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18-2-00073-37
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Declaration Affidavit
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WHATCOM COUNTY
WASHINGTON

BY _____

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

CARMEN TAGEANT,

Plaintiff,

v.

MICHAEL ASHBY, in his personal capacity

Defendant.

NO. 18-2-00073-37

**DECLARATION OF CARMEN
TAGEANT**

I, Carmen Tageant say:

1. I am now and at all times herein mentioned, a legal, permanent resident of the United States, over the age of eighteen years, and competent to testify. I have personal knowledge of the facts contained in this declaration.

2. On January 28, 2016, a personal, private photo of me wearing lingerie was posted on a Facebook page that I believe is controlled by allies of Nooksack Tribal Chairman Bob Kelly and Defendant Ashby. Attached hereto as **Exhibit A** is a true and correct copy of that photo as it appeared on Facebook. The anonymous poster added text to the photo that read, "I LOVE YOU ALL!" The hard copy of this photo and four other photos were stolen from my home in a burglary. I do not know who broke into my home and stole these photos. I did not give this photo to anyone, nor did I give anyone permission to share this photo.

3. After this intimate photo was posted, I received numerous messages from men I

1 did not know propositioning me and asking to meet me at hotel rooms. This photo also has since
2 been shared multiple times and many members of my community have told me that they had
3 seen the photo. Other Nooksack Tribal members posted disparaging comments about my
4 character on other public Facebook pages, including: “spreading her lies and legs[,]” “lol she’s
5 shameful[,]” “whatever it takes[,]” “oh snap...she loves u[,]” and “Ohhh.....Carmen T....ya duct
6 tape can’t fix her stupidity[.]”

7 4. On February 9, 2016, I filed a report, with documentary evidence, with the
8 Nooksack Police Department regarding the harassment, which I believe was carried out by allies
9 of Chairman Kelly and Defendant Ashby. Attached hereto as **Exhibit B** is a true and correct
10 copy of the police report I filed with Nooksack Tribal Police, report number 16Y00090, except
11 this report does not have all of the supporting evidence that I provided Nooksack Tribal Police.
12 Moreover, this Nooksack Tribal Police Report contains several statements that are attributed to
13 me that I did not say, which I believe were added to the report by the Nooksack Tribal Police to
14 attack my character and undermine my credibility:

15 (1) I only stated that the photo was for my husband—I did not state that my husband was
16 incarcerated;

17 (2) The report states I did not have any evidence that the Keith Williams Facebook Page
18 was being run by Robert Kelly, Jr.—I did provide circumstantial evidence to the
19 Nooksack Tribal Police; and

20 (3) I did not mention Lester Olson, a prior boyfriend, in my statement.

21 5. On March 24, 2016, then-Nooksack Chief of Police Rory Gilliland stated that he
22 sent my complaint to Whatcom County Sheriff’s office because the alleged crimes were felonies.

23 6. On March 8, 2017, I met with Whatcom County Deputy Bogle and he stated that
24 Whatcom County Sheriff’s office had never received my complaint or supporting materials.

1 7. Shortly after meeting with Deputy Bogle, I began the process of obtaining a
2 restraining order against Chairman Kelly in Whatcom County Superior Court. Attached hereto
3 as **Exhibit C** is a true and correct copy of the declaration I submitted with supporting evidence.

4 8. On March 16, 2017, I met with Mr. Gilliland with a Whatcom County Domestic
5 Violence Sexual Assault Services (“DVSAS”) advocate to obtain a copy of the original report I
6 made in March of 2016. However, the report and supporting materials could not be found.
7 Moreover, Mr. Gilliland stated that he had informed his boss, Nooksack Tribal Chairman Kelly
8 about my complaint. The DVSAS advocate was shocked that Mr. Gilliland would tell Chairman
9 Kelly about the complaint given that Chairman Kelly was focus of the complaint.

10 9. On April 11, 2017, Defendant Ashby began shooting guns as “target practice,”
11 immediately behind my home while my children were playing outside. During this “target
12 practice” Defendant Ashby was standing on a hill, from which he could see directly into my
13 yard. Defendant Ashby could have performed this “target practice” closer to the Nooksack
14 River, away from the neighborhood. Instead, Defendant Ashby chose to perform this “target
15 practice” within sight of my home. Below is a screenshot of a video that my daughter took of
16 Defendant Ashby shooting behind my home.

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10. During this same period of time, Nooksack Tribal Police cars would park in my cul-de-sac for hours, which had never happened prior to filing for a protection order.

11. Defendant Ashby's intimidation tactics worked; I dropped the request for a protection order because I was worried for my safety, and the safety of my children.

12. On January 5, 2018, at 1:58 p.m., I arrived at the Nooksack Election Board Office in Deming, Washington, to deliver my candidate application before the 2:00 p.m. filing deadline. I wanted to run for re-election.

13. As I approached the front door of the Elections Board Office, Defendant Ashby saw me, with my application materials in hand, and locked the front door. I knew it was not yet

1 2:00 p.m., so I knocked on the front door. Defendant Ashby opened the front door in response
2 and allowed me into the building.

