

12-14-08

Judge Baker:

The attached Motion was faxed re: Latgawa Native American v. Dole.

I have faxed the Motion to Judge Harris as the hearing is set with him on Tuesday, 12/18/07 and thought he should be aware of it.

I realized though that it requires your signature, so I am attaching it with the file.

Thank you,  
Jamie

*Judge Harris to  
address this motion -  
YJB  
12/17/07*

*Send to  
family court by  
Judge Harris to  
sign  
marcia*

COURT FILE



# LATGAWA INDIAN TRIBAL JUSTICE COURT

Lattawa Native American Indian Tribe - Lattawa Indian Tribal Justice Court  
743 Alutawata Street, Central Point, OR 97507  
PO Box 1681, Medford, OR 97501  
541-661-1080 Tel 541-664-9250 Fax E-mail: Lattawa@tribal.gov Website: http://lattawa.mind.net



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## IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF JOSEPHINE

LATGAWA NATIVE AMERICAN INDIAN TRIBE )  
AND JOHN GREY EAGLE NEWKIRK, )

Plaintiffs, )

v. )

JAMES R. DOLE ATTORNEY, AND THE LAW )  
FIRM OF SCHULTZ, SALISBURY, CAUBLE )  
AND DOLE, FIRST AMERICAN TITLE )  
INSURANCE COMPANY OF OREGON, )  
MICHAEL NEWMAN AS AN INDIVIDUAL )  
AND IN HIS OFFICIAL CAPACITY AS )  
JUDGE; TIMOTHY TALTY, MONET )  
TALTY, MARY JANE WOLF, CHIEF )  
HIDDEN WOLF, CALVIN RHODES, GWEN WOLF, )  
AKA COPPER STAR WOLF, JOY C. MCEWEN, )  
CAROL HOLLAND ESCROW OFFICER, CARL )  
W. ALLEMAN, KENDON LEET, JOHN ONES, )  
AND DOES AND JANES ONE THROUGH )  
FORTY, )  
Defendants. )

CASE NO. 07CV0613

MOTION TO DISQUALIFY AND RECUSE )  
CIRCUIT COURT JUDGE HARRIS )  
ORDER. )

RECEIVED AND FILED  
2007 DEC 14 PM 12:22  
STATE COURTS - JOSEPHINE

NOW COMES THE PLAINTIFF,S and moves this Court for an Order disqualifying the  
Honorable Circuit Court Judge HARRIS from Jackson County Circuit Court from hearing  
any Matter, Proceeding or Trial in the above set out Action (s) for the reasons  
that the Plaintiffs believes that they can not have a Fair and Impartial Hearing,  
or Trial and that said Plaintiffs feel that said Judge Harris is and will be  
Prejudiced towards said Plaintiffs..That the Plaintiffs in this Action are Native  
American Tribal Indians, and as such have been for many Years subjected to Racial  
Profilling In both Josephine and Jackson Counties, to this End, Plaintiffs believe  
that they can not have nor receive an unprejudiced and Impartial Hearing or Trial,  
from any Circuit Court Judge in Jackson County as has been the case in Josephine ,  
page 1. MOTION TO DISQUALIFY AND RECUSE CIRCUIT COURT JUDGE HARRIS AN ORDER.

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County over the past (8) years, and the same applies to Jackson County over the past and upto date in other related Issues.

This Motion is made in good faith and not for the purposes of delay, and is the first such motion by the Plaintiffs in this matter.

Dated: 12/11/2007.

BY: John Grey Eagle Newkirk  
John Grey Eagle Newkirk

ORDER

Based upon this Motion to Disqualify and Recuse The Honorable Judge Harris, this Motion is hereby;

Granted  Denied

BY: James J. Harris  
Presiding Judge

I HEREBY CERTIFY that I hand delivered this Motion and Order to Disqualify Jackson County Circuit Court Judge Harris to the office and clerk of the Josephine County Court, Oregon, located at 500 Sixth street, Grants Pass, Oregon. on this day of December 2007.

