

IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

BRYAN TARABOCHIA and JOSEPH TARABOCHIA
Petitioners,

CASE NO. CV23-015

vs.

ORDER ON
INDIVIDUAL
DEFENDANTS'
MOTION FOR
RECONSIDERATION

QUINULT INDIAN NATION; ALISON BOYER, as Fish
and Game Secretary and Licensing Agent for the Quinault
Indian Nation Department of Natural Resources; QUINULT
BUSINESS COMMITTEE; GUY CAPOEMAN, individually,
and as President; FAWN SHARP, individually; LARRY
RALSTON, individually, LATOSHA UNDERWOOD,
individually; GINA JAMES, individually, and as First
Councilperson; JIM SELLERS, individually, and as Second
Councilperson; JOHN BRYSON, JR., individually, and as
Third Councilperson; NOREEN UNDERWOOD, individually,
and as Vice-President; DONALD WAUGH, individually;
RYAN HENDRICKS, individually, and as Sixth
Councilperson; KRISTEEN MOWITCH, individually, and as
Seventh Councilperson; HANNAH CURLEY, individually,
and as Enrollment Administrator; SABRINA KRAMER, as
Treasurer; MANDY HUDSON-HOWARD, as Secretary;
TYSON JOHNSTON, as Fourth Councilperson; BRITTANY
BRYSON, as Fifth Councilperson;
Defendants.

ORDER

THIS MATTER comes before the above-entitled Court on the Individual Tribal
Defendants' Motion for Reconsideration of the Corrected Order on Summary Judgment Motions

1 entered by Judge Shannon Edwards on November 3, 2025.¹ In issuing this Order, the Court has
2 reviewed the Individual Defendants' Motion for Reconsideration, the Plaintiffs' Response, the
3 Individual Defendants' Reply, the November 3, 2025 Corrected Order on Summary Judgment
4 Motions, the parties' previous submissions, the court file, and the applicable law².

5 **1. MOTIONS FOR RECONSIDERATION IN THE QUINULT INDIAN**
6 **NATION TRIBAL COURT**

7 The threshold question to be answered is whether motions for reconsideration are
8 permitted in the Quinault Indian Nation Tribal Court. While containing no specific language
9 allowing reconsideration of civil orders, the Quinault Tribal Code, Title 30(B), *Rules of Civil*
10 *Procedure*, includes this "catch-all" provision, located at QIN 30B.16.050:

11 "Other: Any party may at any time after the complaint is filed move the Court for any
12 relief so requested."

13 Additionally, the Quinault Appellate Procedures Code contains specific language
14 indicating the drafters anticipated the Court having the authority to reconsider earlier orders.
15 QIN Title 31, *Code of Appellation Procedure*, 31.14.010:

16 "Reconsideration: The availability of appeal shall in no way detract from the power of the
17 Tribal Court to reconsider any sentence which it has imposed."

18 The Court is guided by the established priority of legal authorities as set forth in the
19 Quinault Criminal Code. Specifically, QIN Title 12, Section 12.01.020, outlines this hierarchy as
20 follows:

21 "(a) In all cases otherwise properly before the Quinault Tribal Court and Court of
22 Appeals, decisions on matters of both substance and procedure will be based in sequence
23 upon the following:

- 24 (1) the Constitution of the Quinault Indian Nation.
- 25 (2) the Indian Civil Rights Act, 25 U.S.C. Section 1302 et. seq.
- 26 (3) Ordinances of the Quinault Indian Nation.
- (4) Resolutions of the Quinault Indian Nation.

27 ¹ The very first order in this case was entered by *pro tem* Judge Anita Neal on April 28, 2023. Chief Judge Leona
28 Colegrove appointed Judge Hunter Abell to this matter on June 9, 2023. Defendants moved to disqualify Judge
29 Abell, and their motion was granted on June 15, 2023. On June 22, 2023, Chief Judge Colegrove appointed Judge
30 Shannon Edwards. Judge Edwards remained the presiding judge in this matter until November 17, 2025, when she
31 was replaced by Judge Randel Steckel via Chief Judge Colegrove's Order entered on that date. The Plaintiffs
32 moved to disqualify Judge Steckel, and that motion was granted on November 19, 2025. Chief Judge Colegrove
33 appointed Judge Lori Guevara to this matter in an Order entered on December 10, 2025.

