

HO-CHUNK NATION COURT BULLETIN

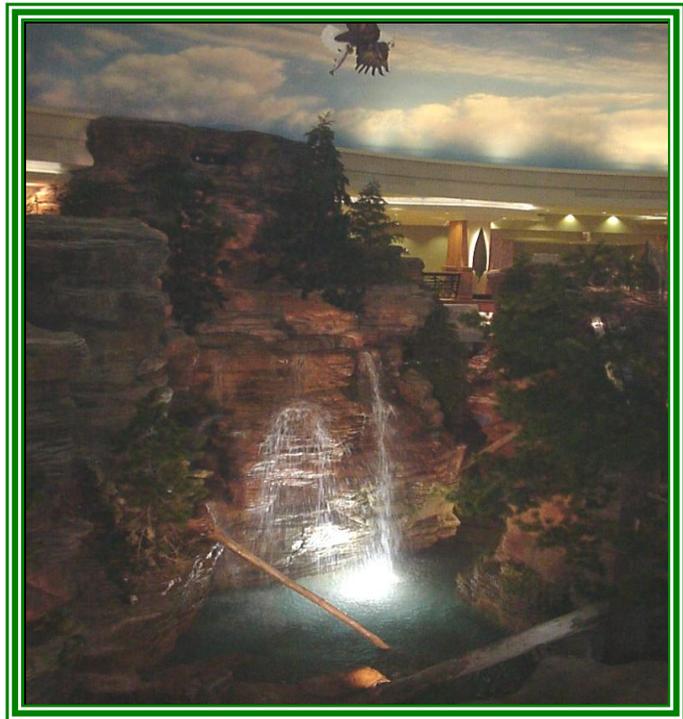
Inside this Issue

- 1** Wisconsin Tribal Judges Association discusses annual concerns.
- 2** Courses at the College of the Menominee Nation
- 3** Recent Decisions
- 10** Recent Filings
- 11** HCN Court System Judiciary and Staff
Ho-Chunk Nation Court System Fee Schedule
Legal Citation Form
Announcement
- 12** WTJA meeting and discussion continued from page 1.
- 10** Notification:
Creation of a Ho-Chunk Nation Reporter

Ho-Chunk Nation Court System
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 Ph.
(800) 434-4070 Ph. (Toll-free)
(715) 284-3136 Fax
<http://www.ho-chunknation.com/>

Wisconsin Tribal Judges Association discusses concerns over the year.

Full Story on page 12-13



As travelers enter the Ho-Chunk Casino and Resort at Baraboo, WI, they are greeted by an awesome and welcoming site. Construction of this marvel began as a way of recreating the scenery of the traditional Wisconsin Dells area. (Below) Members of the WTJA discuss plans for the future. Photos taken July 11, 2002.



THE COLLEGE OF THE MENOMINEE NATION; A SCHOOL WITH A NEW APPROACH

By Chief Trial Judge William Bossman

The author of this article, Judge William Bossman, is the Chief Trial Judge for the Ho-Chunk Nation Trial Court and a graduate of the law school at Oklahoma City University. He has served on the Ho-Chunk Nation Trial Court bench as the Chief Judge since March 7, 2002. Prior to that time, Chief Judge Bossman was first an attorney, and then a judge, for the Omaha Tribal Court. He has worked as the chief prosecutor for the Standing Rock Sioux Tribal Court, and later as the Chief Judge for the Cheyenne River Sioux Tribal Court. Chief Judge Bossman also serves in another capacity as an Associate Justice on the Northern Plains Intertribal Court of Appeals.

One of the continuing needs of the Ho-Chunk Nation Court is for adequately trained law advocates and guardians ad litem. Unfortunately, interested individuals have frequently been unable to obtain the necessary training in convenient locations. Additionally, the available training has often not been appropriate for the needs of those practicing in tribal court settings. Thanks to the foresight and hard work of many legal professionals and educators, that may soon change.

The College of the Menominee Nation has developed two programs that will benefit those interested in becoming practitioners in tribal courts. The two programs are an Associate Degree in Tribal Legal Studies for Lay Advocates and a Certificate Program for Guardian ad litem for Tribal Courts. The two curricula will soon be presented to the College Curriculum Committee with programs beginning as early as this fall. According to Sylvia

Wilbur, Assistant to the President/Director of Education Outreach, the courses will be offered both at the main campus in Keshena and through distance education in other locations. The programs were developed by the College of Menominee Nation with the cooperation of the Wisconsin Tribal Judges Association, Wisconsin Judicare, and the University of Wisconsin, Parkside.

The proposed Associate Degree in Tribal Legal Studies would be a sixty credit hour program leading to an Associate Degree. One of the stated objectives of the program is to “empower Native people to provide community leadership by gaining the legal knowledge, cultural knowledge, and advocacy skills needed to work in the tribal court setting or to go on to law school and other higher education opportunities.” The program would include general education courses as well as general legal courses and courses specifically related to tribal legal issues, tribal courts, and tribal cultures. The program is specifically designed for those interested in working as lay advocates in tribal courts. It can also serve as a useful beginning for those desiring to pursue a four year degree in a similar field.

The proposed Certificate Program for Guardian ad Litem for Tribal Courts would be a thirty-six credit hour program. This course of studies is designed to meet the needs of those who will work as advocates for children in tribal court cases. The program will include courses in sociology and counseling as well as legal studies and legal ethics.

The courses in both programs will be taught by College of Menominee Nation faculty as well as by tribal court judges, attorneys and others. Further information can be obtained from the College of the Menominee Nation, P.O. Box 1179, Keshena, WI 54135, Telephone (715) 799-4921. 

Recent Decisions

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. In some instances a decision may touch upon other topics which may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

Recent Decisions and **Recent Filings** both begin with the date where the previous Court Bulletin left off.



Trial Court

Child Support

JUNE 25, 2002

State of Wisconsin, Brown County, and Stephanie Passon v. Rodney S. Cloud, CS99-08 Order (Modifying Child Support Enforcement) (HCN Tr. Ct., June 25, 2002). (Bossman, W.)

The Court granted the *Motion* to amend the withholding for current child support when respondent failed to respond within the necessary ten days. Brown County had modified the

underlying child support order from a percentage of per capita to a fixed dollar amount. Because respondent was properly served, yet failed to answer, the *Motion* was granted. The Treasury Department shall now withhold a fixed amount from respondent's per capita, never to exceed the mandated maximum percentage of thirty-four percent (34%).

JUNE 28, 2002

State of Wisconsin, Jackson County v. Brent Funmaker, CV97-18 Order (Suspending Withholding for Current Child Support) (HCN Tr. Ct., June 28, 2002). (Bossman, W).

Petitioner requested that the Court discontinue the withholding of respondent's per capita as the parties had reconciled. Therefore, the Court ordered a cessation of the withholding for current child support, but continued to allow a withholding of twenty-six percent (26%) from respondent's per capita to pay arrears.

JULY 1, 2002

Tris Y. Yellowcloud v. Jeffrey A. Link and Charlene Smolenski v. Jeffrey Link, CV97-07, CV97-34 Order (Modifying Child Support Enforcement and Equitable Adjustment) (HCN Tr. Ct., July 1, 2002). (Bossman, W).

Petitioner in CV97-07 requested a withholding for arrears. As twenty-five percent (25%) was already withheld for child support arrears in the companion case, CV97-34, the Court performed an equitable adjustment. With the adjustment in place, the petitioners would share the maximum amount of distribution available from the respondent's per capita.

JULY 9, 2002

Anita Bolander v. Darrell L. Sena, Jr., CS01-06 Order (Granting Telephonic Appearance) (HCN Tr. Ct., July 9, 2002). (Bossman, W).

On June 28, 2002, the petitioner requested to appear at a hearing scheduled for July 15, 2002 at 1:30 PM by telephone. The Court granted this request in light of the distance petitioner would have to travel.

JULY 11, 2002

Eliza M. Green v. Montgomery J. Green, CV97-54 *Order (Suspending Child Support Withholding)* (HCN Tr. Ct., July 11, 2002). (Bossman, W).

The respondent alleged that due to Monroe County's modification of a prior *Judgment of Divorce*, the respondent was not required to continue child support payments. In light of this new information, and the petitioner's failure to respond to this development, the Court granted the request. Child support payments to the petitioner will cease as of the date of this *Order*.

JULY 15, 2002

Misty Marie Long v. Nathaniel Long, Jr., CS02-03 *Order (Modifying Order Enforcing Child Support)*; *Anna Webb v. Nathaniel Long, III*, CS98-49 *Order (Equitable Adjustment)* (HCN Tr. Ct. July 15, 2002). (Bossman, W).

The petitioner Misty Long requested a modification of the previous *Order* by the Court. The respondent failed to answer in the prescribed time period. However, the child support as ordered by St. Louis County in Minnesota exceeded the maximum allowed that could be withheld from per capita. The Court granted an amount equal to the maximum available from the per capita. In addition, the Court permitted the maximum amount for withholding to pay arrears.

Carla K. Nicolaus v. Tyson E. Thundercloud, CS02-27 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 15, 2002). (Bossman, W).

The petitioner brought an action requesting that this Court recognize a foreign child support order. *See* RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE. The respondent failed to respond with the given twenty (20) day period, and the Court granted the request in default.

JULY 16, 2002

Rosemarie C. Funmaker v. Dennis Funmaker, CS97-63 *Order (Amending Enforcement)* (HCN Tr. Ct., Jul. 16, 2002). (Bossman, W).

The Court issued the parties a *Notice of Child Turning 18*, which forces the parties to show proof of high school enrollment or forfeit that child

support obligation. The parties failed to show such proof. The Court amended the current child support arrangement to twenty-five percent (25%) in light of one (1) child in three (3) becoming ineligible for support.

Pauline M. Littlesoldier v. Henry J. Littlesoldier, Jr., CS02-25 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 16, 2002). (Bossman, W).

The Court had to decide whether to enforce a foreign child support order against the respondent's future per capita distributions. The respondent failed to respond within the specified time, and the Court ordered a *Default Judgment*. The foreign order specified a dollar amount that exceeded the maximum thirty-four percent (34%), so the Court awarded the thirty-four percent (34%) maximum.

Mellissa Rogers v. Darrell Lee Sena, Jr., CS02-21 *Order (Default Judgment Enforcing Child Support)*, *Anita Bolander v. Darrell Sena, Jr.*, CS01-06 *Order (Equitable Adjustment)* (HCN Tr. Ct., July 16, 2002). (Bossman, W).

This case involves a serial payor. The petitioner sought enforcement of a foreign child support order. The respondent failed to answer in the specified time, and the Court entered a *Default Judgment*. However, as another case for child support preceded this one, the Court had to make an equitable adjustment to the amount taken from per capita. The Court awarded petitioner seventeen percent (17%) from the per capita for child support and twenty-six percent (26%) for arrears.

JULY 17, 2002

Alisa M. Cantwell v. Patrick R. Patterson, CS02-11 *Order (Default Judgment Enforcing Child Support)*, *Jennifer R. Stark v. Patrick R. Patterson*, CS00-44 *Order (Equitable Adjustment)* (HCN Tr. Ct., July, 17, 2002). (Bossman, W).

The Court considered a new *Motion to Recognize and Enforce a Foreign Child Support Order*. The respondent failed to exercise his right to respond, and the Court entered a *Default Judgment*. However, this conclusion created another problem. The claims together reached a number above the

maximum amount that the Court may distribute for child support. Therefore, the Court made an equitable adjustment to the figures in order to give each mother a fair amount without exceeding the maximum thirty-four percent (34%).

State of Wisconsin, ex rel. Sheila Decora v. David A. Decora, CS02-26 Order (*Impounding Portion of Per Capita Distribution*), *Kelly M. Shelifoe v. David Decora*, CS01-35 Order (*Continuing Child Support*) (HCN Tr. Ct., July 17, 2002). (Bossman, W).

The petitioner requested money for child support, yet the respondent's proper time for response had not lapsed. Respondent then called a court employee and agreed to the child support. The Court decided that the per capita funds would be impounded until the respondent could have a chance to appropriately respond. Furthermore, the amount requested would exceed the maximum thirty-four percent (34%), and the Court decided that it would issue an *Order* dealing with all these issues after an appropriate time for response had lapsed.

Heather Lemieux v. Murton Greengrass, CS98-05 Order (*Modifying Child Support*) (HCN Tr. Ct., July 17, 2002). (Matha, T).

The Court needed to determine whether to modify a child support judgment. The respondent failed to offer a response, and the Court granted the *Motion*. The Court granted the maximum thirty-four percent (34%) for child support.

Sherri Mann v. Marlin RedCloud, CS96-36 Notice (*Suspending Withholding for Current Child Support*) (HCN Tr. Ct., July 17, 2002). (Matha, T). The Court issued a *Notice (Child Turning 18)* to the parties in order to give them time to file proof of high school enrollment. The parties did not respond in the requisite time period. Therefore, the Court orders the Treasury Department to suspend support for the child.

Mary J. Mayek v. Esteban M. Blackhawk, Sr., CS02-14, *Thelma S. Garcia v. Esteban M.*

Blackhawk, Sr., CS02-15 Order (*Enforcing Child Support*) (HCN Tr. Ct., Jul. 17, 2002). (Matha, T). The Court received two (2) *Petition(s) to Register and Enforce a Foreign Judgment or Order for Child Support*. The respondent attempted to answer, yet failed to complete proper service of process. The Court ordered that each mother receive an equal portion of the maximum thirty-four percent (34%) withheld for child support. The Court also awarded thirteen percent (13%) for arrears in case number CS02-14.

Kelli O' Connor v. Domonic Bell, CS02-12, *Nicky L. Woolhouse v. Domonic Bell*, CS00-28 Order (*Impounding Per Capita*) (HCN Tr. Ct., July 17, 2002). (Matha, T).

The Court previously recognized the foreign support order for Nicky L. Woolhouse against Domonic Bell. Unfortunately, the State of Minnesota through Hennepin County recognized another judgment against the respondent. This new case was not brought to the Court's attention until this proceeding. The State of Minnesota began dividing the per capita payments for child support between the two (2) mothers without consulting this Court. Given the disregard for this Court's orders, and the potential for double payment in this matter, the Court impounded the funds until further notice.

State of Wisconsin on behalf of Shelley E. Thundercloud v. William J. Greendeer, CV97-67 Order (*Equitable Adjustment*), *State of Wisconsin on behalf of Cynthia A. Loofboro v. William J. Greendeer*, CV97-96 Order (*Reinstating Child Support Withholding*) (HCN Tr. Ct., July 17, 2002). (Bossman, W).

Petitioner asserted that the respondent no longer pays child support. The respondent failed to offer a response in the necessary time. However, when reviewing both cases, the Court noted that the support obligations would exceed the statutory maximum of thirty-four percent (34%). The Court awarded each mother an equitable share of the maximum thirty-four percent (34%).

Shelley Thundercloud v. Christopher Cloud, CS99-10 Order (*Suspending Child Support*), *Shelley Thundercloud v. Christopher Cloud*, CV96-73 Order (*Continuing Enforcement of Child Support Order*) (HCN Tr. Ct., July 17, 2002). (Bossman, W).

The Court issued a *Notice of Child Turning 18* on June 18, 2002. No proof of high school enrollment was filed with the Court. Therefore, that support obligation was terminated. In addition, the respondent owed support for another child. The Court continued to award seventeen percent (17%) for the support of that child.

Angela B. Wanatee v. Richard J. Dakota, Jr., CS02-29, *Richard J. Dakota v. Angela B. Wanatee*, CV97-126 Order (*Impounding Per Capita*) (HCN Tr. Ct., July 17, 2002). (Matha, T).

The Court previously recognized a child support decision in this case. The state court has since restructured its child support order to reflect a change in physical custody from mother to father. The respondent was sent notice of the change, but the Court has not yet received a Domestic Return Receipt acknowledging delivery. Until the Court can affect an appropriate service of process, the Treasury Department shall impound funds meant capable of satisfying child support obligations.

Children's Trust Fund (CTF)

JUNE 28, 2002

In the Interest of Minor Child: H.G.G., DOB 02/02/87; M.J.G., DOB 10/23/90, by Montgomery J. Green, Sr. v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-57 Order (*Granting Release of CTF Monies*) (HCN Tr. Ct., June 28, 2002). (Matha, T).

Petitioner requested access to the CTF accounts of the above-referenced children for their benefit. The petitioner requested the funds for orthodontic work. The Court and DOJ had no objection to the request.

JULY 9, 2002

In the Interest of Adult CTF Beneficiary: Rory L. Deer, Jr., DOB 09/24/80, CV01-132 Order (Denial of Petition) (HCN Tr. Ct., Jul. 9, 2002). (Matha, T).

The issue presented to the Court was whether an adult can access his CTF account to secure legal counsel for criminal representation. The petitioner has not yet received those funds as he failed to complete the graduation requirement. The Court stated that petitioner could not receive special access to the account without a proper showing that he had exhausted all forms of state or federal entitlement.

In the Interest of Minor Child: R.A.M., DOB 01/28/86 by Winona L. Funmaker, CV01-142 Order (*Demanding Accounting*) (HCN Tr. Ct., July 9, 2002). (Bossman, W.).

On December 18, 2001, the court granted the release of funds for orthodontics of the minor child in the above-captioned case. *See Order (Releasing Per Capita)* (HCN Tr.Ct., Dec. 18, 2001). The plaintiff has failed to respond to inquiries and requests for accounting. The Court now orders the plaintiff to submit the required accounting by July 31, 2002, or else the Court may order a *Show Cause Hearing* to consider holding the petitioner in contempt.

JULY 10, 2002

In the Interest of Minor Child P.S., DOB 04/10/87 by Pearl Lightstorming, CV02-44 Order (*Requiring Submission of Documents*) (HCN Tr. Ct., July 10, 2002). (Bossman, W).

The plaintiff filed a *Petition for Release of Per Capita Distribution* on May 17, 2002. Issues arose as to the test the Court uses to determine whether to grant a release of funds. The Court requires documentation proving that the funds are to be used for the health, safety and welfare of the child; the benefit is a necessity; the guardian has special financial need of the funds; and the petitioner has exhausted all federal, state, and tribal entitlement programs. The Court required the plaintiff to provide materials concerning those elements.

JULY 15, 2002

In the Interest of Minor Child: D.A.S., DOB 10/14/87, by Larry Swan v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-36 Order (*Petition Granted*) (HCN Tr. Ct., July 15, 2002). (Matha, T).

The petitioner requested access to the funds of his child for automobile repairs. The petitioner demonstrated an educational necessity given that the child requires transport to and from tutoring sessions at the school. Additionally, the petitioner made a showing of special financial need since the family subsists solely on SSI.

JULY 16, 2002

In the Interest of Adult CTF Beneficiary, Roger L. Houghton, Jr., DOB 12/19/81 v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-15 Order (Petition Granted) (HCN Tr. Ct., July 16, 2002). (Matha, T).

The Court had to determine whether an adult could access his Children's Trust Fund account to pay for an orthodontics procedure. Petitioner had not graduated from high school, but submitted proof of a neurochemical disorder that has severely hindered his ability to meet the graduation requirement. Given the unique facts surrounding this case alone, the Court grants the request for a release of CTF funds to pay for orthodontic work.

JULY 17, 2002

In the Interest of Minor Child: I.M.L., DOB 11/06/84, by Caroline E. Decorah v. HCN Office of Tribal Enrollment, CV02-43 Order (Dismissal With Prejudice) (HCN Tr. Ct., July 17, 2002). (Matha, T).

At a *Fact-Finding Hearing*, the Court gave the parties time for recess in order to discuss requests for documentation. As the hearing reconvened, the Plaintiff asserted that documents had changed hands, and the Plaintiff wished to dismiss the case. The Court thereby dismissed the action with prejudice.

Incompetent's Trust Fund (ITF)

JULY 3, 2002

In the Interest of Norma Whitebear, DOB 02/17/24 by Cecilia Rave, v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-125 Order (Accepting Accounting) (HCN Tr. Ct., July 3, 2002). (Bossman, W).

On June 10, 2002, the Court released money to the account of Norma Whitebear for necessary expenses. See *Order (Granting Release of ITF Monies)* (HCN Tr. Ct., June 10, 2002). On July 2, 2002, the petitioner submitted timely accounting of all statements and receipts.

EMPLOYMENT/POLITICS

JUNE 26, 2002

Gloria Visintin v. HCN General Council Douglas Long as Presiding Officer of the October 27, 2001 General Council, CV02-02 Order (Dismissal With Prejudice) (HCN Tr. Ct., June 26, 2002). (Bossman, W).

This case was dismissed with prejudice for the plaintiff's failure to appear for court. While the Court received notification that the plaintiff would be late, the Court was not informed of when plaintiff would appear. No attempt was made to reschedule.

JUNE 28, 2002

Kathy Stacy v. Ho-Chunk Nation and Clarence Pettibone, former Vice President of the Ho-Chunk Nation and, Wade Blackdeer, present Vice President of the Ho-Chunk Nation in their individual and official capacities, CV01-13 Judgment (for Defendants) (HCN Tr. Ct., June 28, 2002). (Bossman, W).

The plaintiff brought this action to receive a retroactive pay adjustment for a change in position that she asserted was a "promotion." Initially, summary judgment was granted for the defendants. The petitioner appealed, and the Supreme Court reversed and remanded the case. The Court found that the change in position here was not a "promotion," as the minimum qualifications for the position were not at a higher level than the previous position. Furthermore, this position did not require the approval of the Department Director, Division Administrator, and the Personnel Director. Approval by these administrators is necessary to call a position change a "promotion" under the Promotions Policy of the PERSONNEL MANUAL.

JULY 3, 2002

Julie Nakai v. Ho-Chunk Nation, CV01-26 Order (Granting Motion to Dismiss) (HCN Tr. Ct., July 3, 2002). (Bossman, W).

The Court ruled that the Ho-Chunk Nation did not waive its sovereign immunity to suit under the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT. The Court emphasized that language in the PERSONNEL MANUAL referring to the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT did not constitute an express waiver. Without separate provisions for arbitration by an outside entity or choice of law, vague language cannot constitute an express waiver.

JULY 8, 2002

U.W. Stevens Point v. Orbert S. Goodbear, CV96-32 Order (Renewing Enforcement of Foreign Judgment) (HCN Tr. Ct., July 8, 2002). (Bossman, W).

The plaintiff requested that twenty percent (20%) be taken from defendant's wages until the balance due on a former *Judgment* was paid off. The Court heard no objection to this request. The request was granted with the stipulation that defendant could later move the Court to garnish less with a showing of undue hardship.

JULY 10, 2002

Ho-Chunk Nation Department of Administration v. Lot Lawrence Smith, II, CV02-27 Order (Default Judgment) (HCN Tr. Ct., July 10, 2002). (Bossman, W).

When the respondent failed to answer a duly served *Complaint*, the Court entered a *Default Judgment*. The plaintiff brought this action in response to the respondent's unauthorized use of the Ho-Chunk Nation's credit card. The Court directed the Treasury Department to deduct the owed money from the respondent's per capita until the debt is paid.

Scheduling Orders

JULY 17, 2002

Nancy A. Pedersen v. Ho-Chunk Treasury and Casper Haas, CV02-53 Scheduling Order (HCN Tr. Ct., July 17, 2002). (Bossman, W)

The Court entered a *Scheduling Order* establishing deadlines and hearing dates for the instant case up to and including *Trial*.

Kathy A. Stacy v. Ho-Chunk Nation Legislature, CV02-40 Scheduling Order (HCN Tr. Ct., July 17, 2002). (Bossman, W).

The Court entered a *Scheduling Order* establishing deadlines and hearing dates for the instant case up to and including *Trial*.

Juvenile

JUNE 26, 2002

In the Interest of Minor Child: R.W.H., DOB 04/13/01, JV01-09 Order (Child Protection Review Hearing) (HCN Tr. Ct., June 26, 2002). (Matha, T).

The Court ruled that the mother of R.W.H. must continue the requirements and CFS will retain legal custody.

In the Interest of Minor Child: S.L.S., DOB 01/03/86, JV00-19 Order (Indication of Status) (HCN Tr. Ct., May 22, 2002). (Matha, T). This order memorializes actions taken at the April 26, 2002 *Modification Hearing*. In this current order, the Court restates the dispositional requirements. CFS continues to have legal custody of S.L.S., while relatives of the child maintain physical custody.

In the Interest if Minor Child: S.V.P., DOB 11/06/96, JV02-02, Order (Indication of Status) (HCN Tr. Ct., June 26, 2002). (Matha, T).

The order clarifies the status of this case.

JULY 3, 2002

In the Interest of Minor Child: Z.L.D., DOB 03/10/02, JV02-04 Order (Appointment of Interim Temporary Legal Guardian) (HCN Tr. Ct., July 3, 2002). (Bossman, W).

The Court appointed a temporary guardian for Z.L.D. as an interim measure prior to appointing a

permanent guardian. The *Hearing* for the second *Petition* was rescheduled to give all parties time to prepare.

JULY 9, 2002

In the Matter of the Child: M.E.D., DOB 10/11/93, JV02-16 Order (Granting Telephonic Appearance) (HCN Tr. Ct., July 9, 2002). (Bossman, W).

The Court granted this request to appear at the *Guardianship Hearing* by telephone.

JULY 15, 2002

In the Interest of Minor Children: D.J.D., DOB 04/04/92, JV97-11, N.L.D., DOB 10/03/92, JV97-12 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 15, 2002). (Bossman, W).

