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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

GEORGE ADAMS and ELILE ADAMS,

Plaintiffs,

v.

RAYMOND DODGE, MICHAEL ASHBY,
FRANCISCO SANCHEZ, DANIEL
BENNETT, BRANDON FARSTAD, and
JOHN DOES 1-5,

Defendants.

NO. 19-2-01552-37

FIRST AMENDED COMPLAINT

COME NOW Plaintiffs George Adams and Elile Adams (collectively, “Adamses” or “Plaintiffs”), by and through their attorneys of record, Gabriel S. Galanda, Ryan D. Dreveskracht, and Bree R. Black Horse of Galanda Broadman, PLLC, and, upon their own personal knowledge and upon information and belief, allege and claim as follows:

I. PARTIES

1. Plaintiff George Adams is a 69-year-old man and Nooksack Tribal member who resides on off-reservation federal Indian trust lands at 7098 #4 Mission Road, Deming, Washington. He is Plaintiff Elile Adams’ father.

2. Plaintiff Elile Adams is a 33-year-old woman and Lummi Nation citizen who also resides on off-reservation trust lands at 7098 #4 Mission Road, Deming, Washington. She is

1 Plaintiff George Adams’ daughter, and a single mother of a five-year-old daughter who is also a
2 Lummi Nation citizen.

3 3. Defendant Raymond Dodge is a resident of the State of Washington who is not a
4 member of any Indian tribal government. Defendant Dodge purports to be the “Nooksack Tribal
5 Court Chief Judge.” His office is situated on off-reservation fee lands in Deming, Washington.
6 He is sued in his personal capacity.

7 4. Defendant Michael Ashby is a resident of the State of Washington who is not a
8 member of any Indian tribal government. Defendant Ashby is the purported “Nooksack Tribal
9 Chief of Police” whose office is situated on off-reservation fee lands in Deming, Washington. He
10 is sued in his personal capacity.

11 5. Defendant Francisco Sanchez is a resident of the State of Washington who is a
12 member of the Nooksack Indian Tribe. Defendant Sanchez is a Nooksack police officer whose
13 office is situated on off-reservation fee lands in Deming, Washington. He is sued in his personal
14 capacity.

15 6. Defendant Daniel Bennett is a resident of the State of Washington who is not a
16 member of any Indian tribal government. Defendant Bennett is a Nooksack police officer whose
17 office is situated on off-reservation fee lands in Deming, Washington. He is sued in his personal
18 capacity.

19 7. Defendant Brandon Farstad is a resident of the State of Washington who is not a
20 member of any Indian tribal government. Defendant Farstad is a Nooksack police officer whose
21 office is situated on off-reservation fee lands in Deming, Washington. He is sued in his personal
22 capacity.

23 8. Defendants John Does 1 – 5 (hereinafter “Defendants Doe”) are similarly situated
24 to Defendants Sanchez, Bennett, and Farstad.

1 **II. JURISDICTION AND VENUE**

2 9. Jurisdiction and venue are proper in this Court because the acts alleged herein
3 occurred in Whatcom County. All parties are also situated in Whatcom County.

4 10. This matter arises exclusively from lands outside the established Nooksack Indian
5 Reservation. RCW 37.12.010; *State v. Cooper*, 130 Wn.2d 770, 775-76 (1996) (en banc).

6 11. Tribal sovereign immunity does not bar Plaintiffs’ personal capacity suit against
7 Defendants. *Lewis v. Clarke*, 137 S. Ct. 1285 (2017). Nor does the Federal Tort Claims Act (25
8 U.S.C. 5321, note 4) shield Defendants from Plaintiffs’ personal capacity suit as this matter arises
9 exclusively from off-reservation lands. *See* Letter from Alexandra James, Attorney, U.S.
10 Department of the Interior Office of the Solicitor to Charles N. Hurt, Jr., Office of Tribal Attorney,
11 Nooksack Indian Tribe (Mar. 14, 2019) (declining to certify that Defendant Ashby was acting
12 pursuant to his federal employment for off-reservation tortious conduct).

13 12. On August 1, 2019, Plaintiffs placed Whatcom County on administrative notice of
14 their intent to sue Whatcom County and its Sheriffs Department and Jail employees and
15 subcontractors in tort, pursuant to RCW 4.92.100 and Whatcom County Code Section 3.05.010.
16 Plaintiffs reserve the right to amend or seek leave to amend this lawsuit to name Whatcom County
17 defendants as soon as sixty days lapse after August 1, 2019.

18 **III. STATEMENT OF FACTS**

19 **A. INTRODUCTION**

20 13. On July 30, 2019, George and Elile Adams (“Adamses” collectively) were
21 assaulted, battered and falsely detained, arrested and/or imprisoned by Defendants.