² This matter has been heavily litigated and the court file consists of more than 3,500 pages of documents.

1 (5) the customs, traditions, and culture of the Quinault Indian Nation, including its
2 common law.

3 (6) the laws, rules, and regulations of other Indian tribes and cases interpreting
4 such laws, rules, and regulations.

5 (7) the laws, rules, and regulations of the United States, the State of Washington,
6 and other states, and cases interpreting such laws, rules, and regulations but only
7 with respect to procedural matters.”

8 The Court finds that QIN 30B.16.050 allows for the filing of a motion for reconsideration
9 of a civil order, and that the priority of authorities specified in QIN 12.01.020 shall apply to
10 decisions on motions for reconsideration of civil orders. Of the priorities listed in QIN
11 12.01.020, the ordinances of the Quinault Indian Nation and the laws of other Indian tribes
12 provide controlling authority to this Court’s consideration of the Individual Defendants’ Motion
13 for Reconsideration, as discussed further, below.

14 QIN 12.01.705 of the *Quinault Criminal Code* defines the test for determining a motion
15 for new trial, which is similar to a motion for reconsideration and will be applied in this case.

16 QIN 12.01.705 states:

17 “A motion by the Defendant for a new trial must be filed within ten business days after
18 the verdict or decision. The Court may extend the time for filing a new trial motion if
19 good cause is shown as to why the motion was not timely filed. The Court shall grant the
20 Defendant’s motion if the Court finds any of the following denied the Defendant a fair
21 trial:

22 (a) The jury received evidence not authorized or admitted by the Court;

23 (b) The verdict was determined by lot, through intimidation or without a fair expression
24 of opinion;

25 (c) The jury was improperly instructed on the law;

26 (d) There is newly discovered evidence which was not available or which could not have
been discovered at the time of trial;

(e) Unintentional misconduct by the prosecutor, police or jury;

(f) The Defendant did not receive a fair or impartial trial;

(g) The verdict was contrary to law or the evidence;

(h) An order or ruling of the Court prevented the Defendant from having a fair trial.”

1 Additionally, there are certain tribal nations within the State of Washington that allow
2 parties to request reconsideration of orders. See, *for example*, Puyallup Tribal Code [PTC],
3 Chapter 4, 4.08.260:

4 “Reconsideration: No later than 10 days after a judgment is final, a party may ask the
5 judge to reconsider the judgment. The matter may be decided based upon writings
6 without a hearing. The judge may grant reconsideration and change the judgment if one
7 of the following is found to be true:

8 (a) The original judgment was reached as a result of fraud or mistake;

9 (b) There is newly discovered evidence which could have affected the outcome of the
10 case and which could not have been discovered with reasonable effort at the time of trial;
11 or

12 (c) The Court did not have jurisdiction over the subject matter. [Res. 29-07-87-A
13 (07/29/87); prior code § 4.02.430].”

14 See, *also*, Tulalip Tribal Code [TTC] Court Rules, Section 3, Civil Rules, *Motion for*
15 *New Civil Trial and Amendment of Civil Judgments*:

16 “3.8.1 Grounds for New Trial

17 On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to
18 all or any of the parties, and on all issues, or on some of the issues when such issues are
19 clearly and fairly separable and distinct, or any other decision or order may be vacated
20 and reconsideration granted. Such motion may be granted for any one of the following
21 causes materially affecting the substantial rights of such parties:

22 A) Irregularity in the proceedings of the court, jury or adverse party, or any order of the
23 court, or abuse of discretion, by which such party was prevented from having a fair trial;

24 B) Accident which ordinary prudence could not have guarded against;

25 C) Damages so excessive or inadequate as unmistakably to indicate that the verdict
26 must have been the result of passion or prejudice;

 D) Error in the assessment of the amount of recovery whether too large or too small,
when the action is upon a contract, or for the injury or detention of property;

 E) That there is no evidence or reasonable inference from the evidence to justify the
verdict or the decision, or that it is contrary to law;

 F) Error in law occurring at the trial and objected to at the time by the party making the
application; or

 G) That substantial justice has not been done.”