The Court appoints Attorney William F. Gardner to act on behalf of the children's interests.

JULY 17, 2002

In the Interest of Minor Child: S.V.P., DOB 11/06/96, JV02-02 Order (Granting Telephonic Appearance) (HCN Tr. Ct., July 17, 2002). (Matha, T).

The Court received a *Motion* from the *Guardian ad litem* of the above-named minor child in which she requested that the Court permit her to appear telephonically for the July 18, 2002 *Plea Hearing*. The Court grants the request with the reminder that the *Guardian* must bear the cost of the call and may not use the Court's toll free number.

Domestic Cases

JULY 2, 2002

Eileen R. Snowball v. Martin A. Falcon, DV02-02 Order (Denying Extension of Ex Parte Order for Protection) (HCN Tr. Ct., July 2, 2002). (Bossman, W).

The Court ruled in a previous action that the protective order in place would expire in thirty (30) days unless the Court found an extension necessary for the petitioner's protection. Petitioner requested postponement at the thirty day *Hearing* (July 2, 2002) and was denied. At the *Hearing*, petitioner failed to demonstrate a need for the order to continue.



Supreme Court

JULY 17, 2002

Judith McLendon v. Ho-Chunk Nation and Majestic Pines Casino Security, SU02-03 Order Denying Appeal (HCN S. Ct., July 17, 2002). (*Per Curiam*).

The petitioner filed a timely appeal with the Supreme Court on July 9, 2002. The case was first filed with the Trial Court on December 10, 2001. The final decision on that Court came on June 21, 2002. The Supreme Court could not accept the matter for appeal. The assertions for appeal were grounded on a factual basis as opposed to a legal one. In reviewing a prior court decision, the Supreme Court cannot review the findings of fact. The Court may review assertions regarding errors of law. Therefore, this appeal was denied.



Recent Filings

Trial Court

Child Support

JUNE 28, 2002

Montgomery Green v. Eliza Green, CS-02-30. (Matha, T).

JULY 10, 2002

Holly Wycleff v. Rodney S. Cloud, CS02-31. (Bossman, W).

JULY 11, 2002

Joshua Davis v. Ariana Youngthunder, CS02-32. (Matha, T).

JULY 15, 2002

State of Wisconsin/Cynthia Meyer v. Mitchell RedCloud, CS02-33. (Bossman, W).

Civil Cases

JULY 2, 2002

David Zwicke v. Roger Houghton, CV02-66. (Bossman, W).

In the Matter of Minor Child: J.M.T. DOB 04/08/97 by Juanita Tracy, CV-02-67. (Bossman, W).

JULY 5, 2002

Nina Garvin v. HCN, John Kregenow, Janet Greendeer, CV02-68. (Matha, T).

HCN Housing/PMD v. Mary Ann Dick and Herman Decorah, CV02-69. (Matha, T).

HCN Housing/PMD v. Andrew Funmaker and Nina Larson, CV02-70. (Not yet assigned).

JULY 12, 2002

Loa L. Porter v. In their official capacity Jay Toth, Greg Garvin, and Troy Swallow, CV02-71. (Matha, T).

JULY 15, 2002

George R. Davis, Jr. v. Ho-Chunk Casino Slot Department, CV02-72. (Bossman, W).

Juvenile

JULY 17, 2002

In the Matter of Minor Child: C.R.P., DOB 12/27/96, JV02-17. (Not yet assigned).

JULY 19, 2002

In the Matter of Minor Child: R.B., DOB 06/23/95, JV02-18. (Not yet assigned).

In the Matter of Minor Child: J.V., DOB 09/03/99, JV02-19. (Not yet assigned).

In the Matter of Minor Child: S.V., DOB 10/22/98, JV02-20. (Not yet assigned).

Supreme Court

JULY 9, 2002

Judith McLendon v. Ho-Chunk Nation and Majestic Pines Casino Security, SU02-03 *Order Denying Appeal* (HCN S. Ct., July 17, 2002). (*Per Curiam*).

ATTENTION!

NOTIFICATION: CREATION OF HO-CHUNK NATION REPORTER

Presently, the public may utilize several methods to conduct legal research of past Ho-Chunk judicial opinions, including this *Bulletin*, the website and case summaries. The judicial law clerk also serves as an important resource to inquisitive parties and their counsel, but may only provide limited assistance due to the nature of the attorney's employment within the Judiciary. Regardless, the public generally expresses a certain degree of exasperation when confronted with the task of sifting through seven years of written opinions to find a particular point. And, researching the case compilations, now contained in many large binders, proves more unmanageable with each passing year.

The Court now offers an alternative in the form of the Ho-Chunk Nation Reporter. The Reporter contains both Ho-Chunk Nation Supreme Court and Trial Court opinions, edited to ensure consistent and thorough citation. An exhaustive and user-friendly subject matter index appears in each bound annual volume along with an appendix of cited laws and rules. Volume I (1995) is now finished and Volume II (1996) will follow shortly. The Editor of the Ho-Chunk Nation Reporter, Associate Judge Todd R. Matha, anticipates completion of Volumes III through VII (1997-2001) within less than two years, and will issue current volumes after each calendar year. The *Court Bulletin* will keep the public apprised of the progress of this ongoing project.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Chief Justice, Supreme Court – Mary Jo B. Hunter
Associate Justice, Supreme Court – Mark D. Butterfield
Associate Justice, Supreme Court – Rita A. Cleveland
Chief Judge, Trial Court – William H. Bossman
Associate Judge, Trial Court – Todd R. Matha
Clerk of Court, Supreme Court – *Vacant*
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Bailiff/Process Server – Willa RedCloud
Administrative Assistant – Jeanne Colwell
Staff Attorney – Rebecca Tavares
Summer Law Clerk – Nizhoni Smith
Administrator, Office of Public Advocacy – Dennis Funmaker

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 5—Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, and Wisconsin)

ANNOUNCEMENT

**National American Indian Court Judges Assoc.
Presents:**

“Strengthening Tribal Justice Systems: Practice,
Policy and Partnership”

September 15-18, 2002
Kewadin Casinos, Hotels and Convention Center
2186 Shunk Road
Sault Ste. Marie, MI

For more information, call (303) 245-0786 or go
online to: www.tribalresourcecenter.org

HCN Court System Fee Schedule

- Filing Fees \$50.00*
*With the exception of petitions to register child support orders – this fee remains at \$19.00 as previously ordered by the Supreme Court.

Note: Filing Fee now includes *Summons* fee.

- Filing Fees for *Petitions to Register and Enforce Foreign Judgment/ Order*. \$19.00

- Copying \$0.10/per page
- Faxing \$0.25/per page (sending and receiving)
- Tapes of Hearings \$10.00/per tape
- CD of Hearing. \$12.50/per tape
- Deposition Videotape \$10.00/per tape
- Certified Copies \$0.50/per page
- Equipment Rental \$5.00/per hour
- Appellate filing fees \$35.00
- Admission to Practice \$50.00
- Pro Hac Vice Appearance \$35.00

Legal Citation Form

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).
HCN Const., Art. XI, Sec. (or §) 7.

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12,
Part B, p. 82.
CLAIMS AGAINST PER CAPITA, Sec. (or §) 6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).

Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Rules of Civil Procedure

HCN R. Civ. P. 19(B).



WTJA Meets At The Ho-Chunk Casino *(continued from page 1)*

On January 11th and 12th, the Wisconsin Tribal Judges Association met for their annual conference to discuss issues pertaining to tribal law and potential changes that they could affect as a body. The main issue of the conference became how to best achieve the image of the WTJA as a driving force in tribal law. The problem that led to such a discussion was the lack of education and sophistication among State Court Judges regarding issues of tribal law and culture.

Perhaps the most decisive point of discussion came when the judges discussed exactly how to achieve the objective of creating an image of the WTJA as a driving force in the progression of Tribal Law and sovereignty. The first solution proposed was to insist that WTJA members begin developing an ease and affability with new judges in state courts. In turn, these new judges would be more open to taking suggestions and advice in matters concerning tribal law. Another proposal made was that tribes must start working together within the court system for solutions that benefit all tribes in the area. Finally, there was some discussion concerning the difficulty of achieving an affability with new judges or working together for greater solutions. It was argued that a court mandate might be the only way to force state officials to sit down at the table and work out differences between the tribes.

The discussion at this point references the Teague Protocol spawned from a final Supreme Court decision involving the conflicting opinions of other courts. *See generally, Teague v. Bad River Band, 2000 WI 79, 236 Wis. 2d 384 (Wis. 2000)*. In the *Teague* decision, the general manager of a casino sued for wrongful dismissal in circuit court. However, the tribe countered this action by suing in that nation's trial court. The trial court stated that legislative approval was needed for removal of the manager's action from tribal court into the circuit court. Therefore, the tribe's action in the trial court came first in time. *(Continued on Next Page)*



Photo: (Left to Right) Judge Leland Wigg-Niuham, District Judge William Griesbach, Judge David Raasch, Justice Mark Butterfield, and Judge Alice Elm relax and smile between discussions on tribal law and the enhancement of sovereignty.



Judge David Raasch, President of the Wisconsin Tribal Judges Association, shakes the hand of a new friend, newly appointed U.S. District Judge William Griesbach. The Hon. William Griesbach attended the meeting in order to hear from tribal judges and elders present important tribal issues and other cultural insight. Photo taken July 11, 2002.

The tribe succeeded in their case in trial court, and the Circuit Court would then have to recognize comity. In the hope of resolving the dispute, the state Supreme Court issued an opinion insisting that both sides sit down and find a reasonable solution. In other words, the tribal court and the circuit court would have a conference on issues of comity and initial exhaustion of tribal legal remedies. This matter became a focal point of discussion.

Given that *Teague* has not been finalized, questions arose in the meeting about whether or not tribal courts should follow *Teague Protocol*. Generally, the discussion focused on the issue of increased leadership and education about tribal issues and culture. In an effort to increase efficiency and formulate a response to the views expressed, President of the WTJA Judge David Raasch agreed to argue these points before the State Judicial Conference in October.

The remainder of the conference was spent on two different areas of discussion. The first area involved getting to know Judge Griesbach and his interest in hearing from tribal elders on tribal culture and history. Dennis Funmaker, Donald Blackhawk, Morgan WhiteEagle, Preston Thompson, Owen Mike, Doug RedEagle, and Eugene Thundercloud came as representatives of the Ho-Chunk Nation to discuss tribal culture and history with Judge Griesbach. Judge Griesbach expressed sensitivity to issues within tribal law and asserted his willingness to accept ideas and suggestions. The remainder of the conference focused on the new educational programs at the College of the Menominee Nation. For more information on the educational programs available, see the previous article written by Chief Trial Judge William Bossman.



Photo: U.S. District Judge Griesbach listens to the concerns of Menominee Judge Wendell Kenote and others on issues of tribal law. July 11, 2002.



Judge Alice Elm, with her daughter, speaks on issues pertaining to tribal law and potential solutions for the enhancement of sovereignty. Judge Elm also discussed the history and culture of the Lac du Flambeau Band of the Lake Superior Chippewa Indians. Taken July 11, 2002.

HO-CHUNK NATION COURT BULLETIN

Inside this Issue

- 1** Law Day and the Fun Run 2002
- 2** A Nation's First Jury Trial
- 3** Recent Decisions
- 14** Recent Filings
- 15** Fun Run and Law Day discussion continued from page 1.
- 16** Notice of Election
- 17** HCN Court System Judiciary and Staff

Ho-Chunk Nation Court System Fee Schedule

Legal Citation Form
- 18** 2002 Fun Run Winners

Ho-Chunk Nation Court System
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 Ph.
(800) 434-4070 Ph. (Toll-free)
(715) 284-3136 Fax
<http://www.ho-chunknation.com/government/courts.htm>

Hours of Operation: Monday through Friday
(except holidays) 8 A.M. – 4:30 P.M.

THE COURT CELEBRATES ITS 7TH ANNUAL LAW DAY/FUN RUN



Associate Trial Judge Todd R. Matha speaks to his audience about recent evolutions in the Nation's equal protection jurisprudence. This picture was taken on August 30, 2002 at the Nation's 7th annual Law Day.

The Ho-Chunk Trial Court conducted its 7th annual Law Day on Friday, August 30, 2002, at the Trial Court Building. Among the various topics presented by prestigious speakers were issues on voting and the protection of fundamental rights, contempt of court, comity and sovereignty in relation to neighboring states, and the role of the Office of Public Advocacy in the lives of Ho-Chunk citizens. Each speaker came prepared with considerable information regarding their topics and provided the audience with written materials. The audience directed numerous thought-provoking questions at each speaker, all of which were ready to engage in animated discussion about their topics. *Continued on page 16.*

MAKING HISTORY: A JURY TRIAL FOR THE HO-CHUNK NATION

By Law Clerk Rebecca Tavares



The author of this article, Rebecca Tavares, is the Law Clerk for the Ho-Chunk Trial Court and graduated from the University of Minnesota. Of Wyandot and Portuguese descent, Ms. Tavares held a previous clerkship with Judge Thorwald Anderson of the State of Minnesota's Fourth Judicial District. Before coming to Black River Falls, she lived in Minneapolis as a student and member of the University of Minnesota chapter of the American Indian Law Students' Association. Ms. Tavares shall spend one year with the Trial Court and the people of Black River Falls.

The Court has seen recent changes in law that could affect Ho-Chunk Nation law and the Trial Court indefinitely. The Ho-Chunk Nation Trial Court made history recently by conducting the Nation's first jury trial. The Court conducted this trial on August 14, 2002 at the Ho-Chunk Nation Executive Building. The trial lasted one day and consisted of evidence relating to a juvenile case.

Chief Judge William Bossman presided over the trial, listening to key witnesses and instructing

jurors as to the law under which they had to base their decision. The Court Staff were up to challenge and seemed to conduct the trial and other Court business with total professionalism and efficiency. The Court also wishes to thank Ms. Mary Merkle of Marshfield for her efficiency and expertise as a professional court reporter. In addition, the Security Department of the Executive building, and other professionals within various departments, labored tirelessly to make the trial as professional and streamlined as possible.

The reason for the Court's execution of a jury trial in the executive building as opposed to the Court building is one of efficacy. The Court building itself is located on Highway 54 East and lacks sufficient space or amenities to handle a jury trial. In order to properly conduct a jury trial, the Court requires a separate room for jury deliberation and sequestration in the event of surprises at trial or jury instruction conferences. In addition, the Court would require sufficient space in order to separate the jury and the judge for the purpose of avoiding ex parte communications and other inappropriate behavior. The current building is not equipped for these needs, therefore the Court transferred the proceedings over to the better equipped Executive Building.

The Court wishes to thank the entire Executive Building for its generosity and extreme patience in providing the Court access to rooms and other necessary facilities. Jurors were treated to sweet rolls and coffee or juice between breaks. Furthermore, the jurors conducted themselves with sufficient gravity as befitting their office.

Finally, volunteers from Runners Against Drunk Driving provided much needed meals and smiles for the jurors and Court Staff. The hard work and efforts of so many truly made the Nation's first trial a smooth and seamless creation. The Court extends its warmest thanks and appreciation to all those who made this possible through their dedication to the law.

Recent Decisions

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. In some instances a decision may touch upon other topics which may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

Recent Decisions and **Recent Filings** both begin with the date where the previous Court Bulletin left off.



Trial Court

Child Support

JULY 25, 2002

Joy Rave v. Francis Rave, Sr., CS02-19 *Order (Default Judgment)*, and *Emily June Boswell v. Francis Rave, Sr.*, CS98-57 *Order (Equitable Adjustment)* (HCN Tr. Ct., July 25, 2002). (Bossman, W).

Petitioner Joy Rave requested that the Court recognize a foreign child support order against the defendant. The defendant failed to respond within

the necessary twenty (20) days, and the Court entered a default judgment. However, the Court had to create an equitable distribution due to the enforcement of a preexisting order that would have exceeded the statutory maximum of thirty-four percent (34%) per capita distribution.

JULY 31, 2002

State of Wisconsin ex rel. Cynthia Fowler v. Ronald Mallory, CS99-01 *Order (Modifying Child Support)* (HCN Tr. Ct., July 31, 2002). (Matha, T).

The Court amended the existing child support order to withhold a fixed amount from the respondent's per capita. The respondent waived his right to object to the petition. The Court then ordered the modification that did not exceed the statutory maximum.

AUGUST 1, 2002

Vicki J. Greendeer v. John C. Houghton, Jr., CV96-58; *Rachel Winneshiek v. John C. Houghton, Jr.*, CS99-29 *Order (Retention of Status Quo)* (HCN Tr. Ct., Aug. 1, 2002). (Matha, T).

The Court may only withhold a statutory maximum of thirty-four percent (34%) for child support and a maximum of twenty-six percent (26%) for arrears. Given that the combined *Orders* in this case would reach a percentage higher than the statutory maximum, the Court must only direct that the maximum amount be withheld from the respondent's per capita. Therefore, the Court declined to amend the current child support *Order* in such a way as to allow a greater percentage to be withheld.

AUGUST 9, 2002

Bonnie Prescott Smith v. Bradley W. Smith, CS97-99 *Order (Amending Child Support Enforcement)* (HCN Tr. Ct., Aug. 9, 2002). (Bossman, W).

Petitioner brought a *Motion to Modify* the current *Order*. Petitioner wanted the new *Order* to reflect the changes by Marathon County of modifying the support to a fixed dollar amount. The respondent failed to respond within the prescribed twenty (20) day period, and the Court entered a *Default Judgment*.

Mellissa Rogers v. Darrell Lee Sena, Jr., CS02-21 *Order (Denying Motion to Postpone Enforcement of Child Support)* (HCN Tr. Ct., Aug. 9, 2002). (Bossman, W).

The respondent requested that the Court postpone enforcement of the child support in this case until the results of a paternity test were due back. The petitioner received no notice of this request, and the Court denied the request. Therefore, the July 16, 2002 *Order (Default Judgment Enforcing Child Support)* is still in effect.

AUGUST 16, 2002

Christopher A. Marceau v. Leanne J. Smith, CV00-09 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 16, 2002). (Bossman, W).

The Court file indicates that the minor child S.K.S., DOB 10/17/84, shall turn eighteen (18) on October 17, 2002. Therefore, the child support obligation would end for that child unless the child is enrolled in high school. The parent must submit proof that the child is still enrolled in school in order to maintain the child support obligation.

State of Wisconsin v. Arnold J. Crone, CV97-35 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 16, 2002). (Bossman, W).

The Court file indicates that the minor child L.M.D., DOB 08/20/84, will turn eighteen (18) on August 20, 2002. Therefore, the child support obligation would end unless the child is enrolled in school. The parent must submit proof of enrollment to maintain the obligation.

AUGUST 20, 2002

State of Wisconsin and Cynthia Meyers v. Mitchell Red Cloud, CS02-33 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Aug. 20, 2002). (Bossman, W).

The Sauk County Child Support Specialist requested to appear telephonically at a September 9, 2002 *Fact Finding Hearing*. The Court granted the request, but insisted that the calling party bear the cost of the call. The party may not use the Court's toll free line.

AUGUST 22, 2002

Debra Crowe v. Foster D. Cloud, CV96-84; *State of Wisconsin/Sauk Co. and Dawn E. Potter v. Foster D. Cloud*, CS01-12 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

Upon review of the file, the Court notes that minor child V.D.C., DOB 10/03/84, will turn eighteen on October 3, 2002. Therefore, the child support would end. In order to maintain the child support obligation, the parents must submit proof to the Court of high school enrollment on or before October 3, 2002.

State of Wisconsin, Sauk County and Gale J. Darnell v. Lawrence Edward LaMere, CV01-40 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

Upon reviewing the file, the Court noted that the minor child, J.M.D., DOB 09/02/84, will turn eighteen (18) on September 2, 2002. Therefore, the child support would end. The Court Orders the parties to file proof of high school enrollment on or before September 2, 2002.

AUGUST 26, 2002

Lona A. Decorah v. George S. Miner, CS99-71 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Aug. 26, 2002). (Bossman, W).

The petitioner requested that the Court modify the child support currently withheld to reflect a fixed dollar amount in keeping with a Juneau County amendment. The respondent failed to respond within the prescribed time period, and the Court entered a Default Judgment. Therefore, the child support withheld from the respondent's per capita will now be expressed in a dollar figure as opposed to a percentage.

State of Wisconsin/Jackson County v. Heather McKee, CS00-54 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Aug. 26, 2002). (Bossman, W).

Jackson County requested that the Court modify the underlying *Order* to reflect a fixed dollar amount. The respondent failed to respond within the prescribed time period. The Court granted a *Default Judgment*.

AUGUST 27, 2002

Vicki J. Greendeer v. John C. Houghton, Jr., CS96-58; *Rachel Winneshiek v. John C. Houghton, Jr.*, CS99-29 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 27, 2002). (Matha, T).

The Court took notice of the fact that P.L.H., DOB 10/24/84, will turn eighteen (18) on October 24, 2002. Therefore, child support would end unless the parents can show that the child is still enrolled in high school. The parents must submit such proof on or before the child's birthday.

State of Wisconsin/Columbia Co. and Susie B. Shesky v. Howard Ryan, CS00-02 *Notice (Child Turning 18)* (HCN Tr. Ct., Aug. 27, 2002). (Matha, T).

The minor child C.E.C., DOB 09/28/84, is about to turn eighteen (18) on September 28, 2002. The parents must submit proof of enrollment in high school or risk ending the child support obligation.

State of Wisconsin and Susan C. Walczak v. Ferguson Funmaker, CS99-07 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Aug. 27, 2002). (Bossman, W).

Petitioner requested that the Court modify the current child support Order to reflect Sauk County's change to a fixed dollar amount. The respondent failed to respond within the prescribed time period. Therefore, the Court entered a *Default Judgment*.

State of Wisconsin v. Michael A. Hernandez, CS01-37 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Aug. 27, 2002). (Bossman, W).

The petitioner requested that the Court amend the current child support to reflect a change made by Jackson County Circuit Court. The respondent failed to respond within ten (10) days, thereby allowing the Court to enter a *Default Judgment*. The Court orders the Treasury Department to withhold \$870.00 per quarter never to exceed the statutory maximum of thirty-four percent (34%).

Verdie Kivimaki v. Virgil Clausen, CS97-125 *Order (Amending Enforcement)* (HCN Tr. Ct., Aug. 27, 2002). (Bossman, W).

On June 18, 2002, the Court issued *Notice of Child Turning 18* and informed the parties of the need for proof of enrollment. To date, no proof of enrollment was filed with the Court. Therefore, the Court amends the current child support to withhold seventeen percent (17%) of the respondent's per capita for the support of minor child V.C., Jr., DOB 06/26/86 only.



Children's Trust Fund (CTF)

JULY 19, 2002

In the Interest of the Minor Child: E.S.D., DOB 04/25/85 v. HCN Office of Tribal Enrollment, CV00-56 Order (Granting Release of CTF Funds) (HCN Tr. Ct., July 19, 2002). (Bossman, W).

Petitioner requested a release of CTF funds for the payment of incarceration costs stemming from his own unlawful acts. In the instant case, the parents provided documentation showing that they were required to pay these bills under state law and requested the CTF funds for reimbursement. Given the nature of the circumstances involved, the Court granted the request.

JULY 24, 2002

In the Interest of Adult CTF Beneficiary, Calvin Whiteagle, DOB 01/03/84 v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-12 Order (Denial of Petition) (HCN Tr. Ct., July 24, 2002). (Matha, T).

The petitioner requested the release of funds from his CTF account in order to repay a debt obligation. The Court denied the release of monies given that petitioner failed to demonstrate that release was necessary for his health, education, and welfare. Furthermore, the Court has a long-standing objection to withdrawing money for the purpose of retiring personal debts.

JULY 25, 2002

In the Interest of the Minor Child: R.A.M., DOB 01/28/86, by Winona L. Funmaker v. Ho-Chunk

Nation Office of Tribal Enrollment, CV01-142 Order (Accepting Accounting) (HCN Tr. Ct., July 25, 2002). (Bossman, W).

On December 18, 2001, the Court released \$2,775.00 from the CTF account of R.A.M. for orthodontics. See *Order (Releasing Per Capita)* (HCN Tr. Ct., Dec. 18, 2001). On July 24, 2002, the petitioner filed a receipt with the Court. The Court accepted the accounting.

JULY 30, 2002

In the Interest of Minor Child: G.M.S., DOB 10/11/88 by Marsha A. Smith v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-54 Order (Dismissal Without Prejudice) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

The petitioner requested access to the CTF account of the minor child. However, the petitioner did not appear at a *Hearing* convened on July 29, 2002, at 1:30 p.m. Petitioner did not contact the Court or request a postponement, so the Court dismissed without prejudice upon a *Motion* from the respondent.

AUGUST 6, 2002

In the Interest of Minor Child: J.M.T., DOB 04/08/97, by Juanita Tracy v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-67 Order (Requiring Submission of Documents and Scheduling Hearing) (HCN Tr. Ct., August 6, 2002). (Bossman, W).

Petitioner requested a release of the minor child's per capita. The Court's four prong test requires a showing of four attributes for each request. In this Order, the Court gave the petitioner time to provide documentation and other evidence in an effort to meet the requirements under the four prong test.

AUGUST 19, 2002

In the Interest of Minor Child: J.M.T., DOB 04/08/97, by Juanita Tracy v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-67 Order (Granting Additional Time and Notice of Intent to Dismiss) (HCN Tr. Ct., Aug. 19, 2002). (Bossman, W).

