

**IN THE COURT OF INDIAN OFFENSES
FOR THE WESTERN REGION
ELKO, NEVADA**

Court of Indian Offenses
Trial Division
FILED in
The Office of the Court Clerk of
Western Region
AUGUST 25, 2025
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Alice Tybo, et al.,)
 Petitioners,)
vs.)
))
Steven McDade, et al.,)
 Defendants,)
))
Te-Moak Tribe of Western Shoshone)
Indians of Nevada and four)
constituent bands - Battle Mountain)
Band, Elko Band, South Fork Band)
and Wells Band,)
 Counterclaimants.)
vs.)
Joseph Holley, et al.,)
 Defendants,)
))
Housing Authority of the Te-Moak Tribe)
Of Western Shoshone Indians of Nevada.)
 Intervenor Plaintiff.)

Case No. CIV-24-WR11
Consolidated with CIV-24-WR12

ORDER

On August 15, 2025, Defendants/Counterclaimants filed a Notice of Appeal and Request for Immediate Stay of the Order Granting Plaintiffs' Request for Declaratory and Injunctive Relief ("the Order") entered on August 14, 2025. On the same date, Defendant Steven McDade, filed a Notice of Appeal and requested an emergency stay of the Order.. On August 15, 2025, this Court entered a temporary stay and granted Plaintiffs to August 20, 2025 to file a response to Defendants' requests for stay of the Order pending appeal. On August 19, 2025, Plaintiffs filed their Opposition to Defendants' Request for Immediate Stay.

Defendants urge that a stay pending appeal is mandated by a Tribal Code procedural provision applicable in this Court. Plaintiffs argue that the cited Tribal Code procedural provision is no

longer in force and effect as Tribal law. Plaintiffs urge that application of current Tribal law and the procedural provisions of this Court and federal law require that the Order not be stayed pending appeal and that such a stay on appeal is discretionary, not mandatory.

This Court, upon examination of the files and records in this cause and upon consideration of the evidence and the law, finds:

A. Tribal Law Regarding Stay Pending Appeal

The Te Moak Law and Order Code¹, enacted in 1987, at Chapter 3-Tribal Court, Section 1-3-27, Stay of Appeal, provides that in any case where an appeal is perfected the final order or judgment of the trial court shall be stayed pending the appeal.²

¹ Ordinance No. 87-ORD-TM-03 (July 15, 1987).

² Plaintiffs in their Opposition to Stay, citing Ordinance No. 87-ORD-TM-02 (July 15, 1987) and subsequent Tribal Council Resolutions, asserted there is inconsistent or superseding Tribal appellate procedural law or authority that provides that the granting of a stay pending appeal is discretionary, not mandatory. *See* Exhibits B and C to Plaintiffs' Opposition to Stay. However, Plaintiffs have not submitted documents that show an ordinance was enacted by the Tribal Council, the governing body of the Tribe, that repealed 87-ORD-TM-03 or modified its provisions or adopted and approved inconsistent or superseding procedural provisions. "Tribal Ordinances are the laws of the Tribe ... and an official copy of every ordinance shall ... be available for inspection at the Tribal office and the Band offices." *Constitution*, Art. 4, Sec. 20 (a). Ordinances. "Resolutions are the decisions of the Councils on matters of temporary interest, ... or relating especially to particular individuals or officials." *Constitution*, Article 4, Sec 20 (b). Resolutions.

Tribal Ordinances 87-ORD-TM-02 and 87-ORD-TM-03 were enacted in succession on the same day by the Tribal Council and provide for the codification of the Law and Order Code of the Te-Moak Tribe. 87-ORD-TM-02 contains Chapters 1 and 2 of Title I and addresses the constitutional authority for enactment of the Law and Order Code and the jurisdiction of the Tribe and the Courts of the Tribe. 87-ORD-TM-03 contains Chapter 3 of Title I and creates and establishes the Tribal Court and provides for jurisdiction over various areas of law, including civil matters, and provides for the right of appeal and for the procedure on appeal from orders or judgments of the Tribal Court. This Court takes judicial notice that the BIA Western Region compilation of Te-Moak Tribal Ordinances is consistent with this Court's recitation above regarding the relevant ordinances and the lack of subsequent repealing or superseding ordinances.

