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**IN THE
HO-CHUNK NATION TRIAL COURT**

Sandra L. Sliwicki,
Petitioner,

v.

Case No.: **CV 11-63**

HCN Enrollment Committee,
Respondent.

**ORDER
(Remanding)**

INTRODUCTION

The Court must determine whether to affirm the Committee on Tribal Enrollment's recommendation requiring the petitioner to submit to DNA analysis. Upon review of the administrative record, the submitted briefs and oral arguments, the Court concludes the agency's decision constitutes an abuse of discretion. Accordingly, the Court remands the case for further reconsideration.

PROCEDURAL HISTORY

The Court recounts the procedural history in significant detail in its prior decision. *Order (Motion for Summary Remand Denied & Motion to Intervene Granted)*, CV 11-63 (HCN Tr. Ct., Feb. 7, 2012) at 1-2. For purposes of this decision, the Court previously directed the parties to file any additional briefing or oral argument requests within thirty (30) days of its most recent decision. *Id.* at 8. On March 8, 2012, the petitioner, by and through Attorney Shari LePage Locante, filed her *Petitioner's Brief to the Trial Court*. On March 14, 2012, the Court entered an

1 order correcting a clerical mistake involving the applicable response timeframes. *Order*
2 (*Erratum*), CV 11-63 (HCN Tr. Ct., Mar. 14, 2012). On March 29, 2012, the respondent, by and
3 through Ho-Chunk Nation Department of Justice Attorney Wendi A. Huling, filed a timely
4 *Respondent's Response to Petitioner's Initial Brief*. Finally, on April 10, 2012, the intervenors,
5 by and through Attorney Kenneth J. Artis, filed a *Response to Petitioner's Initial Brief*. All
6 parties complied with their respective service requirements. *Ho-Chunk Nation Rules of Civil*
7 *Procedure* (hereinafter *HCN R. Civ. P.*), Rule 5(B).
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11 APPLICABLE LAW

12 CONSTITUTION OF THE HO-CHUNK NATION

13 Art. II - Membership

14
15 Sec. 1. Requirements. The following persons shall be eligible for membership in the Ho-
16 Chunk Nation, provided, that such persons are not enrolled members of any other Indian nation:

17 a. All persons of Ho-Chunk blood whose names appear or are entitled to appear on
18 the official census roll prepared pursuant to the Act of January 18, 1881 (21 Stat. 315), or the
19 Wisconsin Winnebago Annuity Payroll for the year one thousand nine hundred and one (1901),
20 or the Act of January 20, 1910 (36 Stat. 873), or the Act of July 1, 1912 (37 Stat. 187); or

21 a. b. All descendants of persons listed in Section 1(a), provided, that such persons are
22 at least one-fourth (1/4) Ho-Chunk blood.

23 c. DNA must prove parentage. "DNA" means deoxyribonucleic acid.

24 d. Beginning the date this amendment is approved, the Ho-Chunk Nation shall no
25 longer consider or accept for enrollment any person who has previously been enrolled as a
26 member of another Tribe (including the Winnebago Tribe of Nebraska).

27 Sec. 5. Membership Code. The Legislature shall have the power to enact laws not
28 inconsistent with this Article to govern membership. Removal of any person who is not eligible
for membership from the Membership Roll shall be done in accordance with the Membership
Code, provided, that such removal is approved by at least two-thirds (2/3) vote of the General
Council.

1 Art. V - Legislature

2 Sec. 2. Powers of the Legislature. The Legislature shall have the power:

- 3 a. To make laws, including codes, ordinances, resolutions, and statutes;

4
5 Art. VII - Judiciary

6 Sec. 4. Powers of the Judiciary. The judicial power of the Ho-Chunk Nation shall be
7 vested in the Judiciary. The Judiciary shall have the power to interpret and apply the
8 Constitution and laws of the Ho-Chunk Nation.

9 HO-CHUNK NATION TRIBAL ENROLLMENT AND MEMBERSHIP CODE, 2 HCC § 7

10 Subsec. 2 Purpose. To establish within the Department of Heritage Preservation, an Office
11 of Tribal Enrollment, to maintain one official roll of all Members and to provide procedures
12 for determining which persons meet the requirements for Membership in the Ho-Chunk Nation.

13 Subsec. 10 Ineligible Tribal Member Removal Procedures.

14 a. Grounds for Removal.