22 14. That morning, Defendants Sanchez, Bennett, and Farstad arrived to the Adamses’
23 home to arrest Elile Adams for failing to personally appear before Defendant Dodge on July 11,
24 2019. Elile Adams was on the Northwest Tribes’ annual Canoe Journey on July 11, 2019, but
25

1 her lawyer appeared for her that day. Even though she had personally appeared before Defendant
2 Dodge no less than eighteen times since March 2017, he issued a warrant for her arrest anyway.

3 15. Elile Adams' criminal arrest arises from a Nooksack Tribal Court civil parenting
4 proceeding **that Defendant Dodge initiated against Elile Adams *sua sponte*** in March 2017,
5 despite knowing that (1) he lacked any authority to act as Nooksack Tribal Court Chief Judge
6 according to three determinations issued in 2016 by the United States Department of the Interior;
7 and (2) he also lacked jurisdiction due to a pre-existing Whatcom County Superior Court
8 parenting proceeding of 2014, in which Elile Adams was awarded primary residential custody
9 over her now five-year-old daughter. *In re Z. A.-G.*, No. 14-5-00085-2 (Whatcom County Sup.
10 Ct.).

11 16. When George Adams stepped out from his home on July 30, 2019, with his lawyer
12 on speakerphone, to ask Defendants Sanchez, Bennett, and Farstad under what pretense they were
13 there to arrest his daughter, they refused to identify themselves. Without any provocation
14 whatsoever, Defendants Sanchez, Bennett, and Farstad each grabbed George Adams by his arms.
15 Defendant Bennett slapped George Adams' phone out of his hand and kned him in the groin.
16 They threw him against a concrete sidewalk and stairway, causing bleeding to his hand and
17 contusions to his legs. Defendant Farstad placed him in a chokehold for in upwards of a minute.
18 Defendants Sanchez, Bennett, and Farstad violently rotated his torso and handcuffed his hands
19 behind his back, spraining his left toes. They broke his prescription eye-glasses. They detained
20 him in the back of a hot patrol car without cracking the window for over thirty minutes before
21 citing him for "Obstructing a Public Official" and "Resisting Arrest."

22 17. Immediately before releasing George Adams, Defendants Sanchez, Bennett, and
23 Farstad frisked and falsely detained and arrested Elile Adams. Defendant Sanchez then
24 transported Elile Adams to the Whatcom County Jail, where she was imprisoned for nearly eight
25 hours—despite stated knowledge by Whatcom County Jail personnel that the arrest warrant

1 issued by Defendant Dodge was “bogus.” Up until that point, Elile Adams had never before been
2 criminally cited or arrested in her life.

3 18. Elile Adams’ five-year-old daughter (“Z. A.-G.”) witnessed the violence committed
4 by Defendants against her mom and her grandpa at their home that day.

5 **B. DEFENDANT DODGE AND THE NOOKSACK TRIBAL “JUSTICE SYSTEM”**

6 19. Since at least 2016, George Adams has been a “staunch defender” of, and traditional
7 spokesperson for, over three hundred Nooksack tribal members who have been proposed for
8 disenrollment from the Nooksack Tribe since 2012—the so-called Nooksack 306.¹

9 20. George Adams is a respected Nooksack Tribal Elder and the last remaining
10 speaker of the Nooksack language, Lhéchelesem. Elile Adams has also been a vocal
11 supporter of the Nooksack 306 and critic of purported Nooksack Tribal officials who have
12 oppressed them. The Adamses are not and have not been proposed for disenrollment from the
13 Nooksack Tribe.

14 21. On March 28, 2016, a group of holdover Nooksack Tribal Councilpersons—as
15 purported governing body of the Nooksack Indian Tribe—terminated Nooksack Tribal Court
16 Chief Judge Susan Alexander after she issued several election rulings adverse to them.

17 22. On June 13, 2016, the holdover Councilpersons purportedly replaced Nooksack
18 Tribal Court Chief Judge Susan Alexander with Raymond Dodge, the Tribe’s immediate past in-
19 house attorney who had unsuccessfully represented them in the election proceedings of concern
20 before Judge Alexander. *Nooksack Indian Tribe v. Zinke*, No. 17-0219-JCC (W.D. Wash.), Dkt.
21 No. 43, at 3.²

22
23
24 ¹ *Disenrollment Kills Nooksack Language Revitalization Program*, INDIAN COUNTRY TODAY (June 29, 2016)
[https://newsmaven.io/indiancountrytoday/archive/disenrollment-kills-nooksack-language-revitalization-program-
v_gOUFPP7Umtmq7Z77UxtA/](https://newsmaven.io/indiancountrytoday/archive/disenrollment-kills-nooksack-language-revitalization-program-v_gOUFPP7Umtmq7Z77UxtA/).