The petitioner filed her *Petition* with the Court on July 2, 2002. On July 11, 2002, the respondent

made a *Motion for a More Definite Statement*. The Court requested more evidence showing compliance with the Court's four prong test in its *Fact-Finding Hearing* on August 19, 2002. The Court now permits the plaintiff more time in order to provide such evidence to the Court.

AUGUST 21, 2002

In the Interest of Minor Child: N.K.M., DOB 08/13/93, by Angela Cox v. HCN Office of Tribal Enrollment, CV01-73 Order (Granting Request to Reschedule) (HCN Tr. Ct., Aug. 21, 2002). (Bossman, W).

The petitioner requested that the Court reschedule an August 21, 2002 *Fact-Finding Hearing* due to her pregnancy. The respondent did not object to the postponement. Therefore, the Court granted the request and gave the plaintiff until February 21, 2003 to reschedule the *Hearing*.

AUGUST 22, 2002

In the Interest of Minor Child: H.A.O., DOB 05/09/90, by Sande Decorah-Ostenson v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-81 Order (Petition Granted) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

The petitioner requested the use of funds from the CTF account of the minor child for orthodontics. Under the four-prong test of the Court, the petitioner's request met all four criteria. The Court granted the request with the stipulation that an accounting was due within two (2) months.

AUGUST 23, 2002

Cassandra Little Bear v. HCN Office of Tribal Enrollment, CV02-79 Order (Granting Motion for More Definite Statement) (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).

The petitioner filed a *Motion for Release of Per Capita* on July 31, 2002. On August 12, 2002, the respondent filed a *Motion for More Definite Statement*. The petitioner has not responded, and the Court grants the request for a more definite statement.

AUGUST 27, 2002

Neil Beau Greengrass-Star v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-64 Order (Dismissal Without Prejudice) (HCN Tr. Ct., Aug. 28, 2002). (Matha, T).

On June 14, 2002, the petitioner initiated the current action by filing a *Petition for the Release of Per Capita Distribution*. The Court scheduled a *Fact-Finding Hearing* for August 22, 2002, at 10:00 a.m. CDT. The petitioner failed to appear and failed to communicate a reason for his nonappearance. The Court then dismissed the case without prejudice according to *HCN R. Civ. P. Rule 44(C)*.



Incompetent's Trust Fund (ITF)

JULY 30, 2002

In the Interest of Norma Whitebear, DOB 02/17/24, by Cecelia Rave v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-125 Order (Accepting Accounting) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

On June 19, 2002 the Court released \$210.20 from the ITF account of Norma Whitebear for replacement eyeglasses. On July 30, 2002, the petitioner submitted a statement from the seller to show proper use of funds. The Court accepted this accounting.

AUGUST 7, 2002

In the Interest of Susan A. Redfearn by Brandee Hudson v. HCN Office of Tribal Enrollment, CV02-55 Order (Releasing Funds to Spendthrift Guardian) (HCN Tr. Ct., Aug. 7, 2002). (Bossman, W).

The petitioner was once adjudged incompetent, then declared competent but still restricted by a spendthrift provision. The guardian requested a release of the petitioner's per capita. After each side filed a brief with the Court, the Court determined that the petitioner was no longer

incompetent. However, as the spendthrift provision still applied, the Court released the funds to the guardian.

AUGUST 20, 2002

In the Interest of Adult Incompetent: Oliver S. Rockman, CV97-117 Order (Accepting Accounting and Granting Request to Use Funds in Checking Account) (HCN Tr. Ct., Aug. 20, 2002). (Bossman, W).

On August 5, 2002, the protective payee provided an accounting of the use of Mr. Rockman's funds. The Court accepted this accounting. The protective payee requested a release of funds from the checking account. The Court granted this request.

AUGUST 22, 2002

In the Interest of Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Office of Tribal Enrollment, CV00-44 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

On February 28, 2002, the Court released money from the ITF accounts of Readonna Lei Wilson for miscellaneous items. *See Order (Partial Release of ITF Monies)* (HCN Tr. Ct., Feb. 28, 2002). The required accounting is now three (3) months late. The Court requests that the petitioner submit the required accounting by September 21, 2002, as the prescribed time period has now lapsed.



CIVIL CASES (ALL CATEGORIES)

JUNE 24, 2002

Ho-Chunk Nation Department of Housing, Property Management Division v. Serena Gail Yellow Thunder, CV01-103 Order (Default Judgment) (HCN Tr. Ct., June 24, 2002). (Bossman, W).

The Ho-Chunk Nation Department of Housing requested relief in the form of damages. The defendant failed to appear for this *Trial* despite proper service of process. For these reasons, the

Court granted a *Default Judgment* and awarded damages in the amount of \$3,929.80.

JULY 19, 2002

Ho-Chunk Housing Authority v. Tyrone Swallow and Lori Swallow, CV01-101 Order (For Damages) (HCN Tr. Ct., July 19, 2002). (Bossman, W).

The Ho-Chunk Housing Authority moved for a summary judgment against the defendants on July 11, 2002. The Court then granted damages against the defendants for materials and repair of their housing unit. The Court determined that the damages must be disbursed from the defendants' per capita.

JULY 23, 2002

Berna BigThunder v. Ho-Chunk Nation, CV99-71, *Scheduling Order* (HCN Tr. Ct., July 23, 2002). (Bossman, W).

The Court entered a *Scheduling Order* establishing deadlines and dates for the instant case up to and including *Trial*.

Sharon Williams v. Four Winds Insurance and HCN Insurance Review Commission, CV02-48 *Scheduling Order* (HCN Tr. Ct., July 23, 2002). (Matha, T).

The Court entered a *Scheduling Order* establishing deadlines and dates for the instant case up to and including *Trial*.

JULY 24, 2002

In the Interest of Adult CTF Beneficiary: Calvin Whiteagle, DOB 01/03/84 v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-12 Order (Denial of Petition) (HCN Tr. Ct., July 24, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

JULY 25, 2002

In the Interest of Minor Child: R.A.M., DOB 01/28/86 by Winona L. Funmaker v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-142 Order (Accepting Accounting) (HCN Tr. Ct., July 25, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

JULY 29, 2002

In the Interest of Minor Child: T.W.F., DOB 10/11/85 by Anthony R. Friday v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-46 Order (Dismissal Without Prejudice) (HCN Tr. Ct., July 29, 2002). (Bossman, W).

On July 10, 2002, the plaintiff filed correspondence with the Court indicating that he wanted to withdraw his case. The Court therefore dismissed the case without prejudice and closed the file. The Court has this authority pursuant to the *Ho-Chunk Nation Rules of Civil Procedure*. See *David J. Granger, Sr. v. Ho-Chunk Casino*, CV99-01 (HCN Tr. Ct., Feb. 26, 1999).

JULY 30, 2002

Chuefue Yang, D/B/A/ Milico Express Tours v. Ho-Chunk Nation Gaming Authority, Rainbow Casino, CV02-30 Order (Dismissal with Prejudice) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

On July 17, 2002, the defendants filed a *Motion to Dismiss*. The defendants sought dismissal due to a letter that the plaintiff had sent notifying the defendants of plaintiff's desire to no longer pursue the case for reasons of a family emergency. The plaintiff has not responded to the *Motion*, and the Court therefore dismissed the case with prejudice.

In the Interest of Minor Child: G.M.S., DOB 10/11/88, by Marsha A. Smith v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-54 Order (Dismissal Without Prejudice) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

In the Interest of Norma Whitebear, DOB 02/17/24 by Cecelia Rave v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-125 Order (Accepting Accounting) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

AUGUST 5, 2002

John Kagigebi v. Amory Decorah, CV01-46 Order (*Satisfaction of Judgment*) (HCN Tr. Ct., Aug. 5, 2002). (Bossman, W).

On August 1, 2002, the defendant moved for a *Satisfaction of Judgment*. The *Check History* indicates that the terms of the former judgment were satisfied. Therefore, the Court considers the judgment satisfied and closes the case.

Michael R. Stanley v. Ho-Chunk Nation and Ho-Chunk Casino, CV02-50 Scheduling Order (HCN Tr. Ct., Aug. 5, 2002). (Matha, T).

The Court issued a *Scheduling Order* establishing deadlines and dates for the instant case up to and including *Trial*.

Michelle Mary Krowiorz v. Ho-Chunk Nation Personnel Department, CV02-37 Order (*Motion Hearing*) (HCN Tr. Ct., Aug. 5, 2002). (Matha, T).

The Court ordered a *Hearing* to enable the defendant to argue a *Motion for Summary Judgment*. In response, the plaintiff may file a brief within one (1) day of the scheduled *Hearing*, and may respond at the *Hearing*. Any counterarguments of the plaintiff must set forth material facts from the discovered evidence capable of contradicting defendant's assertion for *Summary Judgment*. If the Court agrees with the defendant's contention that there is no material issue of fact disputed, then the Court shall rule on the *Motion for Summary Judgment*, and cancel the scheduled *Trial*.

Theresa Lynn Hendrickson v. Ho-Chunk Nation Office of Tribal Enrollment, CV99-10 Judgment (HCN Tr. Ct., Aug. 5, 2002). (Bossman, W).

The petitioner challenged her removal from the Ho-Chunk Nation under the TRIBAL ENROLLMENT AND MEMBERSHIP ACT OF 1995 [hereinafter TEMA] and the INELIGIBLE TRIBAL MEMBERS REMOVAL PROCEDURES [hereinafter ITMRP]. The General Council must approve all removals. Furthermore, the Enrollment Office may only remove a member in cases where there is a reasonable suspicion that the person does not meet membership requirements, and that said person obtained membership through

fraud, deceit, or misrepresentation. In reviewing the previous ruling of an administrative body that found sufficient evidence to allow for petitioner's removal, the Court must use the substantial evidence rule. Thus, the Court must uphold a ruling unless it is unsupported by substantial evidence, thereby appearing arbitrary or capricious. Under these guidelines, the Court found an abuse of discretion in the removal of the petitioner. Petitioner's name is restored to the membership roll.

AUGUST 6, 2002

In the Interest of Minor Child: J.M.T., DOB 04/08/97, by Juanita Tracy v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-67 Order (*Requiring Submission of Document and Scheduling Hearing*) (HCN Tr. Ct., Aug. 6, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

AUGUST 7, 2002

In the Interest of Susan A. Redfearn by Brandee Hudson v. Ho-Chunk Nation Office of Enrollment, CV02-55 Order (*Releasing Funds to the Spendthrift Guardian*) (HCN Tr. Ct., Aug. 7, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

AUGUST 13, 2002

Chad Michael Frawley v. Ho-Chunk Casino, CV02-56 Order (*Dismissal with Prejudice*) (HCN Tr. Ct., Aug. 13, 2002). (Bossman, W).

The plaintiff filed a complaint with this Court on June 7, 2002. After the defendant filed an *Answer* on June 26, 2002, the plaintiff wrote to the Court and released all charges against the defendant. The Court dismissed the case with prejudice.

AUGUST 16, 2002

Kay Kubis v. MPC Security Supervisors: Dave Plummer, Cora Samples, Lee Whitegull; MPC Security Directors: Charlie Hizer and Tammie Modica; HCN Compliance Division; HCN Business Office; and Four Winds Insurance, CV02-23 Order

(Granting Motion for Summary Judgment) (HCN Tr. Ct., Aug. 16, 2002). (Bossman, W).

The defendants requested Summary Judgment on the grounds that the plaintiff's petition lacked any dispute or issue as to material facts that would enable the Court to grant a *Trial*. Plaintiff argued that her due process rights were violated due to a lack of guidance through the legal process. However, due process merely requires notice of the violations alleged and a hearing whereby a person could voice their disagreement. Furthermore, the plaintiff failed to timely file her *Complaint*, and thus her grievance was barred by the applicable statute of limitations.

AUGUST 19, 2002

Ho-Chunk Housing Authority v. Karen Smith, a.k.a. Karen Smith Combs, and Carson D. Combs, CV02-39 Order (Motion Hearing) (HCN Tr. Ct., Aug. 19, 2002). (Bossman, W).

The plaintiff filed a *Motion for Discovery* on June 17, 2002. On June 24, 2002, the plaintiff filed a *Motion to Compel Defendants to Comply with the Scheduling Order and the HCN Rules of Civil Procedure*. On August 2, 2002, the defendants filed *Motions for Dismissal, Sanctions, and Access* with the Court. On August 15, 2002, the plaintiff filed a *Motion for Settlement* and attached a document marked *Joint Stipulation*. The Court now *Orders* that each party make ready to argue their *Motions* before the Court at the *Pre-Trial Conference* on September 5, 2002, at 1:30 p.m.

In the Interest of Minor Child: J.M.T., DOB 04/08/97 by Juanita Tracy v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-67 Order (Granting Additional Time and Notice of Intent to Dismiss) (HCN Tr. Ct., Aug. 19, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

AUGUST 20, 2002

In the Interest of Adult Incompetent: Oliver S. Rockman, CV97-117 Order (Accepting Accounting and Granting Request to Use Funds in Checking

Account) (HCN Tr. Ct., Aug. 20, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

AUGUST 21, 2002

In the Interest of Minor Child: N.K.M., DOB 08/13/93, by Angela Cox v. HCH Office of Tribal Enrollment, CV01-73 Order (Granting Request to Reschedule) (HCN Tr. Ct., Aug. 21, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

AUGUST 22, 2002

In Interest of Minor Child: H.A.O., DOB 05/09/90, by Sande Decorah-Ostenson v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-81 Order (Petition Granted) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

In the Interest of Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Office of Tribal Enrollment, CV00-44 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

Anna Kaufman v. Rainbow Casino, CV02-49 Amended Scheduling Order (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

The Court issued a *Scheduling Order* that enabled the Court to establish dates and deadlines for the instant case up to and including *Trial*.

Margaret G. Garvin v. Donald Greengrass, CV00-10; and *Margaret G. Garvin v. Ho-Chunk Nation and Donald Greengrass in his Official Capacity*, CV00-38 Order (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

On November 6, 2001, the Court issued a *Final Judgment* based upon an *Evidentiary Hearing* concluded on May 10, 2001, and a *Teleconference*

on November 9, 2001. The defendants filed a *Satisfaction of Judgment* with the Court pursuant to *Ho-Chunk Nation Rules of Civil Procedure*, Rule 59(A) on July 17, 2002. The Court grants the request and informs the parties of its intent to close the file.

Nina Kay Garvin v. Ho-Chunk Nation, Dr. John Kregenow, in his Individual Capacity, and Janet Greendeer, in her Individual Capacity, CV02-68 *Scheduling Order* (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

This *Order* enabled the Court to establish dates and deadlines for the instant case up to and including *Trial*.

AUGUST 23, 2002

Cassandra Little Bear v. HCN Office of Tribal Enrollment, CV02-79 *Order (Granting Motion for More Definite Statement)* (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

Blaine R. Twinn v. Mike Smith, CV02-26 *Order (Granting Motion for Summary Judgment)* (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).

The Court determined that there was no genuine issue of material fact in dispute to warrant a *Trial*. The plaintiff did not follow the grievance procedures as set forth in the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. Therefore, the Court grants the *Motion for Summary Judgment*.

Michael R. Stanley v. Ho-Chunk Nation and Ho-Chunk Casino, CV02-50 *Amended Scheduling Order* (HCN Tr. Ct., Aug. 23, 2002). (Matha, T).

The Court amended the previous *Scheduling Order* to further establish dates and deadlines for the instant case up to and including *Trial*.

Jason Cvengros v. Sheryl Neulrich and Ho-Chunk Nation Hotel and Convention Center, CV02-24 *Pre-Trial Order* (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).

The plaintiff attempted to file an *Amended Complaint* twenty-seven (27) days before *Trial*. Amendments to complaints must be filed within thirty (30) days of *Trial*. The Motion was late, and the Court denied it. The *Trial* is still scheduled for September 11, 2002.

AUGUST 27, 2002

Neil Beau Greengrass-Star v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-64 *Order (Dismissal Without Prejudice)* (HCN Tr. Ct., Aug. 28, 2002). (Matha, T).

For summary, See [Children's Trust Fund \(CTF\) cases](#) within this index.

Juvenile

JULY 19, 2002

In the Interest of Minor Children: A.B., DOB 06/28/87; J.B., DOB 09/01/88; R.B., DOB 04/23/91, JV00-07-09 *Order (Status Hearing)* (HCN Tr. Ct., July 19, 2002). (Matha, T).

The Court conducted a *Status Hearing* on June 21, 2002. This *Order* clarifies the status of this case.

JULY 23, 2002

In the Interest of the Minor Children: E.D.D., DOB 04/09/96; D.P.S., DOB 12/12/88; H.L.D., DOB 05/02/91; M.E.D., DOB 10/11/93, JV02-13-16 *Order (Appointing Permanent Legal Guardian)* (HCN Tr. Ct., July 23, 2002). (Bossman, W).

This *Order* grants permanent legal guardianship of the above listed children to the petitioners.

In the Interest of Minor Child: J.J.C., DOB 09/09/86, JV01-12 *Order (Child Protection Review Hearing)* (HCN Tr. Ct., July 23, 2002). (Matha, T).

This *Order* allowed the Court to review and adopt dispositional requirements for the parties involved.

In the Interest of Minor Child: S.J.R., DOB 03/31/99, JV00-01 *Order (Appointment of Temporary Guardian)* (HCN Tr. Ct., July 23, 2002). (Matha, T).

This *Order* allowed the Court to appoint a temporary guardian for the above listed minor. The

Court granted temporary guardianship to the petitioners.

JULY 26, 2002

In the Interest of the Minor Child: Z.L.D., DOB 03/10/02, JV02-04 Order (Denying Motion for Reconsideration) (HCN Tr. Ct., July 26, 2002). (Bossman, W).

The Court denied a *Motion for Reconsideration* in reference to the Court's verbal order as memorialized in a July 19, 2002 *Order (Appointing Permanent Legal Guardian)*.

AUGUST 5, 2002

In the Interest of Minor Child: S.M.D., DOB 11/01/86, JV01-21 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 5, 2002). (Matha, T). This *Order* allowed the Court to review and assess the compliance with the March 18, 2002 *Order (Dispositional Requirements)*.

In the Interest of Minor Child: S.L.S., DOB 01/03/86, JV00-19 Erratum Order (HCN Tr. Ct., Aug. 5, 2002). (Matha, T).

Pursuant to *Ho-Chunk Nation Rules of Civil Procedure*, Rule 58(D), the Court may correct clerical errors within the record.

In the Interest of Minor Child: S.L.S., DOB 01/03/86 JV00-19 Order (Child Protection Review Hearing) (HCN Tr. Ct., August 5, 2002). (Matha, T).

The Court conducted a *Hearing* to determine the status of the case and the level of compliance of all those named in the *Order*.

AUGUST 6, 2002

In the Interest of Minor Child: V.A.B., DOB 03/11/95, JV02-12 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Aug. 6, 2002). (Matha, T).

This *Order* allowed the Court to appoint a temporary guardian for the above mentioned minor child.

AUGUST 7, 2002

In the Interest of the Minor Children: T.P.G., DOB 03/10/02, J.G.G., DOB 01/12/89, JV02-22-23 Order (Denying Motion for Emergency Temporary Custody) (HCN Tr. Ct., Aug. 7, 2002). (Bossman, W).

This *Order* allowed the Court to determine whether or not the petition for emergency custody met all the requirements under the CHILDREN'S CODE.

AUGUST 8, 2002

In the Matter of the Child: R.A.R., DOB 07/30/95, J.L.W., DOB 10/12/89, R.G.R., DOB 02/10/99, N.A.R., DOB 11/25/96, J.A.C., DOB 08/01/92, C.C.L., DOB 05/30/01, JV02-07-12 Order from Plea Hearing (HCN Tr. Ct., Aug. 8, 2002). (Bossman, W).

This *Order* allowed the Court to determine whether or not a *Formal Hearing* was required in light of the plea of the mother of the minor children.

AUGUST 12, 2002

In the Interest of Minor Child: S.V.P., DOB 01/06/96, JV02-02 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 12, 2002). (Bossman, W).

The Court granted petitioner's request to appear telephonically at the August 14, 2002 *Trial*.

AUGUST 15, 2002

In the Matter of the Contempt of Court of Kevin A. Knudtson, JV02-02A Order (Show Cause) (HCN Tr. Ct., Aug. 15, 2002). (Bossman, W).

The defendant was ordered to show cause for his contemptuous actions against the Court on August 5, 2002 and August 8, 2002.

AUGUST 19, 2002

In the Interest of Minor Children: T.P.G., DOB 03/09/90, J.G.G., DOB 01/12/89, JV02-23, JV02-22 Order (Granting Temporary Legal/Physical Custody) (HCN Tr. Ct., Aug. 19, 2002). (Bossman, W).

This *Order* allowed the Court to determine whether or not to grant emergency temporary legal and physical custody of the above-named children.

AUGUST 22, 2002

In the Interest of Minor Child: C.R.P., DOB 12/27/96, JV02-17 Order (Granting Emergency Temporary Legal/Physical Custody) (HCN Tr. Ct., Aug. 22, 2002). (Bossman, W).

This *Order* allows the Court to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor child.

In the Matter of the Child: C.R.P., DOB 12/27/96, JV02-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 22, 2002). (Bossman, W).

On August 22, 2002, the physical custodian of the above-referenced child requested to appear telephonically for an August 28, 2002 *Hearing*. The Court granted this request. The petitioner may not use the Court's toll free number for this call.

In the Interest of Minor Children: T.P.G., DOB 03/09/90, J.G.G., DOB 01/12/89, JV02-22-23 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 22, 2002). (Bossman, W).

The Court convened an *Initial Hearing* for the purpose of affording the mother of the minor children an opportunity to enter a plea to allegations contained in the April 19, 2002 *Petition*.

In the Matter of the Child: C.R.P., DOB 12/27/96, JV02-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 27, 2002). (Bossman, W).

The Court granted a telephonic appearance for the above-referenced case.

AUGUST 26, 2002

In the Matter of the Contempt of Court of Kevin A. Knudtson, JV02-02A (Withdrawal of Order to Show Cause) (HCN Tr. Ct., Aug. 26, 2002). (Bossman, W).

The Court ordered a *Show Cause Hearing* in order to give the respondent an opportunity to explain his actions toward the Court. On August 26, 2002, Mr. Knutson and his sister Kimberly A. Foster filed a *Response to Show Cause Hearing*. The *Response* indicated a mental illness and described Mr. Knudtson's mental illness and deficiencies. This showing leads the Court to consider this sufficient

show of cause, and the Court withdraws the August 15, 2002 *Order*.

AUGUST 28, 2002

In the Interest of Minor Children: A.B., DOB 06/28/87; J.B., DOB 09/01/88; R.B., DOB 04/23/91, JV00-07-09 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 28, 2002). (Matha, T).

The Court grants the request for a telephonic appearance in the scheduled matter concerning the above-named children.

In the Interest of Minor Child: C.R.P., DOB 12/27/96, JV02-17 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 28, 2002). (Bossman, W).

The mother of the above named children entered a plea at the August 28, 2002 *Initial Hearing*.

Supreme Court

AUGUST 16, 2002

Gloria J. Visintin v. Douglas Long, as President of General Council, SU02-04 Order (Denying Appeal) (HCN S. Ct., August 16, 2002). (*Per Curiam*).

The plaintiff filed an appeal on July 26, 2002. The plaintiff claimed that the original outcome of the Trial Court's *Judgment* would have been different given certain factual arguments. However, the Court cannot hear an *Appeal* that cites no legal standard or error on the part of the Trial Court. For this reason, the *Appeal* is denied.



Recent Filings

Trial Court

Child Support

JULY 22, 2002

State of Wisconsin v. Terrance M. Henry, CS02-34.
(Bossman, W).

JULY 29, 2002

Jodi Dennison v. Marcus Sena, CS02-35.
(Bossman, W).

State of Virginia v. Marcus Sena, CS02-36.
(Bossman, W).

AUGUST 19, 2002

Rosella D. Decorah v. Kevin E. Greengrass, CS02-37. (Not yet assigned).

Civil Cases

JULY 23, 2002

In the Interest of M.L., DOB 07/23/85, by *Michelle Gulbranson*, CV02-73. (Matha, T).

JULY 24, 2002

Dale M. Shegonee-Elwort v. Four Winds Insurance, CV02-74. (Matha, T).

Troy S. Westphal v. Ho-Chunk Nation and Ho-Chunk Nation Casino, CV02-75. (Matha, T).

JULY 25, 2002

Tara Blackdeer v. Vaughn Pettibone, CV02-76.
(Bossman, W).

JULY 30, 2002

Francis William v. Alexis Chown, Marketing Director; Majestic Pines Casino, and the Ho-Chunk Nation, CV02-78. (Bossman, W).

AUGUST 2, 2002

Debra Hall-Shoemaker v. Ho-Chunk Nation and Sandy Plawman, CV02-77. (Matha, T).

Juvenile

AUGUST 1, 2002

In the Matter of C.C.L., DOB 05/30/01, JV02-21.
(Not yet assigned).

AUGUST 7, 2002

In the Matter of J.G.G., DOB 01/12/89, JV02-22.
(Bossman, W).

In the Matter of T.P.G., DOB 03/09/90. (Bossman, W).

Domestic Cases

AUGUST 20, 2002

Karen J. Combs v. Carson D. Combs, DV02-03.
(Not yet assigned).



Supreme Court

JULY 26, 2002

Gloria J. Visintin v. Douglas Long, as President of General Council, SU02-04.