BY: John Grey Eagle Newkirk  
John Grey Eagle Newkirk  
P.O. Box 1651  
Medford, Oregon 97504

RECEIVED AND FILED  
2007 DEC 19 AM 11:07  
CLERK OF DISTRICT COURTS - JOSEPHINE CO. OREGON

CERTIFICATION OF SERVICE

I CERTIFY that I served a True Copy----(CASE NO. 07CV0613) of motion to DISQUALIFY AND RECUSE CIRCUIT COURT JUDGE HARRIS AND ORDER upon the following named persons and their attorneys of record BY personal Service (x), by Depositing it in the United States Post Office at Jackson County, Oregon 97501 (x), on 12/14/2007 2007. in a sealed envelope, Postage Paid, Addressed TO:

Calvin Rhodes  
\_\_\_\_\_  
\_\_\_\_\_  
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ATTORNEY (S):

Jason D. Hayward Attorney  
\_\_\_\_\_  
219 N.E. E Street  
\_\_\_\_\_  
Grants Pass, Oregon 97526  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED AND FILED  
2007 DEC 14 PM 12:23  
STATE COURSE - JOSTON  
*ca*

DEFENDANTS (x), PLAINTIFFS ( ), in the above set out COMPLAINT ( ):

BY: *John Grey Eagle Newkirk*  
John Grey Eagle Newkirk

ADDRESS P.O. Box 1651  
Medford, Oregon 97501

PHONE NO. 541- 664-4080

Page NO. -----

CERTIFICATION OF SERVICE

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I CERTIFY that I served a True Copy----(CASE NO. 07CV0613) of motion to DISQUALIFY AND RECUSE CIRCUIT COURT JUDGE HARRIS AND ORDER upon the following named persons and their attorneys of record BY personal Service (X), by Depositing it in the United States Post Office at \_\_\_\_\_ County, Oregon 97501 ( ), on 12/14/2007 2007. in a sealed envelope, Postage Paid, Addressed TO:

~~ATTN: Circuit Court Judge Harris~~

ATTORNEY (S):

Jackson County Justice Bldg.

10 S. Oakdale

Medford, Oregon 97501

RECEIVED AND FILED
2007 DEC 14 PM 12:23
STATE COURT CLERK JOSEPHINE

Please take Note:

We have not been given any Notice of your being assigned to hear our case by the Josephine County Court Clerks office.

I found out by a round about person, on 12/12/2007.

DEFENDANTS ( ), PLAINTIFFS ( ), in the above set out COMPLAINT ( ):

BY: John Grey Eagle Newkirk  
John Grey Eagle Newkirk

ADDRESS P.O. Box 1651  
Medford, Oregon 97501

PHONE NO. 541-664-4080

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I CERTIFY that I served a True Copy----(CASE NO. 07CV0613) of motion to DISQUALIFY AND RECUSE CIRCUIT COURT JUDGE HARRIS AND ORDER upon the following named persons and their attorneys of record BY personal service (X), by Depositing it in the United States Post Office at Jackson County, Oregon 97501 (X), on 12/14/2007 2007. in a sealed envelope, Postage Paid, Addressed TO: and BY Fax NO. (503) 947-4791

ATTORNEY (S):

Judge Michael Newman

Oregon Department of Justice

Benjamin J. Miller

Assistant Attorney General

1162 Court Street

Salem, Oregon 97301-4096

RECEIVED AND FILED 2007 DEC 14 PM 12:23 STATE COURTS - JOSEPHINE

DEFENDANTS (X), PLAINTIFFS ( ), in the above set out COMPLAINT ( ):

BY: John Grey Eagle Newkirk

ADDRESS P.O. Box 1651 Medford, Oregon 97501

PHONE NO. 541- 664-4080

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I CERTIFY that I served a True Copy----(CASE NO. 07CV0613) of motion to DISQUALIFY AND RECUSE CIRCUIT COURT JUDGE HARRIS AND ORDER upon the following named persons and their attorneys of record BY personal service (✓), by Depositing it in the United States Post Office at \_\_\_\_\_ County, Oregon 97501 ( ), on 12/14/07 2007. in a sealed envelope, Postage Paid, Addressed TO:

~~James R. Dole Attorney and the Law of Schultz, Salisbury, Cauble and Dole, First American Title Insurance Company of Oregon, Carl Allerman, Carol Holland, Timothy Talty, Monet Talty, Joy C. MCFEwen.~~

ATTORNEY (S):

