

1. Plaintiffs have engaged in outrageous, vexatious and sanctionable behavior and utterly frivolous arguments in this suit which has greatly complicated its disposition; and, Defendants believe this Court has the authority to *sua sponte* impose sanctions upon Plaintiffs for this misconduct as set out in Doc. 24, ¶s 16-18. Nonetheless, Defendants now feel obliged to formally seek the imposition of appropriate sanctions upon Plaintiffs per this Motion and F.R.Civ.P. 11(c)(2). This Motion was duly served upon Plaintiffs by mail on September 30, 2022 with a request that Plaintiffs formally withdraw all of the false and outrageous accusations they have repeatedly made against Defendants' counsel in this suit, as identified below, or otherwise appearing in their pleadings.

2. The particular false and outrageous statements made by Plaintiffs against Defendants in this suit which Plaintiffs have been asked to withdraw by this Motion are as follows and as addressed at ¶ 7 below:

A. Plaintiffs' Memorandum (Doc. 19) supporting this Motion starts with another unfounded diatribe asserting that "Defendants' counsel has engaged in duplicity, obfuscation, stonewalling and untruthful statements ... in an attempt to mislead this Court." Doc. 19, p.1.

B. Plaintiffs' have repeatedly leveled serious but utterly unfounded charges against Defendants' counsel in their Doc. 18 Motion. *See in particular*, ¶ 11.a.ii:

Defendants' Counsel is willing to obfuscate, stonewall, lie, and even pervert the truth by intentionally using litigation as a tactic for warfare with willful, vindictive, negligent, and frivolous behavior that violates multiple rules of ethics and his code of professional conduct.

And, in their judicial notice argument at III, p. 13, state:

Plaintiffs request that this Honorable Court take Judicial Notice pursuant to FRCP Rule 201 that Counsel for the Defendants has committed fraud upon this court, in a feeble attempt to mislead the court with untruthful statements and cover up crimes committed by the Defendants collectively.

And, in their conclusion to that Motion:

Defendants' Counsel has intentionally tried to mislead this court, and is currently engaged in litigious warfare attacking and mocking the merits of this case, the truth, and this honorable court. Counsel should be ashamed of the behavior pointed out in this document.

3. Plaintiffs have, however, identified nothing other than Defendants' lawful refutation of Plaintiffs' absurd legal arguments and claims as the sole evidence which they contend constitute false statements to this Court. Making good faith and well-founded legal arguments in support of Defendants' legal positions in this case (and refusing to accede to absurd legal arguments proffered by Plaintiffs) does not constitute telling lies or making false statements to this Court, even if Plaintiffs disagree with those legal arguments.

4. In Doc. 27, Plaintiffs' assert that this Court's good faith effort to determine the controlling law bearing on the scope of Plaintiffs' duty to exhaust tribal remedies regarding Plaintiffs' attempted 42 U.S.C. § 1983 claim was somehow improper under the ABA Model Code of Judicial Conduct (2020 Ed.). Just as with virtually all of Plaintiffs' other legal assertions in this suit, that contention of Plaintiffs suggesting impropriety on the part of this Court in entering its Doc. 16 Order is utter nonsense. That assertion is, however, in line with Plaintiff Brandon Sibley's recent comments on a new You Tube video available at "Upcoming workshop @ the house of free will vY3mv7QQej4" (first streamed live on September 11, 2022) in which he repeats his baseless statements that Defendants' counsel has repeatedly lied to this Court and states that Plaintiffs have "a bad district judge" in this case. *See*, Mississippi Bar Rules of Professional Responsibility—8.2(a): "A lawyer shall not make a statement ... with reckless disregard as to its truth or falsity concerning ... integrity of a judge"

