

EXHIBIT A

From: [Manish Borde](#)
To: [Sally W. Harmeling](#)
Subject: Grondal
Date: Wednesday, May 20, 2020 6:19:20 PM
Attachments: [image002.png](#)

Sally,

This email is to confirm that Mr. Reyes is not seeking ejectment of Plaintiffs. I understand that you will not seek any judgment against Mr. Reyes in light of this representation. As such I will inform the Court at the hearing (assuming the opportunity presents itself) that the Court can consider Mr. Reyes' opposition to your motion withdrawn.

I also note that I filed an appearance in this matter just a couple of weeks before Mr. Reyes' opposition to Plaintiffs' motion for summary judgment was due. I have now had additional time to review the record and as noted in the reply brief filed on behalf of Mr. Reyes this week in the 9th Circuit, I believe the transfer of Mr. Reyes' interest in MA-8 (along with the other interests purchased by the Tribe between 2013 and 2015) is void (or at a minimum voidable) since there was no appraisal and Mr. Reyes and the other allottees did not receive fair market value. *See Kizer v. PTP, Inc.*, 129 F. Supp. 3d 1000, 1007 (D. Nev. 2015) ("The relevant regulations require, in part, that the trust land to be sold *be appraised in order to determine its fair market value* at the time of conveyance, 25 C.F.R. § 152.24, and that the Secretary approve the sale before it is finalized, *id.* § 152.17.) (emphasis added); *Bailey v. Banister*, 200 F.2d 683, 685 (10th Cir. 1952) ("Where an Indian holds legal title to lands with a restriction against alienation, the *title may be transferred only under rules and regulations prescribed by the Secretary of Interior*, and with his consent and approval or that of his duly authorized representative.) (emphasis added); *Philbrick v. Landis*, 77 S.D. 90, 94, 86 N.W.2d 392 (1957) (a contract "touching" allotted Indian lands not in conformance with federal law is null and void).

Please let me know if you have any questions.

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