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HO-CHUNK NATION COURT BULLETIN

11TH ANNUAL 5K FUN RUN/WALK SEPTEMBER 2, 2006

On September 2, 2006, the HCN Judiciary will be holding its 11th annual 5K Fun Run/Walk. All runners and walkers are invited to come out and enjoy the race. The race begins and finishes at Wa Ehi Hoci which is located on Highway 54 approximately 2 miles west of Majestic Pines Casino and 2 miles east of I-94/Hwy 54 intersection. Registration will be held from 8:00 - 8:45 a.m. and the actual race will begin at 9:00 a.m.

There will be a twelve dollar (\$12) entry fee. However, each participant will receive an event T-shirt at registration. In addition, there are many prizes to be won in each category. There will be twelve (12) categories determined by age and gender: 12 and under, 13-20, 21-29, 30-39, 40-49 and 50 and older. There will be prizes for first, second, and third place within each category. Additionally, the top male and female runners will each receive a Pendleton blanket. The winners will be announced at the Pow Wow. So, come on out and run, walk, or cheer on your friends and family!

11TH ANNUAL LAW DAY OCTOBER 5, 2006

In the past, Law Day has been held in conjunction with the Fun Run/Walk on the Friday of Labor Day weekend. However, in an effort to ensure that more Ho-Chunk Nation (HCN) tribal and Bar members have an opportunity to attend, Law Day will be held on October 5, 2006 this year. Participants will have the opportunity to hear presentations from numerous judicial officers and court staff. Chief Judge Todd R. Matha will be speaking on *Immunities from Suit*. Whereas, Amanda Rockman will do a presentation on *Retroactivity and the Law*. Ms. Rockman will be returning to the Trial Court on August 14, 2006, as the new Associate Trial Court Judge. In addition, the Staff Attorney will provide a 2005-2006 Judicial Update.

For more information on the Fun Run/Walk and/or Law Day, please contact Nicole Homer at (800)-434-4070 or (715)-284-2722.

**ASSOCIATE JUDGE
AMANDA L. ROCKMAN
SWEARING-IN CEREMONY**



**Supreme Court Associate Justice Mark Butterfield
Swearing in Associate Trial Judge Amanda L. Rockman**

On August 14, 2006, tribal member Amanda L. Rockman was sworn-in as Associate Judge of the Ho-Chunk Nation Trial Court. Associate Judge Rockman is a graduate of the University of Wisconsin Law School in Madison, Wisconsin. Upon graduation as a Josephine P. WhiteEagle fellow, she was employed as the Judiciary's Law Clerk/Staff Attorney. After leaving the position, she worked for the Ho-Chunk Nation Department of Justice until she was appointed to a three (3) year term as Associate Judge. The ceremony was attended by representatives from the four (4) branches of government. Speakers included Chief Judge Todd R. Matha, Vice-President Wade Blackdeer, and Office of the Executive Administrative Officer, Jon Greendeer; prayer was offered by Denis Rockman. Associate Justice Mark D. Butterfield administered the *Oath of Office and Special Admission to Practice*. Associate Judge Rockman noted that she was privileged to join a Court comprised of individuals whom she has worked with and for whom she has a great deal of respect.

**WELCOME STAFF ATTORNEY
JENNIFER L. TILDEN**

Jennifer L. Tilden was raised on the traditional homelands of the Lenne Lenape in the town of New Hope, Pennsylvania. Jennifer was graduated from Rider University in 2003 with a Bachelor of Arts summa cum laude in Political Science, Philosophy and Psychology. She then attended Michigan State University College of Law in East Lansing, MI where she was awarded her Juris Doctorate degree in Environmental Law and Indigenous Law and Policy this May. She spent last summer as a law clerk for Senator Arlen Specter, head of the Senate Judiciary Committee, in Washington, DC. Upon completing her judicial clerkship with the Ho-Chunk Nation Trial Court, Jennifer hopes to work either for another tribe or the American Civil Liberties Union.



**Staff Attorney Jennifer L. Tilden Updating the Judiciary's
Website**

**SPECIAL THANKS TO
ASSOCIATE JUDGE JOANN JONES**

On April 4, 2006, Chief Justice Mary Jo B. Hunter elevated JoAnn Jones to the position of Associate Judge by extraordinary appointment. HCN JUDICIARY ESTABLISHMENT & ORG. ACT, 1 HCC § 1.8C. The HCN Judiciary would like to extend its deepest gratitude for Judge Jones' willingness to step into the position. Judge Jones' last day with the Judiciary was August 11, 2006. We wish her the best of luck in her future endeavors.



Associate Judge JoAnn Jones

CTF CASE UPDATE CTF CASES INVOLVING REQUESTS FOR CHILDREN 16 AND OLDER DEC. 2003-JUNE 2006

In last month's Court Bulletin, the Court performed a survey of the CTF cases involving requests for children fifteen years old and under. In this article, the Court surveys all the Children's Trust Fund (CTF) cases involving requests for children over the age of sixteen (16) years up through the age of twenty-five (25) years.

Orthodontics:

The Court first granted a request to pay orthodontic expenses on March 27, 1998.¹ The Court has consistently held that such expenses provide a "necessary health and welfare benefit to the child(ren)."² Since the CTF case update in December of 2003, the Court has granted numerous requests for orthodontia.³

¹ *In the Interest of Casey J. Tripp v. HCN Enrollment Dep't*, CV 98-10 (HCN Tr. Ct., Mar. 27, 1998).

² *See Matha, Part I, supra* note 1, at 2.

³ *See e.g., In the Interest of Minor Child: B.W., DOB 08/28/89, by Pauline Ward v. HCN Office of Tribal Enrollment*, CV 05-70 (HCN Tr. Ct., Aug. 25, 2005); *In the Interest of Minor Child: M.A.C., DOB 04/09/89, by Myra Cunneen v. HCN Office of Tribal Enrollment*, CV 05-46 (HCN Tr. Ct., Aug. 5, 2005); *In the Interest of Minor Child: B.M.S., DOB 10/23/88, by Michelle R. Matlock v. HCN Office of Tribal Enrollment*, CV 03-68 (HCN Tr. Ct., July 12, 2005).

Eye Care:

In line with the orthodontics cases, the Court has also granted funds to purchase eye wear.⁴ In *Cloud*, the petitioner requested a release of funds from the adult beneficiary's CTF account for the purchase of glasses and contact lenses.⁵ The Court granted the request in accordance with standing precedent.⁶



Clothing:

The Court generally recognizes that parents have the responsibility to meet a child's basic needs, including the need for clothing.⁷ However, in *Cloud* the Court determined that the case differed from most CTF cases. The difference arose primarily because the grandmother had stepped into the shoes of the parents due to their unwillingness or inability to care for their own children.⁸ The grandmother thus was subjected to difficult family circumstances that had come about not from poor parental decision-making, but from outside factors.⁹ Thus, the Court partially granted the request for monies to purchase clothing, but only at a reasonable amount in line with case precedent.¹⁰

⁴ *See e.g., In the Interest of Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment*, CV 05-108 (HCN Tr. Ct., Jan. 31, 2006) at 9.

