

Judge Zilly

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE NOOKSACK INDIAN TRIBE,

Plaintiff,

v.

RYAN K. ZINKE, in his official capacity as
Secretary of the Interior¹; the U.S.
DEPARTMENT OF THE INTERIOR; the U.S.
DEPARTMENT OF THE INTERIOR;
MICHAEL S. BLACK, in his official capacity
as Acting Assistant Secretary – Indian Affairs;
WELDON “BRUCE” LOUDERMILK, in his
official capacity as Director, Bureau of Indian
Affairs, Department of the Interior; STANLEY
M. SPEAKS, in his official capacity as
Regional Director, Northwest Region, Bureau
of Indian Affairs; MARCELLA L. TEETERS,
in her official capacity as Superintendent, Puget
Sound Agency, Bureau of Indian Affairs;
TIMOTHY BROWN, in his official capacity as
Senior Regional Awarding Official for the
Bureau of Indian Affairs, Northwest Region;
and THE UNITED STATES OF AMERICA,

Defendants.

CASE NO. C17-0219TSZ

NOTICE OF RELATED CASE

TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF

¹ On March 1, 2017, Ryan K. Zinke was sworn into office as Secretary of the Interior by Vice President Mike Pence. He is hereby substituted for Kevin “Jack” Haugrud, formerly Acting Secretary of the Interior, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 WASHINGTON AND TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE of the following action now pending in the United States District
3 Court for the Western District of Washington which is related to the case at bar:

4 *Margretty Rabang, et al. v. Robert Kelly, Jr., et al.*, Case No. C17-0088JCC. Plaintiffs in the
5 *Rabang* case allege that they are members of the Nooksack Indian Tribe who have been targeted for
6 disenrollment and subjected to unlawful conduct by the defendants who, it is alleged, are falsely
7 holding themselves out as the legitimate governing body of the Nooksack Indian Tribe. Specifically,
8 they allege at Dkt. #7, ¶ 2 that:

9
10 Since at least March 2016, Defendants Kelly, George, Smith, Solomon, Johnson, and Canete
11 (collectively, “Holdover Council Defendants”) have falsely behaved and represented
12 themselves as the Nooksack Indian Tribe (“Tribe”) or Nooksack Indian Tribal Council
13 (“NITC”). RICO Defendants’ acts and omissions were deliberate and part of a scheme that
14 began by December 2015 to defraud Plaintiffs of money, property, and benefits of monetary
15 value by depriving them of Tribal citizenship through false pretenses and representations.

16 No agency of the United States is a party to the *Rabang* lawsuit.

17 The legitimacy of the body holding itself out as the Nooksack Tribal Council, and the
18 legitimacy of acts taken by that body after it failed to conduct elections to fill the tribal council
19 seats held by persons whose terms were expiring, as contemplated by the Constitution of the
20 Nooksack Indian Tribe, is also an issue in the case at bar. The Nooksack Indian Tribe, acting
21 through this “holdover council,” whose membership is comprised of the defendants in the *Rabang*
22 lawsuit, seeks in this action to contest the position, set forth in a series of letters issued by former
23 Principal Deputy Assistant Secretary - Indian Affairs, Lawrence S. Roberts, that it is not
24 recognized by the Department of the Interior as the governing body of the Nooksack Indian Tribe,

25 ///

26 ///

27 ///

28 ///

1 and that action taken by it, purportedly on behalf of the Nooksack Indian Tribe, are null and void.

2
3 DATED: this 21st day of March 2017.

4 Respectfully submitted,

5 ANNETTE L. HAYES
6 United States Attorney

7 s/ Brian C. Kipnis
8 BRIAN C. KIPNIS
9 Assistant United States Attorney
10 Office of the United States Attorney
11 5220 United States Courthouse
12 700 Stewart Street
13 Seattle, Washington 98101-1271
14 Phone: (206) 553-7970
15 Fax: (206) 553-4073
16 E mail: brian.kipnis@usdoj.gov

17 Attorneys for Defendants
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers;

It is further certified that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

Ric W Armstrong rarmstrong@nooksack-nsn.gov

Bree R. Black Horse bree@galandabroadman.com

Jamila A Johnson jjohnson@schwabe.com

Connie Sue Manos Martin csmartin@schwabe.com

I further certify that on this date, I mailed, by United States Postal Service, the foregoing to the following non-CM/ECF participant(s), addressed as follows:

-0-

DATED this 21st day of March, 2017.

s/ Crissy Leininger
CRISSY LEININGER
Paralegal Specialist
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: (206) 553-7970
Fax: (206) 553-4067
E-mail: christine.leininger@usdoj.gov