1 The Tulalip Code's Court Rules also contain limits as to timing of motions for review. Section
2 3, Civil Rules, *Motion for New Civil Trial and Amendment of Civil Judgments*:

3 "TTC 3.8.2 Time for Motion; Contents of Motion

4 A motion for a new trial shall be filed not later than 10 days after the entry of the
5 judgment, order, or other decision..."

6 Here, the Court finds that the Individual Defendants' Motion for Reconsideration is
7 permissible under QIN 30B.16.050, QIN 31.14.010, QIN 12.01.020, QIN 12.01.705, PTC
8 4.08.260, TTC Court Rules 3.8.1 and TTC Court Rules 3.8.2. The motion was timely submitted
9 because it was filed on November 12, 2025, which was less than ten days after the November 3,
10 2025 Corrected Order was entered.

11 **II. FAIR HEARING ON INDIVIDUAL DEFENDANTS' AFFIRMATIVE
12 DEFENSE OF QUALIFIED IMMUNITY**

13 The Individual Defendants' Motion for Reconsideration argue that Judge Edwards was
14 unable to give fair consideration to the affirmative defenses presented in their Answer prior to
15 issuing her Corrected Order on Summary Judgment Motions.

16 November 3, 2025 is an important date for purposes of this review. On November 3,
17 2025, the Individual Defendants filed a 99-page "Answer to Amended Complaint for Declaratory
18 Relief, Injunctive Relief, Compensatory and Money Damages". In their Motion for
19 Reconsideration, the Individual Defendants indicated the filing of their Answer was at Judge
20 Edwards' instruction. "At the Court's request, Defendants filed their Answer on November 3,
21 2025, demanding a jury trial and asserting an affirmative defense of qualified immunity." (Def.
22 Mtn for Reconsideration at 3). November 3, 2025 was the same date that Judge Edwards'
23 Corrected Order on Summary Judgment Motions was entered.³

24 There is a Quinault Tribal Court file stamp of November 3, 2025, 10:37 P.M. on the
25 Individual Defendants' Answer. There is a Quinault Tribal Court file stamp of November 3,
26 2025, 10:40 P.M. on the Corrected Order on Summary Judgment Motions.

The Court finds that the three-minute interval between the filing of the Answer and the
filing of the 50-page Corrected Order on Summary Judgment rendered a meaningful judicial
review of the responsive pleading impossible. Consequently, the Individual Defendants were

³ Judge Edwards' first Order on Summary Judgment Motions was entered on October 27, 2025 and is time-stamped 8:04 A.M. That Order was entered 7 days prior to the Individual Defendants' Answer being filed.

1 deprived of a fair hearing, as their Answer could not be adequately considered prior to the
2 issuance of the Court's ruling. *See* QIN 12.01.705(f).⁴

3 The Court has an interest in conserving judicial resources and avoiding the substantial
4 danger of inconsistent or potentially invalid adjudications. Proceeding to a jury trial on the issue
5 of damages without first ensuring sound underlying orders presents an unnecessary risk of a later
6 appeal, which would waste the time and resources of all involved. The Court finds that the
7 failure to consider the Individual Defendants' answer deprived the Individual Defendants of a
8 fair hearing prior to the corrected summary judgment being entered. *See* QTC 12.01.705(h).

9 The parties are directed to submit supplemental briefing regarding the affirmative defense
10 of qualified immunity. The specific briefing schedule is set forth in the 'Order' section below.

