

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

Lower Brule Sioux Tribe Plaintiff presented in this * Defendant's file for a Stay in this court for
 as Tribal council member John McCaulley^{KW} * any proceedings filed by plaintiffs including but not
 and Secretary/Treasurer Orville (Red) * limited to court orders, findings, injunctions and motions
 Lang deau * to amend actions in this civil case entitled -CIV-#14-
 Plaintiffs now called intervenors * 12-0119. This motion for STAY is based upon a fact
 . vs. * that the defendants argue there is a serious violation of
 Tribal Vice-Chairman Kevin Wright, * their due process in this tribal court proceedings under or
 Tribal Council member Sonny Ziegler * by the legal doctrine of Res Judicata.
 and Tribal Council member Desiree LaRoche^{KW}
 Defendants * The defendants also include in their motion for

- STAY; that they the defendant will appeal to the Lower
- Brule legal system's Appellate Court the special judge's order dated May 5th 2015 granting leave for the plaintiffs now also called intervenors' motion to file amended application and order for hearing. This grant falls under Res Judicata.

Comes now and all filing pro-se the above named defendants, Tribal Vice Chairman Kevin Wright
 (*acting Chairman due to fact the Chairman position has been vacated by unforeseen circumstances*),
 Tribal Council member Sonny Ziegler and Tribal Council member Desiree LaRoche. All three above
 named defendants now comprise a majority for the Lower Brule Sioux Tribe. The above named
 Defendant's file for a Stay in this court proceedings in this civil case entitled CIV-#14-12-0119 for
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 based upon a fact that the defendants view, feel, believe and now present legal argument that a very
 serious violation of their due process has been made in these tribal court proceedings under or by the
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 first action CIV-#14- 12-0119 as to the following issues : (1) identical parties, (2) identical claims for
 recovery, and (3) identical demands in both actions. The subject matter issue has already been decided

and therefore this prevents any further action in this case. ¹ See *Miller v. Wright*. The defendants have been acting within their within reasonable actions of their positions and exercising their rights as elected leaders of the tribe. The Vice chairman had to exercise his rights as acting tribal chairman when by unforeseen circumstances the chairman position was vacated by the elected person passing away. The vice chairman other named defendants as tribal council members did not remove any one from a elected position on the tribal council. The defendants had not tried to enact any action from the December 12th 2014 special meeting. The vice chairman in his acting chairman capacity is entitled to hire and fire at will employees to ensure a proper operation of the tribe and to prevent any wrong doing that will harm the whole tribe. It is the responsibility of the attorneys Tara L. Adamski and Marshall who were terminated at will to bring their own claims for relief (*if any will be granted*) in tribal court a third party cannot do it for them. A party cannot raise the claims of a third party who is not before the court; ² See *Lujan v. Defenders of Wildlife* The third party had not suffered any alleged harm. Also the tribal employees Lee Brannan and Patrica Lundell and others unnamed employees have not been terminated and any claims by them for relief are not ripe for judicial review.³ See *Frothingham v. Mellon* 2 These claims and/or arguments therefore are baseless in this case CIV-#14-12-0119.

The defendants' motion for stay is until they file a extraordinary Writ of Mandamus to the Lower Brule Sioux court's Appellate Court and get the Appellate Court's ruling on defendant's motion; that the special judge abide by his first order in his Feb 13th 2015 judgment in which the judge wrote; "that the to dismiss this lawsuit lacks subject matter jurisdiction is granted ; in so far as the suit seeks an order enjoining the defendants from exercising their rights as elected leaders of the tribe." As the judge's further orders in his judgment they are moot if the defendants continued to exercise their rights as elected leaders of the tribe; which all the defendant's claim they have done.

1 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT DANIEL T. MILLER; AMBER LANPHERE; PAUL M. MATHESON, Plaintiffs-Appellants, v. CHAD WRIGHT, Puyallup Tribe Tax Department, Enforcement Officer; HERMAN DILLON, SR., Chairman Puyallup Tribe of Indians; PUYALLUP TRIBE OF INDIANS, a federally recognized American Indian tribe, Defendants-Appellees. No. 11-35850 D.C. No. 3:11-cv-05395- RBL OPINION Appeal from the United States District Court for the Western District of Washington Ronald B. Leighton, District Judge, Presiding Argued and Submitted August 6, 2012—Seattle, Washington Filed November 13, 2012
 2 *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)

3 *Frothingham v. Mellon* 232 U.S. 447 (1923)

he defendants restate the judge's seven orders in his judgment of Feb 13th 2015.