B. Court of Indian Offenses Rules and Federal Rules of Civil Procedure

Pursuant to the Code of Federal Regulations, 25 C.F.R. Sec. 11.500, this Court, in civil cases, may apply any law or customs of the Tribe, any laws of the United States that may be applicable, any authorized regulations contained in the Code of Federal Regulations, and, regarding any matters not covered by such laws and regulations, the laws of the State in which the matter in dispute lies.

25 C.F.R. Sec. 11.108 provides that ordinances enacted by the governing body of each Tribe occupying the Indian country over which the Court of Indian Offenses has jurisdiction may enact ordinances which, when approved by the Assistant Secretary-Indian Affairs: (a) are enforceable in the Court of Indian Offenses having jurisdiction over the Indian country occupied by that Tribe; and (b) supersede any conflicting regulation in this part.

25 C.F.R. Sec. 11.503, Applicable Civil Procedure, for the Court of Indian Offenses, provides: "The procedure to be followed in civil cases shall be the Federal Rules of Civil Procedure ..., except insofar as such procedures are superseded by order of the Court of Indian Offenses or by the existence of inconsistent tribal rules of procedure."

25 C.F.R. Sec. 11.801 Procedure on Appeal, for the Court of Indian Offenses, at subsection(d) provides: "In civil cases, the appellant may request the trial division to stay the judgment pending action on the notice of appeal, and, if the appeal is allowed, either party may request the trial division to grant or stay an injunction pending appeal."

The Local Court Rules for the Court of Indian Offenses, Western Region, do not specifically address the stay of an order or injunction pending appeal. Local Rule 1.3 provides

that any procedures or matters not specifically set forth in the Local Court Rules shall be handled in accordance with the Federal Rules of Civil Procedure.

The Federal Rules of Civil Procedure, at Rule 62 (c) Stay of an Injunction, provides: “Unless the court orders otherwise, the following are not stayed after being entered, even if an appeal is taken: (1) an interlocutory or final judgment in an action for an injunction ...”

The Supreme Court has determined that “the factors regulating issuance of a stay” of an order pending appeal under Rule 62 (c) are:

- (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits;
- (2) whether the applicant will be irreparably injured absent a stay;
- (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and
- (4) where the public interest lies.

Hilton v. Braunskill, 481 U.S. 770, 776 (1987).

In analysis under Rule 62 (c) and *Hilton*, this Court finds that the grounds for appeal listed in Defendants/Counterclaimants’ Notice of Appeal, that (1) the Order appealed from violates the Appellants’ right to due process, (2) advancement and consolidation of trial on the merits was inappropriate, (3) the trial judge abused his discretion, and (4) the trial court never informed the parties of the applicable standard or proof for declaratory judgment, are not supported by the record as grounds that are likely to succeed on the merits. Thus, this Court finds that the stay applicants, Defendants/Counterclaimants, have not made a strong showing that they are likely to succeed on the merits of their stated grounds for appeal.

This Court further finds, in analysis under Rule 62 (c) and *Hilton*, that the grounds for appeal listed by Defendant Steve McDade (McDade) in his Notice of Appeal, that the trial

magistrate a) violated Defendant's due process rights to be notified of hearings, b) did not give notice, not clear and ambiguous, c) advanced issues without notice of his intentions, d) did show prejudice and bias in his order, and e) held a hearing without all defendants given proper notice of hearings, are not supported by the record as grounds that are likely to succeed on the merits. This Court further finds that Defendant McDade's additional listed ground for appeal that Plaintiffs did not prove the standard *winter test* under the four rules is clearly not supported as a ground of appellate merit. This Court finds that the stay applicant, Defendant McDade, has not made a strong showing that he is likely to succeed on the merits of his stated grounds for appeal.

Defendants/Counterclaimants' assertions they have been denied due process, full opportunity to be heard or to fully develop the record regarding the causes of action ruled upon by the Court in the Order are not founded factually or supported by the record. Defendants/Counterclaimants and certain named Defendants, as original actors in the construct for the October 12, 2024 and November 2, 2024 elections, are in possession of the relevant and material information regarding the establishment and formation of the Tribal Election Board and its actions in relation to those elections, which formed the factual and evidentiary foundation for this Court's issuance of the Order. In fact, Defendants/Counterclaimants and Defendant McDade were at all times allowed to present any such relevant and material information. Defendants/Counterclaimants and Defendant McDade were offered more time for additional evidentiary hearing and further time to request an additional evidentiary hearing, and they did not avail themselves of that opportunity or request additional evidentiary hearing or time to prepare.

