

PRESIDENT SCOTT,

V.

Defendants.

AFFIDAVIT OF STEVEN SANDVEN

STEVEN D. SANDVEN, being first duly sworn on oath, states and alleges as follows:

- 1

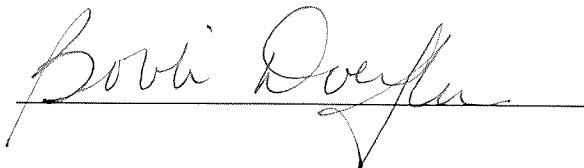
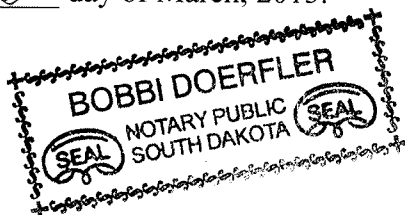
4. Attached as **EXHIBIT 13** is a true and correct copy of my March 17, 2015 letter to Special Judge Arganbright.
5. Attached as **EXHIBIT 14** is a true and correct copy of Plaintiff Attorney Al Arendt's March 17, 2015 email at 5:08 p.m to Special Judge Arganbright that provides: "Judge - I am writing to you about tomorrow's hearing at 9 AM. I will attend but here is my response on this matter. Attached is a copy of my letter to J. Marshall with my letter of 12/15/14 to the clerk's office filing Cyril Scott's signed stipulation to dismiss with prejudice. I have called my client 3 times with no luck. I have written to him twice to respond to this matter. I have emailed him four times. I have not received any response. I know that the court wants Scott in court to confirm that this action is being dismissed with prejudice. However, my client has chosen not to communicate with me or respond to my entreaties. There is little more that I can do. I am also doing all of this gratis."
6. Attached as **EXHIBIT 15** is a true and correct copy of the Stipulation to Dismiss With Prejudice and Order in CV 14-490 executed by Special Judge Arganbright on March 18, 2015.
7. Attached as **EXHIBIT 16** is a true and correct copy of the March 20, 2015 Notice of Entry of Order and Motion to Withdraw filed by Attorney Arendt in CV 14-490 on March 20, 2015.
8. Attached as **EXHIBIT 17** is a true and correct copy of RST Ordinance 2003-05.

FURTHER YOUR AFFIANT SAITH NOT.



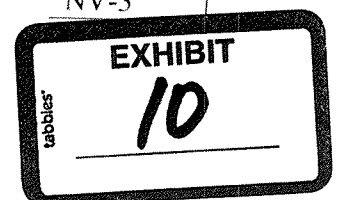
STEVEN D. SANDVEN

Subscribed and sworn to before me
this 23rd day of March, 2015.



Motion Digest 1987

05-15-87	Motion by Paul Joseph to declare Resolution No. 87-92 as emergency legislation. Motion Carried	F-22 O-0 NV-5
05-15-87	Motion by Ronald Valandra to excuse Marilyn Gangone at 3/20 to attend son's school activities at Marty. Motion Carried	F-24 O-1 NV-3
05-15-87	Motion by Paul Joseph to approve Resolution No. 87-92, as amended, which authorizes sale to Jack Lamoureux of lots 1, 2, 3, 4 and 5 of Block 10 in Mission. Motion Carried	F-12 O-10 NV-1
05-15-87	Motion by Seth Big Crow to proceed with the Hearing on Thomas Walking Eagle. Motion Carried	F-15 O-4 NV-4
05-15-87	Motion by Carl McKenzie to remove Thomas Walking Eagle, Spring Creek Community Representative from the Tribal Council on the grounds of Gross Misconduct. Motion Carried	F-20 O-3 NV-3
05-15-87	Motion by Carl McKenzie that the Tribal Administration immediately notify Thomas Walking Eagle of his removal and request the Election Board set a date for a Special Election for council representative from Spring Creek Community. Motion Carried	F-27 O-0 NV-0
05-15-87	Motion by Carl McKenzie to refer the question of Thomas Walking Eagle's advanced per diem to the Budget & Finance Committee.	F-25 O-0 NV-1
05-15-87	Motion by Rita Halmi to move \$9,000 from BIA Administration Services to Tribally Controlled Community Colleges. Motion Carried	F-17 O-2 NV-7
05-15-87	Motion by Paul Joseph to declare Resolution No. 87-93 as emergency legislation. Motion Carried	F-26 O-0 NV-0
05-15-87	Motion by Paul Valandra to approve Resolution No. 87-93, as amended, which supports a Tribal I.P.S. budget plan for Rosebud Agency for FY-1989. Motion Carried	F-26 O-0 NV-0
05-15-87	Council adjourned by census of it membership at 6:20 p.m.	
06-05-87	Meeting cancelled due to lack of quorum.	
06-08-87	Motion by Rita Halmi to excuse those representatives requesting to be excused. Motion Carried	F-15 O-3 NV-1
06-08-87	Motion by Valerie Wilcox to approve the Council meeting minutes of May 7, 1987. Motion Carried	F-17 O-1 NV-3



ROSEBUD SIOUX TRIBAL COUNCIL
MEETING MINUTES
April 21, 2009

Chairman Rodney M. Bordeaux called the meeting to order at 10:45 a.m. Roll call was taken with twelve council representatives present thereby constituting a quorum. They were as follows:

Darrell Herman	Steve DeNoyer, Jr.	Norman Running Sr.
James Henry, Sr.	Claudette Arcoren	Anthony Castaway
Robert Shot	Stephanie Sully	Lenard Wright
William Long III		

Council representatives entering after roll call:

Scott Herman	Donna Hollow Horn Bear	Robert Moore
Michael Boltz	Lewis Good Voice Eagle	

Council representatives who were absent:

Shawn Bordeaux	Trent Poignee	Michael Valandra
Russell Eagle Bear	Byron Andrews	

INVOCATION - Roy Stone, Sr. gave the invocation.