⁵ *In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87, et al. v. HCN Office of Tribal Enrollment*, CV 05-92 (HCN Tr. Ct., Jan. 9, 2006) at 13.

⁶ *Id.*

⁷ *In the Interest of Minor Children: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment*, CV 04-83 (HCN Tr. Ct., Dec. 16, 2004) at 8; *Lonetree* at 14.

⁸ *Cloud* at 12.

⁹ *Id.*

¹⁰ *Cloud* at 12.



Furniture:

Although the Court has consistently held that household furnishings do not significantly benefit the child’s health, education, or welfare,¹¹ the Court granted the only recent request for household furnishings.¹² In *Cloud*, the Court determined that bedding and bedroom furniture were encompassed within the concept of shelter and that the parents had failed to provide these essential items.¹³



Automobiles:

The Court received five requests for a release of funds to help pay for automobiles or their repair since the update. In *Webster*, the Court denied the request for automobile payment assistance.¹⁴ Specifically, the Court stated that the petitioner had already purchased the car, and that it was commercially unreasonable because it had more than 75,000 miles on the odometer.¹⁵ However, because the Court does not condone uninsured or underinsured driving it did grant the request for funds to help with automobile insurance

due to the presence of young children in the household.¹⁶

In *Cloud*, the petitioner had requested monies to help pay the costs of automobile repairs. The Court determined that the petitioner would have foregone the repairs, but for the safety of those in her care.¹⁷ Furthermore, the Court emphasized the reasonable expense associated with the repairs. Thus, the Court granted the request for funds.

In *Blackhawk*, the Court granted the release of funds associated with the purchase of an automobile.¹⁸ The petitioner had obtained her high school diploma, and although she was actively seeking employment, she still was able to demonstrate a financial need.¹⁹ Furthermore, the petitioner had minor children, with the eldest having asthma that required trips to the hospital about twice a year.²⁰ The petitioner had selected a car that was less than six (6) years old, had fewer than 75,000 miles on the odometer, and was less than the Kelley Blue Book price.²¹ Thus, the Court granted the request for funds associated with purchasing an economically reasonable car.²²

In comparison, the Court in *Lowe* denied the petitioner’s request for funds associated with car payments.²³ The denial was prompted by the fact that the petitioner had already purchased the vehicle that did not satisfy the long-standing requirements for determining automobile appropriateness.²⁴ Specifically, the automobile was more than six (6) years old.²⁵

The Court also denied the request for funds to purchase an automobile in *Littlegeorge*.²⁶ The

¹⁶ *Id.*
¹⁷ *Cloud* at 13.
¹⁸ *In the Interest of Adult CTF Beneficiary: Alicia Blackhawk, DOB 10/25/81 v. HCN Office of Tribal Enrollment, CV 05-29* (HCN Tr. Ct., May 27, 2005) at 12.
¹⁹ *Id.* at 8, 12.
²⁰ *Id.* at 8.
²¹ *Id.* at 9.
²² *Id.* at 12.
²³ *In the Interest of Adult CTF Beneficiary: John M. Lowe, DOB 01/24/86 v. HCN Office of Tribal Enrollment, CV 05-100* (HCN Tr. Ct., Dec. 19, 2005).
²⁴ *Id.* at 9.
²⁵ *Id.*
²⁶ *In the Interest of Minor Child: T.K., DOB 12/05/87, by Amy K. Littlegeorge v. HCN Office of Tribal Enrollment, CV 05-65* (HCN Tr. Ct., Dec. 29, 2005).

¹¹ See *CTF Case Update*, HO-CHUNK NATION COURT BULLETIN, December 2003, at 4.
¹² *Cloud* at 12.
¹³ *Id.*
¹⁴ *In the Interest of Adult CTF Beneficiary: Ashley J. Webster, DOB 09/17/85 v. HCN Office of Tribal Enrollment, CV 03-82* (HCN Tr. Ct., Jan. 15, 2004) at 11.
¹⁵ *Id.*

Court found that the petitioner did not establish a financial need due to her failure to produce evidence of such need.²⁷ Furthermore, the Court found that the petitioner failed to establish the presence of necessity for the car.²⁸ Instead, the Court found that the household had reliable transportation, and in turn needed a better time management plan.²⁹

Education:

“Absent persuasive reasons to the contrary, the Court will not deny releases for costs directly associated with a minor child's pursuit of secondary education.”³⁰ Therefore, the Court in *Thundercloud* granted tuition and fees, personal expenses, and transportation costs to the university.³¹ Based upon similar reasoning, the Court in *Nichols* granted the petitioner's request for funds associated with personal expenses during the minor's freshman year of college.³² The Court determined that the petitioner presented financial need, and had worked to pay for other aspects of her education, including transportation to her university and the costs of books.³³ The Court also granted the petitioner's request for a computer. This is because it would be of great use to the student during her college years, and thus was more of a necessity.³⁴

In *Hopinkah*, the Court kept the case open in regards to the request for costs associated with private schooling.³⁵ Specifically, the Court had requested that the petitioner submit an invoice for the school costs.³⁶ However, the petitioner failed to

present such information, and the Court later dismissed the action.³⁷

The Court granted the request for a release of monies for costs associated with private schooling for a musically-gifted student in *Lonetree*.³⁸ The petitioner had shown a financial need, that he would be spending much money in transportation costs, that he had already purchased a computer and printer for the minor, and that there were no other financial means available for paying for the schooling.³⁹ The minor child had demonstrated an inability of the public school system to provide for her specialized and advanced educational needs. Thus, the Court stated that it would “not serve as an impediment to the minor child's clear objective to achieve educational excellence”⁴⁰ and granted the request.

In *Prescott*, the Court granted a release of funds associated with high school tuition and fees.⁴¹ The Court later granted another release of funds for unexpected tuition expenses, provided that the petitioner file supplemental documentation of the expenses.⁴² In addition, the Court declined to grant the petitioner's request for a personal computer in line with standing case law.⁴³ Similarly, in *Kruse*, the Court granted a release of funds associated with high school tuition, however declined to release funds for a personal computer.⁴⁴ The Court determined that the petitioner could mail in her homework assignments, and thus there was no necessity for the personal computer.⁴⁵

²⁷ *Littlegeorge* at 8.

²⁸ *Id.* at 9.

²⁹ *Id.*

³⁰ *In the Interest of Minor Child: K.R.D., DOB 02/06/87, by Karena M. Nichols v. HCN Office of Tribal Enrollment, CV 04-62 (HCN Tr. Ct., Aug. 6, 2004) at 9; In the Interest of Minor Child: S.M.T., DOB 03/12/87, by Donna L. Thundercloud v. HCN Office of Tribal Enrollment, CV 04-52 (HCN Tr. Ct., Aug. 6, 2004) at 9.*

³¹ *Thundercloud* at 9.

³² *Id.*

³³ *Id.* at 6.

³⁴ *Id.* at 8-9.