In further analysis of the *Hilton* factors, this Court finds as follows:

1. As to whether the stay applicants have made a strong showing that they are likely to succeed on the merits of the underlying causes of action upon which the Order appealed from are based, this Court finds that the applicants have not made a strong showing that they are likely to succeed on appeal on those merits, for the following reasons:

a. The law applicable to the causes of action addressed and ruled upon by the Court in the Order is clear, as written in the Tribal Constitution and the Tribal Election Ordinance for the Te-Moak Tribe of Western Shoshone Indians of Nevada.

b. The facts applicable to the causes of action addressed and ruled upon by the Court in the Order are clear, as demonstrated by the evidentiary record and as admitted in significant part by the pleadings and briefing of Defendants/Counterclaimants.

c. The jurisdiction of this Court to enter the Order and the nature of relief granted therein is clear and founded in the Tribal Constitution and other applicable law as found and detailed by this Court in the Order.

2. As to whether the stay applicants will be irreparably injured absent a stay, Defendants/Counterclaimants are self-denominated as the Te-Moak Tribe and its four constituent Bands and are, in effect, comprised of the Band Councils, which are comprised of those candidates elected to the Band Councils in the October 12, 2024 elections. Pursuant to this Court's Order for new elections, the present individual members of the Band Councils and the Tribal Council have full opportunity under this Court's Order to be candidates for Band Council membership and by extension Tribal Council positions in the ordered new elections to be conducted in approximately seven weeks and, if successful as candidates, to serve on the Band Councils forthwith thereafter and by extension on the Tribal Council shortly thereafter. The Te-Moak Tribe and its four constituent Bands as organized governing structures, and as the named Defendants/Counterclaimants, do not suffer irreparable harm in that the Court's Order recognizes a provisional governing structure empowered to do the governments' business in the interim period

leading up to the new elections. Further, the Te-Moak Tribe and its four constituent Bands as organized governing structures, and as the named Defendants/Counterclaimants, do not suffer irreparable harm in that the new elections will result in governing structures for the Tribe and Bands until the next election cycle in 2027. Further, Defendants/Counterclaimants do not suffer injury by the invalidating of their positions when, as found by this Court, they are not presently entitled to individually hold their Band or Tribal offices or to collectively form Band or Tribal governments, in that the elections that resulted in their purported positions of membership in Band and/or Tribal councils directly result from Band elections that were not conducted in accordance with tribal law and are determined to be invalid.

Defendant McDade does not hold Band or Tribal elective office and is not the subject of any injunctive relief ordered by this Court, and thereby does not suffer irreparable injury absent a stay of the injunctive relief ordered regarding other parties to the case - the Defendants/Counterclaimants. The declaratory judgment entered by the Order determines the legality or validity of the 2024 Band Elections, the case in controversy. It does not provide for any enforcement nor does it order any action or restrain any action by Defendant McDade or by any party. Defendant McDade does not suffer irreparable injury absent a stay of the declaratory judgment entered, nor does any party.

3. As to whether issuance of the stay pending appeal will substantially injure the other parties interested in the proceeding, this Court has found that Plaintiffs have demonstrated irreparable harm because they lost both voting and elections rights - they were faced with the choice of voting in an invalidly conducted election, not voting at all, or voting in a separate election without involvement from the BIA recognized interim Tribal council. Moreover, for the

period since the demonstrably invalid Band and Tribal elections on October 12, 2024 and November 2, 2024, Tribal members have suffered further, significant and irreparable harm as Tribal and Band operations have been controlled by undemocratically and invalidly elected Band and Tribal Councils, which have caused substantial, additional irreparable harm, including that detailed in the Order Granting Plaintiffs' Request for Declaratory and Injunctive Relief at pages 30-31, paragraph 30 a-g.

4. As to where the public interest lies, the public interest will be served by the timely effectuation of the declaratory and injunctive relief granted in the Order. The public interest would not be served and would be significantly harmed by delay of the relief granted in the Order. Further delay, pending appellate process, of compliance with Tribal constitutional mandates regarding the democratic and unitary electoral process for the establishment of lawful governance of the confederated Bands and Tribe would work to the substantial detriment of the members of the Te-Moak Tribe and its constituent Bands, in the ways detailed in the Order. The public interest is further served and protected by provision in the Order for continuity in the governance of the Bands and Tribe while the process for new Band and Tribal regular elections is effectuated, and delay in that process by stay pending appellate review would work to the substantial detriment of the members of the Tribe and its constituent Bands.