Motion by Lenard Wright to suspend District #5 - Council Representative Michael Valandra without pay, remove him from the committees that he is on and suspend his authority until the outcome of this hearing, whatever it is, court case, with censure effective immediately and that all tribal property (cell phone, laptop) be returned to the RST as soon as possible. Seconded by Robert Moore. Questioned by Stephanie Sully. The roll call vote was taken with 12 yes, 0 - no, 0 abstained and 8 absent. MOTION CARRIED

Past business - Motion by Stephanie Sully to reconsider and rescind the March 16's motion regarding Tribal President drafting a letter to the court system for William Bearshield. Seconded by Robert Moore. Questioned by Lenard Wright. The vote was 13 in favor, 0 - opposed and 1 not voting. MOTION CARRIED

James Henry, Sr. - offered an apology to his family and colleagues for the remarks on the internet and brief discussion on his court charges from 2008.

Motion by Scott Herman to accept James Henry's resignation from the Judiciary Committee. Seconded by Robert Moore. Questioned by Lenard Wright. The vote was 12 in favor, 0 - opposed and 1 not voting. MOTION CARRIED



Lunch Break at 12:45 p.m./return at 1:55 p.m.

RSTC MEETING

04-21-09

Page 2.

Rosebud Casino Reports - Danny Gutteirez introduced Joseph Eve Representative who presented and discussed the audit findings for FY 2008 for the casino, fuel plaza and hotel. Also, presented written reports for the Casino, Fuel Plaza and Hotel for March 2009.

Motion by Darrell Herman to approve the FY 2008 audits; noting that a corrective action plan is in order for the Casino, fuel plaza and hotel. Seconded by William Long, III. Questioned by Lewis Good Voice Eagle. The vote was 11 in favor, 0 - opposed and 2 not voting. MOTION CARRIED

Chairman Bordeaux recess the meeting at 3:30 p.m. until Thursday.

Respectfully Submitted,

Gerri Night Pipe, Secretary
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBAL COUNCIL

June 30, 2003

Special Meeting Minutes

Chairman Kindle called the meeting to order at 10:10 a.m. Roll call was taken with fifteen (15) council representatives answering thereby constituting a quorum in which to conduct business. They were as follows:

Wayne Ducheneaux	Steve Denoyer, Jr.	Scott Herman
Eddie Farmer	Jo A. Colombe	Rick Young
Michael Boltz	Wanda Brave McCauley	Eric Nixon
Robert Shot	Rodney Bordeaux	Lenard Wright
Fern Bordeaux/Boltz	Christine Dunham	Fremont Fallis

Council representatives who entered after roll call was taken:

Darrell Marcus	Clifford Chasing Hawk	Tez Duysak
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Council representatives who were absent:

Wayne Boyd	Anthony Castaway
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Other officers present: Vice Chairman Vernon "Ike" Schmidt, Treasurer Ken Wike, RST Committee Secretary Bernadette Howard, and Sergeant at arms Glen Yellow Eagle.

INVOCATION – Christine Dunham said the prayer.

Chairman Kindle turned the meeting over to Hearing Judge Sherman Marshall who started the hearing process for District 7 – Council Representative Tez Duysak, Jr.

The following motion was made after the conclusion of the hearing:

Motion by Eric Nixon that the Tribal Council find District 7 – Council Representative Tez Duysak, Jr. guilty of gross misconduct of tribal affairs in violation of the Code of Ethics and that the Tribal Council remove District 7 – Council Representative Tez Duysak, Jr. from office of the Rosebud Sioux Tribe effective immediately. Seconded by Christine Dunham. Questioned Wayne Ducheneaux. Roll call vote results:

Wayne Ducheneaux, YES; Steve DeNoyer, Jr., YES; Scott Herman, YES; Eddie Farmer, YES; Wayne Boyd, ABSENT; Jo A. Colombe, YES; Darrell Marcus, YES; Richard Rick Young, ABSTAIN; Michael Boltz, YES; Wanda Brave/McCauley, YES; Eric Nixon, YES; Tez, Duysak, Jr., ABSTAIN; Anthony Castaway, ABSENT; Robert Shot, YES; Rodney Bordeaux, YES; Lenard Wright, YES; Fern Bordeaux/Boltz, YES; Christine Dunham, YES; Fremont Fallis, YES; Clifford Chasing Hawk, YES. VOTE COUNT: 16 YES, 0 NO, 2 ABSTAIN, and 2 ABSENT. **MOTION CARRIED.**

ADJOURNMENT – Motion by Eric Nixon to adjourn. Seconded by Wayne Ducheneaux. Questioned by Lenard Wright. Vote: 18 in favor, 0 opposed and 0 not voting. **MOTION CARRIED.**

Bernadette Howard, RST Committee Secretary



STEVEN D. SANDVEN

LAW OFFICE P.C.

PRINCIPAL
STEVEN D. SANDVEN

*Admitted in South Dakota,
Minnesota & Washington D.C.*

3600 SOUTH WESTPORT AVENUE, SUITE 200
SIOUX FALLS, SOUTH DAKOTA 57106-6344
TELEPHONE (605) 332-4408
FACSIMILE (605) 332-4496
SSANDVENLAW@AOL.COM

March 17, 2015

Honorable Warren Arganbright, Special Judge
Rosebud Sioux Tribe
P.O. 129
Mission SD 57570

Re: Scott v. Walking Eagle, et al., CV 14-490

Dear Judge Arganbright:

This memorandum supplements my March 13th letter regarding Defendants' request for dismissal of the underlying matter in the above-described matter with prejudice at tomorrow's hearing. *Ex. 1*

Please find for your review the following opportunities provided by the Court for Plaintiff to dismiss the underlying action in the above described matter:

1. **December 11, 2014 hearing excerpts** – *Ex. 2*:

MR. ARENDT: You know, Judge, I don't have a problem with you issuing the order today with prejudice.