25 ² Additional facts giving rise to this lawsuit have been chronicled by the U.S. District Court for the Western District
of Washington in *Nooksack Indian Tribe v. Zinke*, No. 17-0219-JCC (W.D. Wash.), Dkt. # 43.

1 23. On October 17, 2016, Lawrence S. Roberts, United States Department of the
2 Interior Principal Deputy Assistant Secretary of Indian Affairs (“AS-IA”), issued a decision to
3 the Nooksack holdover Councilpersons establishing that they lacked authority to act as or in any
4 way represent themselves as the governing body of the Nooksack Indian Tribe, and refusing to
5 recognize “any actions taken” by them since March 24, 2016.

6 24. AS-IA Roberts issued a second decision to the Nooksack holdover Councilpersons
7 on November 14, 2016, reiterating that the United States “will only recognize those actions taken
8 by the Tribal Council prior to March 24, 2016, when a quorum existed, and will not recognize
9 any actions taken since that time because of a lack of quorum.” Such actions include the holdover
10 Councilpersons’ purported appointment of Defendant Dodge as Nooksack Tribal Court Chief
11 Judge on June 13, 2016.

12 25. On November 9, 2016, George Adams appeared in Nooksack Tribal Court before
13 Defendant Dodge as a traditional spokesperson for Nooksack Tribal Elder Margretty Rabang,
14 who was unlawfully facing eviction pursuant to orders issued by Defendant Dodge and whose
15 lawyers of record were disbarred and excluded from court by Defendant Dodge as both lawyer
16 and purported judge. George Adams shamed Defendant Dodge for his dishonorable behavior³; he
17 spoke exclusively in his Lhéchelesem tongue. It was at that point when Defendant Dodge,
18 masquerading as Tribal Court Chief Judge, established his vendetta against the Adamses.

19 26. On December 13, 2016, the Whatcom County Superior Court accorded “substantial
20 deference to the October 17, 2016 and November 14, 2016 decisions of Lawrence S. Roberts,
21 Principal Deputy Assistant Secretary of Indian Affairs for the United States Department of the
22 Interior, not to recognize as lawful or carrying any legal effect the actions or decisions of the
23

24 _____
25 ³ Margretty Rabang has a pending Whatcom County Superior Court lawsuit against Defendants Dodge and Ashby,
among others. *Rabang v. Rory Gilliland*, No. 17-2-00163-1 (Whatcom County Sup. Ct.).

1 Nooksack Tribal Court after March 24, 2016” *In re Gabriel S. Galanda, et al. v. Nooksack*
2 *Tribal Ct.*, No. 16-2-01663-1 (Whatcom County Sup. Ct.), Dkt. # 55.

3 27. On December 23, 2016, AS-IA Roberts issued a third decision to the Nooksack
4 holdover Council, invalidating any Nooksack Tribal Court orders “based on actions taken by the
5 Tribal Council after March 24, 2016,” whether those orders were “issued to be served by the
6 Nooksack Chief of Police or could be issued and served in the near future”

7 28. On March 24, 2017, the National Indian Court Judges Association Board of
8 Directors (“NAICJA”) wrote Defendant Dodge, quoting AS-IA Roberts’ first and third decisions:

9 NAICJA does not view your Nooksack Tribal Court judicial appointment as valid.
10 Further, while you have occupied the position of Chief Judge at Nooksack,
11 proceedings do not appear to have been conducted in compliance with the federal
12 [Indian Civil Rights Act] or fundamental tenets of due process at law. . . . NAICJA
can only support members who are legitimate and comport with . . . core tenet[s]
of tribal democracy and judicial integrity.

13 Defendant Dodge resigned from NAICJA’s membership in disgrace.

14 29. On April 27, 2017, counsel for plaintiffs emailed the Whatcom County Sheriff
15 “ask[ing] that [his] agency reject any request from purported Nooksack officials to arrest or detain
16 our clients.” The Sheriff replied the next day: “Thank you Mr. Galanda, we have advised our
17 deputies accordingly.”

18 30. As recent as January 16, 2018, United States Department of the Interior Principal
19 Deputy Assistant Secretary (“PDAS”) John Tahsuda affirmed ASIA Roberts’ three 2016
20 decisions, all of which invalidate the holdover Councilpersons’ purported appointment of
21 Defendant Dodge as Nooksack Tribal Court Chief Judge on June 13, 2016.

22 31. As of April 10, 2018, the Washington State Bar Association commented that the
23 Nooksack “‘justice system,’” inclusive of its Tribal Court and Tribal Police, is “‘probably not
24 worthy of that description.” *Grievance of Gabriel S. Galanda against Connie Sue M. Martin*,
25 ODC File No. 17-01776 (Wash. St. Bar. Assoc.).