³⁵ *In the Interest of Minor Child: A.T.H., DOB 03/24/88, CV 05-20 (HCN Tr. Ct., Sept. 27, 2005) at 9.*

³⁶ *Id.*

³⁷ *In the Interest of Minor Child: A.T.H., DOB 03/24/88, CV 05-20 (HCN Tr. Ct., May 26, 2006).*

³⁸ *In the Interest of Minor Child: K.A.L., DOB 08/14/89 by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment, CV 05-66 (HCN Tr. Ct., Nov. 9, 2005).at 10.*

³⁹ *Id.* at 7.

⁴⁰ *Id.* at 10.

⁴¹ *Prescott*, (HCN Tr. Ct., Jan. 31, 2006) at 9.

⁴² *Prescott*, (HCN Tr. Ct., Mar. 20, 2006) at 1.

⁴³ *Prescott*, (HCN Tr. Ct., Jan. 31, 2006) at 9.

⁴⁴ *In the Interest of Adult CTF Beneficiary: Amber S. Kruse, DOB 03/06/83 v. HCN Office of Tribal Enrollment, CV 06-05 (HCN Tr. Ct., Feb. 6, 2006) at 8.*

⁴⁵ *Id.* at 8-9.



Housing:

The Court has in the past denied requests for housing assistance.⁴⁶ These denials stem from the reasoning that the financial plight of the parents should not be shifted to the children. However, the Court in *Webster* departed from its usual stance by granting a request for rental assistance.⁴⁷ This was because the petitioner was in the shoes of the parent, and thus the parent's children needed housing.⁴⁸

In the two *Houghton* cases, both sons requested a release of funds to help pay their mother's mortgage payments.⁴⁹ However, "[t]he Court will not serve as the instrumentality for intruding into a member's CTF account unless the member receives a direct and tangible health, education or welfare benefit from the release of monies."⁵⁰ Here the Court found that the sons were not receiving a benefit of health, education, or welfare by taking on the parent's obligations, and thus denied the requests.⁵¹

In *April Webster*, the petitioner had requested monies for the purchase of a mobile

home.⁵² The Court had never granted such a request before. This is because to do so would circumvent the reasonable legislative enactments requiring that a minor obtain a high school diploma before accessing their CTF monies.⁵³ However, because the petitioner was in financial need, a mother herself, and going to school full-time to get her high school diploma, the Court did conditionally grant housing assistance.⁵⁴ Reasonable rental and utility expenses were granted upon the condition that petitioner remain enrolled in school and attend classes.⁵⁵

Legal Fees and Representation:

"The Court has routinely denied CTF releases for the purpose of paying criminal penalties imposed by a unit of state government."⁵⁶ An example of this general rule is found in *Webster* where the Court denied the request to satisfy the petitioner's traffic fines.⁵⁷ The Court stated that it has only granted a request for legal fees in cases involving unusual mitigating circumstances.⁵⁸

In regards to fees for legal representation, the PER CAPITA ORDINANCE restricts a CTF beneficiary from accessing his/her CTF account in order to retain criminal counsel, and the Court has repeatedly ruled against such releases in the past.⁵⁹ Furthermore, there is a "presence of an absolute right to be represented by counsel as conferred by the CONSTITUTION OF THE UNITED STATES."⁶⁰ Despite these general rules, the Court has recently granted a release of funds for legal representation in

⁴⁶ The Court has repeatedly denied housing requests because it "reasons that 'no matter what the financial plight of the parents, the ordinary and usual expenses for raising children should not be shifted to the children.'" *In the Interest of Minor Children: T.M.K., DOB 08/22/85, et al. by Sara J. White Eagle v. HCN Office of Tribal Enrollment*, CV 03-18 (HCN Tr. Ct., July 2, 2003) at 9 (quoting *In the Interest of the Minor Children: M.C., DOB 04/09/89, et al., by Myra Cunneen v. HCN Dep't of Enrollment*, CV 99-83 (HCN Tr. Ct., Jan. 21, 2000) at 6).

⁴⁷ *Webster* at 11.

⁴⁸ *Id.*

⁴⁹ *Eric John Houghton v. HCN Office of Tribal Enrollment*, CV 04-80 (HCN Tr. Ct., Oct. 8, 2004) and *Patrick L. Houghton v. HCN Office of Tribal Enrollment*, CV 04-77 (HCN Tr. Ct., Oct. 8, 2004).

⁵⁰ *Houghton* at 8.

⁵¹ *Id.*

⁵² *In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment*, CV 05-107 (HCN Tr. Ct., Mar. 15, 2006) at 1.

⁵³ *Id.* at 9-10.

⁵⁴ *Id.* at 10.

⁵⁵ *Id.*

⁵⁶ *Webster* at 12; *In the Interest of Adult CTF Beneficiary: John M. Lowe, DOB 01/24/86 v. HCN Office of Tribal Enrollment*, CV 05-100 (HCN Tr. Ct., Dec. 19, 2005);

⁵⁷ *Webster* at 12.

⁵⁸ *Id.*

⁵⁹ *In the Interest of Adult CTF Beneficiary: Selina Littlewolf, DOB 01/29/84 v. HCN Office of Tribal Enrollment*, CV 04-70 (HCN Tr. Ct., Oct. 19, 2004) at 8.

⁶⁰ *In the Interest of Adult CTF Beneficiary: Rainelle M. Decorah, DOB 01/26/85 v. HCN Office of Tribal Enrollment*, CV 05-67 (HCN Tr. Ct., Oct. 18, 2005) at 10.

two cases where exceptional and/or unique circumstances were found.

In *Martin*, the Court found exceptional circumstances.⁶¹ Specifically, the adult CTF beneficiary suffered from severe medical disorders.⁶² Therefore, the Court recognized that the monies for a legal defense that promoted medical help rather than incarceration would benefit both the health and welfare of the adult CTF beneficiary.⁶³ The Court also determined that the monies for the legal defense and psychological services represented a necessity and not merely a want or desire due again to the extreme medical conditions present in this case.⁶⁴ The petitioner also provided information proving a financial need and that the petitioner had exhausted all public and tribal funds and entitlements.⁶⁵ Thus, the Court granted the request.

In *Decorah*, the Court carved out another limited exception to the general rule that requests for attorney fees in criminal matters will be denied. In this case, the Court granted a release of funds for an attorney retainer fee. This was because the adult CTF beneficiary was denied representation by the Public Defender's Office due to being minimally employed.⁶⁶ Although the Court granted this particular release, it stressed that tribal members still need to exhaust tribal funds and public entitlements, which would generally result in representation by a public defender.⁶⁷



⁶¹ *In the Interest of Adult CTF Beneficiary: Jason Nathaniel Hopinka, DOB 12/17/83 by Wesley T. Martin, Jr. v. HCN Office of Tribal Enrollment*, CV 03-15 (HCN Tr. Ct., Apr. 7, 2003) at 5-6.

⁶² *Id.* at 7.

⁶³ *Id.*

⁶⁴ *Id.* at 8.

