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By Troy LittleAxe at 3:45 pm, Aug 05, 2022

FILED

**IN THE COURT OF THE
MODOC NATION
MIAMI, OKLAHOMA**

MODOC NATION, a federally recognized)
Indian Tribe, by and through its Elected)
Council,)
Plaintiff,)

Case No.: CIV-22-001

vs)

KIRK MILLER, BEN KARNES, DANNY)
BURKYBILE, EDD MILLER, ANITA)
WILLIAMS, and JASON CLARK,)
Defendants.)

ORDER GRANTING EX PARTE EMERGENCY RESTRAINING ORDER

NOW on this 5th day of August, 2022 this matter comes before the undersigned Special Associate Judge upon Plaintiff's Ex Parte Application for Emergency Restraining Order. The Court having considered the application and the corresponding exhibits, does hereby FIND and ORDER as follows:

1. That the Defendant Ben Karnes has repeatedly acted contemptuously with regard to this Court's Orders by publicly holding himself out to be an elected official of the Modoc Nation.

2. That Defendant Karnes has expressed public remarks that are contrary to the peace and welfare of the Modoc tribal members and is now alleged to have publicly used social media and or other electronic means to encourage individuals, Modoc members and non-Members to enter tribal lands during the Annual Meeting at the Modoc Nation Tribal Council on May 6, 2022 for the purpose of protesting or otherwise causing chaos or controversy.

3. That Plaintiffs have demonstrated facts sufficient for the entry of this Ex Parte Emergency Order enjoining the Defendant and any persons acting in concert with him from engaging in any behavior that is contrary to the peace and welfare of the Modoc Nation,

specifically to prevent the Defendant from engaging in any behavior intended to disrupt the Annual Meeting of the Modoc Nation, scheduled for August 6, 2022.

4. That the Defendant is hereby enjoined from acting in any manner to coerce or encourage individuals from attending the Annual Meeting of the Tribal Council of the Modoc Nation for the purpose of causing a disruption to the proceedings.

5. That the Defendant, Ben Karnes, is further restrained from engaging in any behavior at the Annual Meeting, including but not limited to protesting, demonstrating or other behavior intended to create a division, chaos or controversy during the August 6, 2022 Annual Meeting.

6. That any behavior by the Defendant or other individuals acting in concert with the Defendant or at his request or encouragement to disrupt the Annual Meeting of the Modoc Nation will result in his immediate removal by law enforcement as well as further proceedings of trespass.

7. That individuals who are not Modoc Nation members with notice of this Order and who are acting in concert or participation with Defendant Ben Karnes shall not enter tribal lands during the Annual Meeting of the Modoc Nation Tribal Council on August 6, 2022, or otherwise engage in any activity intended to disrupt the Annual Meeting of the Modoc Nation Tribal Council on August 6, 2022.

For purposes of this Order, a non-member of the Modoc Nation shall mean any person, other than Kirk Miller, Kirk Miller's legal counsel, and legal counsel for the Modoc Nation, whose name is not on the list of "all the individuals 18 and over as of August 4, 2022, who meet all the requirements in the Constitution of the Modoc Nation, as amended in 2020, who are duly recognized as members of the Modoc Nation," published on the Modoc Nation's official website, <https://modocnation.com/news/> as of this date, and attached hereto.

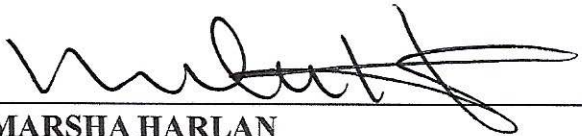
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant, Ben Karnes, and any other individuals acting in concert with Defendant Karnes, is hereby RESTRAINED from encouraging or coercing any individuals from entering upon the lands of the Modoc Nation with the intent to disrupt or cause chaos during the Modoc Nation Annual Meeting, scheduled for August 6, 2022.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant Ben Karnes is specifically RESTRAINED from entering upon the tribal lands of the Modoc Nation with the purpose of acting in a manner that is disruptive and intended to cause chaos or controversy during the Annual Meeting of the Modoc Nation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court ORDERS that individuals who are not Modoc Nation members with notice of this Order and who are acting in concert or participation with Defendant Ben Karnes shall not enter tribal lands during the Annual Meeting of the Modoc Nation Tribal Council on August 6, 2022, or otherwise engage in any activity intended to disrupt the Annual Meeting of the Modoc Nation Tribal Council on August 6, 2022.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall have a show cause hearing on this matter on **August 8, 2022 at 10:00 a.m.**

IT IS SO ORDERED.



