

Andrew W. Baldwin (*pro hac vice*)  
Berthenia S. Crocker (*pro hac vice*)  
Kelly A. Rudd (*pro hac vice*)  
Mandi A. Vuinovich  
Baldwin, Crocker & Rudd, P.C.  
P.O. Box 1229  
Lander, WY 82520-1229  
andy@bcrattorneys.com  
berthenia@bcrattorneys.com  
rudd@bcrattorneys.com  
mj@bcrattorneys.com  
ph. (307) 332-3385  
fax (307) 332-2507  
Attorneys for Plaintiff Northern Arapaho Tribe

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

NORTHERN ARAPAHO TRIBE,	)	Civil Action No. CV-16-11
for itself and as <i>parens patriae</i>	)	BLG-SPW
	)	
Plaintiff,	)	
	)	
vs.	)	NORTHERN ARAPAHO TRIBE'S
	)	MOTION FOR PRELIMINARY
DARRYL LaCOUNTE, LOUISE	)	INJUNCTION
REYES, NORMA GOURNEAU,	)	
RAY NATION, MICHAEL BLACK	)	
and other unknown individuals, in	)	
their individual and official	)	
capacities,	)	
	)	
and	)	
	)	
DARWIN ST. CLAIR and CLINT	)	
WAGON, Chairman and	)	
Co-Chairman of the Shoshone	)	

Business Council, in their individual )  
and official capacities, )  
 )  
Defendants. )

COMES NOW the Northern Arapaho Tribe (“NAT”), Plaintiff herein, and respectfully moves the Court for issuance of a preliminary injunction pursuant to F.R.C.P. 65 and states in support hereof as follows:

1. The NAT’s Opening Brief in Support of the Motion for Preliminary Injunction is filed herewith and incorporated herein by reference. As set forth in such Brief, NAT is likely to succeed on the merits; will suffer irreparable injury in the absence of injunctive relief; the equities favor issuance of injunctive relief sought by NAT; and the public interest will be served by issuance of such injunctive relief.

2. The NAT requests that the Shoshone Business Council (“SBC”) Defendants be enjoined, until further order or judgment of the Court, from taking the following actions:

A. Distributing materials or using letterheads, labels or symbols which identify the author or source of the material as including NAT or the Northern Arapaho Business Council (“NABC”), including use of the image of the historic Arapaho Chief Black Coal, or distributing materials which

represent that they have been authored, approved or ratified by the NAT or NABC without the written consent of NABC.

B. Representing to federal agencies, tribal, state or local governments, business entities or the public that SBC is authorized to make decisions or take actions unilaterally on behalf of the NAT or without its consent, whether through a “joint” council or otherwise.

C. Managing “638” or other programs shared by the Tribes without the written consent of both Tribes. “Management” includes advertising job positions, interviewing prospective employees, suspending, terminating or modifying the terms of employment of current employees, including judges or other officials of the Shoshone and Arapaho Tribal Court, approving payments, or amending budgets, policies or procedures affecting such programs.

D. Making or approving decisions regarding the assets or property of the NAT, without the consent of NABC.

3. The NAT requests that Federal Defendants be enjoined, until further order or judgment of the Court, from taking the following actions:

A. Representing to other federal agencies, tribal, state or local governments or the public that SBC is or has been authorized by the United

States to make decisions or take actions unilaterally on behalf of the NAT or without its consent, whether through a “joint” council or otherwise. Such prohibition shall specifically include authorizing, approving or ratifying unilateral action by the SBC with respect to shared “638” programs of the EST and NAT.

B. Authorizing, approving, or ratifying unilateral action by the SBC, whether through a “joint” council or otherwise, which purports to manage shared “638” programs of the Tribes. Such prohibition shall specifically include unilateral property or program decisions, personnel directives, budget approvals or policy changes.

C. Authorizing, approving, or ratifying unilateral action by the SBC, whether through a “joint” council or otherwise, which purports to approve decisions regarding the assets or property of the NAT, without the consent of the NABC.

4. Issuance of the Preliminary Injunction should not require the NAT to provide security pursuant to F.R.C.P. 65(c). Defendants’ interest would remain fully secure with the issuance of a Preliminary Injunction.

5. Counsel for the NAT took steps to consult with counsel for Defendants by contacting Robert Hitchcock, Attorney General for the Eastern

Shoshone Tribe, and Mark Echohawk, also counsel for that Tribe, and Curt Sholar, Field Solicitor for the Bureau of Indian Affairs in the Rocky Mountain Region in Billings, Montana. Counsel for the EST have not responded to date. Mr. Sholar replied that he could not respond on behalf of the Federal Defendants. No one from the U.S. Attorney's office has yet identified themselves to Plaintiff as the attorney for the Federal Defendants in this matter.

WHEREFORE, the NAT requests that:

- A. This matter be set for a hearing on a date after which Defendants have responded to this Motion;
- B. Defendants be enjoined and ordered, until further order or judgment of the Court, as set forth above;
- C. The Court find Defendants to be sufficiently secure and order that NAT not be required to provide additional security; and
- D. The Court provide such further relief as is just under the circumstances.

DATED March 4, 2016.

/s/ Mandi A. Vuinovich

Andrew W. Baldwin  
Berthenia S. Crocker  
Kelly A. Rudd

Mandi A. Vuinovich  
Attorneys for Plaintiff  
Northern Arapaho Tribe

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has or will be served in the same manner as the Summons and Complaint in this matter.

/s/ Mandi A. Vuinovich  
Mandi A. Vuinovich