⁶⁵ *Id.*

⁶⁶ *Id.* at 10-11.

⁶⁷ *Id.* at 10.

Miscellaneous:

In *Littlewolf*, the Court denied a request for a release of funds in relation to acquiring medical insurance. The Court had determined that the petitioner had failed to satisfy the exhaustion requirement.⁶⁸ Specifically, the petitioner still had time to make a request for state medical assistance prior to her delivery date.⁶⁹ In comparison, the petitioner in *Bartlett* was able to satisfy the exhaustion requirement. The petitioner presented proof that the majority of inpatient medical costs were paid for by state funding, health insurance, and personal payments.⁷⁰ Thus, the Court granted the request for monies to pay the excess medical fees.

The Court has also encountered a small number of miscellaneous requests. The Court denied a release for costs involved with the purchase of electronics,⁷¹ graduation expenses,⁷² cable television bills,⁷³ and children's presents.⁷⁴ The Court has granted a release for utilities,⁷⁵ telephone service,⁷⁶ child care,⁷⁷ personal grooming,⁷⁸ and incidentals.⁷⁹

⁶⁸ *Littlewolf* at 7-8.

⁶⁹ *Id.* at 5.

⁷⁰ *In the Interest of Adult Beneficiary: Vanity S. Bartlett, DOB 12/31/87 v. HCN Office of Tribal Enrollment*, CV 06-14 (HCN Tr. Ct., Apr. 5, 2006) at 6.

⁷¹ *In the Interest of Shawn W. Maisells, DOB 01/23/86 v. HCN Office of Tribal Enrollment*, CV 05-80 (HCN Tr. Ct., Dec. 30, 2005).

⁷² *Cloud* at 13.

⁷³ *Webster* at 12.

⁷⁴ *Id.*

⁷⁵ *Cloud* at 13.

⁷⁶ *Webster* at 11-12.

⁷⁷ *Id.*

⁷⁸ *Cloud* at 13.

⁷⁹ *Maisells* at 7.



UPDATES FROM OUTSIDE COURTS

United States Supreme Court

Certiorari granted

- NO RECENT GRANTING OF CERTIORARI

Certiorari denied

- NO RECENT DENIALS

Petition for Certiorari filed

- *San Carlos Apache Tribe v. Arizona*, No. 06-173 (filed Aug. 1, 2006).

Ninth Circuit Court of Appeals

Marceau v. Blackfeet Housing Authority, 2006 WL 2035345 (9th Cir. 2006).

The Native American homeowners and lessees who resided in the homes built pursuant to the Mutual Help and Homeownership Program (MHHP) brought this action against the Department of Housing and Urban Development (HUD), the tribal housing authority, and its members, alleging violations of the Housing Act and regulations. The United States District Court for the District of dismissed the action. The plaintiffs appealed that decision. The Court of Appeals held that the “sue and be sued” clause of the enabling ordinance which created a tribal housing authority was a clear and unambiguous waiver of tribal immunity; that the HUD funds were not a tribal resource, as required to establish that HUD owed fiduciary duty to tribes; that the action against HUD could not be maintained under the Administrative Procedure Act (APA); and that the District Court lacked jurisdiction under the Little Tucker Act over a breach of contract action. Affirmed in part, reversed in part, and remanded.

Tenth Circuit Court of Appeals

Burrell v. Armijo, 2006 WL 2045821 (10th Cir. 2006).

Farm lessees sued a federally recognized Indian tribe and tribal officials, alleging violations of their federal civil rights and breach of a farm lease. The United States District Court for the District of New Mexico dismissed the action, giving preclusive effect to a tribal court ruling. The lessees appealed the decision. The Court of Appeals held that the tribe did not waive tribal court jurisdiction over lease dispute; that the tribal court ruling dismissing the lessees' claims was not entitled to preclusive effect due to the failure to give lessees a full and fair opportunity to litigate their claims in tribal court; that the tribe did not waive its sovereign immunity on the breach of lease claim either under the terms of the lease or under federal regulations; that the tribe's sovereign immunity did not extend to officials for actions allegedly taken outside scope of their official authority; that the tribal officials had no liability under § 1983 for actions allegedly taken under color of tribal law, as opposed to state law; and that the breach of lease claim was barred by failure to seek review of the federal administrative determination that lessees breached the lease. Reversed in part, dismissed in part, and remanded.



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 Garnishment (CG), 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. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that 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 10, 2006

State et al. v. Michael Gromoff, CS 98-76 Order (*Establishing Impound Conditions*) (HCN Tr. Ct., July 10, 2006). (Matha, T).

The Court had to determine whether to suspend enforcement of the respondent's child support obligation. The respondent presented genetic documentation establishing a lack of paternity. The Court convened a *Fact-Finding Hearing* to advise the parties of their respective rights and responsibilities. The Court does not possess the authority to modify the substantive merits of an underlying foreign judgment. Therefore, the Court ordered the petitioner's per capita monies to be impounded until the parties resolve the issue within the issuing jurisdiction.

JULY 12, 2006

State et al. v. George S. Miner, CS 99-71 Order (*Modifying & Enforcing Child Support*) (HCN Tr. Ct., July 12, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

State of S.D. et al. v. Daniel M. Sine, CS 99-71 Order (*Modifying & Enforcing Child Support*) (HCN Tr. Ct., July 12, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The Court granted petitioner's motion in light of the fact that both parties stipulated to the modification.

Dona J. Marinellow v. Howard Pettibone, CS 01-32 Order (*Consequences of Emancipation*) (HCN Tr. Ct., July 12, 2006). (Matha, T).

The Court had to determine whether to perform a reduction in child support withholding based upon a child emancipating. However, the underlying child

support order did not utilize the State of Wisconsin *Child Support Percentage of Income Standards*. Therefore, the Court could not automatically perform a reduction of ongoing child support. The Court directed the Treasury Department to maintain the same level of withholding.



JULY 13, 2006

State et al. v. Jason E. King, and Dencie L. Akeen v. Jason E. King, CS 05-03, 05-05 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Juneau Co. et al. v. Chastity A. Miller, et al., CS 99-26, 06-28 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State et al. v. Joseph S. Grover et al. v. Joseph S. Grover, CS 01-41, 06-06 *Default Judgment (Equitable Adjustment & Modifying Child Support)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. The Court also had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond,

thus the Court granted recognition and enforcement of the foreign judgment.

Iowa v. Aaron Blackhawk, and Iowa v. Aaron Blackhawk, CS 02-48, 06-21 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., July 13, 2006).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Emily Bowsell v. Lisa Banuelos, and Frances Peter Rave Sr. v. Lisa Ann (Rave) Banuelos, CS 00-25, 06-15 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., July 13, 2005). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

William Carl Scarce v. Maria Nicole Blackhawk, CS 06-09 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Susan C. Walczak et al. v. Ferguson Funmaker and Alice L. Bissonette et al. v. Ferguson Funmaker, CS 99-07, 06-08 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Randi E. Anderson v. Rory E. Thundercloud, and State et al. v. Rory E. Thundercloud, CS 05-99, 06-

10 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.