~~David B. Paradis, Attorney of BROPHY, MILLS, SCHMOR, GERKING, BROPHY, & PARADIS, LLP. 201 West Main. P.O. Box 128 Medford, Oregon 97501~~

RECEIVED AND FILED  
2007 DEC 14 PM 12:23  
STATE COURTS - JOSEPHINE  
BY *[Signature]*

DEFENDANTS (X), PLAINTIFFS ( ), in the above set out COMPLAINT ( ):

BY: *[Signature]*  
John Gray Eagle Newkirk

ADDRESS P.O. Box 1651  
Medford, Oregon 97501

PHONE NO. 541- 664-4080

Page NO. -----

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Kendon Leet & John Jones  
\_\_\_\_\_  
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\_\_\_\_\_

ATTORNEY (S):

Tracy M. McGovern Attorney

Frohmayer, Deatherage, Pratt,

Jamieson, Moore, Armosino &

McGovern, P.C.

2592 East Barnett Road

Medford, Oregon 97504

RECEIVED AND FILED  
2007 DEC 14 PM 12:23  
STATE COURT - JOSEPHINE  
*Ca*

DEFENDANTS (X), PLAINTIFFS ( ), in the above set out COMPLAINT ( ):

BY: *John Grey Eagle Newkirk*  
John Grey Eagle Newkirk

ADDRESS P.O. Box 1651  
Medford, Oregon 97501

PHONE NO. 541-664-4080

Page NO. -----

CERTIFICATION OF SERVICE

CCV 12/20/07 2:33 PM

Case Register..... Josephine Co Circuit Court  
 Case#..... 07CV0613 Latgawa Native American Indi/Dole James R Attorney  
 Civil Quiet Title

Case Filed Date..... 7/24/07 Starting Instrument.. Complaint  
 Case Started Date..... 7/24/07 Originating From..... Original filing  
 At Issue Date..... Previous Court.....  
 First Setting Date.. Previous Court Case#.  
 Trial Scheduled Date Master Case Number...  
 Trial Start Date.... Relation to Master...  
 Length of Trial..... Amount Prayed for.... \$.00  
 Disposition Date.... Termination Stage....  
 Final Order Date.... Termination Type.....  
 Reinstated Date.....

Judgment Type.....  
 Judgment Status.....  
 Judgment Volume/Page.

<u>ROLE</u>	<u>PLAINTIFF</u>	<u>ATTORNEY</u>
1 Plaintiff	Latgawa Native American Indian	Latgawa Native American Indian
2 Plaintiff	Newkirk John Grey Eagle	Newkirk John Grey Eagle

<u>ROLE</u>	<u>DEFENDANT</u>	<u>ATTORNEY</u>
1 Defendant	Dole James R Attorney	Paradis David Byron
2 Defendant	Schultz Salisbury Cauble	Paradis David Byron
3 Defendant	First American Title Insurance	Paradis David Byron
4 Defendant	Newman Michael	Miller Benjamin J
5 Defendant	Talty Timothy	Paradis David Byron
6 Defendant	Talty Monet	Paradis David Byron
7 Defendant	Wolf Mary Jane	
8 Defendant	Chief Hidden Wolf	
9 Defendant	Rhodes Calvin	Hayward Jason
10 Defendant	Gwen Wolf	
	Also Knwn Copper Star Wolf	
11 Defendant	Mc Ewen Joy C	Paradis David Byron
12 Defendant	Holland Carol	Paradis David Byron
13 Defendant	Alleman Carl W	Paradis David Byron
14 Defendant	Leet Kendon	Mcgovern Tracy
15 Defendant	Jones John	Mcgovern Tracy
16 Defendant	Does And Janes One Thru Forty	
17 Defendant	Judge Michael Newman	

<u>ROLE</u>	<u>OTHER PEOPLE</u>	<u>ATTORNEY</u>
1 Impartial	Confederated Tribes	
2 Impartial	Oregon State Of	
3 JUD INAC	Not Josephine Co Judges	
4 JUD DISQ	Disqualified Judge Baker	
5 JUD DISQ	Disqualified Judge Wolke	
6 JUD DISQ	Disqualified Judge Hull	
7 JUD DISQ	Disqualified Judge Newman	
8 JUD DISQ	Disqualified Judge Harris	

