

Hon. Rosanna Malouf Peterson

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

PAUL GRONDAL, a Washington
resident and THE MILL BAY
MEMBERS ASSOCIATION, INC.,
a Washington Non-Profit
Corporation,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT
OF THE INTERIOR; THE
BUREAU OF INDIAN AFFAIRS,
and FRANCIS ABRAHAM,
CATHERINE GARRISON,
MAUREEN MARCELLAY, MIKE
PALMER, JAMES ABRAHAM,
NAOMI DICK, ANNIE WAPATO,
ENID MARCHAND, GARY
REYES, PAUL WAPATO, JR.,
LYNN BENSON, DARLENE
HYLAND, RANDY MARCELLAY,
FRANCIS REYES, LYDIA W.
ARMEECHER, MARY JO
GARRISON, MARLENE
MARCELLAY, LUCINDA

CASE NO. CV-09-0018-RMP

[PROPOSED ORDER]

1 O'DELL, MOSE SAM, SHERMAN)
 T. WAPATO, SANDRA)
 2 COVINGTON, GABRIEL)
 MARCELLAY, LINDA MILLS,)
 3 LINDA SAINT, JEFF M. CONDON,)
 DENA JACKSON, MIKE)
 4 MARCELLAY, VIVIAN PIERRE,)
 SOMA VANWOERKON,)
 5 WAPATO HERITAGE, LLC,)
 LEONARD WAPATO, JR,)
 6 DERRICK D. ZUNIE, II,)
 DEBORAH L. BACKWELL, JUDY)
 7 ZUNIE, JAQUELINE WHITE)
 PLUME, DENISE N. ZUNIE and)
 8 CONFEDERATED TRIBES OF)
 THE COLVILLE RESERVATION,)
 9 Allottees of MA-8 (known as Moses)
 Allotment 8),)
 10 Defendants.)

11 THIS MATTER having come before the Court on Defendant United States of
 12 America's Motion to Clarify ECF No. 345 and the Court having considered:
 13

- 14 1. Federal Defendants' Motion and exhibits attached thereto (ECF No. 490);
- 15 2. Federal Defendants' Supplemental Filing with Respect to its Motion to
 16 Clarify ECF No. 345 (ECF No. 493);
- 17 3. Defendant Wapato Heritage, LLC's Response to Motion To Clarify (ECF
 18 No. 490) And Motion For Contempt;
- 19 4. The Declaration of Nathan J. Arnold in Support thereof;
- 20 5. The Declaration of Brad Selland in Support thereof;
- 21 6. The Declaration of George Schuchart in Support thereof;
- 22 7. The Declaration of Jeffrey Webb in Support thereof;
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1 8. Plaintiff's Statement in Support of Wapato Heritage, LLC's Response to
2 Motion to Clarify (ECF 490) and Motion for Contempt (ECF No. 494);

3 9. Federal Defendants' Reply;

4 10. Defendant Wapato Heritage LLC's Reply;

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9 and the balance of filings in this matter and being fully advised in the premises.

10 The Court finds that the Federal Defendant has failed to, and continues to fail to,
11 comply with the Court's Order at ECF No. 345.

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13 NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that Federal
14 Defendants' Motion is DENIED.

15 IT IS FURTHER ORDERED that:

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- 17 1. Federal Defendants are in contempt;
 - 18 2. Federal Defendants' pending requests for relief are stayed until it purges its
19 contempt by filing a certification, under oath, by a knowledgeable custodian that
20 it is in full compliance with the Court's prior Order at ECF No. 345;
 - 21 3. Federal Defendants are estopped from arguing it is carrying out the wishes of the
22 majority interests of allottees by seeking ejectment of Plaintiffs and
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DONE IN OPEN COURT this _____ day of June 2020.

Hon. Rosanna Malouf Peterson

Presented by:

CLOUTIER ARNOLD JACOBOWITZ, PLLC

/s/ Nathan J. Arnold
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Cloutier Arnold Jacobowitz, PLLC
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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing document to be electronically filed with the Clerk of the above entitled Court using the CM/ECF system, which will send notification of such filing to all registered recipients of that system as of the date hereof.

Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

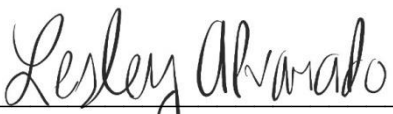
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Notice of this filing is being sent this date via United States Postal Service First Class Mail to the parties below at the addresses indicated below.

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22 **DATED** this 24th day of June 2020.

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Lesley Alvarado