15 (1) The Member is less than one-fourth (1/4) Ho-Chunk Blood (Article II, Section
16 1(b) of the Constitution);

17 (2) insufficient proof of Ho-Chunk ancestry (Article II, Section 1(a) of the
18 Constitution);

19 (3) the Member is enrolled in another Indian Nation (Article II, Section 1 of the
20 Constitution); or

21 (4) the Member was previously enrolled in another Tribe (Article II, Section 1(c)
22 of the Constitution); this provision took effect for Members enrolled on or after March 3, 2000.

23 b. Persons Authorized to Initiate Possible Removal.

24 (2) Initiation of Removal by Members. Any three (3) enrolled Ho-Chunk adult
25 Members who are not Legally Incompetent may initiate a removal of a Member from the
26 Membership Roll only by filing Affidavits with the Office of Tribal Enrollment. The Affidavits
must clearly state the grounds for removal. A non-refundable filing fee of Fifty Dollars (\$50.00)
must accompany each Affidavit.

27 g. Findings and Recommendations.

1 (4) Committee Findings and Recommendations. The Committee on Tribal
2 Enrollment may render any of the following findings and recommendations:

3 (a) Find that the removal by the Affiants is Frivolous and/or Malicious,
4 and dismiss the removal.

5 (b) Find that the Affiants or Tribal Enrollment Officer failed to meet the
6 evidentiary standard necessary to remove a Member and dismiss the removal.

7 (c) Find that an Affected Member, through admission, does not meet the
8 Membership requirements and proceed with the removal.

9 (d) Find that the Affected Member is ineligible for Membership if
10 documentary and/or testimonial evidence shows by Clear and Convincing Evidence that
11 the Affected Member does not meet the qualifications for Membership outlined in Article
12 II, Section 1 of the Ho-Chunk Constitution.

13 (e) If the Committee finds the Affected Member is ineligible for Tribal
14 Membership, it may further recommend the forfeiture of any or all property or the
15 repayment of money received from the Nation, pursuant to the laws of the Nation. This
16 may only happen upon a determination by the Committee that the evidence establishes
17 beyond a reasonable doubt that the Affected Member became a Member through fraud.

18 (f) Order that the Affected Member, and their relatives needed to establish
19 Ho-Chunk lineage, submit to a DNA analysis to be conducted by an independent testing
20 laboratory contracted by and paid by the Ho-Chunk Nation. The Affected Member must
21 contact the Office of Tribal Enrollment in order to set testing times and locations for him
22 or her and the selected relative(s).

23 HO-CHUNK NATION JUDICIARY ESTABLISHMENT AND ORGANIZATION ACT, 1
24 HCC § 1

25 Subsec. 4. Jurisdiction. The Ho-Chunk Judiciary shall exercise jurisdiction over all matters
26 with the power and authority of the Ho-Chunk Nation including controversies arising out of the
27 Constitution of the Ho-Chunk Nation; laws, statutes, ordinances, resolutions, and codes enacted
28 by the Legislature; and such other matters arising under enactments of the Legislature or the
customs and traditions of the Ho-Chunk Nation. The jurisdiction extends over the Nation and its
territory, persons who enter its territory, its members, and persons who interact with the Nation
or its members wherever found.

HO-CHUNK NATION RULES OF CIVIL PROCEDURE

Ch. II - Beginning an Action

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2 Rule 5. Notice of Service of Process.

3 (B) General. Any time a party files a document other than the *Complaint* or *Citation* with the
4 Court in relation to a case, the filing party must serve copies on the other parties to the action and
5 provide *Certificate of Service* to the Court. Anytime the Court issues an *Order* or *Judgment* in
6 the context of an active case, the Court must serve copies on all parties. Service of process can
7 be accomplished as outlined in Section (C).

8 Ch. III - General Rules for Pleading

9 Rule 18. Types of Motions.

10 *Motions* are requests directed to the Court and must be in writing except for those made in Court.
11 *Motions* based on factual matters shall be supported by affidavits, references to other documents,
12 testimony, exhibits or other material already in the Court record. *Motions* based on legal matters
13 shall contain or be supported by a legal memorandum, which states the issues and legal basis
14 relied on by the moving party. The *Motions* referenced within these rules shall not be considered
15 exhaustive of the *Motions* available to litigants.

16 Rule 19. Filing and Responding to Motions.

17 (B) Responses. A *Response* to a written *Motion* must be filed at least one (1) day before the
18 hearing. If no hearing is scheduled, the *Response* must be filed with the Court and served on the
19 other parties within ten (10) calendar days of the date the *Motion* was filed. The party filing the
20 *Motion* must file a *Reply* within three (3) calendar days.