JULY 14, 2006

Erica J. Hawpetoss v. Brandan J. Cloud, Sr., CS 05-53 *Order (Cessation of Current Child Support)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to cease current child support. The Court granted the request.

Melissa Stevens et al. v. Shane A. Oknewski; Liberty J. Greening et al. v. Shane A. Oknewski; Brett M. Oknewski v. Shane A. Oknewski, CS 05-39, 06-12, 06-18 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., July 14, 2006).

The Court had to determine whether to enforce two (2) additional standing foreign child support orders against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Linda L. Shabaiash v. Twilight M. Hindsley, CS 06-33 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Evangeline Two Crow v. Gregory Harrison, and Nela F. Stacy v. Gregory Harrison, CV 97-153, CS

05-66 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Mary J. Mayek v. Esteban M. Blackhawk, Sr.; Thelma S. Garcia v. Esteban M. Blackhawk, Sr.; Rhonda Oas v. Esteban M. Blackhawk, Sr., CS 02-14-15, 45 *Order (Updating Arrears)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

State et al. v. Tammey D. Littlebear, CS 06-31 *Default Judgment (Enforcing Child Support-Arrears)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support (arrears) order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State et al. v. Andy M. Mallory, CS 06-34 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Jackson Co. et al. v. Jones Randall Funmaker; Juneau Co. et al. v. Jones R. Funmaker; Juneau Co. et al. v. Jones R. Funmaker; Eau Claire Co. et al. v. Jones R. Funmaker, CS 05-56, 06-14, 06-24-25 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court had to determine whether to enforce two (2) additional standing foreign child support orders against serial payor's per capita payments. The

respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

JULY 24, 2006

Rachel Winneshiek v. John C. Houghton, Jr., CS 99-29 Order (*Ceasing Child Support*) (HCN Tr. Ct., July 24, 2006). (Matha, T).

The Court ordered the cessation of current child support and forgives the respondent's arrearage based upon the underlying state court order.



CIVIL GARNISHMENT

JULY 02, 2006

Quick Cash Loans v. Sonia Roberts., CG 06-28 Order (*Satisfaction of Judgment*) (HCN Tr. Ct., July 02, 2006). (Matha, T).

The Court previously issued a default judgment against the respondent. The petitioner filed a correspondence indicating that the petitioner has "discharged [the respondent] from further liability." The Court recognizes that the debt has been satisfied.

JULY 03, 2006

Creditor Recovery Service, LLC v. Audrey M. Senn, CG 06-35 Order (*Voluntary Dismissal*) (HCN Tr. Ct., July 03, 2006). (Matha, T).

The petitioner requested that the Court dismiss the case. The Court granted petitioner's request and dismisses the case without prejudice.

Creditor Recovery Service, LLC v. Amber Malone, CG 06-26 Order (*Petition Granted*) (HCN Tr. Ct., July 03, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit to a foreign judgment. The respondent filed a timely response, and the petitioner subsequently noted its agreement with a

reduced weekly withholding arrangement. The Court accepted the petitioner's request for recognition and enforcement.

JULY 11, 2006

In the Matter of the Outstanding Obligations of: Sherry M. Spranger, CG 06-38 Order (*Extension of Full Faith & Credit*) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Dane County Circuit Court filed a certified copy of its money judgment against the debtor, representing an assessment of judicial fines and penalties. The Court recognized and enforced the foreign judgment out of due respect to its state counterpart.

Creditor Recovery Service, LLC v. Iris M. Laes, CG 06-33 Order (*Default Judgment*) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Quick Cash Loans v. Willa RedCloud, CG 06-31 Order (*Default Judgment*) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Quick Cash Loans v. Clarissa Pettibone, CG 06-32 Order (*Default Judgment*) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Keith D. Smith, CG 06-36 Order (*Default Judgment*) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Quick Cash Loans v. Courtney White, CG 06-27 Order (Default Judgment) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

JULY 13, 2006

Creditor Recovery Service, LLC v. Keith D. Smith, CG 06-36 Order (Satisfaction of Judgment) (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

JULY 14, 2006

Quick Cash Loans v. Willa RedCloud, CG 06-31 Order (Satisfaction of Judgment) (HCN Tr. Ct., July 14, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

JULY 24, 2006

Quick Cash Loans v. Mary Fisher, CG 06-37 Order (Default Judgment) (HCN Tr. Ct., July 24, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

CIVIL CASES

JULY 02, 2006

Ralph Kleeber, CV 06-46 Amended Scheduling Order (HCN Tr. Ct., July 02, 2006). (Matha, T).

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

JULY 03, 2006

In re: the Name Change of Courtney Candace White, CV 06-44 Order (Granting Telephonic Appearance) (HCN Tr. Ct., July 03, 2006). (Matha, T).

The Court granted the party's request to appear by telephone.

JULY 07, 2006

Casimir T. Ostrowski v. HCN et al., CV 02-82 Order (Final Judgment) (HCN Tr. Ct., July 07, 2006). (Jones, J).

This case was remanded to the Trial Court after the Supreme Court determined that the record in the previous Trial Court decision lacked any factual basis regarding the standard for determining when accommodations to an employee cause the employer to operate at less than peak efficiency. The Court established that the standard relied upon by the Wisconsin Fair Employment Act (WFEA) is that an employer must prove that even with reasonable accommodations, the employee would not be able to perform his/her job responsibilities adequately, or where reasonable accommodations would enable the employee to do the job, hardship would be placed on the employer. The Court determined that even with the accommodations provided to the plaintiff for two and a half (2½) years, he could not perform all of the duties he was originally assigned including the lifting requirements. Furthermore, he required a ten (10) minute break every hour, thus the Casino needed to ensure that other employees were available to cover for his hourly ten minute break and to lift heavy bags on occasion. Because of the accommodations provided, the Casino was prevented from operating at its peak efficiency, and thus created hardship. The Court also determined that the plaintiff had received adequate notice of the policies and procedures that were violated. For these reasons the Court again decided for the defendants.

JULY 12, 2006

Ho-Chunk Casino Hotel & Convention Center and HCN v. Bernard Mountain, CV 06-40 Order (Default Judgment) (HCN Tr. Ct., July 12, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by plaintiffs. The defendant failed

to answer the *Complaint* despite proper service of process. The Court rendered a default judgment against the defendant, awarding the plaintiff's permissible relief sought in the *Complaint*.

JULY 20, 2006

Joseph P. Marinan v. HCN Gaming Comm'n, CV 06-56 *Scheduling Order* (HCN Tr. Ct., July 20, 2006). (Matha, T).

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

JULY 26, 2006

HCN Dept. of Business et al. v. Michael Day, CV 06-39 *Scheduling Order* (HCN Tr. Ct., July 26, 2006). (Matha, T).

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

Marlene Cloud et al. v. Ho-Chunk Casino Hotel & Convention Center, et al., CV 06-31 *Scheduling Order* (HCN Tr. Ct., July 26, 2006). (Matha, T).

