

IN THE CIRCUIT COURT OF DENT COUNTY  
STATE OF MISSOURI

**FILED**

JUN 15, 2007

RUTH ANN WILLIAMS  
CIR. CLERK  
DENT COUNTY, MO

JOHN WATSON, and )  
JERRY SUMMERS, and )  
WESTERN CHEROKEE, )  
A Missouri Not-for-Profit Corporation )  
Plaintiff, )

vs. )

Case No. 06DE-CC00032

JAMES ELLIS and )  
WANDA CAMPBELL and )  
LISA THOMPSON and )  
LANCER BLAIR and )  
GENEVA MERRITT and )  
GAIL McELFRESH )  
Defendants. )

**MOTION TO ESTABLISH REPRESENTATIVE STATUTE**  
**UNDER SUPREME COURT RULE 52.10**

Comes now James Ellis, Lisa Thompson, Eric Smith, Fran Rutherford, Janet Smith, Bill Sisco, Diane Dee, James Gowan, Gail McElfresh, Geneva Merritt, Wanda Campbell, Larry Bailey, Lancer Blair, Laurie Spencer, Bea Foster, Carlo Carlino, by counsel and having filed a Counter Claim in this action and some of whom have been made Defendants in this action, states and allege as follows:

1. That Movants are member of the Western Cherokee an unincorporated association, whose Constitution is already of record in this cause.
2. That Movants or some of them, are present officials with said Western Cherokee.
3. That Movants or some of them, are past officials of said Western Cherokee.
4. That Movants will fairly and adequately protect the interest of the

association and its members, which are at odds with the claim of Petitioners.

5. That Movants in their representative capacity are entitled to be heard and will be irreparably harmed if not granted representative capacity.

Wherefore, Movants pray that they be authorized under Supreme Court Rule 52.10 to act on behalf of the Western Cherokee an unincorporated association and to represent it's members in this action.



CHARLES T. ROUSE #22661  
402 N. Iron- PO Box 544  
Salem, MO 65560  
573/729-6181

ATTORNEY FOR MOVANTS

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the parties of record of all parties to the above cause by one (1) of the methods checked below:

(x) by enclosing the same in an envelope addressed to such parties at their address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office mailbox in Salem, Missouri.

(X) by facsimile transmission.

on the 15 day of June, 2007.

Stephen Paulus  
573-885-2002