LAW DAY AND THE FUN RUN *(Continued From Page 1).*

The first speaker, Attorney Gerald Fox of the State Public Defender's Office, discussed the importance of the Office of Public Advocacy in the lives of any Ho-Chunk citizen considering Court action. The next speaker, Department of Justice Attorney Leslie Parker Cohan, discussed recent issues of comity involving State Courts and child support. Audience members debated the issue while posing interesting questions in order to illuminate the topic. Associate Trial Judge Todd Matha explained the finer points of the HCN judiciary's equal protection case law. Finally, Chief Trial Judge William Bossman charmed the audience with tales concerning contempt of court. The judge provided the audience with a legal basis for contempt and even some amusing anecdotes on the subject.

The Court also conducted its 7th annual Fun Run on Saturday, August 31, 2002. The volunteers conducted the registration and prize tables with precision and efficiency. The Court sends its warmest thanks to each and every person that volunteered for the Fun Run. Mr. Rob Voss was the Court's overall male winner for the Fun Run with a finishing time of seventeen minutes and ten seconds. Ms. Chandra Janke became this year's overall female winner with a finishing time of twenty-five minutes and twenty seconds. Runners and volunteers alike had a great time, and the run was a success thanks to the caring and dedication of volunteers. The Court invites all comers to run again next year and compete for wonderful prizes.



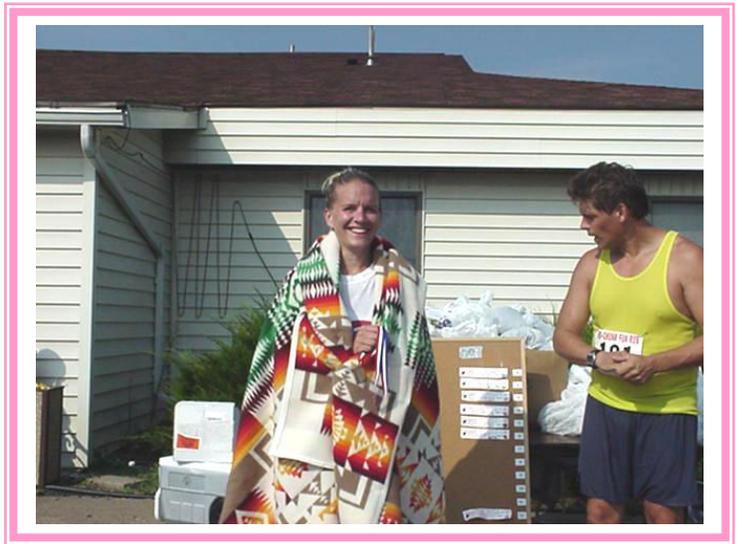
Justice Mark Butterfield finished first in his category with a running time of 23:54, beating out several competitors for the first place title. Photo taken August 31, 2002.



Mr. Rob Voss was the overall male winner of the race with a finishing time of 17:10. He received a Pendleton blanket, a cooler, and a medal for his success. Congratulations! Photo taken August 31, 2002.

NOTICE OF A SPECIAL ELECTION!

Associate Justice of the Supreme Court, Rita A. Cleveland, tendered her written resignation on December 7, 2001. This resignation resulted in a primary election held on July 28, 2002, whereby two candidates were certified for a Runoff Election. Therefore, the Ho-Chunk Nation Election Board is sponsoring a Special Runoff Election on September 21, 2002. Jo Deene B. Lowe and Robert A. Mudd are the listed candidates in this election. The winner of the runoff election will be sworn in on Wednesday, October 16, 2002, in accordance with Ho-Chunk Nation Constitution Art. VIII, Sec. 8. The next foreseeable election should come at the designated first Tuesday in June, 2003 as required for General Elections under the Ho-Chunk Nation Constitution, Art. VIII, Sec. 1.



Chandra Janke was the overall female winner for the Court's 7th annual Fun Run with a time of 25:20. She was happily surprised by the Pendleton awarded by Associate Supreme Court Justice Mark Butterfield. Photo taken August 31, 2002.



CONGRATULATIONS TO ALL OF OUR RUNNERS!



Overall male winner for the Fun Run, Rob Voss smiles for a picture and takes pride in his new Pendleton awarded by the Hon. Mark Butterfield. Mr. Voss was somewhat surprised by the lavish attention he received for his efforts in the race. He also holds his gold medal for the photo. Photo taken August 31, 2002.



HO-CHUNK NATION COURT SYSTEM

JUDICIARY AND STAFF

Supreme Court – Mary Jo B. Hunter, Chief Justice
Mark D. Butterfield, Associate Justice
Rita A. Cleveland, Associate Justice

Traditional Court – Wallace Blackdeer
Donald Blackhawk
Dennis Funmaker
Orville Greendeer
Douglas Greengrass
Owen Mike
Gavin Pettibone
Douglas Red Eagle
Preston Thompson, Jr.
Eugene Thundercloud
Morgan White Eagle
Clayton Winneshiek

Trial Court – William H. Bossman, Chief Judge
Todd R. Matha, Associate Judge

Clerk of Court, Supreme Court – *Vacant*

Clerk of Court, Trial Court – Marcella Cloud

Assistant Clerk of Court, Trial Court – Selina Joshua

Bailiff/Process Server – Willa RedCloud

Administrative Assistant – Jeanne Colwell

Staff Attorney – Rebecca Tavares

Office of Public Advocacy – Dennis Funmaker, Administrator

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION

(Eleven federally recognized tribes within the State of Wisconsin)

NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION

(Region 5—Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, and Wisconsin)

2002 FUN RUN WINNERS

FIRST PLACE MEN

10 and Under—Christopher Demarrias #120, Time: 25:25
11-20—Duncan Rave #109, Time: 25:21
21-29—Rob Voss #127, Time: 17:10 (Overall Male Winner)
30-39—Matt McCluchty #124, Time: 17:17
40-49—Mark Butterfield #101, Time: 23:54
50+--David Nowinski #111, Time: 28:30

FIRST PLACE WOMEN

21-29—Chandra Janke #123, Time: 25:20 (Overall Female Winner)
30-30—Karen DeBerg #125, Time: 25:21
40-49—Nancy Toth #112, Time: 26:49
50+-- Hattie Walker #117, Time: 53:58

SECOND PLACE MEN

11-20—Jeremy Smith #116, Time: 28:12
21-29—Jared Kaster #113, Time: 17:42
40-49—Kim Fenske #102, Time: 27:44
50+--Leonard Spiegler #118, Time: 30:02

SECOND PLACE WOMEN

21-29—Jodi Webster #104, Time: 27:21
30-39—Amy DuBray #115, Time: 25:58
50+--Bernie Blackdeer #106, Time: 53:58

THIRD PLACE MEN

11-20—Troy Rave #110, Time: 28:30
21-29—Michael Rave #103, Time: 21:18
30-39—Del DeBerg #126, Time: 30:50
50+--Conrad Funmaker #107, Time: 39:38

THIRD PLACE WOMEN

30-39—Shelley Thundercloud #105, Time: 43:09

HO-CHUNK NATION COURT BULLETIN

Inside this Issue

- 1** Election Day Results
- 2** NAICJA Annual Conference
- 3** Recent Decisions
- 12** Recent Filings
- 13** Halloween Notice.
- 14** Election Day Results discussion continued from page 1.
- 15** HCN Court System Judiciary and Staff
Ho-Chunk Nation Court System Fee Schedule
Legal Citation Form

Ho-Chunk Nation Court System
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 Ph.
(800) 434-4070 Ph. (Toll-free)
(715) 284-3136 Fax
<http://www.ho-chunknation.com/government/courts.htm>

Hours of Operation: Monday through Friday
(except holidays) 8 A.M. – 4:30 P.M.

WELCOME NEW SUPREME COURT JUSTICE JO DEEN LOWE!



Victorious after the September 21, 2002 Election, Jo Deen Lowe smiles for the camera. Ms. Lowe is the apparent winner of the Associate Justice seat on the Supreme Court. The position became vacant after Rita A. Cleveland, former Associate Supreme Court Justice, announced her resignation. Photo submitted September 27, 2002.

The Nation conducted a Special Election on Saturday, September 21, 2002, in order to fill a soon-to-be vacant seat on the Supreme Court. The incumbent, Associate Justice Rita A. Cleveland began her tenure with the Court on July 2, 1997. She ran for and won a second term of office in 2001. Sadly, Justice Cleveland felt the need to move on due to concerns about an increase in duties balanced against her commitment to her family and a desire to do more and varied things for the Nation as a whole. *See, Interview, Justice Cleveland, Court Bulletin 8(1), January 2002.* Justice Cleveland shall be missed. Now, the Court welcomes a new voice. *Continued on page 14.*

NAICJA MEETS FOR ITS ANNUAL CONFERENCE



Associate Judge Todd R. Matha contributed the following conference summation. Judge Matha attended the recent event with Justice Mark D. Butterfield. He has served on the Ho-Chunk Nation Trial Court bench as an Associate Judge since April 12, 1999. Judge Matha resides in Black River Falls with his spouse, Katie Funmaker-Matha.

The National American Indian Court Judges Association ("NAICJA") held its annual conference on September 15-18, 2002. The Sault Ste. Marie Tribe of Chippewa Indians of Michigan hosted the event at the Kewadin Casinos, Hotel and Convention Center. Tribal judicial representatives converged on the Upper Peninsula from as far away as Ysleta del Sur Pueblo in Texas and Mashantucket Pequot in Connecticut. NAICJA members came to discuss issues primarily relating to retention of sovereignty and reclamation of jurisdiction. Also, several sessions provided training opportunities in areas as varied as judicial ethics and court system funding.

Most importantly, the membership discussed and debated a draft version of the Tribal Governance and Economic Enhancement Act promulgated by the Native American Rights Fund ("NARF") in conjunction with input from the

National Congress of American Indians ("NCAI"). The Act, a/k/a Sovereignty Initiative, intends to rectify the jurisdictional morass created by the United States Supreme Court's decision in *Nevada v. Hicks*, 533 U.S. 353 (2001). And, while participating judicial officers engaged in a critical examination of the Sovereignty Initiative, NAICJA reserved formally commenting on the draft legislation in favor of further discussion amongst the membership not present at the conference.

For more information visit the following websites:

NAICJA at www.naicja.org

NARF at www.narf.org

NCAI at www.ncai.org



F

Recent Decisions

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. In some instances a decision may touch upon other topics which may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

Recent Decisions and **Recent Filings** both begin with the date where the previous Court Bulletin left off.



Trial Court

Child Support

SEPTEMBER 4, 2002

Debra Crowe v. Foster D. Cloud, CV96-84; *State of Wisconsin/Sauk Co. and Dawn E. Potter v. Foster D. Cloud*, CS01-12 *Order (Proof of High School Enrollment Filed)*(HCN Tr. Ct., Sept. 4, 2002). (Matha, T).

The Court issued a *Notice (Child Turning 18)* to the parties on August 22, 2002. The Court ordered the parties to file a proof of high school enrollment for the minor in question or forfeit the withholding of

current child support. The parties filed the necessary paperwork that showed enrollment.

Richard J. Dakota, Jr. v. Angela B. Wanatee, CV97-126 *Order (Release of Impounded Per Capita and Enforcement of Child Support)*(HCN Tr. Ct., Sept. 4, 2002). (Matha, T).

The Court had previously impounded the funds of the parties on July 17, 2002. See *Order (Impounding Per Capita)*, CV97-126, CS02-29 (HCN Tr. Ct., July 17, 2002) at 2. The Court afforded the respondent adequate time to respond to a *Motion to Recognize Foreign Child Support*, and he failed. The Court could now release the impounded funds and allow the Treasury Department to withhold funds for current child support.

State of Wisconsin, Sauk County and Gale J. Darnell v. Lawrence Edward La Mere, CS01-40 *Notice (Suspending Withholding for Current Child Support)*(HCN Tr. Ct., Sept. 4, 2002). (Matha, T).

The Court issued a *Notice (Child Turning 18)* to the parties on August 22, 2002. The Court was not made aware of any correspondence proving the minor child's enrollment in high school. Therefore, the Court suspended the withholding of current child support.

State of Wisconsin, Sauk County and Crystal L. Monteen-Martin v. Ronald David Martin, CS00-35 *Order (Modifying Enforcement of Child Support Arrears)*(HCN Tr. Ct., Sept. 4, 2002). (Bossman, W).

The petitioner sought to amend the enforcement of arrears payments and use the respondent's per capita. The respondent failed to respond to the motion in the appropriate time. The Court amended the enforcement and allowed the Treasury Department to withhold funds from his per capita for arrears not to exceed the maximum twenty-six percent (26%).

SEPTEMBER 6, 2002

State of Wisconsin, Sauk County and Gale J. Darnell v. Lawrence Edward LaMere, CS01-40 *Order (Proof of High School Enrollment Filed)*(HCN Tr. Ct., Sept. 6, 2002). (Matha, T).

The Court had previously ordered the parties to produce paperwork pertaining to the high school enrollment of the minor child. On August 30, 2002, the parties filed this proof with the Court. The Court then issued an *Order* to the Treasury Department to continue withholding child support until the subsequent per capita distribution that follows the minor child's graduation from high school.

SEPTEMBER 9, 2002

Richard J. Dakota, Jr. v. Angela B. Wanatee, CV97-126 *Erratum Order* (HCN Tr. Ct., Sept. 9, 2002). (Matha, T).

The Court issued an *Erratum Order* to correct a clerical error in the previous *Order* issued on September 4, 2002.

State of Wisconsin and Cynthia Meyers v. Mitchell Red Cloud, Jr., CS02-33 *Judgment (Enforcing Child Support)* (HCN Tr. Ct., Sept. 9, 2002). (Bossman, W).

The Court had to decide whether to enforce a standing child support order against the respondent. The Court scheduled a *Fact-Finding Hearing* for September 9, 2002, which the respondent attended. Given the discussions at this *Hearing*, the Court found for the petitioner.

SEPTEMBER 10, 2002

Profiria Maria Gonzalez v. Eric Brazil Davis, CS02-28 *Default Judgment (Enforcing Child Support)*(HCN Tr. Ct., Sept. 10, 2002). (Bossman, W).

The petitioner brought a *Motion to Recognize a Foreign Child Support Order* on June 17, 2002. The respondent received proper notice, but failed to respond in the allotted twenty (20) days. The Court found in favor of the plaintiff and entered a *Default Judgment*.

Christine Ann Flick v. Orin Whiteeagle, CV96-56 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Sept. 10, 2002). (Bossman, W).

The Court had to determine whether or not to grant the petitioner's *Motion to Amend* the underlying child support to reflect changes made by Jackson County Circuit Court. Jackson County had amended the underlying order to reflect a fixed

dollar amount. When the respondent failed to respond within ten (10) days, the Court found in favor of the petitioner.

SEPTEMBER 13, 2002

State of Wisconsin/Sawyer County, on behalf of C.M.S., DOB 02/06/85 v. Carlos D. Smith, Sr., CS02-20 *Order (Dismissal)* (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

The Court was informed of the death of the respondent on July 29, 2002. Therefore, the Court dismissed this case.

SEPTEMBER 17, 2002

State of Wisconsin v. Arnold J. Crone, CS97-35 *Order (Enforcing Change in Child Support)* (HCN Tr. Ct., Sept. 17, 2002). (Bossman, W).

On September 5, 2002, the petitioner filed a *Motion for Modification of a Support Order*. The respondent filed no response with the Court. The respondent had previously made an agreement with the State of Wisconsin to deduct a fixed amount from his per capita for child support. The Court enforced this agreement.

Carmelita Ray Varela v. George Myron Plamann, CS99-52 *Order (Amending Enforcement)* (HCN Tr. Ct., Sept. 17, 2002). (Bossman, W).

On September 4, 2002, the petitioner filed an *Affidavit of Arrears* against the respondent. The respondent filed no response with the Court. The Court granted the petitioner's request.

State of Wisconsin/Sawyer County on behalf of Shelly Woller v. Robert Wayne Blackdeer; State of Wisconsin/Sawyer County on behalf of Kathryn Isham Gordon v. Robert Wayne Blackdeer, CS97-40-41 *Order (Modifying Child Support and Equitable Adjustment)* (HCN Tr. Ct., Sept. 17, 2002). (Bossman, W).

The Court had to determine how to enforce two child support orders against the same respondent. Given that the combined orders requested an amount greater than the statutory maximum of thirty-four percent (34%), the Court had to perform an equitable adjustment. The Court awarded each mother an amount as close to the requested figure without going over the statutory maximum of thirty-four percent (34%).

SEPTEMBER 20, 2002

Nadine C. Decorah v. Ashley J. Decorah, CS02-38 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).

The Court received a *Motion to Recognize a Foreign Judgment* on August 29, 2002. The respondent received *Notice*, yet failed to respond in the appropriate time. The Court entered a *Default Judgment* for per capita disbursement for child support.



Children's Trust Fund (CTF)

AUGUST 29, 2002

In the Interest of Minor Child: M.L., DOB 07/23/85, by Michelle R. Gulbranson v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-73 Order (Petition Granted in Part and Denied in Part)(HCN Tr. Ct., Aug. 29, 2002). (Matha, T).

The petitioner requested funds from the CTF account of her son for the purchase of a lap top and a Palm Pilot. After analyzing these requests under the four-prong test, the Court granted the request in part and denied it in part. The Court granted the request for a computer given the child's outstanding academic record and college plans. However, the Court did not consider the request for a Palm Pilot a necessity under the four part test.

SEPTEMBER 12, 2002

In the Interest of the Minor Child: E.S.D., DOB 04/25/85, by Dawn M. Decorah v. Ho-Chunk Nation Office of Tribal Enrollment, CV00-56 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 12, 2002). (Bossman, W).

The Court released funds from the CTF account of E.S.D. for costs of incarceration and transportation to the Sauk County Sheriff's Department. On September 11, 2002, the Sheriff's Department submitted copies of receipts in order to confirm the use of funds. The Court accepted the accounting and notified the parties of an intent to close the case.

SEPTEMBER 13, 2002

In the Interest of the Minor Child: A.L.F., DOB 09/30/90, by James W. Ferguson v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-38 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On May 13, 2002, the Court released funds from the CTF account of A.L.F. for the costs associated with an orthodontics procedure. At that time, the petitioner was instructed to document the disbursement of the funds in an accounting to the Court within two (2) months. As this accounting is now two (2) months late, the Court again requests an accounting as a reminder to the petitioner.

SEPTEMBER 20, 2002

In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, CV02-44 Order (Denying Petition) (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).

The petitioner requested funds from the above minor's CTF account for the purchase of a car. In order to receive such funds, the petitioner was required to argue her circumstances under the Court's four-prong test. The petitioner could not meet the last three requirements under the four-prong test, and the Court denied her petition.

SEPTEMBER 23, 2002

In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, CV02-44 Erratum Order (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

The Court entered this *Order* in order to correct a clerical error in the September 20, 2002 *Order (Denying Petition)*.

In the Interest of Minor Child: R.T., DOB 01/09/85, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV02-16 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

On May 31, 2002, the Court released money from the CTF account of R.T. for documented costs associated with fines incurred by the minor. The order had expressly requested an accounting within two (2) months of the funds use upon disbursement. As that accounting was one (1) month late, the Court again reminded the petitioner of his need to report to the Court on the use of those funds.



Incompetent's Trust Fund (ITF)

JULY 30, 2002

In the Interest of Norma Whitebear, DOB 02/17/24, by Cecelia Rave v. Ho-Chunk Nation Office of Tribal Enrollment, CV01-125 Order (Accepting Accounting) (HCN Tr. Ct., July 30, 2002). (Bossman, W).

On June 19, 2002, the Court released \$210.20 from the ITF account of Norma Whitebear for replacement eyeglasses. On July 30, 2002, the petitioner submitted a statement from the seller to show proper use of funds. The Court accepted this accounting.

AUGUST 7, 2002

In the Interest of Susan A. Redfearn by Brandee Hudson v. HCN Office of Tribal Enrollment, CV02-55 Order (Releasing Funds to Spendthrift Guardian) (HCN Tr. Ct., Aug. 7, 2002). (Bossman, W).

The petitioner was once adjudged incompetent, then declared competent but still restricted by a spendthrift provision. The guardian requested a release of the petitioner's per capita. After each side filed a brief with the Court, the Court determined that the petitioner was no longer incompetent. However, as the spendthrift provision still applied, the Court released the funds to the guardian.

AUGUST 20, 2002

In the Interest of Adult Incompetent: Oliver S. Rockman, CV97-117 Order (Accepting Accounting and Granting Request to Use Funds in Checking Account) (HCN Tr. Ct., Aug. 20, 2002). (Bossman, W).

On August 5, 2002, the protective payee provided an accounting of the use of Mr. Rockman's funds. The Court accepted this accounting. The protective payee requested a release of funds from the checking account. The Court granted this request.

AUGUST 22, 2002

In the Interest of Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Office of Tribal Enrollment, CV00-44 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 22, 2002). (Matha, T).

On February 28, 2002, the Court released money from the ITF accounts of Readonna Lei Wilson for miscellaneous items. *See Order (Partial Release of ITF Monies)* (HCN Tr. Ct., Feb. 28, 2002). The required accounting is now three (3) months late. The Court requests that the petitioner submit the required accounting by September 21, 2002, as the prescribed time period has now lapsed.

SEPTEMBER 13, 2002

In the Interest of Claude Payer, DOB 12/19/61, by Dorothy Will v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-31 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On May 22, 2002, the Court released funds from the ITF account of Claude Payer for house payments. The Court directed the petitioner to submit a financial report detailing the relevant disbursement of funds. The accounting was two (2) weeks late, and the Court again requested an accounting to remind the petitioner of the obligation.

SEPTEMBER 19, 2002

In the Interest of: Lucinda V. Littlesoldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment, CV00-106 Order (Granting ITF Release) (HCN Tr. Ct., Sept. 19, 2002). (Bossman, W).

The petitioner sought access to the adult's ITF account for Christmas gifts, bills, and basic living needs. The Court found that these expenditures represented necessities that would enhance the adult's quality of life. The Court agreed to release the funds.



DEBTS AGAINST THE NATION

SEPTEMBER 16, 2002

Ho-Chunk Nation Department of Treasury v. Diane Lonetree, CV02-32 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

On May 16, 2002, the Court entered a default judgment in favor of the plaintiff and ordered the defendant to pay what she owed. See *Order (Granting Default Judgment)* (HCN Tr. Ct., May 16, 2002). On September 13, 2002, the plaintiff filed a *Satisfaction of Judgment* acknowledging full payment of the owed amount. The Court recognized the payment of this debt and informed the parties of its intent to close the case.

Ho-Chunk Nation Department of Labor v. Ted Leland Brown, CV02-33 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

On May 15, 2002, the Court entered a default judgment in favor of the plaintiff and instructed the defendant to pay what he owed. See *Order (Granting Default Judgment)* (HCN Tr. Ct., May 15, 2002). On September 13, 2002, the plaintiff filed with the Court a *Satisfaction of Judgment*. The Court recognized the payment of the debt and informed the parties of its intent to close the file.

Ho-Chunk Nation Home Ownership Program v. Janet Muir and Gary Muir, CV01-113 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

On October 31, 2001, the Court entered a default judgment against the defendants and instructed them to pay what they owed. See *Order (Granting Default Judgment)* (HCN Tr. Ct., Oct. 31, 2001). On August 1, 2002, the Court received notification that defendants had satisfied the debt. The Court recognized the satisfaction of this debt and informed the parties of its intent to close the case.

Ho-Chunk Nation Home Ownership Program v. Georgette Garvin, CV01-117 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

On November 14, 2001, the Court entered a default judgment against the defendant and instructed that

she pay the money she owed. See *Order (Granting Default Judgment)* (HCN Tr. Ct., Nov. 14, 2001). On August 1, 2002, the Court was notified of the satisfaction of the judgment. The Court recognized this satisfaction and informed the parties of its intent to close the file.



DOMESTIC CASES

SEPTEMBER 13, 2002

In the Interest of: Sadell Wilson, by HCN Division of Social Services v. Tyrone and Lori Swallow and Danelle Baker, DV01-07 Order (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On December 17, 2001, the Court entered a default judgment requiring the respondent to pay costs. See *Findings of Fact, Conclusions of Law and Judgment* (HCN Tr. Ct., Dec. 17, 2001). The petitioner acknowledged full payment on February 26, 2002. The Court recognizes the payment of this debt and closes the case file.



ENROLLMENT

SEPTEMBER 13, 2002

Liana Desire'e Bush, Enrollment #439A001783 v. Ho-Chunk Nation Office of Tribal Enrollment & Ho-Chunk Nation Legislature, CV01-58 Order (Lifting Stay and Granting Defendants Leave to Amend Answer) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in *Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature*. The Supreme Court issued a *Decision* on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.

Diana Hellerud, Enrollment #439A001282 et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, CV01-79 Order (Lifting Stay and Granting Defendants Leave to Amend Answer)(HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On July 31, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in *Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature*. The Supreme Court issued a *Decision* on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.

Nancy Lynn (Whitewater) Johnston, Enrollment #439A002643 v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, CV01-62 Order (Lifting Stay and Granting Defendants Leave to Amend Answer)(HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in *Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature*. The Supreme Court issued a *Decision* on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.

Jessie Ann Rugg, Enrollment # 439A002960 v. Ho-Chunk Nation Office of Tribal Enrollment and the Ho-Chunk Nation Legislature, CV01-59 Order (Lifting Stay and Granting Defendants Leave to Amend Answer) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in *Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature*. The Supreme Court issued a *Decision* on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.

Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Enrollment and Ho-Chunk Nation Legislature, CV99-62 Order on Remand (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On October 31, 2001, the Ho-Chunk Nation Supreme Court issued its *Decision* in this case. The Supreme Court reversed the *Judgment* of the Trial Court and remanded the case for dismissal. Therefore, the Court dismissed this matter.



CIVIL CASES (ALL CATEGORIES)

SEPTEMBER 3, 2002

Ho-Chunk Nation Housing Authority v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, CV02-39 Erratum Order (HCN Tr. Ct., Sept. 3, 2002). (Bossman, W).

The Court issued an *Erratum Order* to correct a clerical error in an order issued on August 19, 2002.

Natallia Tyschanka v. Ho-Chunk Casino, CV02-51 Scheduling Order (HCN Tr. Ct., Sept. 3, 2002). (Matha, T).

This order enabled the Court to establish dates and deadlines for the instant case up to and including trial.

SEPTEMBER 9, 2002

Jason Cvengros v. Sheryl Neulreich and Ho-Chunk Nation Hotel and Convention Center, CV02-24 Order to Change Schedule (HCN Tr. Ct., Sept. 9, 2002). (Bossman, W).

The Court changed the schedule for the instant case upon an agreement of the parties. The Court changed the *Trial* date to November 19, 2002 and November 20, 2002 at 9:00 a.m.

HCN Department of Housing, Property Management Division and HCN Home Ownership Program v. Mary Ann Dick and Herman F. Decorah, CV02-69 Order (Dismissal with Prejudice) (HCN Tr. Ct., Sept. 9, 2002). (Matha, T).

On August 16, 2002, the plaintiffs filed a *Motion to Dismiss* with the Court stating that the defendants have agreed to give consent for the garnishment of their per capita. The Court did not receive a response from the defendants. The Court dismissed the case and closed the file.

SEPTEMBER 12, 2002

George R. Davis, Jr. v. Ho-Chunk Casino Slot Department, CV02-72 Order (*Postponing Scheduling Conference*) (HCN Tr. Ct., Sept. 12, 2002). (Bossman, W).

On September 3, 2002, the Court convened a *Scheduling Conference*, but the plaintiff failed to appear. The defendant made an oral *Motion to Dismiss*, but the Court denied this request. The Court postponed the matter until such time as the plaintiff reschedules the proceeding.

Ho-Chunk Nation Department of Housing, Property Management Division v. Tyrone C. Decorah and Buffy M. Decorah, CV02-58 Order (*Granting Telephonic Appearance*) (HCN Tr. Ct., Sept. 12, 2002). (Matha, T).

On September 11, 2002, the Court received a *Motion* by the defendant requesting permission to appear telephonically at the September 12, 2002 *Status Hearing*. The Court granted this request. The defendant could now appear by telephone using the Court's toll free number.

In the Interest of the Minor Child: E.S.D., DOB 04/25/85, by Dawn M. Decorah v. Ho-Chunk Nation Office of Tribal Enrollment, CV00-56 Order (*Accepting Accounting*) (HCN Tr. Ct., Sept. 12, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

SEPTEMBER 13, 2002

Tara Blackdeer v. Vaughn Pettibone, CV02-76 Order (*Postponing Scheduling Conference*)(HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

On September 13, 2002, the Court convened a *Scheduling Conference*. The plaintiff failed to appear. The defendant made an oral *Motion to Dismiss* that the Court denied. The defendant also made a *Motion for Attorneys fees and Costs*, whereupon the Court granted the *Motion for Costs*.

The defendant was required to submit an accounting, and the matter was postponed until the plaintiff reschedules.

In the Interest of Minor Child: A.L.F., DOB 09/30/90, by James W. Ferguson v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-38 Order (*Requesting Accounting*) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

In the Interest of Claude Payer, DOB 12/19/61, by Dorothy Will v. Ho-Chunk Nation Office of Tribal Enrollment, CV02-31 Order (*Requesting Accounting*) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

Liana Desire'e Bush, Enrollment #439A001783 v. Ho-Chunk Nation Office of Tribal Enrollment & Ho-Chunk Nation Legislature, CV01-58 Order (*Lifting Stay and Granting Defendants Leave to Amend Answer*) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Enrollment cases](#) within this index.

Diana Hellerud, Enrollment #439A001282 et al. v. Ho-Chunk Nation Office of Tribal Enrollment and the Ho-Chunk Nation Legislature, CV01-79 Order (*Lifting Stay and Granting Defendants Leave to Amend Answer*)(HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Enrollment cases](#) within this index.

Nancy Lynn (Whitewater) Johnston, Enrollment #439A002643 v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, CV01-62 Order (*Lifting Stay and Granting Defendants Leave to Amend Answer*)(HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Enrollment cases](#) within this index.

Jessie Ann Rugg, Enrollment # 439A002960 v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-

Chunk Nation Legislature, CV01-59 Order (Lifting Stay and Granting Defendants Leave to Amend Answer) (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Enrollment cases](#) within this index.

Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Enrollment and Ho-Chunk Nation Legislature, CV99-62 Order on Remand (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).

For summary, see [Enrollment cases](#) within this index.

SEPTEMBER 16, 2002

Ho-Chunk Nation Department of Treasury v. Diane Lonetree, CV02-32 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

For summary, see [Debts Against the Nation](#) within this index.

Ho-Chunk Nation Department of Labor v. Ted Leland Brown, CV02-33 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

For summary, see [Debts Against the Nation](#) within this index.

Ho-Chunk Nation Home Ownership Program v. Janet Muir and Gary Muir, CV01-113 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

For summary, see [Debts Against the Nation](#) within this index.

Ho-Chunk Nation Home Ownership Program v. Georgette Garvin, CV01-117 Notice (Satisfaction of Judgment and Intent to Close) (HCN Tr. Ct., Sept. 16, 2002). (Bossman, W).

For summary, see [Debts Against the Nation](#) within this index.

Morning Star Leonard v. Julie Nakai, as Floor Manager of Ho-Chunk Bingo, and the Ho-Chunk Nation, CV02-45 Stipulation and Order to Amend Scheduling Order (HCN Tr. Ct., Sept. 16, 2002). (Matha, T).

The parties of the instant case agreed to extensions and amendments to the *Scheduling Order*. The Court reviewed the suggestions and agreed to amend the *Scheduling Order*. The parties must arrange to reschedule the *Trial* and *Pre-Trial Conference* dates with the Clerk of Court.

SEPTEMBER 19, 2002

In the Interest of: Lucinda V. Littlesoldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment, CV00-106 Order (Granting ITF Release) (HCN Tr. Ct., Sept. 19, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

Dale M. Shegonee-Elwort v. Four Winds Insurance, CV02-74 Scheduling Order (HCN Tr. Ct., Sept. 19, 2002). (Bossman, W).

The Court issued this *Scheduling Order* to establish dates and deadlines for the instant case up to and including trial.

SEPTEMBER 20, 2002

In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, CV02-44 Order (Denying Petition) (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

SEPTEMBER 23, 2002

In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, CV02-44 Erratum Order (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

In the Interest of Minor Child: R.T., DOB 01/09/85, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV02-16 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

Rae Anna Garcia v. Joan Greendeer-Lee, Loa Porter, Hattie Walker, Greg Garvin, HCN Personnel and HCN Health and Human Services,

CV02-52 *Scheduling Order* (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

The Court entered this *Scheduling Order* to establish dates and deadlines for the instant case up to and including *Trial*.

Ho-Chunk Nation Department of Housing, Property Management Division v. Larry Fanning, CV02-60 *Order (Default Judgment)* (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

The plaintiff requested monetary reimbursement for back rent and unpaid utility bills. The defendant received notice of the *Complaint*, but failed to respond within twenty (20) days. For this reason, the Court issued a default judgment against the defendant.

Ho-Chunk Nation Department of Housing, Property Management Division v. Angela Greendeer and Nicole Skenandore, CV02-61 *Order (Default Judgment)* (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).

The plaintiff requested monetary reimbursement for back rent and unpaid utility bills. The defendant received notice of the *Complaint*, but failed to respond within twenty (20) days. For this reason, the Court issued a default judgment against the defendant.

SEPTEMBER 25, 2002

Maureen Arnett v. Ho-Chunk Nation Department of Administration, CV00-60 *Order (Final Judgment)* (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

The Court ruled for the defendant in this case of constructive discharge. The plaintiff failed to satisfy the three-prong test adopted by this Court. On the issue of safety in the workplace, the Court found that the Personnel Manual's enumeration of types of unacceptable conduct did not rise to the level of fundamental public policy, nor were other sections regarding workplace safety meant to address threatening behavior. The Court also noted that an employer does not have a legal obligation to provide police protection for employees. An employee wishing to address a security concern must take the initiative and make use of resources that are available.



Juvenile

AUGUST 29, 2002

In the Interest of the Minor Children: C.B., DOB 02/09/88; D.B., DOB 09/13/89; K.B., DOB 07/16/92, JV98-11-13 Order (Ceasing Withholding for Current Child Support)(HCN Tr. Ct., Aug. 29, 2002). (Bossman, W).

The Court issued this *Order* enabling the Treasury Department to cease withholding for current child support in this case.

AUGUST 30, 2002

In the Interest of Minor Children: R.A.R., DOB 07/30/95; J.L.W., DOB 10/12/89; R.G.R., DOB 02/10/99; N.A.R., DOB 11/25/96; J.A.C., DOB 08/01/92; C.C.L., DOB 05/30/01, JV02-07-11, JV02-21 Order (Appointment of Guardian Ad Litem) (HCN Tr. Ct., Aug. 30, 2002). (Bossman, W).

The Court appointed Attorney Joann Jones as the *Guardian Ad Litem* for the minors listed above.

In the Interest of Minor Children: T.P.G., DOB 03/09/90; J.G.G., DOB 01/12/89, JV02-22-23 Order (Appointment of Guardian Ad Litem) (HCN Tr. Ct., Aug. 30, 2002). (Bossman, W).

The Court appointed Attorney Joann Jones as the *Guardian Ad Litem* for the minors listed above.

SEPTEMBER 5, 2002

In the Interest of Minor Child: S.V.P., DOB 11/06/96, JV02-02 Dispositional Order (HCN Tr. Ct., Sept. 5, 2002). (Bossman, W).

The Court created a set of guidelines for the mother during the *Dispositional Hearing* that took place on September 5, 2002.

SEPTEMBER 12, 2002

In the Matter of the Children: R.A.R., DOB 07/30/95; J.L.W., DOB 10/12/89; R.G.R., DOB 02/10/99; N.A.R., DOB 11/25/96; J.A.C., DOB 08/01/92; C.C.L., DOB 05/30/01, JV02-07-11, JV02-21 Judgment of Dismissal (HCN Tr. Ct., Sept. 12, 2002). (Bossman, W).

As the petitioner failed to prove the allegations listed in its *Petition*, the Court dismissed this case.

State of Iowa/Destiny Marie Rounds v. Jerome J. Houston, CS02-43. (Matha, T).



SEPTEMBER 23, 2002

Katrina D. Pintor v. Patrick A. Edwards, CS02-44. (Not yet assigned).

Supreme Court

AUGUST 16, 2002

Kathy Stacy v. HCN and Clarence Pettibone, former Vice President, and Wade Blackdeer, current Vice President of the Ho-Chunk Nation, SU02-05 *Scheduling Order* (HCN S. Ct., August 16, 2002). (Per Curiam).

The Court issued a *Scheduling Order* to establish deadlines and dates for the instant case.



Recent Filings

Trial Court

Child Support

SEPTEMBER 4, 2002

State of Wisconsin v. Justin D. Littlewolf, CS02-39. (Matha, T).

SEPTEMBER 13, 2002

Rachel Wallace v. Lewis A. Frogg, CS02-40. (Bossman, W).

SEPTEMBER 18, 2002

State of Wisconsin/Debra Crowe v. Forest Blackdeer, CS02-41. (Matha, T).

SEPTEMBER 19, 2002

State of Iowa/Taylor Justica Renee Housto A. Child v. Jerome J. Houston, CS02-42. (Matha, T).

Civil Cases

JULY 30, 2002

Francis William v. Alex B. Chown, Marketing Director of Majestic Pines Casino and the Ho-Chunk Nation, CV02-78. (Bossman, W).

JULY 31, 2002

In the Matter of Cassandra Littlebear, DOB 09/06/80 v. HCN Office of Tribal Enrollment, CV02-79. (Bossman, W).

AUGUST 5, 2002

Karen J. Combs & Carson Combs v. David Snowball and HCN Housing Authority, CV02-80. (Bossman, W).

In the Matter of H.A.O., DOB 09/05/90 v. HCN Office of Tribal Enrollment, CV02-81. (Matha, T).

AUGUST 14, 2002

Casimir T. Ostrowski v. Ho-Chunk Nation, Ho-Chunk Nation Personnel, and Ho-Chunk Nation Casino, CV02-82. (Matha, T).

AUGUST 16, 2002

HCN Housing Authority v. Adriane Walker, CV02-83. (Bossman, W).

Don Brady v. Maria Blackhawk, CV02-84. (Bossman, W).

AUGUST 21, 2002

In the Matter of J.A.L., DOB 11/20/91; K.A.L., DOB 08/14/89, by Gary Lonetree, Jr. v. HCN Office of Tribal Enrollment, CV02-85. (Matha, T).

AUGUST 28, 2002

In the Matter of B.L., DOB 11/22/96, by Michelle Lewis, CV02-86. (Bossman, W).

AUGUST 29, 2002

Shane Steel v. Dion Thompson & Terri Thompson, CV02-87. (Bossman, W).



SEPTEMBER 3, 2002

Helen M. Willson v. Ho-Chunk Nation and Amy Peterson, CV02-88. (Matha, T).

SEPTEMBER 19, 2002

Ho-Chunk Nation Department of Housing, Property Management Division v. Lacy Bigjohn, CV02-89. (Matha, T).

SEPTEMBER 23, 2002

In the Matter of Vance Swallow, DOB 08/16/84 v. HCN Office of Tribal Enrollment, CV02-90. (Bossman, W).

SEPTEMBER 25, 2002

In the Interest of Decedent: Victor Blackhawk, by Kenneth Frietag, CV02-91. (Bossman, W).

SEPTEMBER 29, 2002

Dennis Alt v. Ho-Chunk Nation Table Games Department, CV02-92. (Bossman, W).

Juvenile

No new filing in this category.

Domestic Cases

No new filing in this category.



Supreme Court

JULY 29, 2002

Kathy Stacy v. HCN and Clarence Pettibone, former Vice President, and Wade Blackdeer, current Vice President of the Ho-Chunk Nation, SU02-05.

SEPTEMBER 3, 2002

Theresa Lynn Hendrickson v. Ho-Chunk Nation Office of Tribal Enrollment, SU02-06.

HALLOWEEN IS COMING!

The Court invites the children of the Head Start program to enjoy Halloween with the Court on Thursday, October 31, 2002. The Court will call ahead for a head count. The Ho-Chunk Nation Tribal Court will be handing out goodies for the little ones in costume. Supplies are limited.

Please make sure this Halloween is a safe and happy one for all!



A NEW VOICE IN THE SUPREME COURT: THE JUDICIARY WELCOMES JO DEEN LOWE!

The Constitution mandates a new Election in June of every odd numbered year. *See* ART. VIII § 8. However, a Special Election becomes necessary when a vacancy is created through death, disqualification or resignation. On July 28, 2002, the Nation held a Primary Election whereby it certified two candidates for a runoff. On September 21, 2002, the Runoff Election took place, pitting Jo Deen Lowe against Robert Mudd for the vacant seat of Associate Supreme Court Justice.

Inside sources described the election polls as quiet and empty. While this source stated that the turnout is often low, the source speculated that turnout might have increased but for the computer giveaway scheduled for that same weekend. The staff was extremely efficient and friendly. The staff knew each voter personally and had all the necessary items waiting for them. The source stated that each candidate published their qualifications in the newspaper, which was very important to the vote. Neither candidate debated many issues or gave any indication of where they stood on certain topics, but this did not appear to affect the voting.

The results of this election are not final, as a member of the Nation may contest the results until the scheduled date for the candidate's swearing in. This swearing in is scheduled for October 16, 2002. *See* ART. VIII § 1. As of today's date, the winner of the Runoff Election is Jo Deen Lowe. She graduated from the University of Wisconsin Law School in 1985. Jo Deen Lowe is employed by the Forest County Potawatomi as the Deputy Attorney General. Previously, Jo Deen Lowe served as the Staff Attorney for the Ho-Chunk Nation and the Attorney General. She has worked as a liaison for the Great Lakes Inter-Tribal Council and a prosecutor for the Menominee Nation. The Judiciary welcomes Ms. Lowe with the utmost respect and warmth.



Photo: Rita Cleveland smiles for the camera. Associate Justice Cleveland became a member of the Court on July 2, 1997 and served two terms. She now vacates the bench after five years and shall be deeply missed.



Farewell, Justice Rita Cleveland. Good luck in all your endeavors.

From, the Ho-Chunk Nation Court Staff.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court—Mary Jo B. Hunter, Chief Justice
Mark D. Butterfield, Associate Justice
Rita A. Cleveland, Associate Justice

Traditional Court—Wallace Blackdeer
Donald Blackhawk
Dennis Funmaker
Orville Greendeer
Douglas Greengrass
Owen Mike
Gavin Pettibone
Douglas Red Eagle
Preston Thompson, Jr.
Eugene Thundercloud
Morgan White Eagle
Clayton Winneshiek

Trial Court – William H. Bossman, Chief Judge
Todd R. Matha, Associate Judge

Clerk of Court, Supreme Court – *Vacant*
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Bailiff/Process Server – Willa RedCloud
Administrative Assistant – Jeanne Colwell
Staff Attorney – Rebecca Tavares

Office of Public Advocacy – Dennis Funmaker, Administrator

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 5—Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, South Dakota, North Dakota, and Wisconsin)

HCN Court System Fee Schedule

- Filing Fees \$50.00*
*With the exception of petitions to register child support orders – this fee remains at \$19.00 as previously ordered by the Supreme Court.
Note: Filing Fee now includes *Summons* fee.
- Filing Fees for *Petitions to Register and Enforce Foreign Judgment/ Order*. \$19.00
- Copying \$0.10/per page
- Faxing \$0.25/per page (sending and receiving)
- Tapes of Hearings \$10.00/per tape
- CD of Hearing. \$12.50/per tape
- Deposition Videotape \$10.00/per tape
- Certified Copies \$0.50/per page
- Equipment Rental \$5.00/per hour
- Appellate filing fees \$35.00
- Admission to Practice \$50.00
- Pro Hac Vice Appearance \$35.00

Legal Citation Form

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).
HCN Const., Art. XI, Sec. (or §) 7.

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, Sec. (or §) 6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Rules of Civil Procedure

HCN R. Civ. P. 19(B).



HO-CHUNK NATION COURT BULLETIN

Inside this Issue

- 1** Holiday Fun
- 2** Swearing In Justice
Lowe
- 3** Recent Decisions
- 14** Recent Filings
- 16** Swearing In Cont'd
- 17** Ghouls Attack!
- 18** HCN Court System
Judiciary and Staff

Ho-Chunk Nation Court
System Fee Schedule

Legal Citation Form

Ho-Chunk Nation Court System
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 Ph.
(800) 434-4070 Ph. (Toll-free)
(715) 284-3136 Fax
[http://www.ho-chunknation.com/
government/courts.htm](http://www.ho-chunknation.com/government/courts.htm)

Hours of Operation: Monday through Friday
(except holidays) 8 A.M. – 4:30 P.M.

A NEW ERA BEGINS: NEW FACES AND HOLIDAY FUN!



Chief Judge William Bossman passes out candy to all the ghouls and goblins on Halloween. In this photo, the judge favors Glinda the Good Witch with candy.

Haunting Halloween fun was the order of the day at the Tribal Court Building on October 31, 2002. The Court staff passed out candy and took photos of all the Head Start students that came for trick-or-treating. Some little ones were dressed as bugs or superheroes like Spiderman. Still others came as witches, princesses or animals. The children were very polite and full of smiles as they made their way to the enormous candy box. The box itself produced some wide-eyed stares as children noted all of the candy available. One industrious lumberjack insisted on playing ball while he waited in line for candy. The smiles on the faces of the children brought smiles to the faces of the Court staff. Staff members gushed over costumes and played with the kids, laughing and smiling the whole day. Teachers and parents thanked the staff profusely while herding tired little ones back to the bus for more trick-or-treating. It was a spectacular Halloween!

NEW FACES: SWEARING IN JUSTICE LOWE!



The author of this article, Rebecca Tavares, is the Law Clerk for the Ho-Chunk Trial Court and graduated from the University of Minnesota. Of Wyandot and Portuguese descent, Ms. Tavares held a previous clerkship with Judge Thorwald Anderson of the State of Minnesota's Fourth Judicial District. Before coming to Black River Falls, she lived in Minneapolis as a student and member of the University of Minnesota chapter of the American Indian Law Students' Association. Ms. Tavares shall spend one year with the Trial Court and the people of Black River Falls.

On Wednesday, October 16, 2002 at 11:00 a.m., the Ho-Chunk Community welcomed Justice Jo Deen Lowe into the Nation's Supreme Court. The atmosphere at the Executive Building was festive with scores of individuals waiting to view the ceremony. Justice Lowe's family attended with big smiles and support for their kin.

The ceremony began with a song by the Thundercloud Singers. The Flag Procession brought serious faces and heads bowed in respect. Chief Clayton Winneshiek led the prayer where he blessed the crowd and Justice Lowe. He asked the Creator to bless Justice Lowe with wisdom as well as all the people of the Nation. Chief Justice Mary Jo B. Hunter then gave a few short remarks about the history of the Supreme Court and her hopes for Justice Lowe.

Continued on page 16.



Election Board Chairperson, Vaughn Pettibone administers the oath of office to Justice-elect Lowe while Legislator Gerald Cleveland lends assistance.



Justice Lowe smiles for the camera before the ceremony.

Recent Decisions

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. In some instances a decision may touch upon other topics which may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

Recent Decisions and **Recent Filings** both begin with the date where the previous Court Bulletin left off.



Trial Court

Child Support

SEPTEMBER 25, 2002

Jodi Dennison v. Marcus Sena, State of Iowa Enforcing for the State of Virginia v. Marcus Sena, CS 02-35-36 Order (Default Judgment Enforcing Child Support) (HCN Tr. Ct., Sept. 25, 2002). (Bossman, W).

The Court had to determine whether to enforce two (2) standing foreign child support orders against the respondent. The respondent failed to respond within the appropriate time period. Therefore, the

Court granted a default judgment in favor of the petitioner.

SEPTEMBER 30, 2002

State of Wisconsin, Columbia County and Susie B. Shesky v. Howard Ryan, CS 00-02 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Sept. 30, 2002). (Matha, T).

The Court issued a *Notice (Child Turning 18)* to the parties. The Court ordered the parties to file proof of enrollment in high school for C.E.S., DOB 09/28/84. The parties complied with this order and filed the necessary information. Therefore, the Court directed the Ho-Chunk Nation Department of Treasury to continue withholding for current child support.

OCTOBER 2, 2002

Alisa Cantwell v. Sterling Funmaker, CS 99-79 Erratum Order (Amending Child Support Enforcement) (HCN Tr. Ct., Oct., 2, 2002). (Bossman, W).

The Court issued this *Erratum Order* to correct a clerical error.

OCTOBER 4, 2002

Porfiria Maria Gonzales v. Eric Brazil Davis, CS 02-28 Erratum Order (HCN Tr. Ct., Oct. 4, 2002). (Bossman, W).

The Court issued an *Erratum Order* to correct a clerical error.

OCTOBER 7, 2002

Debra Crowe v. Foster D. Cloud, State of Wisconsin/Sauk Co. and Dawn E. Potter v. Foster D. Cloud, CV 96-84, CS 01-12 Order (Retention of the Status Quo) (HCN Tr. Ct., Oct. 7, 2002). (Matha, T.)

The Court received a motion requesting an amendment to the child support ordered in these cases. The Court declined to amend the percentile withholdings due to the fact that such changes would still exceed the statutory maximum of thirty-four percent (34%). Therefore, the Court amended the percentages to reflect a dollar amount and nothing more.

Jodi Dennison v. Marcus Sena, State of Iowa Enforcing for the State of Iowa v. Marcus Sena, CS

02-35-36 *Erratum Order* (HCN Tr. Ct., Oct. 7, 2002). (Bossman, W).

The Court issued this *Erratum Order* in order to correct a clerical error.

Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., CS 96-58, 99-29 *Notice (Child Turning 18)* (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).

The Court issued this *Notice (Child Turning 18)* informing the parties of their duty to show proof of high school enrollment. Without such proof, P.L.H., DOB 10/24/84, would be considered emancipated and child support would cease. The parties were informed of the need to file such proof with the Court on or before the child's birthday.

State of Wisconsin v. Michael Gromoff, CS 98-76 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 7, 2002). (Bossman, W).

The petitioner brought a *Motion to Modify* requesting that the Court convert the current child support obligation to reflect a fixed dollar amount and add arrears. The respondent failed to respond within the specified time period. The Court granted the motion for the petitioner.

State of Wisconsin v. Kenneth N. Littlegeorge, CS 01-23 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).

The petitioner brought a *Motion to Modify* requesting that the Court amend the current child support obligation to reflect a fixed dollar amount. The respondent failed to respond within the specified time period. The Court granted the motion for the petitioner.