21 Ch. VII - Judgments and Orders

22 Rule 57. Entry and Filing of Judgment.

23 All judgments must be signed by the presiding Judge. All signed judgments shall be deemed
24 complete and entered for all purposes after the signed judgment is filed with the Clerk. A copy
25 of the entered judgment shall be mailed to each party within two (2) calendar days of filing. The
26 time for taking an appeal shall begin running from the date the judgment is filed with the Clerk.
27 Interest on a money judgment shall accrue from the date the judgment is filed with the Clerk at a
28 rate set by the Legislature or at five percent (5%) per year if no rate is set.

29 Rule 58. Amendment to or Relief from Judgment or Order.

30 (A) Relief from Judgment. A *Motion to Amend* or for relief from judgment, including a request
31 for a new trial shall be made within ten (10) calendar days of the filing of judgment. The *Motion*
32 must be based on an error or irregularity that prevented a party from receiving a fair trial or a
33 substantial legal error that affected the outcome of the action.

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2 (B) Motion for Reconsideration. Upon motion of the Court or by motion of a party made not
3 later than ten (10) calendar days after entry of judgment, the Court may amend its findings or
4 conclusions or make additional findings or conclusions, amending the judgment accordingly.
5 The motion may be made with a motion for a new trial. If the Court amends the judgment, the
6 time for initiating an appeal commences upon entry of the amended judgment. If the Court
7 denies a motion filed under this Rule, the time for initiating appeal from the judgment
8 commences when the Court denies the motion on the record or when an order denying the
9 motion is entered, whichever occurs first. If within thirty (30) days after the filing of such
10 motion, and the Court does not decide a motion under this Rule or the judge does not sign an
11 order denying the motion, the motion is considered denied. The time for initiating the appeal
12 from judgment commences in accordance with the *Rules of Appellate Procedure*.

13 (C) Motion to Modify. After the time period in which to file a *Motion to Amend* or a *Motion for*
14 *Reconsideration* has elapsed, a party may file a *Motion to Modify* with the Court. The *Motion*
15 must be based upon new information that has come to the party's attention that, if true, could
16 have the effect of altering or modifying the judgment. Upon such motion, the Court may modify
17 the judgment accordingly. If the Court modifies the judgment, the time for initiating an appeal
18 commences upon entry of the modified judgment. If the Court denies a motion filed under this
19 Rule, the time for initiating an appeal from the judgment commences when the Court denies the
20 motion on the record or when an order denying the motion is entered, whichever occurs first. If
21 within thirty (30) calendar days after the filing of such motion, and the Court does not decide the
22 motion or the judge does not sign an order denying the motion, the motion is considered denied.
23 The time for initiating an appeal from judgment commences in accordance with the *Rules of*
24 *Appellate Procedure*.

25 (D) Erratum Order or Re-issuance of Judgment. Clerical errors in a Court record, including the
26 *Judgment* or *Order*, may be corrected by the Court at any time.

27 (E) Grounds for Relief. The Court may grant relief from judgments or orders on motion of a
28 party made within a reasonable time for the following reasons: (1) newly discovered evidence
which could not reasonably have been discovered in time to request a new trial; (2) fraud,
misrepresentation or serious misconduct of another party to the action; (3) good cause if the
requesting party was not personally served in accordance with Rule 5(c)(1)(a)(i) or (ii), did not
have proper service and did not appear in the action; or (4) the judgment has been satisfied,
released, discharged or is without effect due to a judgment earlier in time.

29 Rule 61. Appeals.

30 Any final *Judgment* or *Order* of the Trial Court may be appealed to the Supreme Court. The
31 *Appeal* must comply with the *Rules of Appellate Procedure*, specifically *Rules of Appellate*
32 *Procedure*, Rule 7, Right of Appeal. All subsequent actions of a final *Judgment* or Trial Court
33 *Order* must follow the *Rules of Appellate Procedure*.