THE COURT: Relative to the temporary restraining order?

MR. ARENDT: Right. (10:7-11)

THE COURT: Thank you. As I review 41(a), I don't think 41(a) requires any showing of reason. I think it's discretionary, and I don't think there is any requirement for any justification for dismissal. But I don't think we're here either because we have an order that's been entered. And based on the motion and the argument, I am going to vacate the temporary restraining order. I'm also going to order that no further applications for TROs may be filed under this particular case and that complaint. (18:6-15)

(Proceedings adjourned.) (Court reopened the hearing.)

THE COURT: Mr. Arendt, do you have a motion?

MR. ARENDT: I do, Your Honor. I propose that this action be dismissed with prejudice.

THE COURT: The underlying action?

MR. ARENDT: The underlying action be dismissed with prejudice in its entirety by stipulation of the parties. I propose that I draft and submit to my client that



motion, have him sign off on it. I'll sign off on it. I will then mail it to Mr. Sandven and obtain his signature. And once all the signature are obtained, we will present it to you with a proposed order of dismissal with prejudice. (25:11-22)

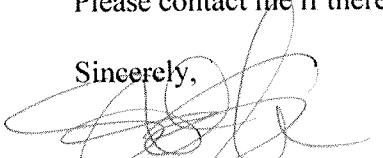
THE COURT: The Court is going to enter a conditional order of dismissal that – conditioned upon the plaintiff executing a stipulation to dismissal and filing it in the Court file. I don't necessarily know that I need Mr. Sandven's signature since he has been here present in court today and so stipulated, but if you wish to sign it, that would be fine as well, the stipulation, the dismissal.

MR. SANDVEN: It's not required, Judge. I don't need to. (26:1-10)

2. **December 12, 2014 Order:** "The Court, being duly advised in the premises, does vacate the Temporary Restraining Order previously entered herein by this Court, with prejudice ... Plaintiff, by Al Arendt, moved the Court to dismiss the underlying action and Complaint filed herein, with prejudice. There being no objections, the Court enters a Condition Order of dismissal...." *Ex. 3*
3. **January 27, 2015 Order:** "In the event that the Defendant wishes to proceed with the Defendant's counsel's motion as previously orally recited in Court on December 11, 2014, the Defendant shall file original executed written Stipulation to dismissal, executed by the Plaintiff, on or before the 17th day of February, 2015." *Ex. 4*
4. **February 20, 2015 Order:** "The Court Clerk has advised that Plaintiff has not filed an original signed stipulation to dismissal as provided in the Order of this Court entered January 27, 2015." *Ex. 5*
5. **March 4, 2015 Order:** "In the event Plaintiff desires to dismiss the action with prejudice as recited by Plaintiff's counsel in open court on December 11, 2014, then an originally executed Stipulation to dismissal with prejudice ... The Court does further order that Defendant's Motion to Dismiss filed per Order of the Court of this day, shall be heard on the 18th day of March, 2015 at 9:00 A.M...." *Ex. 6*

Please contact me if there are any questions.

Sincerely,



STEVEN D. SANDVEN
Attorney for Defendants

Enclosures

Cc: Al Arendt
Clerk of Court

STEVEN D. SANDVEN

LAW OFFICE P.C.

PRINCIPAL
Steven D. Sandven

*Admitted in South Dakota,
Minnesota & Washington D.C.*

3600 South Westport Avenue, Suite 200
Sioux Falls, South Dakota 57106-6344
Telephone (605) 332-4408
Facsimile (605) 332-4496
ssandvenlaw@aol.com

March 13, 2015

Honorable Warren Arganbright, Special Judge
Rosebud Sioux Tribe
P.O. 129
Mission SD 57570

Re: Scott v. Walking Eagle, et al.
CV 14-490

Dear Judge Arganbright:

This memorandum is provided in response to Mr. Arendt's email received at 11:44 a.m. today that states:

How was the hearing set for the 18th? I did not get any calls on this. I have found my letter of 12/15 to the RST Clerk filing the original of the Stipulation and Proposed order and am mailing that out to all concerned parties.

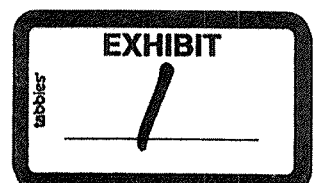
Your Order dated March 4, 2015 set the March 18th hearing. Mr. Arendt's described mailing does not fulfill your repeated requirement that an "original" be filed. I have not received notice that Mr. Scott appeared in "open court and on the record" and entered his stipulation. Hence, Defendants are prepared to proceed on March 18th with their motion to dismiss filed on March 3rd and supplement filed on March 5th.

Please contact me if there are any questions.

Sincerely,


STEVEN D. SANDVEN
Attorney for Defendants

Cc: Al Arendt
Clerk of Court



From: Al-Arendt Law <al-arendtlaw@qwestoffice.net>
To: Steven D. Sandven <ssandvenlaw@aol.com>; warganbright <warganbright@inebraska.com>; rhonda <rhonda@rstcourts.org>
Subject: Re: CV 14-490
Date: Fri, Mar 13, 2015 11:44 am

J. Argenbright-

How was the hearing set for the 18th? I did not get any calls on this.