State of Wisconsin/Jackson County v. Chris M. Thundercloud, CS 00-15 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).

The petitioner brought a *Motion to Modify* requesting that the Court amend the current child support obligation to reflect a fixed dollar amount. The respondent failed to respond within the specified time period. The Court granted the motion for the petitioner.

State of Wisconsin/Jackson County v. Daniel V. WhiteEagle, Karla L. Wilcox v. Daniel V. WhiteEagle, State of Wisconsin/Jackson County v. Daniel V. WhiteEagle, CS 98-66, 99-09, 01-07 *Order (Retention of the Status Quo)* (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).

The Court received a motion requesting an amendment to the child support ordered in these cases. The Court declined to amend the percentile withholdings due to the fact that such changes would still exceed the statutory maximum of thirty-four percent (34%). Therefore, the Court amended the percentages to reflect a dollar amount and nothing more.

OCTOBER 8, 2002

Sonia Rae Roberts v. Troy Van Nakai, CS 99-78 *Order (Denying Request to Amend Child Support Arrears)* (HCN Tr. Ct., Oct. 8, 2002). (Bossman, W).

The petitioner requested that the Court amend the current order to reflect arrears. The Court has received no indication from the county that the order has changed and no arrears were previously requested. The Court denied the petitioner's request.

Kenda Tarr v. Anthony Miller, CS 01-14 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 8, 2002). (Bossman, W).

The petitioner requested that the Court amend the current child support obligation to reflect an increase as modified by the Trumbull County Court in Ohio. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

OCTOBER 9, 2002

Christopher A. Marceau v. Leanne J. Smith, CS 00-09 *Order (Amending Enforcement)* (HCN Tr. Ct., Oct. 9, 2002). (Bossman, W).

The Court sent the parties *Notice (Child Turning 18)* in order to compel the parties to file proof of the child's high school enrollment. The parties failed to comply with the request, and the Court modified the order. Thenceforward, the Ho-Chunk Nation Department of Treasury would withhold only seventeen percent (17%) for the current support of the other child.

OCTOBER 10, 2002

Karena Day v. Kevin Day, CV 96-57 Order (Modifying Child Support Enforcement) (HCN Tr. Ct., Oct. 10, 2002). (Matha, T).

The petitioner brought a *Motion to Modify* requesting that the Court amend the order to reflect a change made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

Melissa A. Smith v. Paul C. Smith, CV 96-79 Order (Suspending Child Support Withholding and Updating Arrears) (HCN Tr. Ct., Oct. 10, 2002). (Matha, T).

The petitioner requested that the Court suspend child support and update the arrears records in order to reflect changes made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

State of Wisconsin/Jackson County v. Tyrone L. Decorah, CV 97-66 Order (Modifying Child Support Enforcement) (HCN Tr. Ct., Oct. 10, 2002). (Matha, T).

The petitioner requested that the Court amend the current child support order to reflect a change made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

OCTOBER 11, 2002

Michelle Hass v. Sanford Decorah, CV 97-134 Order (Modifying Child Support) (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

The petitioner requested that the Court amend the current child support order to reflect a change made by Dane County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

Kelli O' Connor v. Domic D. Bell, Nicky L. Woolhouse v. Domic D. Bell, CS 02-12, 00-28 Order (Release of Impound and Enforcing Child Support) (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

The Court had to determine whether to release an impound created by the issue of violations of

federal, state and tribal law through foreign state practices. The Court determined that the funds could be released after the issues were resolved. The Court performed an equitable distribution of the funds and released them to the respective petitioners.

Bobbi Rave v. Travis Rave, CS 98-70 Order (Dismissal) (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

The Jackson County Department of Health and Human Services sent a letter to this Court stating that the parties currently reside together. The county requested that the Court dismiss the case. The Court dismissed the case and expunged all of the respondent's balances due to the petitioner.

Jacquelyn D. Wells v. Kurtis Brockhaus, Sr., CV 96-26 Notice (Case Closed) (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

The Court closed this case file in light of the death of the respondent.

OCTOBER 14, 2002

Joshua Davis v. Ariana Youngthunder, CS 02-32 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Oct. 14, 2002). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the appropriate time period. The Court granted a default judgment in favor of the petitioner.

Margaret A. King v. Eldon D. Powless, CS 99-22 Order (Dismissal) (HCN Tr. Ct., Oct. 14, 2002). (Matha, T).

The Court notified the parties of the need to file proof of enrollment for their minor child. The parties filed the necessary paperwork that gave the child's graduation date. As that date has passed, the Court now considers the child emancipated and dismisses the case.

Michelle Stacy v. Zachary Thundercloud, State of Wisconsin, on behalf of Jennifer Grassman v. Zachary Thundercloud, CS 01-24, 97-39 Order (Modifying Child Support Enforcement) (HCN Tr. Ct., Oct. 14, 2002). (Bossman, W).

The Court had to determine whether to grant the petitioner's request. The petitioner requested that the Court amend the withholding for current child support to reflect a change made by Juneau County. The respondent failed to respond within the specified time period. The Court granted the request of the petitioner.

State of Wisconsin/Jackson County v. Terrance M. Henry, CS 02-34 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 14, 2002). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court granted a default judgment in favor of the petitioner.

Katrina D. Pintor v. Patrick A. Edwards, CS 02-44 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 14, 2002). (Bossman, W).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the specified time. The Court granted a default judgment in favor of the judgment.

OCTOBER 15, 2002

Fernando Ruiz v. Adrienne B. Vargas, CS 02-23 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 15, 2002). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court granted a default judgment in favor of the petitioner.

Tris Y. Yellowcloud v. Jeffrey A. Link, Charlene Smolenski v. Jeffrey A. Link, CV 97-07, 97-34 *Order (Modifying Child Support Enforcement and Equitable Adjustment)* (HCN Tr. Ct., Oct. 15, 2002). (Bossman, W).

The Court had to determine whether or not to grant an equitable adjustment for child support arrears in the above listed cases. The respondent failed to respond to the motion within the specified time period. The Court granted the motion and performed an equitable adjustment.

State of Wisconsin/Jackson Co. v. Tyrone Decorah, CV 97-66 *Erratum Order* (HCN Tr. Ct., Oct. 15, 2002). (Matha, T).

The Court issues this *Erratum Order* to correct a clerical error.

OCTOBER 16, 2002

Kathleen Waukau Bourdon v. Timothy W. Bourdon, Carol Barnes v. Timothy W. Bourdon, CS 99-69, 98-59 *Order (Granting Motion for Arrears)* (HCN Tr. Ct., Oct. 16, 2002). (Bossman, W).

The Court had to determine whether to grant a motion for arrears. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

Sherri Mann v. Marlin RedCloud, CV 96-36 *Order (Renewing Arrearage Withholding)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court continued withholding for arrears in this case until the debt was satisfied. The Court later ceased withholding when information indicated that the debt was paid. The Court has reinstated the arrears withholding upon receipt of an updated account statement.

Kathleen Waukau by the State of Wis., Shawano County v. Eldon Powless, Patricia C. Martinez v. Eldon Powless, Eldon Powless v. Rebecca Nunway, CV 96-93, CS 99-17, 23 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion to Modify* that requested an updated arrearage amount. The Court also received a foreign child support order from a pending file. The respondent failed to respond within the specified time period. The Court granted the motions in favor of each petitioner.

State of Iowa, ex rel., WS100026, Taylor Justicia Renee Houston, a Child, State of Iowa, ex rel., WS100026, Destiny Marie Rounds, v. Jerome John Houston, CS 02-42-43 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

On October 10, 2002, the Court received a motion requesting to appear by telephone in the above-named cases. The Court granted the request with

conditions. The caller may not use the Court's toll free number and must appear timely.

State of Wisconsin/Harriet M. Whitegull v. Morgan K. Decorah, CS 98-78 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion to Modify* the current support order to reflect a change made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion of the petitioner.

Danae LaBarge v. Joseph Hackey, State of Wisconsin/Agnes Shockto v. Joseph Hackey, CS 99-35, 02-01 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court had to determine whether to enforce the petitioner's *Motion to Modify* the current child support order to reflect a change made by Forest County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

State of Wisconsin v. Harrison J. Funmaker, Tameria Funmaker v. Harrison J. Funmaker, CV 96-48, 61 *Order (Suspending Child Support Enforcement and Updating Arrears)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion to Modify* the current child support order to reflect a change made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the petitioner's motion.

State of Wisconsin, Jackson County on behalf of Robin LaMere v. Rueben Rave, Jr., State of Wisconsin, Jackson County on behalf of Erin L. Emerson v. Rueben Rave, Jr., CS 01-38, 97-171 *Order (Suspending Child Support Enforcement) (Continuing Child Support)* (HCN Tr. Ct., Oct. 16, 2002). (Bossman, W).

The Court had to determine whether to suspend enforcement of a foreign child support order and continue enforcement of another against the respondent. The respondent failed to respond to the

motions in the specified time period. The Court granted the motions in favor of the petitioners.

OCTOBER 17, 2002

Montgomery J. Green v. Eliza M. Green, CS 02-30 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court granted a default judgment against the respondent.

Michelle Gulbranson v. Roger Littlegeorge, Melanie Stacy v. Roger Littlegeorge, Felicia Helgeson v. Roger Littlegeorge, Dawn Makes Strong Move v. Roger Littlegeorge, CS 97-91, 99-44, 57, 63 *Order (Modifying Child Support and Equitable Adjustment)* (HCN Tr. Ct., Oct. 17, 2002). (Bossman, W).

The Court had to determine whether to grant petitioner's *Motion to Modify* the current child support order to reflect changes made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

Naomi Rich v. Wayne Whitman, CV 97-156 *Order (Dismissal)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court received correspondence from Juneau County pertaining to the above-captioned case. The correspondence stated that the respondent no longer owed child support. Therefore, the Court ceased withholding from the respondent's per capita.

Rachel Wallace v. Lewis A. Frogg, CS 02-40 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2002). (Bossman, W).

The Court had to determine whether to enforce a standing foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court granted the request to enforce.

State of Wisconsin, ex rel., Sheila Decorah v. David A. Decorah, Kelly M. Shelifoe v. David Decorah, CS 02-26, 35 *Order (Releasing Impound and*

Enforcing Child Support) (*Continuing Child Support Order*) (HCN Tr. Ct., Oct. 17, 2002). (Bossman, W).

On July 17, 2002, the Court impounded the per capita funds of the respondent in the above-captioned cases. The respondent failed to respond within the specified time period. The Court now releases the impounded funds and emphasizes the amounts needed for distribution to each mother.

State of Wisconsin/Eau Claire County v. Henry Whitethunder, State of Wisconsin/Jackson County v. Henry Whitethunder, CS 01-25, CV 97-86 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court had to determine whether to grant petitioners' *Motion(s) to Modify* the current child support orders to reflect a fixed dollar amount. The respondent failed to respond within the specified time period. The Court granted the motions in favor of the petitioners.

State of Wisconsin/Cynthia Fowler v. Ronald W. Mallory, CS 99-01 *Order (Establishing Arrearage Withholding)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Polk County Child Support Agency filed a motion establishing arrears in this case. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

State of Wisconsin/Eileen Snowball v. Martin A. Falcon, CS 99-06 *Order (Modifying Child Support Enforcement)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion to Modify* the current child support to reflect a change made by Jackson County. The respondent failed to respond within the specified time period. The Court granted the motion in favor of the petitioner.

State of Wisconsin, Jackson County v. Brent Funmaker, CS 98-18 *Erratum Order* (Bossman, W).

The Court issued this *Erratum Order* to correct a clerical error.

Holly Wyckoff v. Rodney S. Cloud, State of Wisconsin, Brown County, Stephanie Passon v. Rodney S. Cloud, CS 02-31, 99-08 *Order (Enforcing Child Support) (Continuing Child Support Order)* (HCN Tr. Ct., Oct. 17, 2002). (Bossman, W).

The Court had to determine whether to grant a motion to amend the current child support order. The respondent failed to respond within the specified time period. The Court granted the petitioner's motion.

State of Wisconsin/Jackson Co. v. Greg D. Henry, CS 99-64 *Order (Dismissal)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court received correspondence indicating that the parties had agreed to cease child support payments in this case. The correspondence indicated the parties were now living together and child support was unnecessary. The Court granted the motion to cease child support payments.

State of Wisconsin/Juneau County on behalf of Chastity Miller v. Arnold R. Decorah, State of Wisconsin/Jackson County on behalf of Veronica Rosas v. Arnold R. Decorah, CS 99-15, 00-32 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court had to determine whether to grant petitioners' *Motion(s) to Modify* the child support orders to reflect the changes made by Juneau and Jackson Counties. The respondent failed to respond within the specified time period. The Court granted the motions in favor of the petitioners.

Kelli O' Connor v. Domic Bell, Nicky L. Woolhouse v. Domic Bell, CS 02-12, 00-28 *Erratum Order* (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).

The Court issued an *Erratum Order* to correct a clerical error resulting from misinformation supplied by the State of Minnesota.

OCTOBER 18, 2002

Michelle Hass v. Sanford Decorah, CV 97-134 *Erratum Order* (HCN Tr. Ct., Oct. 18, 2002). (Matha, T).

The Court issued an *Erratum Order* to correct a clerical error.

OCTOBER 22, 2002

Michelle Hass v. Sanford Decorah, CV 97-134 *Erratum Order* (HCN Tr. Ct., Oct. 18, 2002). (Matha, T).

The Court issued an *Erratum Order* to correct a clerical error.

OCTOBER 23, 2002

State of Wisconsin/Jackson Co. v. Greg D. Henry, CS 99-64 *Notice (Rescission of Order)* (HCN Tr. Ct., Oct. 23, 2002). (Matha, T).

On October 17, 2002, the Court issued an *Order (Dismissal)* for the above captioned case. On October 22, 2002, the Jackson County Child Support Agency notified the Court in writing that the parties were no longer cohabitating. The Court rescinds the previous decision and directs the Ho-Chunk Nation Department of Treasury continue to withhold for current child support.

OCTOBER 24, 2002

Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., CV 96-58, CS 99-29 *Order (Impounding Funds)* (HCN Tr. Ct., Oct. 24, 2002). (Matha, T).

In the instant case, the Court found it necessary to impound the child support funds for **Case No.: CV 96-58**. The motion before the Court was one requesting that the Court cease per capita payments for child support in the previously mentioned case. The respondent alleged that he met the child support obligation entirely through wages. However, the respondent submitted no pay stubs or confirmation from the county regarding this assertion. In addition, the respondent alleges that cessation of support shall be considered at a hearing that is scheduled for a later date. This Court cannot act upon a potential order, but must wait for a final decision from the county in order to proceed. In order to allow the parties to resolve the factual dispute, the Court shall impound the funds until further notice. The Court may only grant impounds in cases where a standing withholding currently exists in accordance with the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE. In determining whether to grant an impound, the Court considers the follows factors: (1) whether an adequate remedy exist at law; (2) whether the injury outweighs the harm of an injunction; (3) the

likelihood of success; and (4) whether granting an injunction would serve the public interest.

OCTOBER 29, 2002

State of Wisconsin v. Jackie E. Snow, CS 02-53 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 30, 2002). (Bossman, W).

The Court had to determine whether to enforce a standing foreign child support order. The respondent failed to respond within the specified time period. The Court granted a default judgment for the petitioner.



Children's Trust Fund (CTF)

SEPTEMBER 25, 2002

In the Interest of: W.J.M., DOB 04/19/91, S.G.M., DOB 12/24/89, A.J.M., DOB 09/02/88, by Sheila Waube v. HCN Office of Tribal Enrollment, CV 01-106 *Notice (Intent to Close)* (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

The instant case involved a mother seeking the release of CTF monies. The plaintiff requested a continuance as of November 21, 2001. However, due to a lack of activity on this file for a period of greater than six (6) months, the Court may close this file pursuant to *HCN R. Civ. P.*, 56(C).

OCTOBER 18, 2002

Vance Swallow v. HCN Office of Tribal Enrollment, CV 02-90 *Order (Requiring Submission of Documents)* (HCN Tr. Ct., Oct. 18, 2002). (Bossman, W).

The plaintiff filed a *Petition for Release of Per Capita Distribution* on September 23, 2002. The defendant filed an *Answer* on October 14, 2002, raising several issues concerning a lack of documentation. The Court requests documentation in the matter to support the plaintiff's assertion prior to a *Fact-Finding Hearing*.

OCTOBER 21, 2002

In the Interest of Minor Children: J.A.L., DOB 1/20/91, and K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment,

CV 02-85 *Order (Petition Granted)* (HCN Tr. Ct., Oct. 21, 2002). (Matha, T).

The Court received a request to access monies on behalf of the minor children in this case for orthodontic surgery, musical instruments and lessons. The Court noted that the petitioner had met the requirements under the Court's four-prong test. In reference to the musical instruments and lessons, the Court granted these requests due to the fact that the children were exceptionally talented and dedicated musicians.



Incompetent's Trust Fund (ITF)

OCTOBER 2, 2002

In the Interest of Decedent: Renee D. Blackdeer, by Marian E. Blackdeer v. HCN Office of Tribal Enrollment, CV 01-71 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 2, 2002). (Matha, T).

On December 4, 2001, the Court released funds from the ITF account of decedent, Renee D. Blackdeer, for payment of debts against her estate and other probate provisions. On September 29, 2002, the petitioner submitted a payment history that confirmed the proper use of the funds. The Court accepted this accounting and notified the parties of its intent to close the case.

In the Interest of Readonna Lei Wilson, by Violet Vilbaum v. HCN Office of Tribal Enrollment, CV 00-44 Order (Show Cause) (HCN Tr. Ct., Oct. 2, 2002). (Matha, T).

On February 28, 2002, the Court released funds from the ITF account of Readonna Lei Wilson for costs associated with travel, rent, clothing, and miscellaneous household items. On August 22, 2002, the Court issued an *Order (Requesting Accounting)* that gave the petitioner a limited time to comply with the previous Court order. The Court has not received documentation in compliance with its previous orders, so the Court now issues an

Order (Show Cause) to schedule a *Show Cause Hearing* that allows the petitioner to explain her actions or be subject to contempt proceedings.

OCTOBER 11, 2002

In the Interest of Readonna Wilson, by Violet Vilbaum v. HCN Office of Tribal Enrollment, CV 00-44 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

On February 28, 2002, the Court released funds from the ITF account of Readonna Lei Wilson for certain expenses. On October 10, 2002, the petitioner submitted a payment history confirming the proper use of funds. The Court accepts this accounting.

OCTOBER 18, 2002

In the Interest of Decedent: Victor Blackhawk, DOB, 09/27/24, DOD, 02/03/01, by Kenneth Freitag v. HCN Office of Tribal Enrollment, CV 02-91 Order (Releasing Adult Incompetent Trust Funds to Special Administrator of Estate) (HCN Tr. Ct., Oct. 18, 2002). (Bossman, W).

The instant case involved a Ho-Chunk elder that was previously declared incompetent and now is deceased. Given that the Ho-Chunk Tribal Court currently has no probate code, the only issue that this Court may dispense with is the issue of ITF funds and their disbursement upon death. The Court shall disburse ITF funds to a person that is named the personal representative of the estate by a foreign court. The Court has released the funds of Victor Blackhawk to the personal representative, Mr. Kenneth Freitag.

OCTOBER 29, 2002

In the Interest of Annette Funmaker, DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, CV 97-79 Order (Releasing ITF Monies) (HCN Tr. Ct., Oct. 29, 2002). (Bossman, W).

The petitioner requested funds from the ITF account of Annette Funmaker, DOB 05/10/79, for the purchase of a handicapped vehicle. The Court used the four-prong test to determine eligibility. The petitioner met the four-prong test, and the Court granted the use of ITF funds.



CIVIL CASES (ALL CATEGORIES)

SEPTEMBER 20, 2002

Ho-Chunk Nation Department of Treasury v. Ronald Wilber, CV 02-29 Notice (*Satisfaction of Judgment and Intent to Close*) (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).

On May 16, 2002, the Court entered a *Judgment* in favor of the plaintiff. On September 17, 2002, the plaintiff filed a *Satisfaction of Judgment*. Recognizing that the debt was paid in full, the Court informed the parties of its intent to close the case.

SEPTEMBER 25, 2002

Debra Hall-Shoemaker v. Ho-Chunk Nation, Debra Hall-Shoemaker v. Ho-Chunk Nation and Sandy Plawman, in her official and individual capacity, CV 02-41, 77 Stipulation, Joint Motion & Order to Consolidate (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

The parties agreed to request a consolidation of the cases in this matter. In addition, the parties requested time to arrange for a new *Scheduling Conference*. The Court granted these requests.

Ho-Chunk Nation Department of Housing, Property Management Division v. Lewis Frogg, CV 02-59 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the *Complaint* despite proper service of process. Therefore, the Court rendered a default judgment against the defendant.

In the Interest of: W.J.M., DOB 04/19/91, S.G.M., DOB 12/24/89, A.J.M., DOB 09/02/88, by Sheila Waube v. HCN Office of Tribal Enrollment, CV 01-106 Notice (*Intent to Close*) (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

Clarence Pettibone v. HCN Legislature and HCN Legislators Kathyleen Whiterabbit, Sharyn Whiterabbit, George Lewis, Myrna Thompson, Gerald Cleveland, Christine Funmaker-Romano, Dallas Whitewing, Wade Blackdeer, Tracy Thundercloud and Elliot Garvin, in their official capacities, CV 01-84 Notice (*Intent to Close*) (HCN Tr. Ct., Sept. 25, 2002). (Matha, T).

On May 15, 2002, the Court granted summary judgment in favor of the plaintiff. The Court has heard nothing more on the matter. The Court now notifies the parties of its intent to close the case.

SEPTEMBER 26, 2002

Ho-Chunk Nation Department of Housing, Property Management Division v. Ashley John Decorah, CV 02-18 Notice (*Satisfaction of Judgment and Intent to Close*) (HCN Tr. Ct., Sept. 26, 2002). (Matha, T).

On May 15, 2002, the Court entered a default judgment for damages in favor of the plaintiff. On September 13, 2002, the plaintiff filed a *Satisfaction of Judgment*. Therefore, the Court recognized that the debt was paid and notified the parties of its intent to close the case.

Ho-Chunk Nation Department of Housing, Property Management Division v. Jeanine F. Heffner, CV 01-118 Notice (*Satisfaction of Judgment and Intent to Close*) (HCN Tr. Ct., Sept. 26, 2002). (Matha, T).

On January 16, 2002, the Court entered a default judgment in favor of the plaintiff. On September 13, 2002, the plaintiff filed a *Satisfaction of Judgment*. The Court recognized that the debt was paid in full and notified the parties of its intent to close the case.

Ho-Chunk Nation Housing Authority v. Tyrone Swallow and Lori Swallow, CV 01-101 Notice (*Satisfaction of Judgment and Intent to Close*) (HCN Tr. Ct., Sept. 26, 2002). (Matha, T).

On July 19, 2002, the Court entered an *Order* for damages in favor of the plaintiff. On September 17, 2002, the plaintiff filed a *Satisfaction of Judgment*. The Court recognized the payment of the debt and informed the parties of its intent to close the case.

Ho-Chunk Nation Department of Housing, Property Management Division v. Melody Whiteagle, a/k/a Melody Whiteagle Fintak, CV 01-80 *Notice (Satisfaction of Judgment and Intent to Close)* (HCN Tr. Ct., Sept. 26, 2002). (Matha, T).

On September 20, 2001, the Court entered an *Order* for damages in favor of the plaintiff. On September 17, 2002, the plaintiff filed a *Satisfaction of Judgment*. The Court recognized payment of the debt in full and notified the parties of its intent to close the case.

SEPTEMBER 27, 2002

Don Brady v. Maria Blackhawk, CV 02-84 *Scheduling Order* (HCN Tr. Ct., Sept. 27, 2002). (Bossman, W).

The Court issues this *Scheduling Order* to establish dates and deadlines for the instant case, up to and including trial.

OCTOBER 2, 2002

In the Interest of Decedent: Renee D. Blackdeer, by Marian E. Blackdeer v. HCN Office of Tribal Enrollment, CV 01-71 *Order (Accepting Accounting)* (HCN Tr. Ct., Oct. 2, 2002). (Matha, T).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

In the Interest of Readonna Lei Wilson, by Violet Vilbaum v. HCN Office of Tribal Enrollment, CV 00-44 *Order (Show Cause)* (HCN Tr. Ct., Oct. 2, 2002). (Matha, T).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

Morning Star Leonard v. Julie Nakai, as Floor Manager of Ho-Chunk Bingo, and the Ho-Chunk Nation, CV 02-45 *Order (Amending Scheduling Order)* (HCN Tr. Ct., Oct. 2, 2002). (Bossman, W). On September 16, 2002, the Parties filed a *Stipulation and Order to Amend Scheduling Order*. The parties asserted this request for good cause. The Court accepted this agreement and amended the *Order*.

OCTOBER 4, 2002

Debra Hall-Shoemaker v. Ho-Chunk Nation and Sandy Plawman, in her official and individual

capacity, CV 02-41, 77 *Scheduling Order* (HCN Tr. Ct., Oct. 4, 2002). (Bossman, W).

The Court issued this *Scheduling Order* in order to establish dates and deadlines in the instant case up to and including trial.

OCTOBER 9, 2002

Casimir T. Ostrowski v. Ho-Chunk Nation Personnel Dept., and Ho-Chunk Casino, CV 02-82 *Scheduling Order* (HCN Tr. Ct., Oct. 9, 2002). (Bossman, W).