11 **III. RECONSIDERATION OF ORDER DETERMINING THE EFFECTIVE
12 DATE OF QUINAULT CONSTITUTIONAL AMENDMENTS**

13 The Individual Defendants' Motion for Reconsideration argued that Judge Edwards'
14 November 3, 2025 Order should be reconsidered because she did not fully consider the
15 declaration submitted by Hannah Curley. The Plaintiffs responded that it was the April 11, 2024
16 Declaratory Judgment Order and Order Certifying Interlocutory Appeal, rather than the
17 November 3, 2025 Corrected Order on Summary Judgment Motions, that ruled the constitutional
18 amendments were effective upon passage unless they clearly stated otherwise. The Declaratory
19 Judgment Order and Order Certifying Interlocutory Appeal at 12, lines 18-20, stated: "The Court
20 holds that in the absence of Quinault law establishing when a Quinault Constitutional
21 Amendment becomes operational different from that enacting the Constitution, amendments to
22 the Constitution are effective upon passage."

23 Hannah Curley's declaration was file-stamped by the Quinault Tribal Court on March 20,
24 2024. Throughout the Declaratory Judgment Order entered on April 11, 2024, Judge Edwards
25 discussed the many pieces of evidence and authorities she analyzed in coming to her decision.
26 All parties were encouraged to submit their materials prior to the Court issuing its declaratory
judgment. ((Declaratory Judgment Order at 2).

⁴ *See, also* PTC Chapter 4.08.260 "(a) the judgment was reached as a result of mistake"; and TTC Court Rules
Section 3, 3.8.1, a new trial may be granted for "(A) irregularity in proceedings... by which such party was
prevented from having a fair trial, ..." or "(G) that substantial justice has not been done."

1 Regardless of the Individual Defendants' disagreement with the Court's prior legal
2 conclusions, the April 11, 2024 Order is not subject to reconsideration. No timely motion for
3 reconsideration was filed, and that ruling now constitutes the law of the case. Because the
4 effectiveness of constitutional amendments was adjudicated in the April 11, 2024 Declaratory
5 Judgment Order, the Motion to Reconsider the November 3, 2025 findings is DENIED. All
6 parties maintain their right to seek appellate review of pretrial rulings following the entry of a
final judgment.

7 **IV. RECONSIDERATION OF ORDER GRANTING INJUNCTIVE RELIEF TO** 8 **PLAINTIFFS AGAINST INDIVIDUAL DEFENDANTS**

9 The Individual Defendants' Motion for Reconsideration argued that the November 3,
10 2025 Corrected Order on Summary Judgment Motions erroneously imposed upon Defendants
11 actions that are constitutionally within the exclusive purview of the General Council. Thus, they
12 argued the Court's Order that "Defendants and each of them are permanently enjoined from
13 prospectively considering Plaintiffs as disenrolled from QIN, and from refusing to recognize
Joseph Tarabochia and Bryan Tarabochia as members of the Quinault Indian Nation, with all
their rights and privileges attendant thereto" is in error and should be reconsidered.

14 Plaintiffs responded that they do not need to be re-enrolled because their disenrollment
15 was illegal and therefore ineffective, so the injunction does not force Defendants to take any
16 action that is not permitted by the Quinault Constitution. As such, Plaintiffs argue the injunction
17 was proper and it should not be reconsidered.

18 The Court lacks enough factual background information to determine whether the
19 injunction in the November 3, 2025 Corrected Order on Summary Judgment Motions is
20 erroneous. It is too early for this Court to determine whether the ruling was contrary to the
21 evidence and in violation of QIN 12.01.705 (g). Specifically, this Court needs to know whether
22 Joseph Tarabochia and/or Bryan Tarabochia have been "re-enrolled" in the Quinault Indian
23 Nation.⁵ If they have been re-enrolled, then the injunction can possibly be seen as simply
24 requiring Defendants to abide by the re-enrollments in all ways that fall within their enumerated

25 ⁵ The Court uses the term "re-enrolled" for convenience. Plaintiffs' Response to Defendants' Motion for
26 Reconsideration argued that Plaintiffs do not need to be re-enrolled because they were never properly disenrolled.
(Plaintiffs' Response to Individual Defendants' Motion for Summary Judgment at 6). This Court's use of the term
"re-enrolled" is not a reflection on the validity of that argument. It is simply the most clear way to convey what
additional factual information the Court needs prior to making a ruling.