This Court finds that Appellants' applications for stay pending appeal do not satisfy the *Hilton* factors regulating issuance of a stay of an injunction pursuant to Federal Rule of Civil Procedure 62 (c) and would not support the granting of Appellants' requests for a stay pending appeal of the Order.

C. Resolution of Inconsistency or Conflicts in Laws

Regarding stay of an order or final judgment pending appeal, this Court determines that the provisions of the Code of Federal Regulations and of Federal Rule of Civil Procedure 62 (c) are, in part, inconsistent or in conflict with the Tribal rules of procedure. This Court will therefore, pursuant to 25 C.F.R. Secs. 11.108 and 11.503, give effect to the Tribal rules of procedure, contained in the Te-Moak Law and Order Code, Title I, Chapter 3, Sections 1-3-20 through 1-3-27.

D. Determination of Stay and Bond Issues Under Tribal Law

As recited above, Tribal Code Section 1-3-27, Stay of Appeal, provides that in any case where an appeal is perfected the final order or judgment of the trial court shall be stayed pending the appeal. Pursuant to Section 1-3-27, Defendants/Counterclaimants as Appellants request this Court to grant a stay pending appeal.

The relevant Tribal Code Chapter, at Section 1-3-26, Bond on Appeal, provides, in civil cases, the party taking the appeal shall deposit with the Notice of Appeal, cash, or a bond satisfactory to the Te-Moak Tribal Court, “in an amount sufficient to guarantee the satisfaction or performance of the judgment appealed from, together with costs, interest damages, as the Court of Appeals may award.” Appellants have not deposited cash or a bond with their Notices of Appeal. Defendants/Appellants in their Notice of Appeal request this Court to waive any bond requirements.

In analysis of the granting of a stay under Tribal law, the issue at the outset is whether perfection of an appeal requires, as a predicate, the depositing or the setting of an amount of appeal bond under Section 1-3-26. The further issue is whether a stay of appeal under Section

1-3-27 may lie without the posting of an appeal bond. This Court is required to apply the provisions of both Sections apply.

This Court will give effect to both Section 1-3-26 and Section 1-3-27 in conformance with Tribal law. Section 1-3-26 requires that the Tribal Court set a bond for the appeal and that the bond be in an amount sufficient to guarantee the satisfaction or performance of the judgment appealed from, together with costs, interest damages, as the Court of Appeals may award. This Court, if in the exercise of equitable powers has the discretion to waive appeal bond as requested, does not do so in this matter.

Section 1-3-26 provides that the cash or bond on appeal be in an amount sufficient to guarantee the satisfaction or performance of the judgment appealed from, together with costs, interest damages, as may be awarded. The Order appealed from constitutes an order for performance of equitable injunctive judgments of this Court, based upon the findings of the declaratory judgment of this Court. The Order determines that Defendants/Counterclaimants do not validly hold or exercise the authorities and duties of Band or Tribal elective office. The Order's directives are that Defendants/Counterclaimants immediately cease to act in their purported governmental capacities and that there be new Band and Tribal elections within approximately 60 days. A stay pending appeal will result in the continued governance, for an indeterminate period of time, of the Bands and the Tribe by individuals and governmental bodies judicially determined to be invalidly elected and formed. This Court determines that it is necessary that Tribal resources be protected pending appeal, given the nature of the case.

Though the Order, or judgment, does not include a monetary amount to be satisfied or a property transaction to be performed, it does require the performance of certain acts, critical to

Band and Tribal governance and in respect to the Band and Tribal democratic process, the failure in which has potential significant cost, both monetary and governmental, for the Bands and the Tribe. Again, this Court determines that it is necessary that Tribal resources be protected pending appeal, given the nature of the case.

