

**IN THE NORTHERN CHEYENNE TRIBAL COURT
OF AND FOR THE NORTHERN CHEYENNE TRIBE
LAME DEER, MONTANA**



Melissa Fisher (Ashland), Eva Foote (Ashland),
Gwen Spottedhorse (Birney), Stefan Rainingbird
(Busby), Melissa Lonebear (Lame Deer), Nizhoni
Friez (Lame Deer), Donovan Limberhand (Lame Deer),
Howard Ontiveros (Muddy), Edina Redstar, Secretary,
Kristi Killsnight, Treasurer & Ryhal Rowland, Employee

CASE NO. 2026-079, A

In their official capacities as lawfully elected
Council members, appointees, and employee

Plaintiffs/Petitioners,
v.

Judge C. Elkshoulder, Jr.

Jason Standing Elk (Ashland), Waylon Rogers
(Ashland), Llevando "Cowboy" Fisher (Birney),
Reuben Roundstone (Busby), Corey Spotted Elk
(Lame Deer), Josie "Wade" Redhat (Lame Deer),
Robert Simpson (Lame Deer), Lynwood Ewing
(Muddy), Sharleen Evans, Secretary, & Terrance
Limpy, Treasurer & Donavon Taylor, (Busby),

in their capacities as purported
Council members,

Defendants/Respondents.

**PETITIONERS' RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION FOR AN
ORDER TO SHOW CAUSE FOR CONTEMPT OF COURT, AND IN SUPPORT OF
NARROW CONSTRUCTION OF THE APRIL 30, 2026, MODIFIED TEMPORARY
RESTRAINING ORDER**

COMES NOW Petitioners, by and through undersigned counsel, and respectfully respond to Respondents' Motion for an Order to Show Cause for Contempt of Court. Respondents ask this Court to treat protected informational communications as contemptuous conduct. The April 30, 2026, Modified Temporary Restraining Order should be construed to prohibit operational acts of

office and exercises of governmental authority, not speech to the public that expressly disclaims present authority.

I. INTRODUCTION

The communications identified in the contempt motion do not show that Petitioners exercised, attempted to exercise, or held themselves out as lawfully seated council members in the sense prohibited by Paragraph 4 of the April 30 Order. The documents instead show public explanation, political advocacy, and constituent communication concerning a disputed governance matter. The communications expressly disclaim present authority and state that Petitioners were merely informing the people of their position while the Court decided the removal dispute.

The contempt power under Title IV, § 4.1.2 is reserved for willful disobedience of a clear order. The Court should not enlarge the April 30 Order into a speech restriction that punishes informational communications and public commentary. Nor should the Court grant contempt relief where Respondents themselves come to equity with unclean hands.

II. RELEVANT ORDER AND GOVERNING STANDARD

The April 30, 2026, Order provides, in relevant part:

“PENDING FURTHER ORDER OF THE COURT, NO PARTY (Petitioner or Respondent) SHALL ACT, PURPORT TO ACT, OR HOLD THEMSELVES OUT AS A MEMBER OF THE NORTHERN CHEYENNE TRIBAL COUNCIL; NO PARTY MAY EXERCISE OR ATTEMPT TO EXERCISE ANY AUTHORITY, POWER, OR DUTY INCIDENT TO SUCH POSITION; OR REPRESENT THEMSELVES AS A LAWFUL HOLDER OF ANY TRIBAL COUNCIL OFFICE UNTIL A HEARING ON THE PRELIMINARY INJUNCTION IS HELD AND A RULING IS MADE.”

The Order also states:

*"THIS ORDER DOES NOT INCLUDE NOR DOES IT PERTAIN TO THE
NORMAL OPERATIONS OF THE NORTHERN CHEYENNE TRIBAL
PROGRAMS AND SERVICES."*

And it warns:

*"ANY ACT OF DEFIANCE OR NONCOMPLIANCE WITH THIS COURT'S
ORDER SHALL CONSTITUTE GROUNDS FOR THE PERSON OR PERSONS
INVOLVED TO BE HELD IN CONTEMPT OF COURT."*

Under Title IV, § 4.1.2(A)(3), contempt requires:

*"Willful disobedience or resistance to any process of the Court or order issued by
the Court."*

Title IV, § 4.1.2(A)(3)

Civil contempt is therefore not appropriate unless the movant proves a clear, willful violation of a definite order.

III. ARGUMENT

A. The contempt motion seeks to punish protected informational speech, not proof of operational conduct like going to the Little Wolf Capitol Building and continuing to hold themselves out and perform as councilmen.

