

FILED JUN 07 2022

MODOC NATION TRIBAL COURT

KIRK MILLER (Chief)
BEN KARNES (2nd Chief)
DANNY BURKYBILE (Council Member)
EDD MILLER (Council Member)
ANITA WILLIAMS (Secretary/Treasurer)

Case No.:

**ORDER GRANTING PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER**

Plaintiffs,

vs.

BILL FOLLIS (Former Chief),
ROBERT BURKYBILE (Former 2nd Chief),
RAMONA ROSIERE (Former
Secretary/Treasurer),
MONA CRAVEN (Former Council Member),
TYLER SCRIFERS (Former Council
Member),

Defendants

Before the Court is the Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction ("Motion") filed on June 7, 2022. The Plaintiffs seek a temporary restraining order specifically requesting an order that: (1) prohibits the Defendants from engaging in any disenrollment activity, (2) requires the Defendants to retrieve Modoc Nation member files from the third party accounting firm, Wipfli LLP, (3) prohibits the Defendants from holding themselves out as the lawful

1 Elected Council of the Modoc Nation, and (4) prohibits the Defendants from taking any actions on
2 behalf of the Modoc Nation. Having reviewed the Plaintiffs' Complaint, Motion, and accompanying
3 exhibits, and finding that Plaintiffs have met their burden under Fed. R. Civ. P. 65(b) establishing the
4 necessity of a temporary restraining order, the Court hereby **GRANTS** the Plaintiffs' Motion and
5 **ORDERS** the following:
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- 7 1. Defendants, and any other persons or entities acting in concert with or on behalf of the
8 Defendants, are temporarily restrained and enjoined from engaging in any
9 disenrollment activity, which includes any ongoing membership audit.
- 10 2. Defendants, and any other persons or entities acting in concert with or on behalf of the
11 Defendants, are ordered to immediately retrieve all Modoc Nation membership files
12 from Wipfli, LLP.
- 13 3. Defendants are ordered to immediately stop holding themselves out as the lawful
14 Elected Council of the Modoc Nation.
- 15 4. Defendants are ordered to immediately stop taking any actions on behalf of the Modoc
16 Nation.

17 In addition, the Court **ORDERS** the following:

- 18 1. A hearing will be held on **June 14th, 2022, at 10:00am** to determine whether a
19 preliminary injunction should be issued. This hearing shall be held at Modoc Nation
20 Headquarters.
- 21 2. At the hearing, the Plaintiffs shall be prepared to show cause why a preliminary
22 injunction should be issued.
- 23 3. At the hearing, the Defendants shall be prepared to show cause why they should not be
24 preliminary enjoined during the pendency of this action.
- 25 4. In accordance with Fed. R. Civ. P. 65(b)((2), this order expires in 14 days or on or
26 before June 21st, 2022, unless the Court, for good cause, extends the order for a
27 like period or the adverse party consents to a longer extension.

28 **IT IS SO ORDERED.**

Dated this 7th day of June, 2022.

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/s/ 

Jason Clark
Modoc Nation Tribal Court Judge

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