The Court issued this *Scheduling Order* in order to establish dates and deadlines for the instant case up to and including trial.

OCTOBER 11, 2002

In the Interest of Readonna Wilson, by Violet Vilbaum v. HCN Office of Tribal Enrollment, CV 00-44 *Order (Accepting Accounting)* (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

Troy S. Westphal v. Ho-Chunk Nation and Ho-Chunk Nation Casino, CV 02-75 *Order (Granting Plaintiff Leave to Reschedule)* (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).

On July 24, 2002, the plaintiff initiated the current action by filing a *Complaint*. The Court scheduled a *Scheduling Conference* for October 8, 2002, at 1:30 P.M. CDT. The plaintiff failed to appear, but the Court granted the plaintiff three (3) weeks to reschedule or risk dismissal.

OCTOBER 14, 2002

Kathy A. Stacy v. Ho-Chunk Nation Legislators, CV 02-48 *Amended Scheduling Order* (HCN Tr. Ct., Oct. 14, 2002). (Bossman, W).

The Court issued this *Scheduling Order* in order to establish dates and deadlines for the instant case up to and including trial.

OCTOBER 16, 2002

Ho-Chunk Nation Department of Housing, Property Management Division v. Lacy Big John, CV 02-89 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 16, 2002). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the *Complaint* within the specified

time period. The Court granted a default judgment for the plaintiff.

OCTOBER 18, 2002

Margaret G. Garvin v. Donald Greengrass, Margaret G. Garvin v. Ho-Chunk Nation and Donald Greengrass in his official capacity, CV 00-10, 38 Notice (*Satisfaction of Judgment and Intent to Close*) (HCN Tr. Ct., Oct. 18, 2002). (Matha, T). On August 22, 2002, the Court issued an *Order (Intent to Close)*. On September 3, 2002, the plaintiff objected and requested a hearing. Subsequent to that hearing, the plaintiff filed a *Satisfaction of Judgment*. The Court acknowledged the payment of the debt in full and notified the parties of its intent to close the case.

In the Interest of Decedent: Victor Blackhawk, DOB, 09/27/24, DOD, 02/03/01, by Kenneth Freitag v. HCN Office of Tribal Enrollment, CV 02-91 *Order (Releasing Adult Incompetent Trust Funds to Special Administrator of Estate)* (HCN Tr. Ct., Oct. 18, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

Vance Swallow v. HCN Office of Tribal Enrollment, CV 02-90 *Order (Requiring Submission of Documents)* (HCN Tr. Ct., Oct. 18, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

OCTOBER 21, 2002

In the Interest of Minor Children: J.A.L., DOB 1/20/91, and K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment, CV 02-85 *Order (Petition Granted)* (HCN Tr. Ct., Oct. 21, 2002). (Matha, T).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

OCTOBER 22, 2002

Joseph Decorah v. Ho-Chunk Nation and Ho-Chunk Casino, CV 02-47 *Pre-Trial Order* (HCN Tr. Ct., Oct. 22, 2002). (Bossman, W).

On October 21, 2002, a *Pre-Trial Conference* was held in this matter. The plaintiff made a motion before the Court pertaining to the production of documents in discovery. The defendant had

previously refused the requests on grounds of privilege. The Court determined that where substantial need is shown, certain requests for documents may overcome a presumption of confidentiality.

Helen M. Wilson v. Ho-Chunk Nation and Amy Peterson in her official capacity, CV 02-88 *Scheduling Order* (HCN Tr. Ct., Oct. 22, 2002). (Matha, T).

The Court issued this *Scheduling Order* in order to establish dates and deadlines for the instant case up to and including trial.

OCTOBER 29, 2002

In the Interest of Annette Funmaker, DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, CV 97-79 *Order (Releasing ITF Monies)* (HCN Tr. Ct., Oct. 29, 2002). (Bossman, W).

For summary, see [Incompetent's Trust Fund \(ITF\) cases](#) within this index.

Troy S. Westpahl v. Ho-Chunk Nation and Ho-Chunk Casino, CV 02-75 *Order (Granting Appearance Pro Hac Vice)* (HCN Tr. Ct., Oct. 29, 2002). (Matha, T).

The Court granted Attorney William J. Grogan the opportunity to appear before the Court in this matter *pro hac vice*.



Juvenile

SEPTEMBER 26, 2002

In the Interest of Minor Child: C.R.P., DOB 12/27/96, JV 02-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Sept. 26, 2002). (Bossman, W).

The Court granted a telephonic appearance for a hearing scheduled on September 27, 2002.

OCTOBER 3, 2002

In the Matter of the Child: B.T., DOB 08/10/91, JV 98-10 Order (Scheduling Review Hearing) (HCN Tr. Ct., Oct. 3, 2002). (Bossman, W).

The Court scheduled a *Review Hearing* in the instant case for October 23, 2002.



Supreme Court

Nothing to report at this time.



Recent Filings

Trial Court

Child Support

SEPTEMBER 30, 2002

Rhonda M. Oas v. Esteban M. Blackhawk, CS02-45. (Matha, T).

State of Wisconsin v. John F. Blackdeer, CS02-46. (Matha, T).

State of Wisconsin v. Robin LaMere, CS02-47. (Matha, T).

OCTOBER 1, 2002

State of Iowa v. Aaron Blackhawk, CS02-48. (Matha, T).

Betrami Co. v. Charles D. Hindsley, CS02-49. (Matha, T).

Kayla Giraud v. Randall RedCloud, CS02-50. (Matha, T).

OCTOBER 3, 2002

Kathleen Peters v. Kevin B. Funmaker, CS02-51. (Matha, T).

OCTOBER 7, 2002

Calvenita H. Kills In Water v. Moses L. Cleveland, CS02-52. (Bossman, W).

OCTOBER 9, 2002

State of Wisconsin v. Jackie E. Snow, CS02-53. (Bossman, W).

OCTOBER 10, 2002

Kelly L. Skenandore v. Kevin A. Decorah, CS02-54. (Bossman, W).

OCTOBER 11, 2002

State of Wisconsin/Julia Goodbear v. Chebon Bear, CS02-55. (Bossman, W).

OCTOBER 14, 2002

Woodrow White v. Gail J. Rave, CS02-56. (Matha, T).

Rebecca Rave v. Andrew S. Rave, CS02-57. (Matha, T).

OCTOBER 23, 2002

Lottie A. Tucker v. Ira R. Harrison, CS02-58. (Bossman, W).

OCTOBER 25, 2002

Ericka Lynn Cloud v. Fletcher Andrew Collins, CS02-59. (Bossman, W).

Civil Cases

SEPTEMBER 27, 2002

HCN v. Bank of America, CV02-93. (Bossman, W).

SEPTEMBER 30, 2002

In the Matter of W.S.C., DOB 01/26/94, by Tina S. Smith Kelly v. HCN Office of Tribal Enrollment, CV02-94. (Matha, T).

OCTOBER 1, 2002

In the Matter of Beatrice Reyes, by Dorothy Lenard v. HCN Office of Tribal Enrollment, CV02-95. (Matha, T).

OCTOBER 3, 2002

HC Housing Authority v. Vilas and Gina WhiteEagle, CV02-96. (Matha, T).

OCTOBER 7, 2002

In the Matter of S.C.M.J., DOB 06/25/91 and D.M.J., DOB 12/17/98, by Gregory C. Johnson v. HCN Office of Tribal Enrollment, CV02-97. (Bossman, W).

In the Matter of C.E.H., DOB 07/13/91, T.R.H., DOB 12/19/92 and B.R.H., DOB 03/13/94, by Janelle Hopinkah v. HCN Office of Tribal Enrollment, CV02-98. (Bossman, W).

In the Matter of J.H.D., DOB 05/24/86, by Janelle Hopinkah v. HCN Office of Tribal Enrollment, CV02-99. (Bossman, W).

OCTOBER 9, 2002

In the Matter of N.E.W., DOB 04/06/88, by Marlene A. Hopinkah v. HCN Office of Tribal Enrollment, CV02-100. (Bossman, W).

OCTOBER 18, 2002

In the Matter of Z.G.D., DOB 04/20/86, by Sheila Marie Pagel v. HCN Office of Tribal Enrollment, CV02-101. (Matha, T).

OCTOBER 22, 2002

HC Housing Authority v. Karen Lipske, CV02-102. (Bossman, W).

Majestic Pines Hotel v. Troy Whiteagle, CV02-103. (Bossman, W).

OCTOBER 24, 2002

In the Matter of C.Y.B., DOB 05/04/92, by Charles Brown, CV02-104. (Bossman, W).

OCTOBER 25, 2002

HC Housing Authority v. Henrietta Funmaker, CV02-105. (Bossman, W).

OCTOBER 29, 2002

HC Housing Authority v. Jackie Henneha, CV02-106. (Not yet assigned).

Juvenile

No new filing in this category.

Domestic Cases

No new filing in this category.



Supreme Court

No new filing in this category.



More smiling faces grace the Court building. They are so cute!

SWEARING IN (CONTINUED)!

After Justice Hunter's speech, Justice Lowe took her oath of office. She swore to uphold the laws of the Ho-Chunk Nation, sustain the culture and promote Ho-Chunk traditions. She swore to do all of these things with "dignity and sincerity." See ELECTION ORDINANCE, HCC-95-002. Soon after, it was Justice Lowe's turn to speak to the crowd. She thanked her family and the Court. Justice Lowe spoke reverently about what path lay ahead of her and what path she had taken before. In the path ahead, she stated that experiences from her past would serve her well in this new position as Associate Justice. She seemed deeply touched by the event and the solemnity of her new position. Finally, an honor song played as members came to congratulate the new Justice and her family. Lunch was served to all comers. The new Justice could be seen smiling for photos and laughing with friends and family. Attendees had a wonderful time at the celebration.



Justice Lowe poses for a photo and a round of congratulations with the Master of Ceremonies, Gerald Cleveland, at her swearing-in. More details, see the page 2 *Swearing In Justice Lowe*.



A proud new member of the Supreme Court looks upon a sea of smiling faces as she waits to make her speech.



Associate Justice Lowe addresses her audience, expressing joy and hope for the future in equal measure.

GHOULS ATTACK! (Continued from page 1)



Ghouls storm the Court building in search of plunder...er, I mean candy.



The ghouls attack the Chief Judge of the Tribal Court building, yelling, "Trick or Treat." Obviously, that mantra means the same as "your candy or your life." The Judge acquiesces and hands over the candy quietly.



The Judge hands over the candy, fearlessly, only thinking to save his staff members from a ghoulish attack.



The ghouls, now subdued, eat their plunder (candy) and consider their next target.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court—Mary Jo B. Hunter, Chief Justice
Mark D. Butterfield, Associate Justice
Jo Deen B. Lowe, Associate Justice

Traditional Court –Wallace Blackdeer
Donald Blackhawk
Dennis Funmaker
Orville Greendeer
Douglas Greengrass
Owen Mike
Gavin Pettibone
Douglas Red Eagle
Preston Thompson, Jr.
Eugene Thundercloud
Morgan White Eagle
Clayton Winneshiek

Trial Court – William H. Bossman, Chief Judge
Todd R. Matha, Associate Judge

Clerk of Court, Supreme Court – vacant
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Bailiff/Process Server – Willa RedCloud
Administrative Assistant – Jeanne Colwell
Staff Attorney – Rebecca Tavares

Office of Public Advocacy – Dennis Funmaker, Administrator

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 5—Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, South Dakota, North Dakota, and Wisconsin)

HCN Court System Fee Schedule

- Filing Fees \$50.00*

*With the exception of petitions to register child support orders – this fee remains at \$20.00 as previously ordered by the Supreme Court.

Note: Filing Fee now includes *Summons* fee.

- Filing Fees for *Petitions to Register and Enforce Foreign Judgment/ Order*. \$20.00

Copying \$0.10/per page
Faxing \$0.25/per page (sending and receiving)
Tapes of Hearings \$10.00/per tape
CD of Hearing. \$12.50/per tape
Deposition Videotape \$10.00/per tape
Certified Copies \$0.50/per page
Equipment Rental \$5.00/per hour
Appellate filing fees \$35.00
Admission to Practice \$50.00
Pro Hac Vice Appearance \$35.00

Legal Citation Form

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).
HCN Const., Art. XI, Sec. (or §) 7.

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12,
Part B, p. 82.
CLAIMS AGAINST PER CAPITA, Sec. (or §) 6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Rules of Civil Procedure

HCN R. Civ. P. 19(B).



HO-CHUNK NATION COURT BULLETIN

Inside this Issue

- 1** Year in Review
- 3** Attorney Interviews
- 4** Recent Decisions

- 11** Recent Filings

- 12** Review: Marriage
- 13** Year in Review: Staff Attorney

- 15** HCN Court System Judiciary and Staff

Ho-Chunk Nation Court System Fee Schedule

Legal Citation Form

Ho-Chunk Nation Court System
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 Ph.
(800) 434-4070 Ph. (Toll-free)
(715) 284-3136 Fax
<http://www.ho-chunknation.com/government/courts.htm>

Hours of Operation: Monday through Friday
(except holidays) 8 A.M. – 4:30 P.M.

THE YEAR IN REVIEW; HCN BAR MEMBER CONVERSATIONS AND OTHER INVESTIGATIONS.

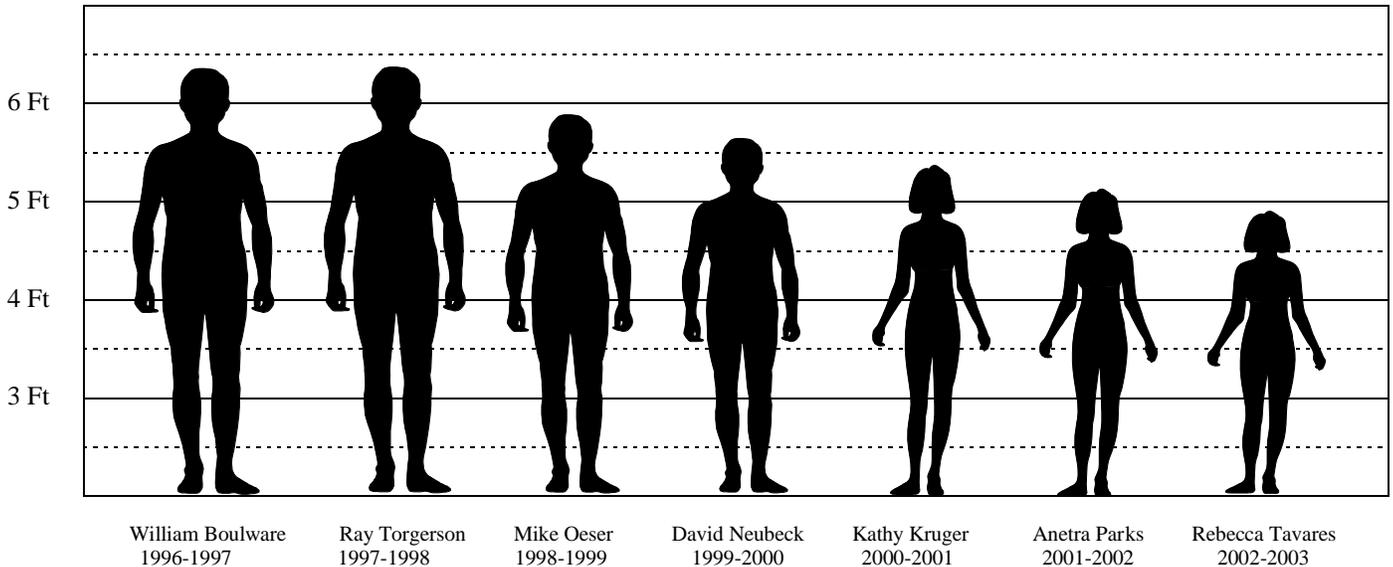
It has come to the Court's attention that strange things are afoot within the Ho-Chunk Nation Judiciary. Indeed, strange coincidences continue to occur with a regularity that could be considered eerie. The chart displayed on the following page is merely one piece of evidence documenting the oddities and spooky coincidences that this Court faces daily. What you are about to see is a chronicle of the lives of former staff attorneys of the Ho-Chunk Nation Trial Court. Each person interviewed attested to their professional advancement thanks to their time working for the Nation. Each former staff attorney expressed a fondness for the Court and positive memories and experiences that have aided them in their careers.

Yes, gentle readers, the Court staff discovered that while the former staff attorneys were thought to have disappeared without a trace, instead they have constructed lives after their time with the Nation. While it may seem surprising that the Court staff was able to hunt down each former staff attorney, this alone is not the most alarming fact. Perhaps the most disturbing fact came when each successive staff attorney admitted that they were shorter than their predecessor. Oh yes, dear reader, the staff attorney is shrinking! Each attorney gets smaller and smaller, which does seem in keeping with the trends in technology and other areas of American culture. The rest of the article chronicles the lives of former staff attorneys. Note the chart but do not be alarmed. Ask yourself, is this a conspiracy or a coincidence?



The Incredible Shrinking Staff Attorney:

the diminution of the juridical apprentice in the second post-constitutional era



CONSPIRACY OR COINCIDENCE? ?

Here, gentle reader, we see an example of the shrinking staff attorney. Now, you might expect that the diminution in size suggests fewer capabilities than the older, bigger model. However, as alluded to before, the smaller, lighter models pack just as much fire power, or knowledge, into a smaller, more maneuverable body. While the outer hardware is diminished in scale, the inner components are not adversely affected by this smaller shell. However, the Court continues to find this exponential diminution of the staff attorney rather distressing. If the height of the staff attorney continues to decrease gradually, in keeping with the diminution of technological hardware, the staff attorney would be expected to disappear altogether within the next five years. This complete

disappearance would leave messages unanswered, mail unopened, and opinions unwritten. The Court would have no third party to relay messages between the Court and respective parties. Such a scenario is the unspeakable horror that cannot be allowed to endure. While the Court has enjoyed the smaller staff attorney model, an exponentially decreasing staff attorney is not perhaps in the best interests of justice. However, this could potentially all be a coincidence, and the Court would then have no need to fear the eradication of this advanced subspecies. Yet, others have disappeared for other reasons. The next section of this article tracks former staff attorneys rediscovered in their natural habitat. *Continued on page 13.*

HCN BAR REVIEW: AN IN-DEPTH LOOK AT HCN BAR MEMBERS



The author of this article, Rebecca Tavares, is the Law Clerk for the Ho-Chunk Trial Court and graduated from the University of Minnesota. Of Wyandot and Portuguese descent, Ms. Tavares held a previous clerkship with Judge Thorwald Anderson of the State of Minnesota's Fourth Judicial District. Before coming to Black River Falls, she lived in Minneapolis as a student and member of the University of Minnesota chapter of the American Indian Law Students' Association. Ms. Tavares shall spend one year with the Trial Court and the people of Black River Falls.

NOTE: The subject chosen for this personal interview feature was selected at random from a pool of active members of the Ho-Chunk Nation Bar. Future feature articles regarding bar members shall use the same selection process. This feature is not meant as an advertisement for Ho-Chunk Nation Bar members, nor should it be construed as an endorsement of any legal counsel.

Curran, Hollenbeck, & Orton, S.C., has a Ho-Chunk Nation Bar member on its staff. Rebecca Richards-Bria became a member of the Ho-Chunk Nation Bar on November 10, 2000. Before joining the HCN Bar, Ms. Bria had a number of appearances before this Court prior to joining the bar. As she was interested in having more cases before the HCN Trial Court, Ms. Bria decided to join the bar.

Among her initial impressions of the Court, Ms. Bria remembered the very polite staff and the fairness of the Court. She also remembered the youth and exuberance of Judge Todd Matha and considered the entire experience very positive. As

for the differences when compared to state courts, Ms. Bria noted that the Ho-Chunk Nation Trial Court follows federal procedure and begins the courtroom procedure in the Ho-Chunk language. Other than these differences, and the alternate forum of the Trial Court building, Ms. Bria felt that the cases she handled in the Ho-Chunk Nation did not differ so greatly from her cases conducted within state court.

On a personal note, Ms. Bria's main area of practice is family law and general law. Within the HCN Trial Court, Ms. Bria has handled predominantly employment cases. While Ms. Bria has yet to work with cases involving ICWA and family law proceedings in the HCN Trial Court, she is interested and would at least try it once to gauge the results. Prior to her graduation from law school, Ms. Bria's initial choice was to become a prosecutor for the state. This inclination stemmed from the desire to litigate and have contact with clients.

Away from law, Ms. Bria runs and even competes in distance races. She is married with three cats. While they all vie for attention, she is particularly fond of Toby. Toby is so named, because Ms. Bria and her husband found him in October in a dumpster, abandoned by someone and left to fend for himself. Shew grew up in the upper peninsula of Michigan in the city of Ironwood. When asked about what made her want to become a lawyer, Ms. Bria states that she knew she wanted, "to make a difference." She was quick-witted, and enjoyed government coursework. However, she knew that a four-year degree would not be enough. It was at this point that Ms. Bria decided that, "becoming a lawyer would help me use my talents."

Recent Decisions

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. In some instances a decision may touch upon other topics which may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

Recent Decisions and **Recent Filings** both begin with the date where the previous Court Bulletin left off.



Trial Court

Child Support

NOVEMBER 13, 2002

Debra Crowe v. Foster D. Cloud, State of Wisconsin/Sauk Co. and Dawn E. Potter v. Foster D. Cloud, CV 96-84, CS 01-12 Erratum Order (HCN Tr. Ct., Nov. 13, 2002). (Matha, T).

The Court issued this *Erratum Order* to correct a clerical error.

NOVEMBER 14, 2002

Rebecca Rave v. Andrew S. Rave, CS 02-57 Default Judgment (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court ruled in favor of the petitioner.

Kelli O'Connor v. Domonic D. Bell, Nicky L. Woolhouse, CS 02-12, 00-28, Order (Updating Arrearage Withholding) (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

In a previous decision for the instant case, the Court insisted that the parties provide the Court with an updated arrearage amount. *See Order (Releasing Impound and Enforcing Child Support)* (HCN Tr. Ct., Oct. 11, 2002). One party has complied with the Court's previous decision. The other party must comply by a given date in order for the Court to properly calculate an equitable distribution. If this party cannot comply, the Court shall suspend arrears in that case and distribute for arrears in one case alone.

NOVEMBER 18, 2002

State of Wisconsin v. Justin D. Littlewolf, CS 02-39 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Nov. 18, 2002). (Matha, T).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court ruled in favor of the petitioner.

State of Wisconsin/Columbia County, and Susie B. Shesky, a.k.a. Susie B. Decorah v. Howard Ryan, CS 00-02 Order (Modifying Child Support) (HCN Tr. Ct., Nov. 18, 2002). (Matha, T).

The petitioner requested that this Court amend the current child support withholding to reflect a fixed dollar amount. The respondent failed to respond within the specified time period. The Court granted the uncontested motion.

NOVEMBER 19, 2002

Kayla Giraud v. Randall Red Cloud, CS 02-50 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Nov. 19, 2002). (Matha, T).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent failed to respond

within the specified time period. The Court ruled in favor of the petitioner.

State of Wisconsin v. John F. Blackdeer, CS 02-46 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Nov. 19, 2002). (Matha, T).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court ruled in favor of the petitioner.

State of Wisconsin/Jackson Co. v. Robin LaMere, CS 02-47 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Nov. 19, 2002). (Matha, T).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent failed to respond within the specified time period. The Court ruled in favor of the petitioner.

NOVEMBER 22, 2002

Kelly L. Skenandore v. Kevin A. Decorah, CS 02-54 *Judgment (Recognizing Foreign Child Support Order)* (HCN Tr. Ct., Nov. 22, 2002). (Bossman, W).

The Court had to determine whether or not to enforce a foreign child support order against the respondent. The respondent was afforded an opportunity to respond at a *Fact-Finding Hearing*. He failed to appear and the Court proceeded with the *Hearing*. The Court then ruled in favor of the petitioner.



Children's Trust Fund (CTF)

OCTOBER 28, 2002

In the Interest of Minor Children: C.E.H., DOB 07/13/91, T.R.H., DOB 12/19/92, B.F.H., DOB 03/13/94, by Janelle H. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-98 *Order (Requiring Submission of Documents)* (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

The petitioner filed a *Petition for Release of Per Capita* with this Court. The respondent raised issues about the lack of documentation and how the

funds and their usage would relate to the Court's four-prong test. For these reasons, the Court requests that the petitioner provide documentation regarding her claims.

In the Interest of Minor Child: J.H.D., DOB 05/24/86, by Janelle H. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-99 *Order (Requiring Submission of Documents)* (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

The petitioner filed a *Petition for Release of Per Capita* with this Court. The respondent raised issues about the lack of documentation and how the funds and their usage would relate to the Court's four-prong test. For these reasons, the Court requests that the petitioner provide documentation regarding her claims.

In the Interest of Minor Children: S.C.M.J., DOB 06/25/92, D.M.J., DOB 12/17/98, by Gregory Charles Johnson v. HCN Office of Tribal Enrollment, CV 02-97 *Order (Requiring Submission of Documents)* (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

The petitioner filed a *Petition for Release of Per Capita* with this Court. The respondent raised issues about the lack of documentation and how the funds and their usage would relate to the Court's four-prong test. For these reasons, the Court requests that the petitioner provide documentation regarding his claims.