I have found my letter of 12/15 to the RST Clerk filing the original of the Stipulation and Proposed order and am mailing that out to all concerned parties.

Al Arendt

From: Steven D. Sandven
Sent: Friday, March 13, 2015 10:54 AM
To: warganbright@inebraska.com ; rhonda@rstcourts.org
Cc: al-arendtlaw@qwestoffice.net
Subject: Re: CV 14-490

Judge:

I will appear in person at the 18th hearing.

Thank you.

Steven D. Sandven
Steven D. Sandven Law Office PC
3600 South Westport Avenue, Suite 200
Sioux Falls SD 57106
(w) 605 332-4408
(f) 605 332-4496
ssandvenlaw@aol.com

NOTICES:

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-----Original Message-----

From: Steven D. Sandven <ssandvenlaw@aol.com>
To: warganbright <warganbright@inebraska.com>; rhonda <rhonda@rstcourts.org>
Cc: al-arendtlaw <al-arendtlaw@qwestoffice.net>

1	ROSEBUD SIOUX TRIBAL COURT)	
2	ROSEBUD INDIAN RESERVATION	:SS	IN CIVIL COURT
3	ROSEBUD, SOUTH DAKOTA)	
4	*****		
5	Cyril Scott,		Civ. Docket #14-490
6	Plaintiff,		
7	-vs-		HEARING
8	Lorraine Walking Eagle, Chairman,		
9	RST Ethics Committee; Julie Peneaux,		
10	RST Tribal Secretary, on behalf of		
11	the RST Tribal Council; and William		
12	Kindle, Vice-Chairman of the RST		
13	Tribal Council,		
14	Defendants.		
15	*****		
16	BEFORE:	The Honorable Warren R. Arganbright	
17		Special Tribal Court Judge	
18		Rosebud Sioux Tribe	
19	APPEARANCES:	Mr. Al Arendt	
20		Arendt Law Office	
21		Pierre, South Dakota	
22		Attorney for the Plaintiff.	
23		Mr. Steven D. Sandven	
24		Steven D. Sandven Law Office	
25		Sioux Falls, South Dakota	
		Attorney for the Defendants.	
	PROCEEDINGS:	The above-entitled matter came on for	
		hearing on the 11th day of December,	
		2014, at Rosebud, South Dakota.	



1 terms as of today. I'm not asking for a preliminary
2 injunction. And that's at the directive of my client.

3 THE COURT: And if I may, one more question. And I
4 have read Mr. Sandven's materials. The question is what
5 prevents you from bringing another -- requesting another
6 temporary restraining order?

7 MR. ARENDT: You know, Judge, I don't have a problem
8 with you issuing the order today with prejudice.

9 THE COURT: Relative to the temporary restraining
10 order?

11 MR. ARENDT: Right. Because I don't want to play
12 games with the Court. I'm not trying to play games.
13 Right now if you dismiss the TRO, my underlying lawsuit
14 and the relief that we request in that is still
15 available. And we're going -- we're going to deal with
16 that because Mr. Sandven has made it very clear, he's
17 going to try and get this lawsuit dismissed. But that's
18 not an argument for today.

19 The underlying lawsuit is still there. And if I can
20 talk to Mr. Sandven privately some time, I think we
21 possibly could resolve that.

22 THE COURT: Okay. Well, that's for --

23 MR. ARENDT: Another time.

24 THE COURT: -- another time and another place. Thank
25 you, Mr. Arendt.

1 given.

2 The bottom line is we are here today for one simple
3 thing. And if I had made this -- if I had got this done
4 last week, I think I could have done it by notice of
5 dismissal. Dismiss the TRO with prejudice. That's all.

6 THE COURT: Thank you. As I review 41(a), I don't
7 think 41(a) requires any showing of reason. I think it's
8 discretionary, and I don't think there is any requirement
9 for any justification for dismissal. But I don't think
10 we're here either because we have an order that's been
11 entered.

12 And based on the motion and the argument, I am going
13 to vacate the temporary restraining order. I'm also
14 going to order that no further applications for TROs may
15 be filed under this particular case and that complaint.

16 And I guess the next thing we need to do is talk
17 about where we go next on this action that is pending.
18 We -- are there any other -- do you want some time to
19 file motions, do you want to set a trial date?

20 MR. ARENDT: I'd like to respond to the pleadings
21 that have been filed to the extent that they deal with
22 other issues than that. I think the one I received this
23 morning deals with basically that. What I think we need
24 is a scheduling order, Your Honor. You want to do that
25 in open court or can we do that with the clerk's office?

1 excused.

2 (Proceedings adjourned.)

3 THE COURT: All right. This is, again, Warren
4 Arganbright, Special Tribal Court Judge appointed to
5 preside over case Civ. 14-490. We previously adjourned
6 court. After a conference with counsel in chambers, we
7 have reopened the hearing at this time.

8 Present in the courtroom is Al Arendt for the
9 plaintiff without the plaintiff, and Steven Sandven for
10 the defendants without the defendants.

11 Mr. Arendt, did you have a motion?

12 MR. ARENDT: I do, Your Honor. I propose that this
13 action be dismissed with prejudice.

14 THE COURT: The underlying action?

15 MR. ARENDT: The underlying action be dismissed with
16 prejudice in its entirety by stipulation of the parties.
17 I propose that I draft and submit to my client that
18 motion, have him sign off on it. I'll sign off on it. I
19 will then mail it to Mr. Sandven and obtain his
20 signature. And once all the signatures are obtained, we
21 will present it to you with a proposed order of dismissal
22 with prejudice.