1. "that the to dismiss this lawsuit lacks subject matter jurisdiction is granted ; in so far as the suit seeks an order enjoining the defendants from exercising their rights as elected leaders of the tribe." As the judge's further orders in his judgment they are moot if the defendants continued to exercise their rights as elected leaders of the tribe; which all the defendant's claim they have done.
2. Parties are permitted to file any motions, resolutions or ordinances of the Tribe on or before Feb 27th 2015 that governs how the tribe is authorized to bring lawsuit; defendants argue that this order by the judge as it is written plainly placed the burden of proof, burden of persuasion upon the plaintiff as they are the ones trying to bring this lawsuit!
3. The judge's order denying defendants' motion to dismiss this lawsuit on the grounds of sovereign immunity is rendered moot by the order number one. The defendants point out that the judge has already granted a dismissal against defendants on lack of subject matter jurisdiction.
4. The judge by this order found any action taken at the Dec 12th 2014 special meeting to be void and restrains defendants from carrying out any actions passed at that meeting. Defendants state they have not taken any action to carry out motions passed at that meeting.
5. This order is basically a restatement of order number 4 and the Defendants state they have not taken any action to recognize any motions passed at that meeting.
6. Orders defendants as well as plaintiffs ^{not to} ~~remove~~ ^{removed} any one from tribal council or hold special meeting or regular meeting without a quorum. Defendants state they have not taken any action to remove any one from tribal council. When the chairman position became vacant due to

unforeseen circumstances the vice chairman according to the Tribal Constitution resume the chairman's power in an acting capacity.

- 7. This order directed both parties to attend the March 2015 regular tribal council meeting and attempt to resolve their differences. Defendants state as to their understanding this did occur.

Submitted to Lower Brule Tribal Civil Court on date May 7 2015 by defendants Kevin Wright

CERTIFICATE OF SERVICE

I, Kevin Wright listed defendant in action of amended motion entitled CIV-#14-12-0119 in Lower Brule Sioux Tribal Court Civil Division on the date of May 7 2015 ; hereby certify that I on my behalf and the other defendants behalf, have caused to be served the " document called the defendants Kevin Wright ,Sonny Ziegler and Desiree LaRoche motion for ^{1st}STAY; 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 3:36 and date of May 7 2015: the LB clerk of court is mandated to make service then upon the listed plaintiffs, However ust to be safe in addition to service upon the clerk of court; defendants will also make service by first class mail to the Plaintiffs' Attorney Terry Pechota at his below listed business address on the date of May 7 2015!

Date: May 7 2015

Kevin Wright

Signature of listed defendant _____
 Proceeding Pro-Se at this point in litigation
 PO Box ~~295~~ Lower Brule SD 57548
KW 57

Addresses:

[.i] Lower Brule Sioux Tribal Court Clerk Maurice J. [Signature] at the tribal court house located in Lower Brule SD.[method personal service]

[ii] Plaintiff's Attorney Terry Pechota [method of service by fax no:605-341-0716 and 1st class mail t below address]
 1617 Sheridan Lake road Rapid City SD 57702

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LOWER BRULE SIOUX TRIBAL COURT) IN TRIBAL COURT
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recovery, and (3) identical demands in both actions. The subject matter issue has already been decided

and therefore this prevents any further action in this case.¹ See *Miller v. Wright*. The defendants have been acting within their within reasonable actions of their positions and exercising their rights as elected leaders of the tribe. The Vice chairman had to exercise his rights as acting tribal chairman when by unforeseen circumstances the chairman position was vacated by the elected person passing away. The vice chairman other named defendants as tribal council members did not remove any one form a elected position on the tribal council. The defendants had not tried to enact any action from the December 12th 2014 special meeting. The vice chairman in his acting chairman capacity is entitled to hire and fire at will employees to ensure a proper operation of the tribe and to prevent any wrong doing that will harm the whole tribe. It is the responsibility of the attorneys Tara L. Adamski and Marshall who were terminated at will to bring their own claims for relief (*if any will be granted*) in tribal court a third party cannot do it for them. A party cannot raise the claims of a third party who is not before the court;² See *Lujan v. Defenders of Wildlife* The third party had not suffered any alleged harm. Also the tribal employees Lee Brannan and Patrica Lundell and others unnamed employees have not been terminated and any claims by them for relief are not ripe for judicial review.³ See *Frothingham v. Mellon* 2 These claims and/or arguments therefore are baseless in this case CIV-#14-12-0119.