This Court finds that the record in this case would support the setting of an appeal bond in a amount of \$1,200,000.00 or more, based upon evidence submitted regarding amounts of monies and several financial accounts of and available to the Bands and Tribe. Plaintiffs suggest that an appeal bond be set in the minimum amount of \$800,000.00. However, this Court is concerned that Tribal resources might be used to post a bond or to purchase a surety bond for posting in that amount and thereby significantly deplete the financial resources and treasure of the Tribe. This Court is also concerned that the setting of a bond in that amount might impede the exercise of appellate rights by parties to the case. However, parties have chosen to appeal, with knowledge of tribal law as to bond on appeal and the Court's Order for new unitary Band and Tribal elections, in which Defendants retain all rights to participate as candidates for office. This Court has the responsibility to protect Tribal resources from extraordinary use or from any possible misuse, mismanagement or extraordinary use or depletion during the pendency of the appeal by Appellants. There are significant resources, financial and other, within the actual or potential control and use of Appellants pending appeal that must be protected for the Bands and Tribe and their members during the pendency of appeal.

This Court determines that an appeal bond is required and necessary in this case regarding Defendants/Counterclaimants, pursuant to Title I, Chapter 3, Section 1-3-27 "in an amount sufficient to guarantee the satisfaction or performance of the judgment appealed from, together

with costs, interest damages, as the Court of Appeals may award.” This Court sets the amount of Defendants/Counterclaimants appeal bond at One-Hundred Thousand Dollars (\$100,000.00) cash or surety.

This Court has determined that Defendant McDade is not the subject of any injunctive relief ordered by this Court and that the declaratory judgment entered does not provide for any enforcement nor does it order any action or restrain any action by Defendant McDade or by any party. This Court determines that an appeal bond is required in this case regarding Defendant Steven McDade, pursuant to Title I, Chapter 3, Section 1-3-27 “in an amount sufficient to guarantee the satisfaction or performance of the judgment appealed from, *together with costs*, interest damages, as the Court of Appeals may award.” (Emphasis added). This Court sets the amount of appeal bond for Defendant McDade at Five Thousand Dollars (\$5,000.00). Because Defendant McDade is not the subject of any injunctive relief ordered, the posting of appeal bond by Defendant McDade will not result in a stay of the Order as it relates to the injunctive relief ordered by this Court and the declaratory judgment entered. Those orders do not provide for any enforcement or order any action or restrain any action by Defendant McDade. The posting of appeal bond by Defendant McDade will not result in a stay of the Order pending appeal regarding Defendants/Counterclaimants or any other party.

E. Federal Rules of Civil Procedure Rule 62 (d) - Injunction While Appeal Pending

FRCP Rule 62 (d) provides that while an appeal is pending from a final judgment that grants an injunction, the court may grant an injunction on terms for bond or other terms that secure the opposing party’s rights. This Court determines that the provisions of FRCP Rule 62 (d) are not inconsistent or in conflict with the Tribal Code rules regarding appellate procedure

and may be applied by this Court pursuant to 25 C.F.R. Secs. 11.108 11.500 and 11.503. This Court further determines that the granting of an injunction while an appeal is pending, pursuant to FRCP Rule 62 (d), is appropriate in this matter to secure the rights of Plaintiffs and to protect Tribal resources from extraordinary use, misuse, mismanagement or extraordinary use or depletion during the pendency of the appeal by Appellants. This Court thereupon finds good cause to order that Defendants/Counterclaimants, while the appeal is pending, act in conformance with orders as follows and to set bond thereon at One-Hundred Thousand Dollars (\$100,000.00) cash or surety, said bond to be co-existent and not in addition to the appeal bond as set above.

It is therefore **ORDERED** by the Court that the Order of Temporary Stay entered by this Court on August 15, 2025 will terminate on August 27, 2025 at 5:00 p.m. local time.

It is further **ORDERED** by the Court that the bond on appeal for Defendants/Counterclaimants, pursuant to the Te-Moak Tribal Law and Order Code, Title I, Chapter 3, Section 1-3-26, is set at One-Hundred Thousand Dollars (\$100,000.00) cash or surety.

It is further **ORDERED** by the Court that, in the event the bond on appeal in the amount of One-Hundred Thousand Dollars (\$100,000.00) cash or surety is posted by Defendants/Counterclaimants, the Order Granting Plaintiffs' Request for Declaratory and Injunctive Relief ("the Order") entered on August 14, 2025 will be stayed pending the appeal of the Order, pursuant to Title I, Chapter 3, Section 1-3-27, of the Te-Moak Tribal Law and Order Code.