1 **DECISION**

2
3 This Court must determine whether the Committee on Tribal Enrollment’s (hereinafter
4 Enrollment Committee) mandate requiring the petitioner to submit to DNA analysis contains
5 procedural irregularities, is unsupported by clear and convincing evidence, involves an abuse of
6 discretion, or fails to escape the designation of arbitrary and capricious. TRIBAL ENROLLMENT
7 AND MEMBERSHIP CODE (hereinafter MEMBERSHIP CODE), 2 HCC § 7.12c; *Ho-Chunk Nation*
8 *Rules of Civil Procedure* (hereinafter *HCN. R. Civ. P.*), Rule 63(I)(2). The Court may not
9 exercise de novo review of the Enrollment Committee’s findings or recommendations, must
10 provide proper deference to its expertise and determinations of credibility, and may not substitute
11 discretion legally vested in the Enrollment Committee with that of the Court. MEMBERSHIP
12 CODE, § 7.12b(2).
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15 Having addressed the applicable standard of review, the Court shall examine
16 constitutional and legislative authority possessed by the administrative agency. The
17 CONSTITUTION OF THE HO-CHUNK NATION (hereinafter CONSTITUTION) defines the powers of
18 each respective branch of the Ho-Chunk Nation government. CONST., Arts. IV – VII. The
19 CONSTITUTION confers to the Ho-Chunk Nation Legislature (hereinafter Legislature) the power
20 “to make laws, including codes, ordinances, resolutions, and statutes.” CONST., Art. V, § 2(a).
21 Additionally, the CONSTITUTION authorizes the Legislature to enact laws not inconsistent with
22 [the CONSTITUTION] to govern membership. CONST., Art. II, § 5. In exercising its delegated
23 authority, the Legislature enacted the MEMBERSHIP CODE, 2 HCC § 7.
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26 Of particular relevance to the instant case, the MEMBERSHIP CODE defines the procedures
27 governing removal of members from the Ho-Chunk Nation Membership Roll and establishes the
28 Committee on Tribal Enrollment (hereinafter Enrollment Committee). *Id.*, §§ 7.5, 7.10e(2). A

1 statutory duty central to the instant case, the MEMBERSHIP CODE requires the Enrollment
2 Committee presiding over removal proceedings to examine whether an enrolled member lacks
3 sufficient Ho-Chunk Nation blood quantum, has provided insufficient proof of Ho-Chunk Nation
4 ancestry,¹ or is either a current or former member of another Indian tribe. *Id.*, § 7.10a(1)-(4);
5 CONST., Art. II, § 1(b), (d).
6

7 Following presentation of evidence at the scheduled removal hearing, the Enrollment
8 Committee is required to reduce its findings to writing and select one of several statutory
9 recommendations. MEMBERSHIP CODE, §§ 7.10g(3)-(4) Additionally, the agency may elect to
10 order an individual to submit to DNA analysis conducted by an independent testing laboratory
11 contracted and paid by the Ho-Chunk Nation. *Id.*, § 7.10g(4)(f). Notably, the MEMBERSHIP
12 CODE does not create an action nor authorize the Enrollment Committee to mandate DNA
13 analysis outside of application or removal proceedings.
14

15 In the instant case, intervenors Cynthia M. Ratdke, Aaron J. Falcon, and Lainey W. Ward
16 each filed affidavits with the Office of Tribal Enrollment to initiate the removal proceeding of
17 the petitioner, Sandra L. Sliwicki. *Pet'r Aff. in Supp. of Summ. Remand* at 2; MEMBERSHIP
18 CODE, § 7.10b(2). Following presentation of evidence at the scheduled removal hearing, the
19 Enrollment Committee ultimately issued its decision requiring the petitioner and her relatives to
20 submit to DNA analysis to quantify Ho-Chunk Nation blood quantum and lineage. *Final*
21 *Administrative Decision* at 2. The stated purpose of the testing was to “determine eligibility to
22 be a tribal member having at least one-fourth Ho-Chunk blood per Article II, Section 1(a)
23 through (d) of the Ho-Chunk Nation Constitution.” *Id.* at 2.
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¹ Although the affiants question the respondent's ancestry, no party contends that DNA analysis disproving paternity by Russell Monegar would require the petitioner's removal from the Ho-Chunk Nation Membership Roll.

1 While affording due deference, this Court finds the agency's recommendations
2 constitutes an abuse of discretion. *Id.*, § 7.12c(4). Within the MEMBERSHIP CODE, the
3 Legislature has not authorized an action in which the Enrollment Committee may require
4 members with undisputed enrollment eligibility to establish their blood quantum. Furthermore,
5 the Legislature's inclusion of several forms of evidence afforded greater weight in removal
6 proceedings reveals DNA analysis is not the exclusive method of eligibility verification. For the
7 reasons stated below, the Court remands the instant case to the Enrollment Committee for
8 reconsideration consistent with this decision. *Id.*, § 7.12d.