1 32. PDAS Tahsuda expressed the United States’ continued concern to the Nooksack
2 Tribe about the need for “respect for the rule of law” at Nooksack on June 11, 2018.

3 **C. WHATCOM COUNTY AND DEFENDANT DODGE’S TRIBAL COURT PROCEEDINGS**

4 33. In 2014, the father of Elile Adams’ daughter, Manuel Galindo, initiated a parenting
5 action against Elile Adams in Whatcom County Superior Court. *In re Z. A.-G.*, No. 14-5-00085-
6 2. By May 8, 2015, the Superior Court issued an Order, ruling that “Ms. Adams is, and shall
7 remain, [the] primary residential parent” for Z. A.-G., and awarding Mr. Galindo three hour of
8 visitation three times per week (“Superior Court Parenting Order”). Elile Adams and Mr. Galindo
9 generally adhered to the Superior Court Parenting Order, until March of 2017.

10 34. On March 17, 2017, Elile Adams, then an enrolled Nooksack Tribal member,
11 sought a protection order against Mr. Galindo from the Nooksack Tribal Court. *Adams v. Galindo*,
12 No. 2016-CI-PO-00. Mr. Galindo had a history of physically and verbally abusing Elile Adams,
13 causing property damage to their former home together, expressing suicidal ideation, and
14 threatening to take Z. A.-G. back to Mexico with him. That day, Defendant Dodge ostensibly
15 presided, and issued a temporary protection order against Mr. Galindo.

16 35. On March 30, 2017, Defendant Dodge himself initiated a parenting action *against*
17 Elile Adams *sua sponte*, despite knowing that he lacked any authority to act as Nooksack Tribal
18 Court Chief Judge according AS-IA Roberts’ three determinations. *In re the Matter of Z. A.-G.*,
19 No. 2017-CI-PP-001. That day, Elile Adams filed the Superior Court Parenting Order with the
20 Tribal Court, which would have caused a legitimate judge to realize he lacks jurisdiction per the
21 common law first-to-file rule. In fact, Defendant Dodge was advised in open court that he lacked
22 jurisdiction to adjudicate the custody or parenting of Z. A.G. due to the pre-existing Superior
23 Court Parenting Order. Defendant Dodge proceeded anyway, himself preparing and issuing a
24 purported Order titled, “Parenting Plan, Visitation Schedule.”

1 36. Since March 30, 2017, Elile Adams appeared before Defendant Dodge in either *In*
2 *re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, or its related criminal matter, *infra*—by which
3 Defendant Dodge has endlessly harassed Elile Adams through an abuse of judicial process—at
4 least 18 times. She appeared before him on March 30, November 8, December 13, 2017, January
5 10, February 14, March 14, April 11, May 9, June 13, August 8, October 10, November 14,
6 December 19, 2018, and January 9 and 30, March 6 and 14, and May 20, 2019.

7 37. Between March 30, 2017 and July 31, 2019, Defendant Dodge issued no less than
8 twenty purported Orders *against* Elile Adams in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-
9 001, many “*sua sponte*” and many for contempt of court. For example, on January 17, 2019,
10 Defendant Dodge issued a purported “*Sue Sponte Order to Show Cause*” to Elile Adams in that
11 proceeding.

12 38. On February 20, 2019, Defendant Bennett criminally cited Elile Adams with “TEN
13 COUNTS” of custodial interference at Defendant Dodge’s behest in *Nooksack Indian Tribe v.*
14 *Elile Adams*, No. 2019-CR-A-004.

15 39. On March 14, 2019, Elile Adams appeared before Defendant Dodge in *Nooksack*
16 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, and pleaded not guilty to the ten criminal
17 counts. Defendant Dodge assigned Elile Adams a public defender, Matthew Deming, in
18 *Nooksack Indian Tribe v. Elile Adams*. That matter was scheduled for some form of pre-trial
19 hearing on May 20, 2019. Despite the pre-existence of the civil parenting matter that he initiated
20 against Elile Adams, *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, Defendant Dodge has
21 never recused himself from the criminal matter that he also initiated against her, *Nooksack Indian*
22 *Tribe v. Elile Adams*, in violation of fundamental judicial appearance of fairness tenets.

23 40. On April 9, 2019, Elile Adams obtained citizenship with the Lummi Nation for
24 herself and Z. A.G., after relinquishing each of their enrollments with the Nooksack Tribe on
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1 January 31, 2019. In her own words, she “was seeking asylum in the Lummi Nation” as a result
2 of persecution from Defendant Dodge.

