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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

TERRYL T. MATT,)	
)	Case No. _____
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
FORT BELKNAP COMMUNITY COUNCIL,)	
JAMES BELL, JOHN DOE 1, andN JOHN DOE, 2)	
)	
Defendants.)	

Plaintiff, Terryl T. Matt, by and through her counsel of record Jennifer L.

Hudson, respectfully submits the following Qui Tam Complaint pursuant to 25 USC

§201. Plaintiff complains, and for causes of action, alleges as follows:

I. JURISDICTION

This Court has jurisdiction based on 28 U.S.C. §§1331 and 1345 and 25 USCS

§201.

II. FACTUAL BASIS AND CAUSE OF ACTION

1. Plaintiff, Terryl T. Matt, is an enrolled member of the Assiniboine Tribe at Fort Belknap, Montana. Ms. Matt is, and at all times mentioned in this complaint was, the owner of land on the Fort Belknap Indian Reservation, Montana, held in trust by the United States Government.

2. Defendant, James Bell, is, and at all times mentioned in this complaint was, a resident of the Fort Belknap Indian Reservation and employed by the Fort Belknap Community Council as the manager of Fort Belknap Construction.

3. Plaintiff does not know the true names of Defendant(s) John Doe 1 and 2, inclusive, and therefore sues them by those fictitious names. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that each of those defendants was in some manner intentionally, negligently, recklessly, or as the result of an extra hazardous activity, proximately responsible for the events and happenings alleged in this complaint and for plaintiff's injuries and damages.

4. Plaintiff is informed and believes, and on the basis of this information and belief alleges, that at all times mentioned in this complaint, defendants were the agents and employees of their codefendants, and in doing the things alleged in this complaint were not acting within the course and scope of such agency and employment.

5. On or about June of 2011, Plaintiff was in possession of certain real property

situated on the Fort Belknap Indian Reservation. This property's legal description is as follows: Allotment 752B (Sec. 20 T. 026.00N R. 025.00E Blaine County) and Allotment 752C (Sec. 21 T. 026N R. 05.00E Blaine County)¹.

6. On or about June of 2011, Plaintiff owed the property described in paragraph 5.

7. On or about June 2011 Plaintiff discovered, Defendants, without the consent or authority and against the will of the Plaintiff, entered onto the property described in paragraph 5 as follows: the Defendants brought equipment owned by the Fort Belknap Tribal Construction on to Plaintiff's property and built a road.

8. On or about the same time, Plaintiff discovered that the reason why the Defendants built this road was because the original road was washed-out by an adjacent creek. The original road was allegedly allowed under a right-of-way granted by Ms. Matt's father who was the previous owner of the allotments.

9. Shortly after the old road was washed-out the new road was constructed, Plaintiff discovered that the new road had also been washed-out due to construction done to change the flow of the adjacent stream. The Defendants attempted to change the flow of the adjacent stream at the same time that they were building the new road. Their method of changing the stream's flow was to, simply, cover it with large amounts of dirt. This was done without giving notice or getting permission from the Plaintiff, and without an EPA Environmental Impact Statement.

¹ For Allotment 752C, Plaintiff is fifty percent owner. The other fifty percent is owned by individual tribal members, but the Plaintiff also leases this half.

10. The effect of Defendants' conduct, as described in paragraphs 7-9 of this complaint, has produced irreparable damage to the Plaintiff. For example, the construction prevents Plaintiff's ingress to and egress from the property described in paragraph 5. This has resulted in destruction of the original road, hillside, and hayfields. The Plaintiff is no longer able to access a large portion of her property.

11. Plaintiff has advised the Fort Belknap Community Council and the Bureau of Indian Affairs Agency Superintendent that the trespass occurred. These two bodies were informed that the Defendants had trespassed on Plaintiff's property without the right or authority to do so, and without Plaintiff's consent. The Defendants were also informed that they needed to refrain from entering the Plaintiff's property, but they have not complied with this request. Efforts to communicate with the Council and the BIA have been made in-person, by phone, and in writing.

12. On or about August 2011, Defendants, again, entered Plaintiff's land against Plaintiff's will, and without Plaintiff's consent, and worked on the Plaintiff's road going through her property.

13. Defendants threaten and assert that they will continue to trespass, and therefore continue to deprive Plaintiff of her right to exclusive possession of the property. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that unless restrained by this Court, Defendants will continue to trespass against Plaintiff's property. Such trespassory conduct by Defendants will result in irreparable harm to Plaintiff, in that the Fort Belknap Council members and James

Bell have caused considerable irreparable damage to Plaintiff's property by changing the creek channel and by building a road through her property. The Bureau of Indian Affairs states that the Fort Belknap Community Council can continue to use this road despite its blatant trespass and the road's dangerous condition. Allowing use of this road will not only deprive Plaintiff of access to the land, but if left unrestrained, will result in the imposition of a servient easement in favor of Defendants across the land. This trespass poses a threat to Plaintiff's good and marketable title to the property. The potential damages that could proximately result from Defendants' continued trespass would be extremely difficult, if not impossible, to assess accurately.

14. Defendants' continuing trespassory conduct, as alleged in this Complaint, will require Plaintiff to bring a multiplicity of actions to protect her property interests, thereby rendering Plaintiff's remedy at law inadequate.

15. As a result of Defendants' conduct, as alleged in this Complaint, Plaintiff has been deprived of the use of her property for a period of one year. Furthermore, until the damage is repaired, she will continue to be deprived. Once the damage is repaired, if repairable, it will be a number of years before the Plaintiff will be able to use this property. This property was previously used as grazing land for the Plaintiff and leased to others for grazing and hay. Plaintiff's damages are in the approximate sum of \$100,000 for lost profits and in excess of \$1,200,000 in property damages.

16. The Defendant James Bell and the John Doe council members' actions were done

in a matter intended to intimidate and cause harm to the Plaintiff.

17. Defendants' trespass occurred on lands held in trust by the United States of America.

18. The Plaintiff has suffered emotional distress due to the significant damage to property. This property was her parents' home for the Plaintiff's entire life. Witnessing the unnecessary destruction of the property has caused severe emotional distress.

III. COUNT I: Trespass

1. The Defendant's have entered onto the Land of the Plaintiff, held in trust with the United States Federal Government, in a manner and location that was outside the scope of the existing easement.

2. The trespass was done knowingly and willfully and continued even after the Plaintiff had requested that it be stopped.

3. Damages for trespass to Indian lands held in trust with an individual can be sought under 25 U.S.C. § 201.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them, as follows:

1. Defendant, the Fort Belknap Community Council and the non-authorized tribal

members, be enjoined during the pendency of this action, and permanently thereafter, from entering Plaintiff's property;

2. General damages in the amount of \$1,250,000;
3. Treble damages in the amount of \$3.4 million;
4. Damages for emotional distress in the amount of \$500,000;
5. Damages for diminishment property value;
5. Damages for lost income;
5. Costs of suit and attorney fees; and
6. Any other and further relief that the court considers proper.

DATED this 14th day of March, 2012.

/s/ Jennifer L. Hudson
Jennifer Hudson
Attorney for Plaintiff