

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS

Harold D. Hatcher, individually)
and as representative of the)
Waccamaw Indian People,)
)
Plaintiff(s),)
v.)
)
James Webb, Sandy Cox,)
Joe Dozier, and Kui Clearwater,)
)
Defendant(s).)

CASE NO. 08-CP-26-6998

ORDER UPON BINDING
ARBITRATION

James Webb, Lillian "Sandy" Cox,)
Cydnee Joe Dozier, and Kui Clearwater,)
individually and as officers of the)
Waccamaw Indian People,)
)
Plaintiffs,)
vs.)
)
Harold D. Hatcher, individually and as)
representative of the Waccamaw)
Indian People,)
)
Defendant.)

CASE NO. 09-CP-26-3480

FILED
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CLERK OF COURT

1. Pursuant to a Binding Arbitration Agreement entered into all parties involved herein on or before February 7, 2011, all parties agreed that all claims, demands, and causes of action between the parties pending in the above cases, as well as any claims which could have been asserted therein, would be resolved by binding arbitration by G. Michael Smith as arbitrator, and that such decision shall be final and binding upon the parties and all third parties pertaining to the affairs of the "Waccamaw Indian People."

2. An arbitration hearing was held on February 7, 2011 at the offices of Thompson & Henry, 1300 Second Avenue, 3rd Floor, Conway, SC 29526. Pursuant to the South Carolina circuit

court arbitration rules and the terms of the Binding Arbitration Agreement, having considered the pleadings, exhibits, live testimony, deposition transcripts, arguments of counsel, and memorandums submitted by counsel, I find and conclude as follows.

3. The vote to strike the names of Harold D. Hatcher and the other 13 or so members from the tribal roles of the Waccamaw Indian People is hereby vacated. I found no evidence of treason or membership in another Tribe.

4. I conclude Tribal Judge Hamilton's order of June 28, 2008 did not permanently remove Chief Webb and the others from their tribal offices. Chief Webb and the others had the right to show cause why they failed to appear to preserve their offices, but failed to do so. Chief Webb and the others had the right to appeal the order, but failed to do so, and subsequent action was taken on the order. Harold D. Hatcher's group continued to hold tribal elections, annual Pow Wows and conduct other Tribal business.

5. Harold D. Hatcher is the Tribal Chief of the Waccamaw Indian People, pending a new election as set forth below, and is the sole person who shall be entitled to hold himself out as Tribal Chief of the Waccamaw Indian People to the general public, pending the elections set forth below. As Tribal Chief, Harold D. Hatcher shall be entitled to possession and control of all tangible and intangible property in the name of the Waccamaw Indian People, including but not limited to bank accounts, Internet web sites, and postal boxes, pending the results of said elections. All third parties having dealings with the Waccamaw Indian People shall be bound by this finding, and shall abide by the directives of Harold D. Hatcher as Tribal Chief, pending the results of said elections.

6. Both sides appear to have violated certain procedural requirements regarding the management of Tribal issues. It was the violation of the procedures that prompts me to conclude that there should be a new election of Tribal Chief and other popularly elected offices. I conclude that within 10 days of the date of this Order, each "camp" submit a voting committee member, and that

the two designees should appoint a third member within 10 days after the announcement of the first committee member. Those three people will make up a voting commission that will ensure that the new election for all popular vote offices be held in such a manner that all eligible members of the Waccamaw Indian Tribe should have their votes properly counted. If a third committee member cannot be agreed upon within 10 days after the appointment of the members from each camp, I will appoint the third member. Nominations/volunteers for the elected positions should be made by the 20th day after the voting commission is seated. Elections should be held no later than October, 2011. The terms of the elected offices shall be staggered to comply with the Tribal Constitution. Eligible candidates for the elected positions may volunteer or be nominated by any tribal member in good standing. In the event of any dispute over any aspect of the Tribal elections, the undersigned reserves jurisdiction to resolve said dispute, which decision shall be binding upon all parties;

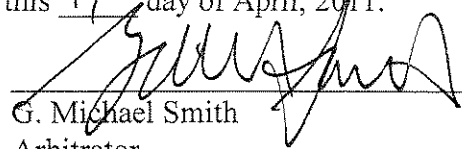
6. All business should be conducted pursuant to the 2000 Constitution during the pendency of the new elections. Any modifications to the 2000 Constitution should be voted on pursuant to that Constitution.

7. Based upon Mr. Hatcher's admission that he was not damaged by the alleged defamation, and Ms. Cox's admission that the alleged defamation was true, all defamation claims are hereby dismissed with prejudice.

8. I was not convinced that the Webb camp misappropriated tribal funds by a preponderance of evidence.

9. Any and all pending litigation commenced by the parties arising from this matter shall be dismissed with prejudice upon the entry of this decision.

IT IS SO ORDERED this 14 day of April, 2011.



G. Michael Smith
Arbitrator