23 THE COURT: Any objection, Mr. Sandven.

24 MR. SANDVEN: Not as long as those contingencies are
25 (inaudible).

1 THE COURT: The Court is going to enter a conditional
2 order of dismissal that -- conditioned upon the plaintiff
3 executing a stipulation to dismissal and filing it in the
4 Court file. I don't necessarily know that I need
5 Mr. Sandven's signature since he has been here present in
6 court today and so stipulated, but if you wish to sign
7 it, that would be fine as well, the stipulation, the
8 dismissal.

9 MR. SANDVEN: It's not required, Judge. I don't need
10 to.

11 THE COURT: Fair enough.

12 MR. ARENDT: I can just go ahead and obtain my
13 signature and his signature and send it to you?

14 THE COURT: That's it. Actually send it to the clerk
15 and copy me.

16 MR. ARENDT: Okay.

17 THE COURT: Original to the court.

18 MR. ARENDT: And I will cc. everything to
19 Mr. Sandven.

20 THE COURT: Anything else?

21 MR. SANDVEN: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (End of proceedings.)
24
25

ROSEBUD SIOUX TRIBAL COURT
ROSEBUD INDIAN RESERVATION
ROSEBUD, SOUTH DAKOTA

)
:ss
)

IN CIVIL COURT

CIV DOCKET # 14-490

CYRIL SCOTT,

Plaintiff,

vs.

ORDER OF DISMISSAL

LORRAINE WALKING EAGLE,
Chairman, RST Ethics Committee;
JULIE PENEAU, RST Tribal Secretary,
on behalf of the RST Tribal Council;
and WILLIAM KINDEL, Vice-Chairman
of the RST Tribal Council,

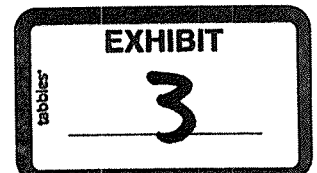
Defendant.

Now on this 11th day of December, 2014, this matter came on for hearing before the Rosebud Sioux Tribal Court, the Honorable Warren R. Arganbright, Special Tribal Court Judge, present and presiding. The matter comes on before the Court in the above entitled case on Plaintiff's Motion to Dismiss Temporary Restraining Order filed October 10, 2014. Appearances: Al Arendt for Plaintiff, Cyril Scott, without the Plaintiff; and Steven D. Sandven, with the Defendants.

The matter proceeded to hearing on Plaintiff's Motion to Dismiss Temporary Restraining Order. Plaintiff presented argument. Defendant presented argument. Plaintiff presented rebuttal argument. Plaintiff requested that any Order sustaining the Motion to Dismiss Temporary Restraining Order provide for dismissal with prejudice.

The Court, being duly advised in the premises, does vacate the Temporary Restraining Order previously entered herein by this Court, with prejudice.

The matter then proceeded to progression hearing. Discussion was had. Dates were

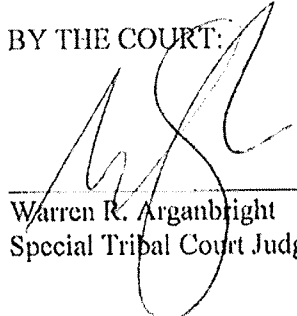


proposed and established. Court was adjourned.

Court reconvened with the following appearances: Al Arendt for the Plaintiff, without the Plaintiff; and Steven D. Sandven for the Defendants, without the Defendants. Plaintiff, by Al Arendt, moved the Court to dismiss the underlying action and Complaint filed herein, with prejudice. There being no objections, the Court enters a Conditional Order of Dismissal. The matter will stand dismissed upon filing of Stipulation to Dismissal executed by the Plaintiff personally and his counsel. Defendant, having no objection, is not required to execute the Stipulation. In the event that Stipulation of Dismissal is not filed in the Court file within ten (10) days, the Court will enter a Progression Order relative to the discussions had in open Court for progression.

DATED AND ENTERED this 12th day of DECEMBER, 2014.

BY THE COURT:


Warren R. Arganbright
Special Tribal Court Judge

ATTEST:

Clerk of Courts

ROSEBUD SIOUX TRIBAL COURT
ROSEBUD INDIAN RESERVATION
ROSEBUD, SOUTH DAKOTA

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:ss
)

IN CIVIL COURT

CYRIL SCOTT,

Plaintiff,

vs.

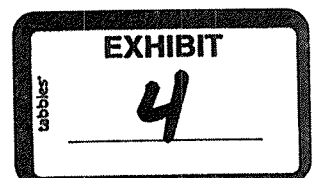
LORRAINE WALKING EAGLE,
Chairman, RST Ethics Committee;
JULIE PENEUX, RST Tribal Secretary,
on behalf of the RST Tribal Council;
and WILLIAM KINDLE, Vice-Chairman
of the RST Tribal Council,

Defendant.

