

**IN THE NOOKSACK TRIBAL COURT OF APPEALS
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON**

**In re Gabriel S. Galanda, pro se, Anthony S.
Broadman, pro se, and Ryan D.
Dreveskracht,**

Petitioners,

v.

Nooksack Tribal Court.,

Respondent.

Court No. 2016-CI-CL-002

**Order Re: Second Petition for Writ of
Mandamus**

On April 25, 2016 we issued the following Order on Petitioners request for a writ of mandamus: "that the Court Clerk of the Nooksack Tribal Court shall either accept and file Petitioners complaints and related motions or file an answer to the Petition for Writ of Mandamus with this Court on or before May 16th, 2016." (April 25, 2016 Order at 6). The complaints and motions relate to the disbarment and exclusion of the three Petitioners and raise a number of issues, including allegations the Tribal Council's actions violate the Nooksack Constitution and the Indian Civil Rights Act.

An answer to the Petition for Writ of Mandamus has not been filed, and on May 17, 2016 this Court received Petitioners motion to show cause why the Clerk should not be held in contempt. The motion alleges that as of May 9, 2016 the Court Clerk had not accepted Petitioners complaints and related motions.

On May 24, 2016 we issued an order requiring the Petitioners and the Court Clerk "to each respond in writing on or before June 3, 2016, on whether Petitioners complaints and related

motions have been accepted for filing. The parties shall submit their written responses by mail to the Northwest Indian Court System (NICS) administrator at 20818 - 44th Avenue West, Suite 120, Lynnwood, WA 98036-7709.” (May 24, 2016 Order).

On May 25, 2016 we received Petitioners’ Second Petition for Writ of Mandamus. Petitioners allege that on May 23 and 25, 2016 they attempted to file additional pleadings in the above cause. Those were a First Amended Complaint and Motion for Injunction. The injunction motion requests the Court to enjoin the Tribal Council from conducting a hearing on June 9, 2016 concerning the disbarment of all three Petitioners until the Court rules on their complaint.¹

It appears the Court Clerk is willfully ignoring our orders by continuing to refuse to accept the pleadings filed in this case. It is unclear to us whether the clerk is acting on the advice of counsel² or on orders from the Tribal Council, but regardless a Tribal court clerk’s willful failure to comply with a Nooksack Tribal Court’s orders is contemptuous, mocks the Nooksack Tribe’s judiciary, obstructs official judicial proceedings, and undermines the Tribe’s self-governance.

We have previously ruled this Court has the power and authority under Nooksack law to issue a writ of mandamus (April 25, 2016 Order). After reviewing the Second Petition for Writ of Mandamus in its entirety, including the declarations of Petitioners, we hereby ORDER the Court Clerk to accept and file all pleadings the Petitioners have presented for filing in the above case by June 3, 2016 or show cause by affidavit why we should not find her in contempt and order the Nooksack Chief of Police to hold her in jail until she purges the contempt by filing the pleadings, for willfully failing to comply with our orders. The affidavit shall be submitted either

¹ We take judicial notice the Tribe terminated the tribal judge on March 28, 2016. See, <http://www.bellinghamherald.com/news/local/article73366262.html>. It is unclear to us whether the Tribe has retained either temporarily or permanently another tribal judge.

² We note that under 8.4(d) of the Rules of Professional Conduct that govern the practice of law in Washington State it is misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.”

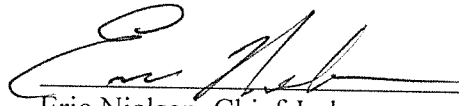
by standard mail or email (katien@nics.ws) to the Northwest Indian Court System Administrator.

It is further ORDERED that the court schedule a hearing on the Petitioners injunction motion before the Tribal Council's June 9, 2016 hearing.

The NICS administrator shall serve a copy of this Order by both email and standard mail on the Petitioners, the Court Clerk and the Nooksack Tribal Council Secretary.

It is so ordered, this 27th day of May, 2016, for the panel,

Douglas Nash, Associate Judge
Gregory Silverman, Associate Judge


Eric Nielsen, Chief Judge