.
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Orville "Red" Langdeau Jr., and J. McCauley Sr.,) Civ.# 15-9-0111	r
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I, the undersigned Officer, Certified	hereby certify t 20 <u>15</u> , I Serv	that on the 10 day of gred a True and Correct Copy of a	
Copy of Copies of MOTION FOR PRELIMINARY INJUCTION, S		RY RESTRAINING ORDER and and VERIFIED COMPLAINT	
Upon: Desiree LaRoche	ed matter.	at the hour of 2/6 o'clock,	
In the following manner:			
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LOWER BRULE SIOUX TRIBE LOWER BRULE SIOUX JURISDICTION)	CIVIL DIVISION
Orville "Red" Langdeau Jr., and John McCauley Sr.,) Civ.# 15-9-0111
Vs.))
Kevin Wright, Sonny Ziegler, Desirce LaRoche () And Lewis Grassrope, Defendant's.))
))

1. the undersigned Officer, hereby certify to the control of the certified	hat on theday of ed a True and Correct Copy of a
Copy of Copies of TEMPORARY RESTRAINI CAUSE/NOTICE OF HEARING	NG ORDER/ORDER TO SHOW
Upon: Desirce LaRoche C/n C M., all in the above-entitled matter.	at the hour of 2 '5 2 o'clock,
In the following manner:	
1.) Personal delivery of the a on the subject of this matter.	above-mentioned document/s was made
2.) Service of the above-mer adult member of the resident family, who was over	ntioned documents was made upon an r the age of 14 years of age.
Dated this $\frac{10}{2}$ day of $\frac{32}{2}$, 20/5.
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LOWER BRULE SIOUX TRIBAL COURT (LOWER BRULE SIOUX TRIBE)	: SS
LOWER BRULE SIOUX JURISDICTION)	CIVIL DIVISION
Orville "Red" Langdeau Jr., and John McCauley Sr., Plaintiff,	Civ.# 15-9-0111
Vs.	RETURN OF SERVICE
Kevin Wright, Sonny Ziegler, Desiree LaRoche) And Lewis Grassrope, Defendant's.)))
	, ***************
1, the undersigned Officer, hereby certify the Science of Science	nat on theday of ed a True and Correct Copy of a
Copy of Copies of TEMPORARY RESTRAINI CAUSE/NOTICE OF HEARING	NG ORDER/ORDER TO SHOW
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h, the following manner:	
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Dated this $\frac{14}{3}$ day of $\frac{5e}{3}$	7, 20/5.
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LOWER BRULE SIOUX TRIBA		
LOWER BRULE SIOUX JURIS	DICTION)	: SS CIVIL DIVISION *************
Orville "Red" Langdeau Jr., and Jo McCauley Sr.,) Civ,# 15-9-0111
Vs. Plain	tiff,	,)
Kevin Wright, Sonny Ziegler, Desir And Lewis Grassrope, Defer	ndant's.	RETURN OF SERVICE)))) *****************************
1. the undersigned Officer, h		
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Upon: Lewis Grassrope DESTICE L. C. Roche M., all in the above-entitled	<u>1005</u> 2 1 matter	at the hour of 2°57 o'clock,
In the following manner:	livery of the a	bove-mentioned document/s was made
2.) Service of t adult member of the resident family,		tioned documents was made upon an the age of 14 years of age.
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LOWER BRULE SIOUX	JURISDICTION)	CIVIL DIVISION ************************************	·*****
Orville "Red" Langdeau Jr., McCauley Sr.,			Civ.# 15-9-0111	
Vs.)	RETURN OF SERVICE	
Kevm Wright, Sonny Ziegle And Lewis Grassrope,	r, Desiree LaRoche Defendant's.))))		
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Upon: Sonny Ziegler //come_ M., all in the above	-entitled matter.	***************************************	at the hour of $\frac{370}{}$ o'c	lock,
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2.) Servadult member of the resident	rice of the above-me family, who was ov	entions er the	ed documents was made upo age of 14 years of age.	n an
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