MARSHA HARLAN
SPECIAL ASSOCIATE JUDGE

This list represents all the individuals 18 & over as of August 4, 2022, who meet all the requirements in the Modoc Constitution as amended in 2020, who are duly recognized as members of the Modoc Nation. Any person not on this list shall not be allowed to attend nor vote on any Modoc Election and will be removed from tribal property at the discretion of the Nation.

Cynthia	Elaine	Allen
Brittany	Lynn	Allen
Cheri	Raquel	Amiotte - Shadwick
Joshua	John	Arnold
Kelsey	Crowley	Bednarski
Bradi	Lyn	Boyer
Troy	Lane	Boyer
Gage	Michael	Branam
Qurt	Wyatt	Brecheisen
Lisa	Kay	Brock
Jamie	Dana	Brown (FLORENCE)
Susan	Gale	Burkybile
Daniel	Lee	Burkybile
Tammy	Jane	Burkybile
Steven	Todd	Burkybile
Sierra	Daanne	Burkybile
Rex	Harrison Robert	Burkybile
Robert	Lee	Burkybile III
Nicholas	Ryan	Carter
Darrell	Kevin	Casada
Joseph	Dewayne	Casada
Calvin	Leroy	Casada
Christoper	David	Casada
Stephanie	Grant	Casada
Joseph	Kevin	Casada
Lester	Dewayne	Casada
Christopher	Michael	Casada
Darrell	Anthoni	Casada
Whitney	Maleigh	Casada
Davin	Grant	Casada
Skyelar	Nashae	Casada
Madison	Mae	Casada
Taylor	Michelle	Casada
Karissa	Nicole	Casada
Addison	Jo	Casada
Hailey	Shai	Casada
Calvin	Leroy Walker	Casada III
Jeremy	Daniel	Chafin

Kathy	Wilson	Clark
Randall	Dean	Clark
Rusty	Neal	Clark
Chase	Lee	Clark
Chelsea	Leeann	Clark
Amber	Danylle	Clouse
Claude	Frederick	Colley
Carl	David	Colley
Cristen	Dana Colley	Colley
Kathleen	Ellen	Colley
Carl	Frederick	Colley
Viola	Darnell	Colombe
Sydney	Lou	Colombe
Tyler		Colombe
Codi	Cheyenne	Colombe
Austin	Walker	Colombe
Clyde	Captain	Colombe
Stacey	Jania	Conzonire
Katie	Rose	Conzonire
Jeffrey	Corky	Conzonire
Marijo	Ann	Cooper
Ashley	Rene	Cooper
John	Brandon	Cooper
John	Christopher	Crary
Ann	Elizabeth	Crary-Waters
Mona	Leah	Craven
Mary	Louise	Crowley
Noel	Chase	Crowley
James	Reed	Crowley
Sean	Thomas	Crowley
Paul	Bauer	Crowley
Kyle	Thomas	Davis
Laura	Lynn	Deerinwater
David	James	Easterla
Todd	Bryce	Easterla
Tanner	Brian	Easterla
Tayla	Breanna	Easterla
Betty	Jo	Eddings
Marcey	Susan	Ellis
Natalie	Margaret	Ellis
Elizabeth	Ellen	English
Marissa	Sue	Fahrig
Kathryn	Ann	Ferry

