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

PRELIMINARY INJUNCTION

VS.

Defendants

THIS MATTER came before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) filed on June 7, 2022. Defendants failed to respond. The Court held a hearing on June 14, 2022, wherein the Plaintiffs’ attorney proffered argument on why the temporary restraining order issued by this Court on June 7, 2022 should be extended to a preliminary injunction. Defendants failed to attend this hearing and offer arguments against the

1 issuance of a preliminary injunction. Having considered Plaintiffs' Motion and arguments at the June
2 14, 2022 hearing, and finding that Plaintiffs have met their burden of establishing the necessity of a
3 preliminary injunction under Fed. R. Civ. P. 65(b), the Court grants Plaintiffs' request for a
4 preliminary injunction.
5

6 **ACCORDINGLY, IT IS HEREBY ORDERED THAT:**

- 7 1. Defendants, and any other persons or entities acting in concert with or on behalf of the
8 Defendants, are restrained and enjoined from engaging in any disenrollment activity,
9 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 cease taking any action which purports to act
16 on behalf of the Modoc Nation.

17 In addition, the Court imposes a \$500 contempt fine against each named Defendant for failing
18 to appear at the June 14, 2022 hearing. Defendants had notice of this hearing because Plaintiffs'
19 counsel attests that on June 7th, 2022, he provided Defendants' counsel Troy Little Axe a copy via
20 email of the June 7, 2022 temporary restraining order which set the June 14, 2022 hearing.

21 This preliminary injunction will remain in effect until resolution of the case by settlement or
22 judgment or the Court's further order.

23 **IT IS SO ORDERED.**

24 Dated this 14th day of June, 2022.

25
26 /s/

27 Jason Clark
28 Modoc Nation Tribal Court Judge