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

JULY 27, 2006

Vaughn Pettibone v. HCN Election Board et al., CV 03-17 *Order (Granting Motion for Reconsideration and Granting Motion to Dismiss)* (HCN Tr. Ct., July 27, 2006). (Jones, J).

The Court had to determine whether to grant the *Motion to Dismiss*. The Court had previously granted a partial dismissal of the cause of action. The petitioner requested that the Court fully dismiss the *Complaint*. The Court granted the request and dismissed the entire *Complaint* because the case was moot due to the fact that Ms. De Cora had resigned prior to the filing of the *Complaint*. The plaintiff had sought her removal from the position of Election Board Chairperson, which she had previously held.

JULY 31, 2006

Nellie Darlene Long v. HCN Office of Tribal Enrollment, CV 06-36 *Order (Dismissal with Prejudice)* (HCN Tr. Ct., July 31, 2006). (Matha, T).

The Court had to determine whether to dismiss this action. The plaintiff had revealed during the

Scheduling Conference that she could not satisfy the blood quantum requirement for enrollment with the HCN, thereby fatally undermining her enrollment appeal. The Court lacked a justiciable case or controversy, and accordingly dismissed the case with prejudice.



CONTRACTS

NO RECENT CASES

EMPLOYMENT

NO RECENT CASES

HOUSING

JULY 10, 2006

HCN Housing Authority v. Jackie Henneha, CV 02-106 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., July 21, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

JULY 26, 2006

HCN Dept. of Housing and Property Management Division v. Lacy Estes a.k.a. Lacy Bigjohn, CV 06-32 *Eviction Order (Default Judgment)* (HCN Tr. Ct., July 26, 2006). (Matha, T).

The Court had to determine whether to grant relief requested by plaintiff i.e., restitution of the premises and an award of damages. The defendant failed to answer the *Complaint* despite proper service. The Court granted a default judgment against the defendant, awarding the plaintiff relief sought in *Complaint*.

HCN Dept. of Housing and Property Management Division v. Lacy Estes a.k.a. Lacy Bigjohn, CV 06-32 *Writ of Restitution* (HCN Tr. Ct., July 26, 2006). (Matha, T).

After affording the defendant notice and an opportunity to be heard, the Court determined that the plaintiff has a superior right to possession of the property in question. The Court entered a final judgment on behalf of the plaintiff to have property restored to its possession and to remove the defendant, her possessions, and those occupying the property with her from the premises. The Court sought the assistance of a tribal law enforcement officer or the sheriff of Jackson County in order to restore the property.

JULY 27, 2006

Ronald Kent Kirkwood v. Francis Decorah et al., CV 04-33 Order (Granting Plaintiff's Motion for Summary Judgment) (HCN Tr. Ct., July 27, 2006). (Matha, T).

The Court previously granted *Plaintiff's Motion for Summary Judgment*. The Court then had to determine whether the Housing Department's use of the Elder Point Criteria in HCN LEG. RES. 08-06-03A violates the TRIBAL ENROLLMENT & MEMBERSHIP ACT OF 1995, § 6(e) and whether HCN LEG. RES. 08-06-03A properly amended the selection criteria of the HOMEBUYER PROGRAM POLICY MANUAL. Based upon the date of the plaintiff's request for relief, the MEMBERSHIP ACT is the controlling law and not HCN LEG. RES. 08-06-03A. This is because the plaintiff filed before the selection criteria in HCN LEG. RES. 08-06-03A became *properly* codified (based upon the rules for amending as established in the LEGISLATIVE ORGANIZATION ACT).

Because the Membership Act grants benefits equally to all tribal members, without regard to length of enrollment, the Legislature was barred from creating selection criteria that treated tribal members unfairly. However, the Court reserved judgment on the issue of whether application of the Elder Point Criteria violated the plaintiff's constitutional right to equal protection in the interest of finding resolution under a non-constitutional question first.



CHILDREN'S TRUST FUND (CTF)

JULY 10, 2006

In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Subsequent Release of Monies) (HCN Tr. Ct., July 10, 2006). (Matha, T).

In accordance with the terms of a previous judgment, the Court granted a release of funds from the CTF accounts of the adult beneficiary for costs associated with housing while attending summer school.

JULY 11, 2006

In the Interest of Adult CTF Beneficiary: Vanity S. Bartlett, DOB 12/31/87 v. HCN Office of Tribal Enrollment, CV 06-04 Order (Requesting Accounting) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with inpatient treatment. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 05-83 Order (Demanding Accounting) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with the purchase of an automobile and automobile insurance. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Adult CTF Beneficiary: Shawn W. Maisells, DOB 01/23/86 v. HCN Office of Tribal Enrollment, CV 05-80 Order (Accepting

Accounting) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the child for costs associated with clothing, incidental expenses, and a mandatory release fund. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Adult CTF Beneficiary: T.M.A., DOB 05/13/86, by Pamela M. Anderson v. HCN Office of Tribal Enrollment, CV 06-45 Order (Dismissal Without Prejudice) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The petitioner requested that the Court dismiss the instant case. The Court granted petitioner's request and dismissed the case without prejudice.

JULY 24, 2006

In the Interest of Adult CTF Beneficiary: Jason N. Hopinka, DOB 12/17/83 v. HCN Office of Tribal Enrollment, CV 03-15 Order (Requesting Accounting) (HCN Tr. Ct., July 24, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with petitioner's criminal defense and underlying events. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: J.M.N., DOB 07/02/93 v. HCN Office of Tribal Enrollment, CV 06-21 Order (Requesting Accounting) (HCN Tr. Ct., July 24, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 06-30 Order (Conditional Granting

of Petition) (HCN Tr. Ct., July 24, 2006). (Matha, T).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with private school tuition and expenses. The Court conditionally granted the request, with the condition being that the petitioner pay for the miscellaneous and board fees.

JULY 31, 2006

In the Interest of Minor Children: J.J.N., DOB 06/23/88; J.D.N., DOB 08/27/91; and J.D.N., DOB 08/27/91 v. HCN Office of Tribal Enrollment, CV 05-17 Order (Satisfaction of Contempt Obligation) (HCN Tr. Ct., July 31, 2006). (Matha, T).

The petitioner submitted the final payment on her compensatory contempt fine. The Court accordingly lifted the contempt sanction and informed the parties of its intent to close the case within ten (10) days absent any objection from the parties within that time period.

In the Interest of Minor Child: C.D.W., DOB 02/21/97, by Stacy WhiteCloud v. HCN Office of Tribal Enrollment, CV 06-16 Order (Accepting Accounting) (HCN Tr. Ct., July 31, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.



INCOMPETENT TRUST FUND (ITF)

JULY 11, 2006

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/60 by John B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110 Order (Requesting

Accounting) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court previously released funds from the Incompetent Trust Fund (ITF) account of an adult incompetent member for costs associated with ongoing guardian services. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

JULY 18, 2006

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., July 18, 2006). (Matha, T).