It is further **ORDERED** by the Court, pursuant to Rule 62 (d) of the Federal Rules of Civil Procedure, that Defendants/Counterclaimants are ordered to immediately comply, on August 25, 2025 and thereafter during the pendency of the appeal, with the following:

1) do not move, shift or change the present status or location of monies or financial resources of the Bands or the Tribe or the financial accounts in which the monies or financial resources of the Bands or the Tribe are presently maintained;

2) do not sell, trade, gift or encumber any real or personal properties, of any type or kind, of the Bands or the Tribe;

3) limit the utilization of the money resources of the Bands or the Tribe, in the ordinary course of governance, administration and business, only to amounts sufficient to maintain the functioning of Band or Tribal buildings, properties and equipment as necessary to maintaining their operation;

4) additionally, limit the utilization of the money resources of the Bands or the Tribe, in the ordinary course of governance, administration and business, only to amounts sufficient to maintain the functioning of Band and Tribal administrative and governmental operations as required to provide necessary services to Band and Tribal members and to maintain on-going Band or Tribal business operations;

5) do not increase amounts of compensation, in monies or in kind, for Band or Tribal governmental officers or Band or Tribal employees;

6) do not dissipate tribal resources, in keeping with the above limitations and provisions;

7) maintain financial records and make accountings of Band and Tribal income and expenditures in keeping with Tribal law;

8) take no official actions directed toward individual Plaintiffs in this matter not in keeping with the usual and ordinary conduct of Band or Tribal administrative or governmental duties or practices and in conformance with tribal law.

It is further **ORDERED** by the Court, pursuant to Rule 62 (d) of the Federal Rules of Civil Procedure, that the bond to secure the opposing parties' rights in the manner ordered by this Court in the above order is set thereon at One-Hundred Thousand Dollars (\$100,000.00) cash or surety, said bond to be co-existent and not in addition to the appeal bond set pursuant to Title I, Chapter 3, Section 1-3-26, of the Te-Moak Tribal Law and Order Code.

It is further **ORDERED** by the Court that, in the event the bond on appeal for Defendants/Counterclaimants in the amount of One-Hundred Thousand Dollars (\$100,000.00) is not posted

by August 27, 2025 at 5:00 p.m. local time, the Order Granting Plaintiffs' Request for Declaratory and Injunctive Relief ("the Order") entered on August 14, 2025 is immediately effective.

It is further **ORDERED** by the Court that, in the event the bond on appeal for Defendants/Counterclaimants in the amount of One-Hundred Thousand Dollars (\$100,000.00) is not posted by August 27, 2025 at 5:00 p.m. local time, the Defendants/Counterclaimants and any individuals elected on October 12, 2024 as members of the four Band Councils of the Te-Moak Tribe or subsequently appointed to the Tribal Council of the Te-Moak Tribe by said Band Councils or thereafter on November 2, 2024 elected Tribal Chairperson or Tribal Vice-Chairperson, and any persons currently employed by or for a Band or the Tribe or by or for the Te-Moak Housing Authority by said individuals or governmental bodies, shall have until August 27, 2025 at 7:00 p.m. local time to vacate their workplace premises of the Bands or the Tribe and to remove all their personal property and items. In the event any person to whom this provision applies is unable to remove their personal property and items by the designated date and time, reasonable accommodation for retrieval or delivery of personal property of any such person shall thereafter be made by the Band Councils recognized by the Regional Director's October 17, 2023 Decision Letter.

It is further **ORDERED** by the Court that the Band Councils recognized by the Regional Director's October 17, 2023 Decision Letter and found by the Order to have continuing power to act as the Band Councils of their respective Bands may utilize and assert control over the premises of Band administrative, governmental and service buildings, facilities and equipment

commencing on August 28, 2025 at 8:00 a.m. local time, in the performance of the duties of their respective offices.

It is further **ORDERED** by the Court that the bond on appeal for Defendant Steven McDade, pursuant to the Te-Moak Tribal Law and Order Code, Title I, Chapter 3, Section 1-3-26, is set at Five Thousand Dollars (\$5,000.00) cash or surety.

It is further **ORDERED** by the Court that the posting of bond on appeal as set for Defendant Steven McDade does not stay, regarding any party, the Order Granting Plaintiffs' Request for Declaratory and Injunctive Relief ("the Order") entered on August 14, 2025.

It is so ordered this 25th day of August, 2025.

/s/ Albert Ghezzi

Albert Ghezzi, Magistrate