CIV DOCKET # 14-490

ORDER

Now on this 27th day of January, 2015, this matter came on before the Rosebud Sioux Tribal Court, the Honorable Warren R. Arganbright, Special Tribal Court Judge, present and presiding, in chambers in Rosebud, South Dakota, on the Court's own motion. The Court, in response to various requests regarding the Progression Order entered by this Court on the 24th day of December, 2014, and based further upon the passage of deadlines provided in said Order, and on the motion of dismissal of the underlying cause of action which the Court conditioned upon receipt of a Stipulation to dismissal signed by the Plaintiff and filed in the Court file, based on the Plaintiff's non-appearance at said hearing, and further based on Defendant's counsel's written affirmation of mailing of the Stipulation to dismissal and upon the Court's review of the Court file finding no receipt of the same, and, finally, based on the Defendant's counsel's requested extension of proceedings under the terms of the previously entered Progression Order pending his return to the area from a previously arranged trip away from South Dakota, the Court



does enter the following Order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. In the event that the Defendant wishes to proceed with the Defendant's counsel's motion to dismiss as previously orally recited in Court on December 11, 2014, the Defendant shall file original executed written Stipulation to dismissal, executed by the Plaintiff, on or before the 17th day of February, 2015.
2. It is further ordered that, failing filing of original executed Stipulation to dismissal signed by the Plaintiff, that the parties are ordered to appear before this Court on the 4th day of March, 2015, for the purposes of considering amendments to the previous Progression Order entered on December 24, 2015. In the event that counsel for the parties consent to participate in said progression hearing telephonically, Plaintiff is to arrange telephonic progression hearing.

SO ORDERED.

DATED AND ENTERED this 27th day of JANUARY, 2015.

BY THE COURT:


Warren R. Arganbright
Special Tribal Court Judge

ATTEST:

Clerk of Courts

ROSEBUD SIOUX TRIBAL COURT
ROSEBUD INDIAN RESERVATION
ROSEBUD, SOUTH DAKOTA

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IN CIVIL COURT

CYRIL SCOTT,

Plaintiff,

vs.

LORRAINE WALKING EAGLE,
Chairman, RST Ethics Committee;
JULIE PENEUX, RST Tribal Secretary,
on behalf of the RST Tribal Council;
and WILLIAM KINDLE, Vice-Chairman
of the RST Tribal Council,

Defendant.

CIV DOCKET # 14-490

ORDER

Now on this 20th day of February, 2015, this matter came on before the Rosebud Sioux Tribal Court, the Honorable Warren R. Arganbright, Special Tribal Court Judge, present and presiding, in chambers and on the Court's own motion. The Court Clerk has advised that Plaintiff has not filed an original signed stipulation to dismissal as provided in the Order of this Court entered January 27, 2015. The Court has been further advised that the Order entered by the Court on January 27, 2015, providing for a Progression Conference for March 4, 2015, failed to set a time for said hearing.

The Court, being duly advised in the premises, orders that hearing on amendment of Progression Order entered December 24, 2015, shall be held before this Court on March 4, 2015, at 9:00 A.M., or so soon thereafter as the same may be heard.

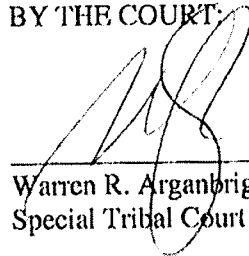


It is further ordered that, due to Defendant's counsel's declination of telephonic progression conference received by the Court via email with copy shown provided to Plaintiff's counsel, the progression conference shall be held on the date and time set forth above, in open court.

SO ORDERED.

DATED AND ENTERED this 20th day of FEBRUARY, 2015.

BY THE COURT:



Warren R. Arganbright
Special Tribal Court Judge

ATTEST:

Clerk of Courts

ROSEBUD SIOUX TRIBAL COURT
ROSEBUD INDIAN RESERVATION
ROSEBUD, SOUTH DAKOTA

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IN CIVIL COURT

CYRIL SCOTT,

Plaintiff,

vs.

LORRAINE WALKING EAGLE,
Chairman, RST Ethics Committee;
JULIE PENEUX, RST Tribal Secretary,
on behalf of the RST Tribal Council;
and WILLIAM KINDLE, Vice-Chairman
of the RST Tribal Council,

Defendants.

CIV DOCKET # 1s4-490

ORDER

Now on this 4th day of March, 2015, this matter came on for hearing before the Rosebud Sioux Tribal Court, the Honorable Warren R. Arganbright, Special Tribal Court Judge, present and presiding. Plaintiff appears by attorney, Al Arendt, appearing telephonically, without the Plaintiff. Defendants appear by Steven Sandven, attorney for the Defendants, without the Defendants.

The matter comes on for Progression Hearing per Order of the Court of February 24, 2014, and continued per Order of the Court entered January 27, 2015, and continued per Order of the Court entered February 20, 2015. On review of the Court file, the Court finds that the Order continuing the matter to this date entered by the Court on February 20, 2015, is not filed in the Court file. The Court has, in its file, an executed copy of the Order and provides the same to the Court Clerk for filing this day. The Court further advises that it has in its possession an emailed letter, from Steven B. Sandven, attorney for the Defendants, together with Motion to Dismiss, Memorandum of Law and Certificate of Service which the Court orders filed in the Court file, and which, in open Court, counsel for Plaintiff acknowledges receipt of.

Discussion, on the record, between Court and counsel was had. The Plaintiff advises the Court that Plaintiff's attorney will obtain and execute a Stipulation to dismissal with prejudice to



be executed by the Plaintiff and filed in the Court file. Plaintiff presented argument. Defendant presented argument.

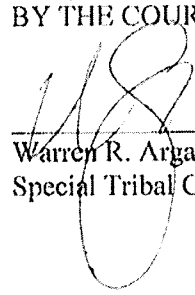
The Court, being duly advised in the premises, enters the following Order:

1. In the event Plaintiff desires to dismiss the action with prejudice as recited by Plaintiff's counsel in open Court on December 11, 2014, then an originally executed Stipulation to dismissal with prejudice, signed by the Plaintiff, must be filed in the Court file, which execution shall be witnessed by a Court officer, whether Clerk, Court Service Officer or other sworn officer of the Court.
2. In the event that no originally executed Stipulation to dismissal with prejudice is filed by the Plaintiff, Plaintiff may, alternatively, on notice and hearing and personal appearance in Court, with or without Counsel, enter his Stipulation to dismissal with prejudice, in open Court and on the record.
3. The Court does further order that Defendant's Motion to Dismiss filed per Order of the Court of this day, shall be heard on the 18th day of March, 2015, at 9:00 A.M., or so soon thereafter as the same may be heard. The parties are advised that in the event no evidence is required relative to Defendant's Motion to Dismiss With Prejudice, that Counsel may appear telephonically.