3 41. On May 14, 2019, Elile Adams filed a “Voluntary Non Suit of Elile Adams” with
4 the Tribal Court in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, claiming: “During the time
5 when I filed my original petition asking for [a protection order] . . . the Nooksack Tribal Court
6 was and is now nonfunctional. This Tribal Court has neither subject matter jurisdiction, nor
7 personal jurisdiction over me, nor over Mr. Galindo, nor our child.”

8 42. On May 20, 2019, Elile Adams appeared before Defendant Dodge for some form
9 of pre-trial hearing in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, but Defendant
10 Dodge continued the hearing again until July 11, 2019.

11 43. On July 11, 2019, Mr. Deming appeared before Defendant Dodge for some form of
12 pre-trial hearing in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, on Elile Adams’
13 behalf. That day Elile Adams was on Bainbridge Island with her father, taking part in preparations
14 for the Northwest Tribes’ annual Canoe Journey. The Adamses paddled a newly carved cedar
15 canoe along the Puget Sound for miles and miles during Canoe Journey.

16 44. On July 19, 2019, Defendant Dodge prepared, signed, and issued a Warrant of
17 Arrest against Elile Adams in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004,
18 describing the underlying charges as “Interference w/ custody x4/contempt x1” and listing a
19 “Reason or Issuance of Warrant: FTA [Failure to Appear].” Defendant Dodge issued the warrant
20 even though Mr. Deming appeared for Elile Adams in *Nooksack Indian Tribe v. Elile Adams* on
21 July 11, 2019.

22 45. From July 24, 2019 to July 28, 2019, Defendant Sanchez saw the Adamses attend
23 the final Canoe Journey Landing and Protocol ceremonies on the Lummi Reservation, which he
24 attended as a security guard.

25 46. On July 29, 2019, the Adamses returned home, exhausted from Canoe Journey.

1 47. On the morning of July 30, 2019, the Adamases were asleep or relaxing at home
2 when Defendants Sanchez, Bennett, and Farstad arrived to the Adamases' home and assaulted,
3 battered and falsely detained, arrested and/or imprisoned them, as detailed herein. Prior to their
4 arrival that morning, Defendants Ashby or Sanchez or John Doe Defendant secured a spot in the
5 Whatcom County Jail for Elile Adams to be jailed upon her arrest that day.

6 48. On the afternoon of July 30, 2019, by 2:15 PM, Defendant Dodge denied Elile
7 Adams' "Voluntary Non Suit of Elile Adams" in *Nooksack Indian Tribe v. Elile Adams*, No.
8 2019-CR-A-004. Defendant Dodge did so admitting: "On this date a warrant for Ms. Adams [sic]
9 arrest in a pending criminal matter was executed. Ms. Adams is currently in custody."

10 49. That afternoon Defendant Dodge also issued a Notice of Hearing in *Nooksack*
11 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004 for August 8, 2019 at 1:30 p.m. Defendant
12 Dodge acted in tandem with Defendants Dodge, Ashby, Sanchez and/or John Doe Defendants
13 that day to exact all possible revenge or punishment against the Adamases.

14 50. On July 31, 2019, Defendant Dodge issued a Criminal Summons prepared by the
15 Nooksack Indian Tribe's Office of Tribal Attorney, to Elile Adams, in *Nooksack Indian Tribe v.*
16 *Elile Adams*, No. 2019-CR-A-004. Defendant Dodge ordered her initial appearance at a hearing
17 before the Tribal Court on August 8, 2019 at 9:30 a.m. Defendant Dodge acted in tandem with
18 John Doe Defendants that next day to exact further revenge or punishment against the Adamases.

19 51. On August 6, 2019, Defendant Dodge continued the initial hearing in *Nooksack*
20 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, until September 12, 2019 at 9:30 a.m.; and the
21 hearing in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, for a future date, pending some
22 "forensic interview report" that he commissioned.

23 52. On August 7, 2019, Defendant Dodge caused Mr. Galanda's appearance notice in
24 *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, to be "REJECTED" by the Nooksack Tribal
25 Court, thereby denying Elile Adams her constitutional right to counsel of her choosing.

1 **D. THE EVENTS OF JULY 30, 2019**

2 53. At or about 10:00 AM on July 30, 2019, Defendants Sanchez, Bennett, and Farstad
3 arrived to the Adamses' home. The Adamses and Z. A.G were all asleep or relaxing at home in
4 their pajamas, having returned from Canoe Journey the day prior. George Adams opened the
5 front door a few inches and saw Defendants Sanchez, Bennett, and Farstad standing on his porch.
6 Defendant Sanchez said, "Is Elile here? We have a warrant for her arrest." At no time on July
7 30, 2019 did Defendants Sanchez, Bennett, or Farstad ever present any warrant to either George
8 Adams or Elile Adams.