1 powers. If Joseph Tarabochia and/or Bryan Tarabochia have not been re-enrolled, then the
2 injunction possibly places a burden on Defendants that they cannot fulfill, which might also
3 expose them to claims of contempt. The deadlines for providing the factual information
4 requested is set out in the Order section, below.

5 Accordingly, **IT IS ORDERED** that:

- 6 1. The Individual Defendants' Motion for Reconsideration is **PARTIALLY GRANTED**
7 **AND PARTIALLY DENIED**.
- 8 2. The Court's November 3, 2025 Corrected Order on Summary Judgment Motions' rulings
9 on qualified immunity and specified claims are **VACATED** and **REOPENED** to the
10 extent the Court ruled on the affirmative defense of qualified immunity and on the claims
11 and judgments against Individual Defendants Guy Capoeman, Fawn Sharp, Larry
12 Ralston, Latosha Underwood, Gina James, Jim Sellers, John Bryson, Jr., Noreen
13 Underwood, Donald Waugh, Ryan Hendricks and Kristeen Mowitch for their errors and
14 omissions leading to breach of fiduciary duty, abuse of process, defamation, libel and
slander, and false light.

15 These issues are reopened for further reconsideration as follows:

- 16 A. Additional Briefing Required. The Court requires additional briefing
17 before determining whether the Individual Defendants may assert the affirmative
defense of qualified immunity.
- 18 B. Briefing Schedule: The parties shall adhere to the following schedule for
19 supplemental briefing on the qualified immunity defense:
 - 20 i. Individual Defendants' brief due: January 21, 2026; and
 - 21 ii. Plaintiffs' response due: February 5, 2026; and
 - 22 iii. Individual Defendants' reply due: February 9, 2026.
- 23 C. The Court will determine the applicability of qualified immunity after
24 reviewing the supplemental briefs and will thereafter reconsider the merits of the
25 vacated claims.
26

- 1 3. The Individual Defendants' Motion for Reconsideration of the ruling that Quinault
2 Constitutional Amendments are effective upon passage unless they clearly state otherwise
3 is **DENIED**. The ruling was initially made in the April 11, 2024 Declaratory Judgment
4 Order and Order Certifying Interlocutory Appeal, rather than in the November 3, 2025
5 Corrected Order on Summary Judgment Motions. The Motion for Reconsideration is not
6 timely and is not properly before this Court.
- 7 4. The Court's Corrected Order on Summary Judgment Motions entered November 3, 2025
8 regarding injunctive relief is **STAYED** until further order of the Court, subject to
9 further reconsideration as follows:
- 10 A. Additional Factual Information Required: The Court requires additional
11 factual information to determine whether the injunctive relief awarded to
12 Plaintiffs against Individual Defendants was entered in error.
- 13 B. Submission of Declarations on Membership Status: Each party shall
14 submit a declaration to the Court regarding the current enrollment status of Jospeh
15 Tarabochia and Bryna Tarabochia in the Quinault Indian Nation.
- 16 i. If Plaintiffs have been re-enrolled: The parties' declarations must specify
17 the exact date of re-enrollment, the procedural mechanism by which re-
18 enrollment occurred, and must include all supporting documentary
19 evidence as exhibits.
- 20 ii. If Plaintiffs have not been re-enrolled: Defendants' declaration(s) must
21 provide a detailed statement of the specific administrative or legal steps
22 Plaintiffs must initiate to commence the re-enrollment process. Plaintiffs'
23 declarations must include the steps they have taken, if any, to become re-
24 enrolled as members of the Quinault Indian Nation since November 3,
25 2025.
- 26 C. Filing Deadline: All required factual information and declarations shall be filed
with the Court by January 21, 2026.
- D. The Court will review the supplemental declarations and will thereafter
reconsider whether the injunctive relief ordered was contrary to the law or to the
evidence.

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2 **IT IS SO ORDERED.**

3
4 DONE this 7th day of January, 2026.

5 *Lori J. Guevara*
6 _____
7 LORI J. GUEVARA
8 ASSOCIATE JUDGE, QUINAULT TRIBAL
9 COURT
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