The defendants' motion for stay is until they file a extraordinary Writ of Mandamus to the Lower Brule Sioux court's Appellate Court and get the Appellate Court's ruling on defendant's motion; that the special judge abide by his first order in his Feb 13th 2015 judgment in which the judge wrote; "that the to dismiss this lawsuit lacks subject matter jurisdiction is granted ; in so far as the suit seeks an order enjoining the defendants from exercising their rights as elected leaders of the tribe." As the judge's further orders in his judgment they are moot if the defendants continued to exercise their rights as elected leaders of the tribe; which all the defendant's claim they have done.

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The defendants restate the judge's seven orders in his judgment of Feb 13th 2015.

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5. This order is basically a restatement of order number 4 and the Defendants state they have not taken any action to recognize any motions passed at that meeting.
6. Orders defendants as well as plaintiffs not to ~~remove~~ ^{remove} any one from tribal council or hold special meeting or regular meeting without a quorum. Defendants state they have not taken any action to remove any one from tribal council. When the chairman position became vacant due to

unforeseen circumstances the vice chairman according to the Tribal Constitution resume the chairman's power in an acting capacity.

- 7. This order directed both parties to attend the March 2015 regular tribal council meeting and attempt to resolve their differences. Defendants state as to their understanding this did occur.

Submitted to Lower Brule Tribal Civil Court on date May 7, 2015 by defendants Desiree LaRoche

CERTIFICATE OF SERVICE

I, Desiree LaRoche listed defendant in action of amended motion entitled CIV-#14-12-0119 in Lower Brule Sioux Tribal Court Civil Division on the date of May 7, 2015 ; hereby certify that I on my behalf and the other defendants behalf, have caused to be served the “ document called the defendants Kevin Wright ,Sonny Ziegler and Desiree LaRoche motion for ~~STAY~~ STAY; 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 3:36 PM and date of May 7 2015: the LB clerk of court is mandated to make service then upon the listed plaintiffs, However ust to be safe in addition to service upon the clerk of court; defendants will also make service by first class mail to the Plaintiffs' Attorney Terry Pechota at his below listed business address on the date of May 7, 2015!

Date: May 7, 2015

Desiree LaRoche

Signature of listed defendant _____
 Proceeding Pro-Se at this point in litigation
 PO Box 205 Lower Brule SD 57548
448 de

Addresses:

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

[ii] Plaintiff's Attorney Terry Pechota [method of service by fax no:605-341-0716 and 1st class mail t below address] 1617 Sheridan Lake road Rapid City SD 57702

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Comes now and all filing pro-se the above named defendants, Tribal Vice Chairman Kevin Wright (acting Chairman due to fact the Chairman position has been vacated by unforeseen circumstances) , Tribal Council member Sonny Ziegler and Tribal Council member Desiree LaRoche. All three above named defendants now comprise a majority for the Lower Brule Sioux Tribe. The above named Defendant's file for a Stay in this court proceedings in this civil case entitled CIV-#14-12-0119 for any and all filing by above named plaintiffs -intervenor; including but not limited to civil complaints, court orders, findings, injunctions and motions to amend actions. This motion for STAY is based upon a fact that the defendants view, feel, believe and now present legal argument that a very serious violation of their due process has been made in these tribal court proceedings under or by the legal doctrine of Res Judicata. The plaintiff's amended action in CIV-#14- 12-0119 is identical to the first action CIV-#14- 12-0119 as to the following issues : (1) identical parties, (2) identical claims for recovery, and (3) identical demands in both actions. The subject matter issue has already been decided

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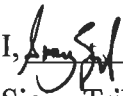
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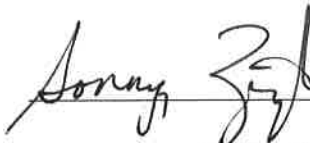
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Submitted to Lower Brule Tribal Civil Court on date May 7 2015 by defendants 

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Date: May 7 2015


Signature of listed defendant _____
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PO Box 295 Lower Brule SD 57548

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