11 As previously articulated, the purpose of removal proceedings under the MEMBERSHIP
12 CODE is to determine whether an individual is ineligible for Ho-Chunk Nation membership due
13 to one or more delineated grounds for removal. *See* MEMBERSHIP CODE, §§ 7.10a, 7.10g(4)(a)-
14 (f). Oddly, the parties agreed that the Enrollment Committee did not question the petitioner's
15 enrollment eligibility. *Resp't Resp. to Pet'r Br. in Supp. of Summ. Remand* at 4; *Mot. Hr'g*
16 (LPER, Nov. 15, 2012, 02:14:21, 02:17:44 p.m. CST). The respondent further conceded that the
17 Enrollment Committee addressed the sole issue of whether the petitioner possessed four-fourths
18 (4/4) Ho-Chunk Nation blood quantum. *Resp't Resp. to Pet'r Br. in Supp. of Summ. Remand* at
19 4; LPER, Nov. 15, 2012, 02:15:38 p.m. CST. Finally, the respondent has repeatedly defended
20 the agency's authority to require the petitioner to provide evidence substantiating her four-
21 fourths (4/4) blood quantum. *Resp't Resp. to Pet'r Br. in Supp. of Summ. Remand* at 4-5. While
22 the MEMBERSHIP CODE does not create an action with the sole intent to determine whether a
23 member possesses four-fourths (4/4) blood quantum, the respondent and intervening affiants
24 nevertheless request that this Court affirm the Enrollment Committee's recommendation. *Resp't*
25 *Resp. to Pet'r Br. in Supp. of Summ. Remand* at 6.

1 The respondent advances two arguments in defense of the Enrollment Committee's
2 challenged mandate. First, the respondent recognizes that diminished blood quantum determined
3 by disproved paternity by Russell Monegar may "negatively, possibly affect [the petitioner's]
4 children, her grandchildren, [and] her great grandchildren." LPER, Nov. 15, 2012, 02:14:36
5 p.m. CST. Second, the respondent contends that the Ho-Chunk Nation is negatively affected due
6 to potential enrollment of ineligible members. *Id.*, 02:14:46 p.m. CST.

8 While the Nation unquestionably maintains an interest in preserving the integrity of its
9 Membership Roll, the Court finds neither argument persuasive. To the extent that the Tribal
10 Enrollment Officer or any three enrolled adult members wish to contest the membership
11 eligibility of the petitioner's grandchildren, the MEMBERSHIP CODE provides for such an action.
12 MEMBERSHIP CODE, § 7.10b. The Court notes the petitioner's descendants enjoy no immunity
13 from identical removal proceedings. However, until the Legislature enacts statutory authority
14 permitting agency actions solely intended to calculate blood quantum of individuals with
15 indisputable membership eligibility, the Court shall find such actions by the Enrollment
16 Committee as unsupported by law and an abuse of discretion.

19 Nevertheless, assuming *arguendo* the Enrollment Committee possesses the authority to
20 maintain an action solely to determine whether the petitioner possesses four-fourths (4/4) blood
21 quantum, the respondent contends the sole course of action available to verify the petitioner's
22 lineage is mandated DNA testing. LPER, Nov. 15, 2011, 02:14:03, 02:15:12 p.m. CST. To
23 support the position, the respondent cites constitutional language that "DNA must prove
24 parentage." CONST., Art. II, § 1(c).

26 Viewed in isolation, the respondent's position appears rational given the exhaustive list
27 of six (6) recommendations from which the Enrollment Committee must choose. MEMBERSHIP
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1 CODE, § 7.10g(4)(a)-(f). However, the respondent's interpretation ignores the Legislature's
2 inclusion of several additional forms of evidence which may be used to support or challenge
3 enrollment eligibility. Specifically, the MEMBERSHIP CODE expressly directs the Enrollment
4 Committee to give greater consideration to "verification of enrollment in another Indian Tribe,
5 *certified birth certificate*, social security card, Court Orders, and DNA analysis. *Id.*, § 7.10c
6 (*emphasis added*).