Plaintiff Sibley's full quote from the You Tube video is "we have a bad district judge here." That comment was made in the midst of another lengthy diatribe against Defendants' counsel respecting the instant case filed by Plaintiffs in this Court, the "here" being a reference to the instant case and to the Federal District Judge in the instant case and to no other case or judge; and, it followed another comment on the same You Tube video in which Plaintiff Sibley lambasted and ridiculed the notion that private attorneys are "officers of the court" because that would mean they should be acting "in cahoots with" the court and opposing counsel "moving toward a common goal," which Plaintiff Sibley asserts would be a "communistic system"—contending that this kind of "officer of the court" arrangement is unconstitutional. He then asserts (on September 11, 2022): "I have a big deal coming up with this judge—I will discuss it at a later date." Two days later, on September 13, 2022, Plaintiffs signed their Doc. 27 "Notice of

Objections to Judge Daniel's Order (Doc. 16)" addressed above, filed for record on September 15, 2022.

5. To the extent the Court finds that Plaintiffs' comments about the conduct of this Court would constitute a violation of Rule 8.2 if made by an attorney and could in such circumstances give rise to Rule 11 sanctions against such attorney, the same standards apply to *pro se* parties for Rule 11 purposes. *See*, F.R.Civ.P Rule 11(a) and (b) (making Rule 11 sanctions applicable to both attorneys and unrepresented parties). Such conduct also violates Local Uniform Rule 83.5 and Local Uniform Civ. R. 83.1(c)(1) and Mississippi Rule of Professional Conduct 8.4(d) which provides "[i]t is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice."

6. All the above conduct by Plaintiffs', and their repeated assertion of legal arguments that are clearly foreclosed by controlling law, is also subject to sanctions under 28 U.S.C. § 1927:

Any attorney or other person admitted to conduct cases in any court of the United States or Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

7. Also, Plaintiffs have now served Defendants' counsel with a new, utterly frivolous Motion for Sanctions (served by mail and received September 23, 2022), but not yet filed with the Clerk of this Court. There, Plaintiffs against asserts the utterly unfounded statement "[p]laintiffs have exposed multiple untruthful statements by Defendants' Counsel, C. Bryan Rogers, with what the Plaintiffs believe to be a malicious intent to obfuscate, stonewall, and mislead the court about the facts of the case." This service was accompanied by a third,

utterly frivolous New Mexico State Bar Complaint. However, that third Bar Complaint has not yet been filed with the New Mexico Bar as of the time this Motion was finalized.

8. Defendants' counsel will not at this time respond to the details set out in Plaintiffs' new Motion for Sanctions, as it has not been filed of record, but will show its utter frivolity if that Motion is ever actually filed; and, here notes that the filing of a frivolous motion for sanctions is itself sanctionable. *See*, Rule 22.3, Local Rules of the Southern District of Mississippi: ("A patently frivolous motion ... may result in the imposition of appropriate sanctions.").

9. As shown in Defendants' Memorandum of Law filed in support of this Motion for Sanctions, Plaintiffs' contumacious conduct throughout these proceedings—and their making three frivolous and unfounded New Mexico State Bar Complaints against Defendants' counsel as part of Plaintiffs' litigation strategy—clearly warrants the imposition of sanctions upon them, including an assessment of legal costs and fees incurred by Defendants in responding to Plaintiffs' clearly improper and outrageous filing, and to their other frivolous and unfounded arguments and false statements.

10. Plaintiffs' conduct has caused Defendants to incur legal costs and fees which would not have been incurred absent Plaintiffs' outrageous behavior; and, Defendants' request that Plaintiffs be required to pay Defendants for those extra fees and costs. If the Court determines that such sanctions are warranted, Defendants will provide documentation supporting ruling requiring Plaintiffs to pay Defendants those excess costs and fees as authorized by Rule 11(c)(2).

WHEREFORE, Defendants pray for an Order of this Court imposing Rule 11 or other sanctions upon Plaintiffs, including an award of legal costs and fees incurred by Defendants as

the result of Plaintiffs' sanctionable conduct, and for such other and further relief as the Court deems just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to the Plaintiffs by United States Mail, postage prepaid, on September 30, 2022, at the addresses listed with the Clerk of the Court and to Brandon Sibley at 17517 Cline Drive, Maurepas, LA 70449.

/s/ C. BRYANT ROGERS
C. BRYANT ROGERS