3 14. Once inside the building, I announced that I was there to turn in my candidate
4 application. At the same moment when Nooksack Tribal Election Superintendent Katrice
5 Rodriguez announced, "you're too late," Defendant Ashby forcefully grabbed both of my arms
6 just above my elbows and violently pushed me back towards the door.

7 15. I was stunned by Defendant Ashby's actions, and stated, "What are you doing?
8 Don't touch me."

9 16. Defendant Ashby again reached for me, and out of fear, I stepped backward out of
10 his reach and extended my arms to keep Defendant Ashby away from me. Again, I told
11 Defendant Ashby not to put his hands on me.

12 17. While Defendant Ashby physically grabbed me, Nooksack Tribal Election
13 Superintendent Katrice Rodriguez watched from just a few feet away, smirking.

14 18. I was scared of what would happen if I stayed, I exited the building and walked
15 back to the safety of my car. As I was walking to my car, I kept looking over my shoulder,
16 afraid Defendant Ashby would follow me.

17 19. As soon as I got into my car, I locked the doors. As I drove away from the
18 Elections Board Office, Defendant Ashby came outside and made a point of making eye contact
19 with and smirking at me in an intimidating manner.

20 20. On January 6, 2018, I was consumed by anxiety and fear. I was afraid of what
21 Defendant Ashby might do next, and I was worried about my safety and the safety of my
22 children.

23 21. For almost two days I was unable to sleep, constantly checking the locks on the
24 doors and windows.

1 22. On January 9, 2018, I sought treatment at the Nooksack Tribal Clinic for post-
2 traumatic stress disorder, anxiety, depression, insomnia, and panic attacks. Per the
3 recommendation of the doctor at Nooksack Tribal Clinic, I sought treatment at Nooksack Mental
4 Health. Based on a recommendation from Nooksack Mental Health counselor, I went to
5 Whatcom DVSAS. I also filed reports with Lummi Nation Victims of Crime, the United States
6 Department of Interior's Office of Tribal Justice, the Bureau of Indian Affairs Puget Sound
7 Agency Superintendent, and the Whatcom County Sheriff.

8 23. On January 10, 2018, I filed this lawsuit in Whatcom County.

9 24. On January 11, 2018, one day after filing this lawsuit, Nooksack Police Officers
10 drove into my cul-de-sac, stopping in front of my house. I believe it was an attempt to intimidate
11 me in the hopes that I would drop this lawsuit. This photo is a screenshot capture from the video
12 of Nooksack Tribal Police officer driving through my cul-de-sac.



1 25. On January 11, 2018, I took my children to stay at a shelter because I no longer
2 felt safe in my home. We stayed at the shelter for three nights.

3 26. On January 17, 2018, I saw a counselor at Nooksack Mental Health for post-
4 traumatic stress disorder, depression, anxiety, and insomnia.

5 27. On January 23, 2018, I saw a counselor at Nooksack Mental Health for post-
6 traumatic stress disorder, depression, anxiety, and insomnia. Later in the day, after taking my
7 children to the grocery store, I came home to find that someone had broken into my home and
8 left an Indian cultural item on my living room floor that was meant to frighten and harm my
9 family. I did not call to report the break-in because I did not trust the Nooksack Tribal Police,
10 and did not want them in my home.

11 28. On January 24, 2018, a member of Chairman Kelly's immediate family came to
12 my home under the guise that he was selling meat. He had never come to my home before and
13 was very intoxicated. It was clear to me that this visit was just another way to intimidate me; a
14 way to show me that Chairman Kelly's allies knew where I lived and were not afraid to come to
15 my home anytime.

16 29. On January 27, 2018, Nooksack Tribal Police drove through my cul-de-sac three
17 times in just a few hours. This was unusual because Nooksack Tribal Police had never driven
18 through my neighborhood that many times in one night before.

19 30. On January 31, 2018, I saw a counselor at Nooksack Mental Health for post-
20 traumatic stress disorder, depression, anxiety, and insomnia.

21 31. On February 7, 2018, I saw a counselor at Nooksack Mental Health for post-
22 traumatic stress disorder, depression, anxiety, and insomnia.

23 32. On February 15, 2018, I saw a counselor at Nooksack Mental Health for post-
24 traumatic stress disorder, depression, anxiety, and insomnia.

1 33. On February 22, 2018, I saw a counselor at Nooksack Mental Health for post-
2 traumatic stress disorder, depression, anxiety, and insomnia.

3 34. On February 27, 2018, I sought treatment at Nooksack Tribal clinic concerning
4 medication for anxiety and insomnia.

5 35. On March 1, 2018, I saw a counselor at Nooksack Mental Health for post-
6 traumatic stress disorder, depression, anxiety, and insomnia.

7 36. Since January 11, 2018, Nooksack Tribal Police have driven though my cul-de-
8 sac and parked in front of my house more than seven times. This is an unusual amount of police
9 activity for my neighborhood.

10 The foregoing statement is made under penalty of perjury under the laws of the State of
11 Washington and is true and correct.

12 Dated this 15th day of March, 2018, at Deming, Washington.

13 
14 Carmen Tageant