9 54. George Adams advised Defendants Sanchez, Bennett, and Farstad that he was
10 going to call the Whatcom County Sheriff's Office because both Elile Adams and her daughter
11 are enrolled Lummi Nation citizens, not Nooksack Tribal members. George Adams further
12 advised them he needed to get the Adamses' lawyer, Gabriel Galanda, on the phone, who he
13 proceeded to call. After the Adamses phoned Mr. Galanda from George Adams' cell phone,
14 George Adams stepped out his front door with Mr. Galanda on speaker phone. While George
15 Adams had still been inside, Defendants Sanchez, Bennett, and Farstad had walked away from
16 his front door towards the edge of the Adamses' driveway.

17 55. George Adams calmly proceeded towards Defendants Sanchez, Bennett, and
18 Farstad, asking, "Who is the highest ranking officer?" Defendant Sanchez identified himself as
19 "Sergeant Sanchez." Mr. Galanda asked him to identify himself by full name and badge number.
20 Defendant Sanchez refused.

21 56. Mr. Galanda indicated he would begin to record their conversation, which he did.
22 According to a four-minute, thirty-second audio recording:

23 Mr. Galanda: Can you still hear me?
24 George Adams: Yeah.
25 Mr. Galanda: Alright I'll just record it on my end.
George Adams: Okay.

1 Mr. Galanda: Sgt. Sanchez, can you please give me your name and badge
number?
2 (indiscernible - radio noise)
Mr. Galanda: Sgt. Sanchez, are you there?
3 (indiscernible - radio noise)
Mr. Galanda: Sgt. Sanchez, this is Gabriel Galanda, I represent Elile Adams.
4 Can please identify yourself by name and badge number?
(indiscernible - radio noise)
5 Mr. Galanda: Can you hear me?
Defendant Sanchez: I'm here. We're not going to be talking with ya. We're not.
6 We're not speaking with you. In fact, George, right now, because you refuse to let us
go to the house, and you know she's in the house, we're placing you under arrest for
7 obstruction, okay?
Mr. Adams: Okay . . .
8 Mr. Galanda: Let me, let me advise you of a few things
(indiscernible/yelling)
9 Mr. Adams: Okay. . . don't touch . . . (indiscernible)
Defendant Sanchez: George, listen George
10 Mr. Galanda: You have no lawful authority to put your hands on him.
Defendant Sanchez: Relax.
11 Mr. Galanda: You have no lawful authority to put your hands on him.
(indiscernible)
12 George Adams: Leave my phone alone!
Mr. Galanda: This is being recorded.
13 (indiscernible)
Mr. Galanda: Please be advised you have no lawful authority under Nooksack
14 law to issue any warrant or cause any arrest.
(indiscernible)
15 Mr. Adams: Hey, get your hands off my phone . . . Hey . . .
Defendant Bennett: George, relax.
16 (indiscernible)
George Adams: . . . my phone (indiscernible yelling)
17 Defendant Bennett: Put your hands behind your back
(indiscernible yelling)
18 Defendant Bennett: Relax, George.
George Adams: Hey!
19 Mr. Galanda: Please be advised you have no lawful authority to cause any arrest
or search of this home. This is all being recorded, George.
20 Defendant Bennett: Relax, relax.
Mr. Galanda: This is all being recorded, George
21 Defendant Bennett: Relax.
George Adams: Hey!
22 Defendant Bennett: Relax.
Mr. Galanda: You have no lawful authority. Any warrant has been issued
23 without lawful authority. This arrest is being caused without lawful authority.
(indiscernible)
24 Mr. Galanda: Sgt. Sanchez, are you there?
(static)
25 (indiscernible yelling)

1 George Adams: Hey
2 (static)

3 57. When Mr. Galanda said, “Sgt. Sanchez, this is Gabriel Galanda, I represent Elile
4 Adams. Can please identify yourself by name and badge number?” Defendant Bennett, who had
5 been on his cell phone with Defendant Ashby or John Doe Defendant as many as twelve feet
6 away from Defendants Sanchez and Farstad and George Adams, rushed up to where Defendant
7 Sanchez and George Adams were conversing. While rushing towards Defendant Sanchez and
8 George Adams, Defendant Bennett frantically waived his arms from side to side as if to say, “No,
9 this is not happening.” At Defendant Ashby or John Doe Defendant’s command, Defendant
10 Bennett told Defendant Sanchez, “Don’t say a word.” Defendant Bennett hit a button on his body
11 camera at that time, to either activate or de-activate the device.