8 The Legislature's inclusion of DNA analysis within select evidence granted greater
9 weight highlights the value such testing offers in determining enrollment eligibility. Under
10 circumstances in which an enrolled member's ability to maintain a required minimum blood
11 quantum hinges on disputed paternity, DNA testing provides scientific certainty which would
12 prove essential to protecting the integrity of the Ho-Chunk Nation Membership Roll. However,
13 depending on the specific facts before the Enrollment Committee, the above-referenced statutory
14 provision reveals a comparable probative value between a certified birth certificate and DNA
15 analysis. *Id.*

18 The instant case serves as a clarifying example. No party disputed the authenticity of the
19 filed *Certificate of Live Birth* declaring petitioner's mother as Ms. Ophelia Dorthea Long, an
20 enrolled Ho-Chunk Nation member possessing four-fourths (4/4) blood quantum. *See* LPER,
21 Nov. 15, 2012, 02:01:01, 02:26:59 p.m. CST. While DNA analysis may conclude that the
22 petitioner's blood quantum is less than four-fourths (4/4), simple mathematics reveals that
23 regardless of whether DNA analysis verifies or refutes paternity by Russell Monegar, the
24 petitioner's minimum possible blood quantum exceeds the constitutional and statutory one-fourth
25 (1/4) minimum blood quantum to maintain enrollment eligibility. CONST., Art. II, § 1(b); *See*
26 MEMBERSHIP CODE, § 7.10a(1).
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1 Accordingly, the Court rejects the respondent's interpretation of the MEMBERSHIP CODE
2 that the Enrollment Committee's sole means of verifying eligibility is DNA analysis. In the
3 instant case, the Enrollment Committee has effectively ordered the petitioner to submit to DNA
4 testing which cannot affect her enrollment status. As previously addressed, the Court shall not
5 expand removal proceedings to allow unnecessary blood quantum inquiries which are currently
6 unsupported by the MEMBERSHIP CODE.
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8 The Court remains mindful of its duty to strictly construe the provisions of the
9 MEMBERSHIP CODE and honor its stated purpose "[t]o establish within the Department of
10 Heritage Preservation, an Office of Tribal Enrollment, to maintain one official roll of all
11 Members and to provide procedures for determining which persons meet the requirements for
12 Membership in the Ho-Chunk Nation." MEMBERSHIP CODE, §§ 7.2, 7.12b. In addition, the Court
13 takes notice that the intervening affiants have repeatedly insisted that their intention of filing
14 affidavits with the Office of Tribal Enrollment was not to seek the petitioner's removal from the
15 Ho-Chunk Nation Membership Roll. *Mot. Hr'g* (LPER at 3, Oct. 26, 2011, 03:37:02, 03:38:07
16 p.m. CDT). Rather, the intervenors' purported interest is simply determining whether Russell
17 Monegar is indeed the petitioner's father. *Id.*, 03:37:39 p.m. CDT.
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20 The impetus behind this action becomes increasingly clear following examination of two
21 filed versions of Russell Monegar's *Last Will and Testament* containing conflicting heirs to his
22 estate. However, the Court shall not sanction the intervenors' use of the MEMBERSHIP CODE as a
23 vehicle to address contentious probate disputes. While the intervenors may possess an interest in
24 seeking a satisfactory distribution of Russell Monegar's estate, such determinations shall not
25 arise in the context of a removal proceeding. **THEREFORE**, the Court **REMANDS** the instant
26 case to the Enrollment Committee for reconsideration consistent with this judgment.
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1 The parties retain the right to file a timely post judgment motion with this Court in
2 accordance with *HCN R. Civ. P. 58*, Amendment to or Relief from Judgment or Order.
3 Otherwise, “[a]ny final *Judgment* or *Order* of the Trial Court may be appealed to the Supreme
4 Court. The *Appeal* must comply with the *Rules of Appellate Procedure* [hereinafter *HCN R.*
5 *App. P.*], specifically *Rules of Appellate Procedure*, Rule 7, Right of Appeal.” *Id.*, Rule 61. The
6 appellant “shall within sixty (60) calendar days after the day such judgment or order was
7 rendered, file with the Supreme Court Clerk, a *Notice of Appeal* from such judgment or order,
8 together with a filing fee as stated in the appendix or schedule of fees.” *HCN R. App. P. 7(b)(1)*.
9 “All subsequent actions of a final *Judgment* or Trial Court *Order* must follow the [*HCN R. App.*
10 *P.*].” *HCN R. Civ. P. 61*.

13 **IT IS SO ORDERED** this 10th day of July 2012, by the Ho-Chunk Nation Trial Court
14 located in Black River Falls, WI within the sovereign lands of the Ho-Chunk Nation.

17 _____
18 Honorable Amanda L. Rockman²
19 Associate Trial Court Judge

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² The Court appreciates the assistance of Law Clerk John W. Kellis in the preparation and drafting of this opinion.