<u>ENTER DT</u>	<u>FILE DT</u>	<u>EVENT/FILING/PROCEEDING</u>	<u>SCHD DT</u>	<u>TIME</u>	<u>ROOM</u>
1 7/24/07	7/24/07	Complaint			

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
2	7/24/07	7/24/07 Remove Arbitration Elig Status			
3	8/08/07	8/07/07 Certificate of Service DEF 14 Leet Kendon			
		7/26/07 Served			
4	8/08/07	8/07/07 Certificate of Service DEF 5 Talty Timothy DEF 6 Talty Monet			
		7/26/07 Served			
5	8/08/07	8/07/07 Certificate of Service DEF 15 Jones John			
		7/26/07 Served			
6	8/08/07	8/07/07 Certificate of Service DEF 12 Holland Carol			
		7/24/07 Served			
7	8/08/07	8/07/07 Certificate of Service DEF 3 First American Title In			
		7/24/07 Served			
8	8/08/07	8/07/07 Certificate of Service DEF 1 Dole James R Attorney			
		7/24/07 Served			
9	8/20/07	8/20/07 Return of Service/Not Served and summons non found on 8-17-07			
		DEF 9 Rhodes Calvin			
10	8/20/07	8/20/07 Return of Service/Not Served and summons non found on 8-17-07			
		DEF 11 Mc Ewen Joy C			
11	8/20/07	8/20/07 Return Service Summons and return of service DEF 13 Alleman Carl W			
		8/17/07 Served			
12	8/27/07	8/24/07 Return Service Summons DEF 4 Newman Michael			
		8/23/07 Served			
13	8/31/07	8/30/07 Motion Dismissal ***NO RECORDING REQUESTED*** DEF 12 Holland Carol PRV 3 Paradis David Byron			
		8/30/07 Oral Argument Requested			
14	8/31/07	8/30/07 Certificate of Service 8/29/07 Mailed			
		Related event # 13			
15	8/31/07	8/31/07 Case Notes File to circulate among Judges.			
16	9/11/07	8/31/07 Motion Dismissal ***RECORDING NOT REQUESTED*** DEF 1 Dole James R Attorney DEF 2 Schultz Salisbury Caubl DEF 3 First American Title In DEF 5 Talty Timothy DEF 6 Talty Monet PRV 4 Paradis David Byron			
		8/31/07 Oral Argument Requested			
17	9/11/07	8/31/07 Certificate of Service 8/21/07 Mailed			
		Related event # 16			

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
18	9/14/07	9/13/07 Motion Dismissal DEF 14 Leet Kendon DEF 15 Jones John PRV 9 MCGOVERN Tracy			
19	9/14/07	9/13/07 Oral Argument Requested 9/13/07 Certificate of Service 9/07/07 Mailed			
20	9/14/07	9/13/07 Service/Office Service TO: TINA FREDENBURG FOR: DEF 10 Gwen Wolf			
21	9/14/07	9/13/07 Service/Office Service TO: TINA FREDENBURG FOR: DEF 7 Wolf Mary Jane			
22	9/14/07	9/13/07 Service/Office Service TO: TINA FREDENBURG FOR: DEF 8 Chief Hidden Wolf			
23	9/14/07	9/14/07 Case Notes File to PW			
24	9/24/07	9/24/07 Answer Affirmative Defense DEF 4 Newman Michael PRV 11 Kramer David L			
25	9/24/07	9/24/07 Certificate of Service PTF 1 Latgawa Native American PTF 2 Newkirk John Grey Eagle 9/19/07 Mailed			
26	9/24/07	9/24/07 Case Notes file to docketing			
27	9/26/07	9/26/07 Hearing Motion Scheduled To Dismiss x 4 AND M/summary Jgmt - NO Jo. Co. Judges Est Length: 1 Hour Est length of time 1 Hour(s) Related event # 28 Related event # 38	12/18/07	1:30 PM	JVCT
28	9/26/07	12/18/07 Cancelled 9/26/07 Notice Hearing			
29	9/27/07	9/26/07 Return Summons/Sub Service TO: Lorraine Eileen Allenam DEF 13 Alleman Carl W 9/26/07 Served			
30	9/28/07	9/28/07 Motion Dismissal DEF 9 Rhodes Calvin PRV 12 Hayward Jason			
31	9/28/07	9/28/07 Certificate of Service by faxing SLF 2 Newkirk John Grey Eagle PRV 3 Paradis David Byron PRV 9 MCGOVERN Tracy 9/28/07 Mailed			
32	10/16/07	10/16/07 Notice of association of counsel Benjamin J Miller, Asst Atty			