The Court had to determine whether a permanent guardian can access monies on behalf of an adult incompetent member from the member's ITF to pay for annual residential LP gas costs. The Court granted the request.

JULY 31, 2006

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/60, by Jon B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110 Order (Accepting Accounting) (HCN Tr. Ct., July 31, 2006). (Matha, T).

The Court previously released funds from the ITF accounts of the adult incompetent for costs associated with ongoing guardian services. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

FAMILY

NO RECENT CASES

DOMESTIC VIOLENCE

JULY 17, 2006

In the Interest of Z.N.P.F., DOB 05/22/98, by Faye White v. Courtney C. White and Gerald L. Cleveland, Jr., DV 06-04 Order (Preliminary Hearing) (HCN Tr. Ct., July 17, 2006). (Matha, T).

The Court had to determine whether to extend out-of-home placement of the minor child on the basis of allegations of domestic abuse. The minor child substantiated the allegations of abuse as reported by

petitioner in the initial pleading. Therefore, the Court determined to maintain the status quo, and convene a fuller evidentiary hearing.

JULY 18, 2006

In the Interest of Z.N.P.F., DOB 05/22/98, by Faye White v. Courtney C. White and Gerald L. Cleveland, Jr., DV 06-04 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 18, 2006). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Z.N.P.F., DOB 05/22/98, by Faye White v. Courtney C. White and Gerald L. Cleveland, Jr., DV 06-04 Erratum Order (HCN Tr. Ct., July 18, 2006). (Matha, T).

The Court issued this order to correct a clerical mistake made in the previous order.

JULY 27, 2006

In the Interest of Z.N.P.F., DOB 05/22/98, by Faye White v. Courtney C. White and Gerald L. Cleveland, Jr., DV 06-04 Order (Evidentiary Hearing) (HCN Tr. Ct., July 27, 2006). (Matha, T).

The Court had to determine whether to extend out-of-home placement of the minor child on the basis of allegations of domestic abuse. The DOMESTIC ABUSE ACT implicitly requires a petitioner to prove the allegations by a preponderance of the evidence. The petitioner failed to meet her burden. Thus, the Court ordered the return of the child to her mother.

DIVORCE

NO RECENT CASES



JUVENILE

JUNE 21, 2006

In the Interest of Minor Children: Y.M.R., DOB 08/19/04; Y.J.R., DOB 06/24/05; A.A., DOB 03/23/98; V.A., DOB 02/28/00, JV 06-09-12 Order

(Appointment of Guardian ad litem) (HCN Tr. Ct., June 21, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JUNE 30, 2006

In the Interest of Minor Child: A.L.A., DOB 06/18/04, JV 06-16 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., June 21, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JULY 03, 2006

In the Interest of Minor Child: P.D.R., DOB 08/24/90, JV 03-24 Order (Child Protection Review Hearing) (HCN Tr. Ct., July 03, 2006). (Matha, T).

The Court conducted a *Child Protection Review Hearing*. The Court had to determine the extent of the compliance with the standing dispositional requirements. The Court determined to maintain the status quo.

In the Interest of Minor Child: R.B., DOB 04/23/91, JV 06-04 Order (Entrance of Plea) (HCN Tr. Ct., July 03, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent entered a plea of not guilty, after being advised as to her rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly schedules a *Trial*.

JULY 05, 2006

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 05, 2006). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: S.M.N., DOB 02/17/90, 95-CU-15 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 05, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JULY 10, 2006

In the Interest of Minor Child: P.B.N., DOB 01/01/89, JV 06-15 Order (Appointment of

Guardian ad litem) (HCN Tr. Ct., July 10, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JULY 11, 2006

In the Interest of Minor Child: D.A.F., DOB 09/16/88, JV 03-16 Order (Guardianship Appointment-Redacted) (HCN Tr. Ct., July 11, 2006). (Matha, T).

The Court provided this redacted order to aid the guardian and/or physical custodian in obtaining services for the minor child entrusted to his/her care.

JULY 12, 2006

In the Interest of Minor Child: S.M.N., DOB 02/17/90, 95-CU-15 Order (Guardianship Appointment-Redacted) (HCN Tr. Ct., July 12, 2006). (Matha, T).

The Court provided this redacted order to aid the guardian and/or physical custodian in obtaining services for the minor child entrusted to his/her care.

JULY 13, 2006

In the Interest of Minor Children: Y.M.R., DOB 08/19/04; Y.J.R., DOB 06/24/05; A.A., DOB 03-23-98; V.A., DOB 02/28/00, JV 06-09-12 Order (Child Protection Review Hearing) (HCN Tr. Ct., July 13, 2006). (Matha, T).

The Court conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court determined to maintain the status quo.

JULY 18, 2006

In the Interest of Minor Child: R.B., Jr., DOB 04/23/91, JV 06-04 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 18, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JULY 21, 2006

In the Interest of Minor Children: C.C.P., DOB 02/03/93 and G.L.P., DOB 06/10/94, JV 03-25-26 Order (Continuation of Guardianship Hearing) (HCN Tr. Ct., July 21, 2006). (Matha, T).

The Court continues the *Guardianship Hearing*.

JULY 25, 2006

In the Interest of Minor Children: J.C., DOB 04/10/04 and A.C., DOB 01/31/06, JV 06-18-19 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., June 25, 2006). (Matha, T).

The Court appointed a GAL in this matter.

JULY 28, 2006

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Continuance of Plea Hearing) (HCN Tr. Ct., July 28, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent requested a continuance, after being advised as to her rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly reschedules the *Plea Hearing*, so as to provide time for the parent to obtain legal representation.



resigned." However, appellees failed to provide adequate notice or a "meaningful, pre-discipline, opportunity to be heard" that is required before a suspension or termination. Specifically, the Court noted that ten (10) days notice to the Nation's office holders was a minimum requirement. *See HCN Legislature v. Chloris A. Lowe, Jr., et al.*, CV 96-22, 24 (HCN Tr. Ct., Jan. 3, 1997) at 33. Here however, the appellant would have been provided only two (2) days notice had it been mailed to the proper address, but it was mailed to an incorrect address. Without proper notice, the appellant was not afforded the information necessary to defend against the proposed action, nor was he provided with an opportunity to be heard. Normally, a person could not bring suit after resigning from his position. However, because this resembled more of a constructive discharge rather than a voluntary resignation, it was required that the appellant be afforded due process of the law to protect his property interest in his employment. Therefore, the Court held that the Trial Court decision be vacated and the case remanded to allow the appellant the opportunity to seek Administrative Review.

SUPREME COURT

JULY 03, 2006

Kenneth Lee Twin v. Toni McDonald et al., SU 05-09 (HCN S. Ct., July 3, 2006).

The appellant appealed the decision from the Trial Court granting appellee's *Motion for Summary Judgment*. The Supreme Court found that the appellees had failed to provide appellant with the minimal procedural due process protections as guaranteed by the HCN CONSTITUTION, ART. X, § 1(A)(8) in relation to the determination that appellant voluntarily terminated his own employment after not returning to work at the end of his Family Medical Leave (FML). Based upon the Personnel Policies and Procedures at the time of the harm, "...[a]n employee who fails to report promptly for work at the expiration of the requested FML, will be considered to have voluntarily



RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

JULY 7, 2006

State of WI v. Sterling G. Funmaker, CS 06-37.
(Rockman, A).