Christine	Nicole	Ferry
Sara	Ann	Ferry
Thomas	Michael	Ferry
Claudine	Diane	Florence
Billy	Gene	Follis
Phillip	Arthur	Follis
William	Blake	Follis
Debra	Jean	Fortner
Karen	Sue Follis	Garvin
Gary	Justin	Garvin
Cayden	Burl Walker	Garvin
Connor	Judd Walker	Garvin
Garin	Anthoni	Gilmore
Catherine	Grace	Gilmore
Susan	Mishelle	Glerup
Heath	Anthony	Glerup
Gage	Richard	Glerup
Savannah	Mishelle	Glerup
Wilma	Ruth	Gooden
Ethan	Cody	Gooden
Mary	Lynn	Gore
Jacquelyn	Maryk	Gore
Julia	Kathryn	Gore
Lisa	Diane	Graham
Braxton	Scott	Graham
Cindy	Yvonne	Greenfeather
Leslie	Mae Rosiere	Hall
Bryce	Walker	Hall
Kasie	Ann	Hansen
Parker	Shadwick	Hansen
Kinsey	Elise	Hansen
Carolyn	Lee Colley	Harper
Michael	Dennis	Hoover
Cheyenne	Marie	Hoover
Cheewa	P	James
Robert	Ray	James
Linda	Colene Chafin	Johnston
Sheryl	Lee	Jones
Darrel	Dean	Jones
Beverly	Ruth	Joslyn
Benjamin	James	Karnes
Eric	James	Karnes
Mollie	Grace Pearl	Karnes

Daisja	Jade	Kingfisher
Shane	Wyatt	Koepnick
Susan	Melissa	Kunkle
Jon	Christopher	Laster
Cierra	Nicole	Laster
Melissa	Hayman-Tessitor	MacGillivray
Jacob	Frederick	Mann
Mitchell	John	Mann
Michael	Heath	McDowell
Casey	Jordan	McDowell
Alex	Colton	McDowell
Tabitha	Frances	McDowell (Crawford)
Gina	Louise	McGaughey
Audrey	Louise	McGaughey
Scott	Nonkesis	Medlin
Kayla	Rae	Medlin
Allison	Nonkesis	Medlin
Tara	Anne	Moore
Jamie	Denise	Morris
Jennifer	Leigh	Morrison
Jessica	Marie	Mullin
George	Lee	Newberry
John	Wesley	Newberry
Daniel	Ray	Newberry
James	Wesley	Newberry
Laura	Jean	Nordby
Sydney	Christine	Phlegar
Nysa	Leah	Pigeon
Krystian	Shadwick	Preston
Clinton	Richard	Rawlings
Ramona	Mae	Rosiere
Molly	Kathleen	Ryan
Nicholas	Ray	Sampson
Crystal	Rachelle	Sampson
Samantha	Ranae	Sampson
Staci	Ann	Schicke
Keegan	Matthew	Schicke
Cooper	Patrick	Schicke
Colleen	Ann Walker	Scifers
Bob	Tyler Walker	Scifers
James	Allen	Scott
Jack	Wesley	Shadwick
Guy	Marion	Shadwick

Jay	Steven	Shadwick
Garry	Mark	Shadwick
Michelle	Lea	Shadwick
James	Beowulf	Shadwick
Sarah	Glenn	Shadwick
Jennifer	Leigh	Shadwick
Jacob	Tyler	Shadwick
Jessica	Christian	Shadwick
Hannah	Lea	Shadwick
Joshua	Bradley	Shadwick-Young
Stephen	Charles	Shelton
Lane	Charles	Shelton
Alisha	Dane	Shoemaker
Karen	Kay	Tennison
Cynthia	Diane Colley	Tessitor
Nicole	Noel	Thomas
Jennifer	Jean	Thomas - Scott
Caitlin	Diane	Tourje
Jaden	Levi	Tunnell
Sherri	Lynn	Van Rysselberghe
Kaili	Rae	Van Rysselberghe
Jordan	Pierre	Van Rysselberghe
Taylor	Charles	Van Rysselberghe
Grace	Carlyle	Vaughan
Sophie	Treece	Vaughan
Alexandra	Dawn	Warren
Natalie	Paige	Waters
Chelsea	Diane	Webb
Lucretia	Jo	White
Makisha	Jo	White
Hayden	Thomas	White
Anita	Jo	Williams
Jon	Duane	Wooley
James	Tod	Wooley
Chance	Michael	Wooley
Paula	Jean	Wright
Hayden	Scott	Wright
Matthew	Alan	Wright
Michael	Brock	Yeakey
Dominic	Francis	Yeakey
Aron	Michael	Yeakey
Levi	Brock	Yeakey
Scotty	Ray	Yeakey Jr