NOVEMBER 8, 2002

In the Interest of Minor Child: D.A.S., DOB 10/14/87, by Larry Swan v. HCN Office of Tribal Enrollment, CV 02-36 *Order (Accepting Accounting)* (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

The Court released funds from the child's CTF account for costs associated with automobile repair. On November 4, 2002, the petitioner submitted a payment history indicating the allocation of funds. The Court accepted this submission and closed the case.

In the Interest of Minor Child: H.A.D.O., DOB 09/05/90, by Sande Decorah-Ostenson v. HCN Office of Tribal Enrollment, CV 02-81 *Erratum Order* (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

The Court issued this *Erratum Order* in order to correct a clerical error.

In the Interest of Minor Child: S.K.C., DOB 08/06/94, by Stephanie Selle v. HCN Office of Tribal Enrollment, CV 02-65 Order (Dismissal with Prejudice) (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

The petitioner requested a release of monies from the CTF account of the child for costs associated with the purchase of a new home and existing debt obligations. The petitioner then demonstrated an unwillingness to proceed with her case. The Court dismissed the case after the petitioner failed to attend the scheduled *Fact-Finding Hearing*.

NOVEMBER 12, 2002

In the Interest of Minor Child: H.A.D.O., DOB 09/05/90, by Sande Decorah-Ostenson v. HCN Office of Tribal Enrollment, CV 02-81 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 12, 2002). (Matha, T).

The Court released monies from the child's account for costs associated with an orthodontics procedure. The petitioner submitted a payment history indicating the allocation of funds. The Court accepted this accounting and closed the case.

NOVEMBER 14, 2002

In the Interest of Decedent Member: Cyril S. Hudson, Jr., DOB 04/02/81, by Cyril Delarosa v. HCN Office of Tribal Enrollment, In the Interest of Decedent Member: Cyril S. Hudson, Jr, DOB 04/02/81, by Stephanie Pate v. HCN Office of Tribal Enrollment, CV 01-02, 28 Order (Releasing CTF to Estate) (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

The petitioners requested a release of funds from the CTF account of the deceased. One petitioner produced a personal representative for the estate. The Court released the funds into the care of the personal representative.

NOVEMBER 21, 2002

In the Interest of B.L.W., DOB 03/14/90, by Lanette R. Walker v. HCN Office of Tribal Enrollment, CV 02-109 Order (Granting Release of CTF Funds) (HCN Tr. Ct., Nov. 21, 2002). (Bossman, W).

The petitioner requested access to the minor child's CTF account for costs associated with an orthodontics procedure. The respondent had no

objection to the release of funds. As the petitioner met all the elements of the Court's four-prong test, the Court granted the release of funds.

In the Interest of Minor Child: N.E.W., DOB 04/06/88, by Marlene A. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-100 Order (Requiring Submission of Documents) (HCN Tr. Ct., Nov. 21, 2002). (Bossman, W).

The petitioner filed a *Petition for Release of Per Capita* with this Court. The respondent raised issues about the lack of documentation and how the funds and their usage would relate to the Court's four-prong test. For these reasons, the Court requests that the petitioner provide documentation regarding her claims.

NOVEMBER 22, 2002

In the Interest of Minor Child: C.V.B., DOB 05/04/92, by Charles A. Brown v. HCN Office of Tribal Enrollment, CV 02-104 Order (Requiring Submission of Documents) (HCN Tr. Ct., Nov. 22, 2002). (Bossman, W).

The petitioner filed a *Petition for Release of Per Capita* with this Court. The respondent raised issues about the lack of documentation and how the funds and their usage would relate to the Court's four-prong test. For these reasons, the Court requests that the petitioner provide documentation regarding his claims.



Incompetent's Trust Fund (ITF)

OCTOBER 4, 2002

In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, CV 01-85 Order (Releasing ITF Monies) (HCN Tr. Ct., Oct. 4, 2002). (Matha, T).

The Court had to determine whether Shari Marg, as guardian for Mary Lou Blackdeer, could access her ITF funds for travel expenses. The petitioner was

able to meet the Court's four-prong test. Therefore, the Court granted the release of funds.

NOVEMBER 1, 2002

In the Interest of Norma Whitebear, DOB 02/17/24, by Cecilia Rave v. HCN Office Tribal Enrollment, CV 01-125 Order (Granting Release of ITF Funds) (HCN Tr. Ct., Nov. 1, 2002). (Bossman, W).

The petitioner requested a release of funds to pay for clothing and miscellaneous bills. The respondent stated no objection to the release of funds. The Court granted the petitioner's request.

NOVEMBER 8, 2002

In the Interest of Claude Payer, DOB 12/19/61, by Dorothy Will v. HCN Office of Tribal Enrollment, CV 02-31 Order (Demanding Accounting) (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

On May 22, 2002, the Court released funds from the ITF account of Claude Payer for costs associated with house payments. The Court requested an accounting twice of Ms. Will, setting a deadline for her compliance. In this decision, the Court demanded compliance or Ms. Will would risk being placed in contempt.



CIVIL CASES (ALL CATEGORIES)

OCTOBER 4, 2002

In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, CV 01-85 Order (Releasing ITF Monies) (HCN Tr. Ct., Oct. 4, 2002). (Matha, T).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

OCTOBER 28, 2002

In the Interest of Minor Children: C.E.H., DOB 07/13/91, T.R.H., DOB 12/19/92, B.F.H., DOB 03/13/94, by Janelle H. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-98 Order (Requiring Submission of Documents) (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

In the Interest of Minor Child: J.H.D., DOB 05/24/86, by Janelle H. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-99 Order (Requiring Submission of Documents) (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

In the Interest of Minor Children: S.C.M.J., DOB 06/25/92, D.M.J., DOB 12/17/98, by Gregory Charles Johnson v. HCN Office of Tribal Enrollment, CV 02-97 Order (Requiring Submission of Documents) (HCN Tr. Ct., Oct. 28, 2002). (Bossman, W).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

NOVEMBER 1, 2002

In the Interest of Norma Whitebear, DOB 02/17/24, by Cecilia Rave v. HCN Office Tribal Enrollment, CV 01-125 Order (Granting Release of ITF Funds) (HCN Tr. Ct., Nov. 1, 2002). (Bossman, W).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

NOVEMBER 7, 2002

Melody Whiteagle-Fintak v. HCN Department of Social Services - Youth Services Division, CV 01-153 Order (Final Judgment) (HCN Tr. Ct., Nov. 7, 2002). (Matha, T).

The Court had to determine whether the plaintiff should receive additional money damages from a successful grievance during the Administrative Review Process. The focal point of this decision stemmed from the fact that family medical leave should have begun from the date of her approval and not retroactively applied in a convenient manner for personnel. Therefore, family medical leave was still in effect and the plaintiff could not properly be terminated. Furthermore, while the plaintiff appeared to agree to a layoff, this agreement stemmed from a form of administrative relief proffered upon the realization that her termination was improper. Therefore, the plaintiff was entitled to additional money damages.

NOVEMBER 8, 2002

In the Interest of Claude Payer, DOB 12/ 19/61, by Dorothy Will v. HCN Office of Tribal Enrollment, CV 02-31 Order (Demanding Accounting) (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

For summary, see **Incompetent's Trust Fund (ITF) cases** within this index.

In the Interest of Minor Child: D.A.S., DOB 10/14/87, by Larry Swan v. HCN Office of Tribal Enrollment, CV 02-36 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

In the Interest of Minor Child: H.A.D.O., DOB 09/05/90, by Sande Decorah-Ostenson v. HCN Office of Tribal Enrollment, CV 02-81 Erratum Order (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

In the Interest of Minor Child: S.K.C., DOB 08/06/94, by Stephanie Selle v. HCN Office of Tribal Enrollment, CV 02-65 Order (Dismissal with Prejudice) (HCN Tr. Ct., Nov. 8, 2002). (Matha, T).

For summary, see **Children's Trust Fund (CTF) cases** within this index.

NOVEMBER 12, 2002

Liana D. Bush v. HCN Office of Tribal Enrollment and HCN Legislature, CV 01-58 Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous *Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)*. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.

Nancy Lynn (Whitewater) Johnston v. HCN Office of Tribal Enrollment and HCN Legislature, CV 01-62 Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous *Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)*. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.

Diana Hellerud, Brenda J. Freehill, Linda Revels, James E. Hellerud, Margaret R. Klonicke, Patricia A. Swartling, Mark S. Hellerud, Peggy A. Friske, Frank W. Dikeman, Claire L. Revels v. HCN Office of Tribal Enrollment and HCN Legislature, CV 01-79 Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous *Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)*. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.

Jessie Ann Rugg, Lori Ann Parker, Sheryl Ann Cook, Betty Jean Gerke, David Allen Hanson, Elmer Leroy Hanson, Jr., Timothy Wayne Hanson, Debra K. Bundy v. HCN Office of Tribal Enrollment and HCN Legislature, CV 01-59 Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous *Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)*. On October 31, 2001, the Supreme Court issued its

decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.

In the Interest of Minor Child: H.A.D.O., DOB 09/05/90, by Sande Decorah-Ostenson v. HCN Office of Tribal Enrollment, CV 02-81 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 12, 2002). (Matha, T).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

NOVEMBER 13, 2002

Ho-Chunk Housing Authority v. Vilas White Eagle and Gina White Eagle, CV 02-96 Order (Dismissal with Prejudice) (HCN Tr. Ct., Nov. 13, 2002). (Matha, T).

The plaintiff filed a *Motion to Dismiss* with the Court, citing a *Voluntary Consent for Claim Against Per Capita* agreement with the defendants. The Court gave the defendants a chance to respond, but received no objection. Therefore, the Court dismissed the case with prejudice.

HCN Department of Housing, Property Management Division v. Harriet Whitegull, CV 02-62 Order (Dismissal with Prejudice) (HCN Tr. Ct., Nov. 13, 2002). (Matha, T).

The plaintiff filed a *Motion to Dismiss* with the Court, citing a *Voluntary Consent for Claim Against Per Capita* agreement with the defendant. The Court gave the defendant a chance to respond, but received no objection. Therefore, the Court dismissed the case with prejudice.

NOVEMBER 14, 2002

Morning Star Leonard v. Julie Nakai, as Floor Manager of Ho-Chunk Bingo and the Ho-Chunk Nation, CV 02-45 Order (Rescheduling Pre-Trial and Canceling Trial Dates) (HCN Tr. Ct., Nov. 14, 2002). (Bossman, W).

The Court entered this *Order* to reschedule the *Pre-Trial Conference* and other deadlines.

Anna Kauffman v. Rainbow Casino, CV 02-49 Order (Modification of Scheduling Order) (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

The Court issued this *Order* to reschedule the dates and deadlines within the previous *Scheduling Order*.

Natalia Tyshchanka v. Ho-Chunk Nation, CV 02-51 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

The Court granted the motion to appear telephonically for the November 15, 2002 *Pre-Trial Conference*.

In the Interest of Decedent Member: Cyril S. Hudson, Jr., DOB 04/02/81, by Cyril Delarosa v. HCN Office of Tribal Enrollment, In the Interest of Decedent Member: Cyril S. Hudson, Jr, DOB 04/02/81, by Stephanie Pate v. HCN Office of Tribal Enrollment, CV 01-02, 28 Order (Releasing CTF to Estate) (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

NOVEMBER 15, 2002

Nancy A. Pedersen v. Ho-Chunk Treasury and Casper Haas, CV 02-53 Judgment (For Defendants) (HCN Tr. Ct., Nov. 15, 2002). (Bossman, W).

The plaintiff was denied paid funeral leave for attendance at her cohabitant's uncle's funeral. The provision pertaining to paid funeral leave contained within the POLICIES AND PROCEDURES MANUAL does not refer to uncles or aunts of cohabitants. Therefore, the Court ruled in favor of the defendants.

NOVEMBER 18, 2002

Donna Kowalkowski v. Ho-Chunk Nation, HCN Education Department, HCN Headstart Program, Diana Goree, Marie White Eagle, and Sybil Winneshiek, CV 01-56 Order (Granting Defendants' Motion to Dismiss) (HCN Tr. Ct., Nov. 18, 2002). (Matha, T).

The defendants brought a *Motion to Dismiss*. The plaintiff could not articulate a basis under Ho-Chunk law for her claim. The Court dismissed the action and later wrote this opinion to memorialize its ruling from the bench.

NOVEMBER 19, 2002

Troy S. Westphal v. Ho-Chunk Nation and Ho-Chunk Casino, CV 02-73 Order (Granting

Telephonic Appearance) (HCN Tr. Ct., Nov. 19, 2002). (Matha, T).

The Court granted the request to appear telephonically at the December 9, 2002 *Scheduling Conference*.

NOVEMBER 21, 2002

In the Interest of B.L.W., DOB 03/14/90, by Lanette R. Walker v. HCN Office of Tribal Enrollment, CV 02-109 Order (Granting Release of CTF Funds) (HCN Tr. Ct., Nov. 21, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

In the Interest of Minor Child: N.E.W., DOB 04/06/88, by Marlene A. Hopinkah v. HCN Office of Tribal Enrollment, CV 02-100 Order (Requiring Submission of Documents) (HCN Tr. Ct., Nov. 21, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.

NOVEMBER 22, 2002

In the Interest of Minor Child: C.V.B., DOB 05/04/92, by Charles A. Brown v. HCN Office of Tribal Enrollment, CV 02-104 Order (Requiring Submission of Documents) (HCN Tr. Ct., Nov. 22, 2002). (Bossman, W).

For summary, see [Children's Trust Fund \(CTF\) cases](#) within this index.



Juvenile

OCTOBER 25, 2002

In the Interest of Minor Child: B.D.T., 08/10/91, JV 98-10 (Child Protection Review Hearing) (HCN Tr. Ct., Oct. 25, 2002). (Bossman, W).

The Court conducted a *Review Hearing* in connection with this case.

NOVEMBER 7, 2002

In the Interest of Minor Child: C.M.S., DOB 06/07/85, JV 02-24 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Nov. 7, 2002). (Matha, T).

The Court appointed Ms. Loa Porter as *Guardian ad Litem* in this case.

NOVEMBER 12, 2002

In the Interest of Minor Children: J.B., Jr., DOB 11/27/95, A.B., DOB 07/25/94, JV 01-06-07 Order (Submission of Traditional Relatives List) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

In accordance with the aforementioned proceedings, the Court requested a list of the traditional Ho-Chunk relatives of the minors in question.

In the Interest of Minor Children: J.B., Jr., DOB 11/27/95, A.B., DOB 07/25/94, JV 01-06-07 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).

In accordance with the aforementioned proceedings, the Court requests that Child and Family Services begin a home study and report in connection with the *Petition for Temporary Guardianship*.

In the Interest of Minor Children: A.B., DOB 06/28/87, J.B., DOB 09/01/88, R.B., DOB 04/23/91, JV 00-07-09 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 12, 2002). (Matha, T).

The Court terminated its jurisdiction in the instant case in accordance with Article II, § 4 and Article VIII, § 3 of the HOČAK NATION CHILDREN AND FAMILY CODE.

In the Interest of Minor Children: E.J.O., DOB 09/14/92, M.R.O., DOB 05/11/95, JV 02-25-26 Order (Acceptance of Transfer) (HCN Tr. Ct., Nov. 12, 2002). (Matha, T).

The Court accepted the transfer of a children's case from the State of Wisconsin to this Court for foster care proceedings.

NOVEMBER 13, 2002

In the Interest of T.L.B., DOB 09/20/84, JV 00-15 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 13, 2002). (Matha, T).

Because the minor child has attained the age of majority, this Court terminates its jurisdiction over this case.

NOVEMBER 15, 2002

In the Interest of Minor Child: I.J.W., DOB 08/02/95, JV 01-04 Order (Extending Temporary

Guardianship and Setting Review Hearing) (HCN Tr. Ct., Nov. 15, 2002). (Bossman, W).

The Court has set a *Review Hearing* in the instant case to determine whether to maintain the status quo of this case. In the meantime, the Court has extended the temporary guardianship of the minor child.

NOVEMBER 18, 2002

In the Interest of Minor Child: C.M.S., DOB 06/07/85, JV 02-24 Order (Entrance of Plea) (HCN Tr. Ct., Nov. 18, 2002). (Bossman, W).

The mother of the above-named child entered a plea in the instant case, thereby allowing the Court to set a *Dispositional Hearing*.

NOVEMBER 19, 2002

In the Interest of the Minor Children: D.D.W., DOB 12/16/94, D.R.W., DOB 09/22/92, D.G.W., Jr., DOB 11/09/95, D.S.W., DOB 02/19/98, JV 01-17-20 Six Month Review Hearing (HCN Tr. Ct., Nov. 19, 2002). (Bossman, W).

The Court conducted a *Six Month Review Hearing* to determine compliance with a previous *Dispositional Order*.



Supreme Court

Nothing to report at this time.



Recent Filings

Trial Court

Child Support

No new filing in this category.

Civil Cases

NOVEMBER 4, 2002

HC Housing Authority v. Lisa Walker, Lawrence Eagleman, Sr., Lawrence Eagleman, Jr., CV 02-107. (Bossman, W).

HC Housing Authority v. Harriet Hopinka, CV 02-108. (Bossman, W).

NOVEMBER 8, 2002

In the Interest of W., B.L., DOB 03/14/90, by Lanette R. Walker v. HCN Office of Tribal Enrollment, CV 02-109. (Bossman, W).

NOVEMBER 15, 2002

In the Interest of C.L., DOB 10/16/85, by Brad Littlegeorge v. HCN Office of Tribal Enrollment, CV 02-110. (Matha, T).

NOVEMBER 18, 2002

Janet Funmaker v. Ho-Chunk Nation, HCN Personnel Department, HCN Business Department, and Ho-Chunk Gift Shop, CV 02-111. (Matha, T).

NOVEMBER 25, 2002

In the Interest of the Minor Child: H., D.N., DOB 06/27/85, by Monica Hernandez v. HCN Office of Tribal Enrollment, CV 02-112. (Matha, T).

In the Interest of the Minor Child: B., V., DOB 03/04/92, by April Daniels v. HCN Office of Tribal Enrollment, CV 02-113. (Matha, T).

Juvenile

NOVEMBER 5, 2002

In the Matter of: C.M.S., 06/07/85, JV 02-24. (Bossman, W).

NOVEMBER 7, 2002

In the Matter of: E.J.O., DOB 09/14/92, JV 02-25. (Matha, T).

In the Matter of: M.R.O., DOB 05/11/95, JV 02-26. (Matha, T).

Domestic Cases

No new filing in this category.



Supreme Court

OCTOBER 16, 2002

In the Matter of Pearl Lightstorming, P.S., DOB 04/10/81 v. HCN Office of Tribal Enrollment, SU 02-07.

YEAR IN REVIEW: LOVE & MARRIAGE



May 11, 2002

Benjamin Reyes Casarez & Maria Elena Decorah

Presiding Judge: Todd R. Matha, Associate Trial Court Judge

Clyde Craig Blackdeer & Julie Lynn Jones

Presiding Judge: Todd R. Matha, Associate Trial Court Judge

August 10, 2002

James Andrew Meers & Eileen Rae Snowball

Presiding Judge: Mark Butterfield, Associate Supreme Court Justice

August 24, 2002

Sandra E. Goodbear & Sanford D. Decorah

Presiding Judge: Todd R. Matha, Associate Trial Court Judge

September 7, 2002

Allen R. Grey Owl & Sybil R. Funmaker

Presiding Judge: Todd R. Matha, Associate Trial Court Judge

September, 11, 2002

Vance Christian Giroux & Pine Juniper Funmaker

Presiding Judge: Todd R. Matha, Associate Trial Court Judge

NOTICE

The Court intends to discontinue mailing the Court Bulletin to inactive GALs and Bar members due to budgetary constraints. Interested persons may peruse printed copies at their local branch office or online at the judiciary's web address. Interested parties continuing to receive the bulletin are reminded to update their address with the Court.

Year in Review: Staff Attorneys and the Vertical Challenge!



Kathryn Kruger, Staff Attorney from 2000-2001.



David Neubeck, Staff Attorney from 1998-1999.

Marriage and Family

To date, none of the staff attorneys that have graced the halls of the Trial Court have married. Among this group, only former Staff Attorney Kathy Krueger has a child. Jackie, her daughter, recently turned twelve and attends the sixth grade at Random Lake Middle School. Recently, Jackie broke her wrist falling off her bike, and the rest of the staff wishes her a speedy recovery!

Career and Practice

The majority of our former staff attorneys have gone on to continue working in Indian Law for other firms and Nations. While William Boulware stayed close to home and became Legislative Counsel for the Ho-Chunk Nation, Michael Oeser

became a self-employed attorney specializing in civil and criminal litigation in the field of Indian Law. Anetra Parks is now employed by Greene, Meyer & McElroy, P.C., a firm known for its work on complex litigation involving federal recognition and water rights for American Indian tribes. The Ho-Chunk Nation Trial Court is also pleased to announce that former Staff Attorney David Neubeck is employed as General Counsel for the Lummi Nation. Unlike their counterparts, Kathy Krueger and Ray Torgerson practice in other fields of law. Kathy Krueger works for Ritger Law Office, a “green” office known for its environmentally friendly approach to business. Kathy’s practice emphasizes family law, real estate, and bankruptcy. As for Ray Torgerson, our Staff Attorney from 1997-1998, he became the senior litigation associate at Porter & Hedges, L.L.P., a Houston firm that emphasizes commercial litigation. In addition, Ray is also an adjunct faculty member of the University of Houston Law School, teaching American Indian Law.



Ray Torgerson, Staff Attorney from 1997-1998.



Anetra Parks, Staff Attorney from 2001-2002.

Ho-Chunk Experience

The former staff attorneys were unanimous in their conclusion on one topic: That the time spent working for the Ho-Chunk Nation had a positive impact on their lives. William and Michael both noted how the creation of a new body of law was exciting. William asserted that the position gave him the chance to observe litigation and the techniques used by different attorneys when confronting the Court. Ray insisted that the time with the Ho-Chunk Nation allowed him to, “think in a creative fashion,” and gave him, “valuable lessons in politics and diplomacy.” Both Kathy and Anetra found that the experience made them better lawyers. Kathy stated that the experience allowed her to “see the inner workings of the Court and how judges arrive at their decisions.” According to Anetra, working at the Trial Court was, “akin to another year in law school, except this time [I] learned to bring civil procedure, constitutional law, tribal law, and federal Indian law together.”



William Boulware, Staff Attorney from 1995-1997.



Michael Oeser, Staff Attorney from 1998-1999.

Reminiscences

Given that each of the former staff attorneys is unique and individual, each person had different memories to contribute to this section. For example, Kathy remembered being forbidden to drink Mountain Dew soda pop due to the ill effects of the caffeine and sugar. To this day, the soda pop machine does not dispense Mountain Dew, nor does Kathy agree with the assertion that she became “chatty” after drinking it. Anetra remembers the camaraderie and how the staff seemed to take her under their wing and make her part of the family. From bingo nights to furniture shopping, the staff at the Ho-Chunk Nation Trial Court welcomed Anetra into the fold. The warmth and fervor with which she was welcomed will never be forgotten. William remembers Hocak language lessons. Ray remembers working with the elders in Traditional Court. David remembers two things in particular about his time in the Trial Court. First, he recalled the heated debates about common law and legislation with Judge Matha. Second, he recalled the laughter and the fun times with the rest of the staff. Interestingly enough, Michael remembers playing “hide the toy action figure” around the office with the staff and the judges. As for myself, I am still making memories. However, if I had to mention just a few poignant moments, I would remember talking to Judge Bossman about German cuisine or discussing films with Judge Matha. I will remember the laughter of the staff and the lessons I learned in my time with the Ho-Chunk Nation Trial Court.



Current Staff Attorney, Rebecca Tavares



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court—Mary Jo B. Hunter, Chief Justice
Mark D. Butterfield, Associate Justice
Jo Deen B. Lowe, Associate Justice
Traditional Court—Wallace Blackdeer
Donald Blackhawk
Dennis Funmaker
Orville Greendeer
Douglas Greengrass
Owen Mike
Gavin Pettibone
Douglas Red Eagle
Preston Thompson, Jr.
Eugene Thundercloud
Morgan White Eagle
Clayton Winneshiek
Trial Court – William H. Bossman, Chief Judge
Todd R. Matha, Associate Judge
Clerk of Court, Supreme Court – Tari Pettibone, LTE
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Bailiff/Process Server – Willa RedCloud
Administrative Assistant – Jeanne Colwell
Staff Attorney – Rebecca Tavares

Office of Public Advocacy – Dennis Funmaker, Administrator

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 5—Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, South Dakota, North Dakota, and Wisconsin)

HCN Court System Fee Schedule

- Filing Fees \$50.00*

*With the exception of petitions to register child support orders – this fee remains at \$20.00 as previously ordered by the Supreme Court.

Note: Filing Fee now includes *Summons* fee.

- Filing Fees for *Petitions to Register and Enforce Foreign Judgment/ Order*. \$20.00

Copying \$0.10/per page
Faxing \$0.25/per page (sending and receiving)
Tapes of Hearings \$10.00/per tape
CD of Hearing. \$12.50/per tape
Deposition Videotape \$10.00/per tape
Certified Copies \$0.50/per page
Equipment Rental \$5.00/per hour
Appellate filing fees \$35.00
Admission to Practice \$50.00
Pro Hac Vice Appearance \$35.00

Legal Citation Form

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).
HCN Const., Art. XI, Sec. (or §) 7.

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, Sec. (or §) 6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Rules of Civil Procedure

HCN R. Civ. P. 19(B).