12 58. Then when Mr. Galanda asked Defendant Sanchez, “Can you hear me?”,
13 Defendants Sanchez, Bennett, and Farstad each grabbed George Adams by his arms. Defendant
14 Bennett slapped George Adams’ phone out of his hand to distract him before kneeling him in the
15 groin with a karate-like move. Defendants Sanchez, Bennett, and Farstad threw him against a
16 concrete sidewalk and stairway, causing bleeding to his hand and contusions to his legs.
17 Defendant Farstad placed him in an illegal chokehold for in upwards of a minute. Defendants
18 Sanchez, Bennett, and Farstad violently rotated his torso and handcuffed his hands behind his
19 back, spraining the toes in his left foot. They destroyed his prescription eye-glasses:
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12 Defendant Sanchez or Farstad confiscated George Adams’ phone. Defendant Farstad detained
13 him in the back of a hot patrol car without cracking the window for over thirty minutes before citing
14 him for “Obstructing a Public Official” and “Resisting Arrest.”

15 59. At 10:09 a.m., Mr. Galanda emailed the Nooksack Tribe and Whatcom County
16 Sheriff, and soon thereafter also faxed the Nooksack Tribe:

17 I just hung up a recorded call with Nooksack Sgt. Sanchez who is in the process of
18 unlawfully arresting George Adams purportedly for obstruction of justice because
19 he put me on a speakerphone to inquire about a Nooksack Tribal Court warrant that
20 Sgt. Sanchez was attempting to serve upon his daughter and his home. Sgt. Sanchez
21 would not identify himself or his fellow officers by full name or badge number.
PLEASE BE ADVISED THAT ANY ARREST BY NOOKSACK POLICE OR
22 ANY ENTRY INTO THE HOME IS BEING CONDUCTED WITHOUT
23 LAWFUL AUTHORITY.

24 60. By 10:30 a.m., Defendant Bennett had entered the Adamses’ home to arrest Elile
25 Adams. Defendant Bennett walked upstairs unannounced, passing Z. A.G, who was sitting on
the couch watching Disney cartoons. Elile Adams told Defendant Adams from atop the staircase,
“You’re not supposed to be here. You don’t have my consent to be here.” Defendant Bennett

1 ignored her statements and told her she was under arrest. After using the restroom, changing her
2 clothes, and giving Z. A.G a hug and a kiss, Elile Adams went outside, where she was frisked
3 and falsely arrested by Defendant Farstad. Defendant Farstad handcuffed her arms behind her
4 back and confiscated her cell phone, too.

5 61. Defendant Ashby or John Doe Defendant ordered Defendants Sanchez, Bennett,
6 and Farstad to falsely detain, arrest and/or imprison the Adamses and to refuse to speak to Mr.
7 Galanda or allow Mr. Galanda to speak to his client. At no time did Defendant Ashby or John
8 Doe Defendant order Defendants Sanchez, Bennett, or Farstad to de-escalate the situation. He
9 did the opposite.

10 62. At 10:23 a.m., Mr. Galanda again emailed the Whatcom County Sheriff:

11 Please be advised that any purported arrest of George or Elile Adams by Nooksack
12 police, pursuant to some form of warrant issued by purported Judge Ray Dodge or
13 relates arrest, is unlawful. Neither Dodge nor Nooksack police officers possess
14 lawful authority to affect any arrest or search upon the Adamses. Whatcom County
15 should refuse to accept custody of George or Elile Adams. Please advise.

16 63. Defendant Sanchez transported Elile Adams to the Whatcom County Jail, where
17 she was booked into custody at 11:12 a.m. “for contempt of court/failure to appear” before the
18 Nooksack Tribal Court in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004. Defendant
19 Sanchez lacked jurisdiction to detain or transport Elile Adams beyond Nooksack trust lands. *State*
20 *v. Eriksen*, 172 Wn.2d. 506, 509, 25 P.3d 1079 (2011).

21 64. Upon being brought to the Whatcom County Jail, Elile Adams was placed in an
22 isolation cell for nearly two hours, with her arms handcuffed behind her back. She was
23 experiencing carpal tunnel syndrome pain and numbness due to being handcuffed for such a long
24 period of time. Her arms and fingers went numb. She felt burning sensations of pain.

25 65. When Elile Adams was then booked into the Whatcom County Jail, Whatcom
County Sheriff’s Deputy David Kimball commented: “This is a bogus charge.” Deputy Kimball
took off her handcuffs, noting that Defendants Sanchez, Bennett, and Farstad had placed the
FIRST AMENDED COMPLAINT - 16

1 handcuffs on her upside down. Deputy Kimball took her mug shot and confiscated her belongings.
2 He then escorted her to an inhumane and overcrowded Whatcom County Jail cell where she was
3 placed in cellblock “3K” with the general inmate population. Twenty other women were in the
4 same cell, which reeked of urine. She cried.