SO ORDERED.

DATED AND ENTERED this 4th day of MARCH, 2015.

BY THE COURT:


Warren R. Arganbright
Special Tribal Court Judge

ATTEST:

Clerk of Courts

From: Al-Arendt Law <al-arendtlaw@qwestoffice.net>

To: Warren Arganbright <warganbright@inebraska.com>; Steve Sandven <ssandvenlaw@aol.com>

Cc: Cyril Scott <cyril.scott@rosebudsiouxtribe-nsn.gov>

Subject: Tomorrow hearing

Date: Tue, Mar 17, 2015 5:08 pm

Attachments: SCOTT MARSHALL LETTERS.pdf (648K)

Judge-

I am writing to you about tomorrow's hearing at 9 AM. I will attend but here is my response on this matter.

Attached is a copy of my letter to J. Marshall with my letter of 12/15/14 to the clerk's office filing Cyril Scott's signed stipulation to dismiss with prejudice. I have called my client 3 times with no luck. I have written to him twice to respond to this matter. I have emailed him four times. I have not received any response. I know that the court wants Scott in court to confirm that this action is being dismissed with prejudice. However, my client has chosen not to communicate with me or respond to my entreaties.

There is little more that I can do. I am also doing all of this gratis.

Al Arendt



ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION:SS
ROSEBUD, SOUTH DAKOTA)

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IN TRIBAL COURT

CYRIL SCOTT,

CLERK #14-490

PLAINTIFF,

v.

STIPULATION TO DISMISS
WITH PREJUDICE
AND ORDER

LORRAINE WALKING EAGLE, Chairman,
RST Ethics Committee; JULIE
PENEUX, RST Tribal Secretary,
on behalf of the RST Tribal
Council; and WILLIAM KINDLE, Vice
Chairman of the RST Tribal Council.)

DEFENDANTS.

* * * * *

COMES NOW the Plaintiff, Cyril Scott, and hereby STIPULATES
that the underlying action herein may be DISMISSED WITH
PREJUDICE.

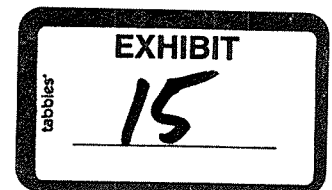
DATED this 11th day of December, 2014.

Cyril Scott

Cyril Scott, Plaintiff
President, Rosebud Sioux Tribe
Rosebud, South Dakota

ORDER OF DISMISSAL

COMES NOW the Honorable Warren Arganbright, and based upon
the aforementioned Plaintiff's Stipulation, and the oral consent
given by the parties' attorneys given in open court this 11th day
of December, 2014, the Court does hereby make and enter the
following Order;



NOTICE OF ENTRY OF ORDER
Scott vs Walking Eagle
Page 2

DATED this 20 day of March, 2015.

ARENDT LAW OFFICE



Al Arendt, attorney for Plaintiff
P.O. Box 1077
Pierre, SD 57501
(605) 224-7700.

CERTIFICATE OF SERVICE

I, Al Arendt, do hereby certify that I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER, along with STIPULATION AND ORDER upon the person next designated by mailing same by first class mail, postage prepaid, addressed as follows:

Mr. Steven Sandven
Attorney at Law
3600 S. Westport Ave
Suite 200
Sioux Falls, SD 57106

DATED this 20 day of March, 2015.



Al Arendt, Attorney for Plaintiff

STIPULATION TO DISMISS WITH PREJUDICE AND ORDER
Scott v. Walking Eagle, et al., CIV. 14-490

It is hereby Ordered, Adjudged and Decreed that the afore-
mentioned action is hereby DISMISSED WITH PREJUDICE.

DATED this 11th day of December, 2014.

BY THE COURT:

Judge

ATTEST:

Clerk

(SEAL)

18th Nov 15
Rhonda Black

ARENDT LAW OFFICE

Al Arendt, Attorney

P.O. Box 1077

Pierre, SD 57501

Phone: (605) 224-7700

Fax: (605) 224-7705

March 20, 2015

Rosebud Sioux Tribal Court
Rhonda Black Lance, Civil Clerk
P.O. Box 129
Rosebud, SD 57570

RE: Scott vs Walking Eagle, et. al.
CIV #: 14-490

Dear Rhonda:

Find enclosed herewith my NOTICE OF ENTRY OF ORDER pursuant to the March 19, 2015 hearing held on this matter in front of Judge Arganbright. Could you please file this.

In addition, also find enclosed herewith my MOTION TO WITHDRAW AND NOTICE OF MOTION in this matter, setting my request to withdraw as Plaintiff's counsel for hearing on Thursday, April 2, 2015 at 1:00 PM.

Could you please file these? Thank you. By copy, I am serving Mr. Sandven and my client.

Sincerely,



Al Arendt

AA:rlj

Enclosures

cc/encl.: Cyril Scott

Steven Sandven, Attorney



ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION :SS
ROSEBUD, SOUTH DAKOTA)

IN TRIBAL COURT

CYRIL SCOTT,

PLAINTIFF,

v.

