

**RECEIVED**

By Troy LittleAxe at 3:23 pm, Aug 01, 2022

**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. )

**FILED**

**SECOND ORDER OF CONTEMPT**

NOW on this 1st day of August, 2022, this matter comes before the undersigned Special Judge for consideration on the merits of the Plaintiff's Motion for Additional Show Cause Hearing as to contempt. The Plaintiffs are present by and through counsel, Patrick Bergin and Conley Shulte. The Defendants are present by and through counsel, Joe Keene. Specifically, Ben Karnes is present. Having reviewed the pleadings in this matter, heard the arguments of counsel and being fully advised in the premises, this Court does hereby FIND and ORDER as follows:

1. That the Court places Defendant Ben Karnes under oath and questions him as to the allegations that he intentionally modified a public web page to announce his election and that of the other Defendants on July 28, 2022 subsequent to this Court's previous order restraining him from taking any action to hold out as a publicly elected Modoc Nation official.

2. That Defendant Karnes admits to the allegations and states that he "is elected pursuant to the Modoc Constitution." Further, Defendant Karnes admits to having knowledge and understanding of this Court's Order of July 28, 2022 and the injunctive relief which has been granted in this case.

3. That the Court FINDS and ORDERS that Defendant Karnes is guilty of indirect contempt of court.

4. After consideration, the Court does hereby SENTENCE the Defendant, Ben Karnes, to a sanction of \$5,000.00. In addition, the Defendant is ORDERED to pay \$3,000.00 in Plaintiff's attorney fees.

5. This Court also specifically FINDS and ORDERS that should the Defendant fail to pay the sanctions and attorney fees prior to the Modoc Nation election, he will be prohibited from running for office pursuant to the Constitution of the Modoc Nation and the Modoc Election Ordinance.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Court FINDS and ORDERS that Defendant, Ben Karnes,, is guilty of indirect contempt.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant Karnes is to pay a total of \$5,000.00 in sanctions as set out fully above.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Defendant Karnes is to pay \$3,000.00 in Plaintiff's attorney fees as set out more fully above.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant Karnes is to pay all sanctions and fees resulting from this contempt action on or before August 11, 2022. Said payment may be made at the Modoc Nation Finance Department.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if the Defendant has failed to pay the full amount of sanctions and fees as ordered by this Court, he will be prohibited from running or serving as an elected official on behalf of the Modoc Nation pursuant to the Constitution of the Modoc Nation, Article IV, Section 3 and Section 6 (b) of the Modoc Election Ordinance

**IT IS SO ORDERED.**



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**MARSHA HARLAN  
SPECIAL ASSOCIATE JUDGE**