5 66. Elile Adams was incarcerated at the Whatcom County Jail for nearly eight hours.
6 Whatcom County Jail personnel released her after George Adams posted \$500.00 bail for her,
7 after 7:57 p.m., ordering her—in union with Defendants Dodge, Ashby, Sanchez and/or John Doe
8 Defendants—to appear in Nooksack Tribal Court on August 21, 2019, at 11:00 a.m. in *Nooksack*
9 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004.

10 67. On July 31, 2019, George Adams received urgent medical treatment for his
11 sprained toes and other injuries:



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IV. CAUSES OF ACTION

A. FIRST CAUSE OF ACTION – NEGLIGENCE AND GROSS NEGLIGENCE

68. Defendants Sanchez, Bennett, and Farstad each possessed a duty to act as a reasonable police officer under like circumstances.

69. Defendants Sanchez, Bennett, and Farstad breached their duty to act as a reasonable police officer by restraining and combating with George Adams and by failing, neglecting, and/or refusing to properly and fully discharge their responsibilities.

70. Defendants Sanchez, Bennett, and Farstad also breached their duty to act as a reasonable police officer by unreasonably failing to follow police practices calculated to avoid the use of force.

71. Indeed, Defendants Sanchez, Bennett, and Farstad were not only negligent in their breach of duty, but acted with a reckless indifference to George Adams, failing to exercise even slight care or slight diligence, thereby acting with gross negligence.

72. As a proximate cause of Defendants Sanchez, Bennett, and Farstad’s breach of their duties to act as a reasonable police officer, George Adams has sustained and continues to sustain serious mental and physical pain and suffering.

B. SECOND CAUSE OF ACTION – FALSE IMPRISONMENT

73. Through the actions described herein Defendants intentionally confined Plaintiffs without lawful justification.

74. At no point did Plaintiffs consent to such confinement.

75. As a proximate result of Defendants’ actions, described herein, Plaintiffs suffered harm, entitling Plaintiffs to damages in an amount to be proven at trial.

76. This harm includes objectively verifiable monetary losses, such as medical expenses and loss of earnings.

1 77. This harm also includes subjective, nonmonetary losses, including, but not limited
2 to pain, suffering, inconvenience, mental anguish, emotional distress, injury to reputation, and
3 humiliation.

4 **C. THIRD CAUSE OF ACTION – ASSAULT AND BATTERY**

5 78. Defendants Sanchez, Bennett, and Farstad intentionally, and without George
6 Adams’ consent, threatened and then physically seized, grabbed, pushed, kicked, tackled,
7 restrained, and inflicted other acts of physical violence on George Adams.

8 79. The amount of force used on George Adams was excessive.

9 80. As a proximate result of Defendants’ actions, described herein, Plaintiffs suffered
10 harm, entitling Plaintiffs to damages in an amount to be proven at trial.

11 81. This harm includes objectively verifiable monetary losses, such as medical
12 expenses and loss of earnings.

13 82. This harm also includes subjective, nonmonetary losses, including, but not limited
14 to pain, suffering, inconvenience, mental anguish, emotional distress, and humiliation.

15 **D. FOURTH CAUSE OF ACTION – OUTRAGE**

16 83. Defendants’ conduct was so outrageous in character, and so extreme in degree, as
17 to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable
18 in a civilized community.

19 84. Defendants’ conduct was outrageous and extreme.

20 85. Defendants’ use of force was not proportional to the need to subdue George Adams,
21 who needed no restraint because he was (1) not under arrest, (2) not violent, and (3) not physically
22 threatening to the officers.

23 86. Defendants’ acts, as complained above, are intolerable in a civilized community
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1 **E. FIFTH CAUSE OF ACTION – FALSE ARREST**

2 87. Defendants detained Plaintiffs unnecessarily, for an unreasonable amount of time
3 and without just cause.

4 88. Defendants detained Plaintiffs for an unreasonable amount of time even after they
5 were informed that the warrant against Elile Adams was not valid.

6 89. Defendants detained Plaintiffs without reasonable grounds for such detention.

7 **F. SIXTH CAUSE OF ACTION – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

8 90. Defendants’ negligence and excessive force caused Plaintiffs emotional distress.

9 91. As a direct and proximate result of this negligence, Plaintiffs suffered damages, and
10 will continue to incur substantial damages, in an amount to be established at trial.

11 **V. JURY DEMAND**

12 92. Plaintiffs hereby demand a jury.

13 **VI. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs pray as follows against Defendants in their personal capacities:

- 15 1. For money damages according to proof;
16 2. An award of reasonable attorneys’ fees and costs; and
17 3. For such additional relief as the Court may deem just and proper.

18 DATED this 13th day of August, 2019.

19 GALANDA BROADMAN, PLLC



21

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