LORRAINE WALKING EAGLE, Chairman,
OF THE RST Ethics Committee,
JULIE PENEUX, RST Tribal
Secretary, on behalf of the RST
Tribal Council; and WILLIAM KINDLE,
Vice Chairman of the RST Tribal
Council,

DEFENDANT.

CIV. #14-490

MOTION TO WITHDRAW
AND NOTICE OF MOTION

* * * * *

TO: CYRIL SCOTT, PRESIDENT OF THE RST TRIBAL COUNCIL, OF
P.O. BOX 430, ROSEBUD, SOUTH DAKOTA 57570, LORRAINE WALKING
EAGLE, ET. AL., AND THEIR COUNSEL OF RECORD, STEVEN SANDVEN,
ATTORNEY AT LAW, OF 3600 SOUTH WESTPORT AVENUE, SUITE 200, SIOUX
FALLS, SOUTH DAKOTA 57106:

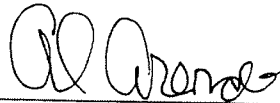
YOU ARE HEREBY NOTIFIED that the undersigned intends to
bring on his MOTION TO WITHDRAW for the aforementioned Plaintiff
in front of the Honorable Warren Arganbright on **Thursday, April
2, 2015 at 1:00 PM** in the courtroom at the Rosebud Sioux Tribal
Court, in Rosebud, South Dakota, or as soon thereafter said
matter may be heard.

The basis for this motion is lack of communication between
and Plaintiff and your undersigned.

MOTION FOR WITHDRAWAL AND NOTICE OF MOTION
Scott vs Walking Eagle
Page 2

DATED this 20 day of March, 2015.

ARENDT LAW OFFICE



Al Arendt, attorney for Plaintiff
P.O. Box 1077
Pierre, SD 57501
(605) 224-7700

CERTIFICATE OF SERVICE

I, Al Arendt, do hereby certify that I served a true and correct copy of the foregoing MOTION FOR WITHDRAWAL AND NOTICE OF MOTION upon the persons next designated by mailing same by first class mail, postage prepaid, addressed as follows:

Mr. Cyril Scott, President
Rosebud Sioux Tribe
P.O. Box 430
Rosebud, SD 57570

Mr. Steven Sandven
Attorney at Law
3600 S. Westport Ave
Suite 200
Sioux Falls, SD 57106

DATED this 20 day of March, 2015.



Al Arendt, Attorney for Plaintiff

ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION :SS
ROSEBUD, SOUTH DAKOTA)

IN TRIBAL COURT

CYRIL SCOTT,

PLAINTIFF,

v.

LORRAINE WALKING EAGLE, Chairman,
OF THE RST Ethics Committee,
JULIE PENEUX, RST Tribal
Secretary, on behalf of the RST
Tribal Council; and WILLIAM KINDLE,
Vice Chairman of the RST Tribal
Council,

DEFENDANT.

CIV. #14-490

NOTICE OF ENTRY
OF ORDER

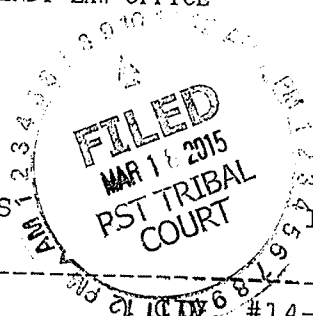
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TO: LORRAINE WALKING EAGLE, AS CHAIRMAN FOR THE RST ETHICS
COMMITTEE, JULIE PENEUX, RST TRIBAL SECRETARY, WILLIAM KINDLE,
VICE CHAIRMAN, AND THEIR COUNSEL OF RECORD, STEVEN SANDVEN,
ATTORNEY AT LAW, OF 3600 SOUTH WESTPORT AVENUE, SUITE 200, SIOUX
FALLS, SOUTH DAKOTA 57106:

YOU ARE HEREBY NOTIFIED that the attached STIPULATION TO
DISMISS WITH PREJUDICE AND ORDER OF DISMISSAL was hereby signed
by the Honorable Warren Arganbright on December 11, 2014, and
same said decree was filed in the office of the Rosebud Sioux
Tribal Clerk of Courts, in Rosebud, South Dakota, on March 18,
2015.

You are referred to the Court's file on this matter for
further details.

ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION:SS
ROSEBUD, SOUTH DAKOTA)



IN TRIBAL COURT

CYRIL SCOTT,

14-490

PLAINTIFF,

v.

STIPULATION TO DISMISS
WITH PREJUDICE
AND ORDER

LORRAINE WALKING EAGLE, Chairman,
RST Ethics Committee; JULIE
PENEUX, RST Tribal Secretary,
on behalf of the RST Tribal
Council; and WILLIAM KINDLE, Vice
Chairman of the RST Tribal Council.)

DEFENDANTS.

COMES NOW the Plaintiff, Cyril Scott, and hereby STIPULATES
that the underlying action herein may be DISMISSED WITH
PREJUDICE.

DATED this 11th day of December, 2014.

Cyril Scott, Plaintiff
President, Rosebud Sioux Tribe
Rosebud, South Dakota

ORDER OF DISMISSAL

COMES NOW the Honorable Warren Arganbright, and based upon
the aforementioned Plaintiff's Stipulation, and the oral consent
given by the parties' attorneys given in open court this 11th day
of December, 2014, the Court does hereby make and enter the
following Order;

STIPULATION TO DISMISS WITH PREJUDICE AND ORDER
Scott v. Walking Eagle, et al., CIV. 14-490

It is hereby Ordered, Adjudged and Decreed that the afore-
mentioned action is hereby DISMISSED WITH PREJUDICE.

DATED this 11th day of December, 2014.

BY THE COURT:

Judge

ATTEST:

Clerk

(SEAL)

18th March 15