The acts identified in the contempt motion are Facebook posts, a public statement, and a letter to Brady Martz. Those materials are strictly informational. They do not show that Petitioners signed official orders, directed tribal employees, authorized expenditures, entered contracts, or otherwise exercised governmental power.

That distinction matters. Paragraph 4 of the April 30 Order forbids acting as council members or exercising council authority. It does not expressly forbid public explanation, political speech, or communications with constituents about the dispute. The Order should be read in a manner that preserves that distinction.

"public concern: who lawfully governs the Northern Cheyenne Tribe. A construction of the Order that reaches merely informational speech would create serious overbreadth concerns under Article V, Section 2 of the Northern Cheyenne Amended Constitution and Bylaws which guarantees freedom of speech, press, assembly, and association. That protection would be undermined if a TRO aimed at preserving the status quo were turned into a prohibition on public discussion of a disputed tribal governance issue.

B. Petitioners' own statements expressly disclaim present authority and defeat any claim of willful contempt.

Respondents' own exhibits undermine their contempt theory:

Exhibit 2 states:

"The Tribal Court has suspended any party from acting as a Council and from exercising any power until it decided the issue. We only write to inform all of you and provide our side of the story."

Exhibits 3 & 4¹ state:

"As many of you know, the Tribal Court has suspended any party from acting as a Council and from exercising any power until it decided the issue. We only write to inform all of you and provide our side of the story."

Exhibit 5 states:

"At this time, the status of the duly elected council is in limbo and we have no power until our Tribal Court decides our removal dispute. We only refer to ourselves as the duly elected Council as that is how we are identified in our Court case."

¹ Exhibit 1 is the same letter as Exhibit 4. Exhibit 1 was only put up temporarily as it was put up by mistake. The form and content of Exhibit 4 is what was supposed to go up originally as it and all the other Exhibits make it clear the Plaintiffs were not attempting to exercise any power as council members.

Those statements are not a claim of present power. They are express disclaimers. They acknowledge the Court's order and affirm that Petitioners were speaking to the public about the dispute while the matter remained unresolved.

The Brady Martz letter likewise states that the Council's status is in limbo and requests an independent, evidence-based audit. Read in context, it is a communication about litigation posture and public accountability, not an exercise of governing authority.

Even if Respondents object to the phrase "duly elected Council," that alone does not establish contempt. The question is whether the communication, taken as a whole, amounted to an exercise or attempted exercise of official power. It did not.

C. A broad reading of the April 30 Order would create a prior restraint problem and should be rejected.

Courts must construe their orders narrowly where a broader reading would burden speech more than necessary. The Supreme Court has repeatedly recognized that injunctions aimed at speech are disfavored prior restraints and must be narrowly tailored. *See, Near v. Minnesota ex rel. Olson*, 283 U.S. 697 (1931); *Carroll v. President & Comm'rs of Princess Anne*, 393 U.S. 175 (1968); *Organization for a Better Austin v. Keefe*, 402 U.S. 415 (1971); *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753 (1994); *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976).

Those cases confirm that a court may not suppress public criticism, explanation, or advocacy simply because the speech is politically inconvenient or because it relates to a disputed office. If the April 30 Order were read to bar Petitioners from informing constituents that their status is in dispute, it would sweep far beyond the conduct the Court intended to restrain. The better construction is straightforward: the Order bars operational acts of office and direct exercises of

authority, but not protected speech, public explanation, or communications that expressly disclaim authority.

D. Contempt requires clear, willful violation of an unambiguous order, which Respondents have not shown.

Civil contempt requires clear and convincing proof of a violation of a definite order. The contempt power is not meant to punish conduct that is reasonably susceptible to a lawful interpretation.

The Northern Cheyenne Civil Contempt rule itself requires “willful disobedience or resistance” to a court order. Title IV, § 4.1.2(A)(3). Here, Petitioners’ communications were reasonably understood as:

- political speech;
- public explanation of a governance dispute;
- response to allegations;
- advocacy concerning ongoing litigation; and
- statements expressly disclosing that authority was suspended and in limbo.

That is not willful defiance of the April 30 Order. At minimum, any ambiguity in the Order must be resolved against contempt and in favor of clarification. If the Court believes the Order could be read more broadly than Petitioners understood it, the proper remedy is clarification, not sanctions.

E. Respondents do not come to equity with clean hands.

Respondents ask this Court to punish Petitioners for allegedly holding themselves out as council members while the record reflects that Respondents themselves continue to act as if they are

council members, including by going into work, performing council functions, going on trips, and receiving council pay.