ENTER	DT	FILE	DT	EVENT/FILING/PROCEEDING	SCHD	DT	TIME	ROOM
				General				
33	10/16/07	10/16/07		<b>Certificate of Service</b>				
				PTF 1 Latgawa Native American				
				PTF 2 Newkirk John Grey Eagle				
			10/11/07	Mailed				
				Related event # 32				
34	10/30/07	10/25/07		<b>Motion Summary Judgment</b>				
				DEF 4 Newman Michael				
				PRV 11 Kramer David L				
35	10/30/07	10/25/07		<b>Affidavit</b>				
				of Benjamin J Miller				
				PRV 11 Kramer David L				
				Related event # 34				
36	10/30/07	10/25/07		<b>Certificate of Service</b>				
				PTF 1 Latgawa Native American				
			10/23/07	Mailed				
				Related event # 34				
				Related event # 35				
37	10/30/07	10/30/07		<b>Case Notes</b>				
				file to docketing				
				Cancelled				
38	11/01/07	11/01/07		<b>Notice Hearing</b>				
39	11/13/07	11/09/07		<b>Request Admissions</b>				
				First				
				DEF 4 Newman Michael				
				ASC 13 Miller Benjamin J				
40	11/13/07	11/09/07		<b>Certificate of Service</b>				
				PTF 2 Newkirk John Grey Eagle				
			11/07/07	Mailed				
41	11/30/07	11/29/07		<b>Motion Dismissal</b>				
				DEF 11 Mc Ewen Joy C				
				PRV 14 Paradis David Byron				
			11/29/07	Oral Argument Requested				
42	11/30/07	11/29/07		<b>Certificate of Service</b>				
			11/28/07	Mailed				
				Related event # 41				
43	12/10/07	12/07/07		<b>Motion Dismissal</b>				
				Oral Argument requested; to be				
				heard 12-18-07 w/other motions				
				DEF 13 Alleman Carl W				
44	12/10/07	12/07/07		<b>Certificate of Service</b>				
				PTF 2 Newkirk John Grey Eagle				
			12/06/07	Mailed				
45	12/14/07	12/14/07		<b>Motion Disqualify Judge</b>				
				and recuse circuit court Judge				
				Harris				
				PTF 1 Latgawa Native American				
46	12/14/07	12/14/07		<b>Certificate of Service</b>				
				PRV 12 Hayward Jason				
			12/14/07	Mailed				
				Related event # 45				
47	12/14/07	12/14/07		<b>Certificate of Service</b>				
				TO: Jackson Co Justice Bldg				
			12/14/07	Mailed				
				Related event # 45				
48	12/14/07	12/14/07		<b>Certificate of Service</b>				
				PRV 11 Kramer David L				
			12/14/07	Mailed				

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
		Related event # 45			
49	12/14/07	12/14/07 Certificate of Service			
		PRV 4 Paradis David Byron			
		PRV 6 Paradis David Byron			
	12/14/07	Mailed			
		Related event # 45			
50	12/14/07	12/14/07 Certificate of Service			
		PRV 9 Mcgovern Tracy			
		PRV 10 Mcgovern Tracy			
	12/14/07	Mailed			
		Related event # 45			
51	12/14/07	12/14/07 Case Notes			
		File w/LLB to sign Motion to			
		Recuse Judge Harris			
52	12/17/07	12/17/07 Telephone Call by Court Personn			
		Contacted all attys and told			
		them hearing is off.			
53	12/18/07	12/18/07 Court Notes			
		file back to civil			
54	12/19/07	12/19/07 Order Disqualify Judge			
	12/17/07	Signed			
		JUD 1 Harris Daniel L			
		Related event # 45			
55	12/19/07	12/19/07 Case Notes			
		File to calendaring to reset			
		Motion			
		***** END OF DATA *****			