Equity does not favor selective enforcement. A party should not ask for contempt sanctions while ignoring or benefiting from the same disputed status. The Court may consider that conduct in deciding whether contempt relief is warranted and whether the requested remedy is being used as a one-sided strategic weapon rather than a good-faith effort to preserve the status quo.

This is particularly important because the contempt request is supported by the affidavit of Terrance Limpy, which describes the Plaintiffs' public communications, not any independent evidence that Petitioners exercised official governmental power. The affidavit does not establish that Petitioners signed binding directives, authorized expenditures, directed employees, or otherwise performed official council functions. It instead confirms that this is a contested governance dispute in which both sides continue to assert authority. At minimum, Respondents' own conduct undercuts their claim to equitable relief and should weigh heavily against contempt sanctions.

IV. APPLICATION TO THE IDENTIFIED COMMUNICATIONS

The communications identified in the contempt motion are:

- the May 6, 2026, Community Statement;
- the May 13, 2026, Statement to the Northern Cheyenne People;
- the May 13, 2026, document titled "To the People: The Truth About ARPA, CARES Act Funds, and the Duly Elected Tribal Council"; and
- the May 6, 2026, letter to Brady Martz.

These materials do not show that Petitioners exercised official power. They show Petitioners:

- addressed the public;
- defended their position in a disputed removal case;
- disclaimed present power;
- asked for transparency; and
- explained their understanding of the Court's suspension order.

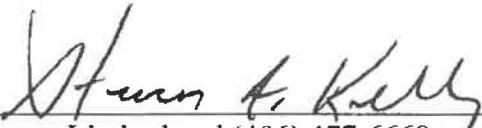
The fact that the communications use titles such as “duly elected Council” does not transform them into contempt. That is their title on this case. Context matters. The text repeatedly states that Petitioners had no power while the Court decided the issue. That, in and by itself shows respect for the Court's order and, at the very least, attempted compliance. That is exactly the kind of informational, speech-based communication that should not be punished as contempt.

V. REQUEST FOR RELIEF

For the foregoing reasons, Petitioners respectfully request that the Court:

- A. Deny Respondents' Motion for an Order to Show Cause for Contempt of Court;
- B. Alternatively, if the Court believes clarification is warranted, expressly clarify that the April 30, 2026, Modified Temporary Restraining Order prohibits only operational acts of office, exercises of governmental authority, and holding out as council members in a functional sense, and does not prohibit protected informational speech, public explanation, political advocacy, or communications expressly disclaiming present authority;
- C. Decline to impose contempt sanctions based on the communications identified in Respondents' motion; and
- D. Grant such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED on this 15th day of May 2026.

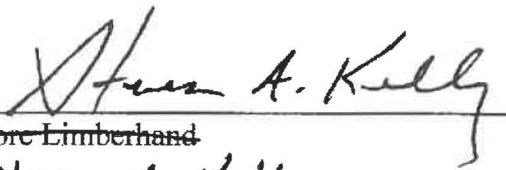

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Lay Advocates for Petitioners
P.O. Box 988
Lame Deer, Montana 59043

CERTIFICATE OF SERVICE

I certify that on this 15th day of May 2026, I served a true and correct copy of the foregoing **PETITIONERS' RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION FOR AN ORDER TO SHOW CAUSE FOR CONTEMPT OF COURT, AND IN SUPPORT OF NARROW CONSTRUCTION OF THE APRIL 30, 2026, MODIFIED TEMPORARY RESTRAINING ORDER** by placing the same in the U.S. Mail and emailing it to the following parties at the stated address:

Diedre Aanstad
2057 Harney Street
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Dana Eaglefeathers
P.O. Box 97
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Council for Select Purported Council Members


~~Elmore Limberhand~~
Steven A. Kelly



Steve Kelly

To: Ryhal, ELMORE >

12:06 PM



FW: 5 15 2026 Petitioner Response In Opposition to Respondent's' Motion for An Order to Show Cause

From: Steve Kelly

Sent: Friday, May 15, 2026 1:04 PM

To: Deidre Aanstad <daanstad@ctnativelaw.com>; Dana Eaglefeathers <eaglefeathersdana@yahoo.com>

Subject: 5 15 2026 Petitioner Response In Opposition to Respondent's' Motion for An Order to Show Cause

Please Petitioner's Response to Respondent's Motion for a Show Cause Order attached.



**5 15 2026 Petitioners'
Reaponse to Motion in...**
249 KB