State of WI-Kimberlee Ann Soldier v. Troy Joseph Soldier, CS 06-38. (Rockman, A).

JULY 13, 2006

State of IA, ex rel., C.A.A. v. Klinton Rodrick Blackdeer, CS 06-39. (Matha, T).

JULY 21, 2006

Marissa Lynn Youngthunder v. Micahel Blaine Youngthunder Sr., CS 06-40. (Rockman, A).

State of WI v. Courage King Swan, CS 06-41.
(Rockman, A).

JULY 28, 2006

In re the Marriage of: Stacy L. Russell v. James P. Russell, CS 06-42 (Matha, T).



CIVIL GARNISHMENT

JULY 3, 2006

Quick Cash Loans v. Tina Forcia, CG 06-41.
(Matha, T).

JULY 13, 2006

Alliance Collection Agencies, Inc. (hereinafter A.C.A.) v. Kiel S. Roy, CG 06-42. (Matha, T).

A.C.A., Inc. v. Leah R. Rice, CG 06-43. (Matha, T).

A.C.A., Inc. v. Dana R. Kaddatz, CG 06-44.
(Matha, T).

A.C.A., Inc. v. Marie A. Wolf, CG 06-45. (Matha, T).

A.C.A., Inc. v. Tia L. Bagnowski, CG 06-46.
(Matha, T).

A.C.A., Inc. v. Donna R. Pabst, CG 06-47. (Matha, T).

Tomah Memorial Hospital v. Diane Wilde, CG 06-48. (Matha, T).

JULY 18, 2006

A.C.A., Inc. v. John W. Swantek & Debra L. Swantek, CG 06-49. (Matha, T).

JULY 31, 2006

Gunderson Clinic Ltd. v. Willa RedCloud, CG 06-50. (Matha, T).

A.C.A., Inc. v. Gloria A. Ward, CG 06-51. (Matha, T).



CIVIL CASES

JULY 5, 2006

HCN Property v. Mary Bigjohn et al., CV 06-53.
(Matha, T).

JULY 14, 2006

In the Interest of Minor Child: S.J., DOB 11/25/88 by LuAnn Decorah v. HCN Office of Tribal Enrollment, CV 06-54. (Rockman, A).

JULY 17, 2006

Joseph Marinan v. HCN Gaming Comm'n, CV 06-56. (Rockman, A).

JULY 18, 2006

In the Interest of Adult Beneficiary: Bruce Sanford, DOB 01/17/84 v. HCN Office of Tribal Enrollment, CV 06-55. (Rockman, A).

JULY 24, 2006

HCN Dept. of Education v. Andrew Rave, CV 06-57. (Matha, T).

JULY 28, 2006

Stanley J. Decorah v. HCN Workman's Comp., CV 06-58. (Matha, T).

JULY 31, 2006

In the Interest of Minor Child: K.L., DOB 08/14/89, by Suk Kyoung Lonetree v. HCN Office of Tribal Enrollment, CV 06-59. (Rockman, A).

In the Interest of Minor Child: N.W.J., DOB 10/17/91, by Rebecca J. Akers v. HCN Office of Tribal Enrollment, CV 06-60. (Rockman, A).

JUNE 14, 2006

Ho-Chunk Casino Hotel & Convention Center and Ho-Chunk Nation v. Jackie Hainta, CV 06-51. (Matha, T).

JUNE 21, 2006

In the Interest of: A.W.T. III, DOB 07/04/80, by Patricia A. Johnston Thundercloud, CV 06-52. (Matha, T).



FAMILY

NO RECENT FILINGS



DOMESTIC VIOLENCE

JULY 7, 2006

In the Interest of: Z.N.P.F., DOB 05/22/98, by Faye M. White, DV 06-04. (Matha, T).



JUVENILE

JULY 25, 2006

J.C., DOB 04/10/04, JV 06-18. (Matha, T).

A.C., DOB 01/31/06, JV 06-19. (Matha, T).

SUPREME COURT

JULY 10, 2006

Daniel M. Brown v. James Webster, HCN Exec. Dir. Of Business, SU 06-03.

JULY 18, 2006

Casimir Ostrowski v. HCN et al., SU 06-04.

SUPREME COURT NOTICE

The Ho-Chunk Nation Supreme Court has approved a draft of the Ho-Chunk Nation Rules of Criminal Procedure for public comment. The Ho-chunk Nation Supreme Court would invite responses on the proposed Rules by 4:30 p.m. on September 1, 2006. The Ho-chunk Nation Supreme Court will be reviewing the comments at their scheduled meeting in September. Those that wish to address the Court at that time with comments on the Rules are invited to do so. You can request a copy of the HCN Rules of Criminal Procedure, as well as provide written comments to mendthoff@ho-chunk.com.



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

Supreme Court—Mary Jo B. Hunter, Chief Justice

Mark D. Butterfield, Associate Justice

Dennis Funmaker, Associate Justice

Traditional Court – Earl Blackdeer

Donald Blackhawk

Dennis Funmaker

Jim Greendeer

Douglas Greengrass

Desmond Mike

Douglas Red Eagle

Preston Thompson, Jr.

Eugene Thundercloud

Morgan White Eagle

Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge

Amanda L. Rockman, Associate Judge

Clerk of Court, Trial Court – Marcella Cloud

Assistant Clerk of Court, Trial Court – Selina Joshua

Administrative Assistant – Jessi Cleveland

Staff Attorney – Jennifer L. Tilden

Staff Attorney – Nicole M. Homer

Supreme Court Clerk – Mary Endthoff

* 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)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

(Region 10—Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

- *Complaint*.....\$50.00
- *Petition for Release of Per Capita Distribution (Children’s Trust Fund)*\$50.00
- *Motion to Appear Pro Hac Vice*.....\$35.00
- Appellate Filing Fee.....\$50.00
- *Petition to Register and Enforce Foreign Judgment/Order*\$20.00
- Marriage License Fee.....\$50.00

Court Fees

- Copying\$0.10/page
- Faxing\$0.25/page (sending & receiving)
- CD of Hearings\$12.50/CD
- Deposition Videotape\$10.00/tape
- Certified Copies.....\$0.50/page
- Equipment Rental\$5.00/hour
- Admission to Practice\$50.00

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.

ELDER PROTECTION ACT, 4 HCC § 1.

EMPLOYMENT RELATIONS ACT, 6 HCC § 5.

(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).

Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)

Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)





SEPTEMBER 2006
VOL. 12, NO. 9

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HCN Judiciary Fee Schedule
Legal Citation Forms
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Ho-Chunk Nation Judiciary
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.

HO-CHUNK NATION COURT BULLETIN

BECOMING ACQUAINTED WITH ASSOCIATE JUDGE AMANDA L. ROCKMAN



Associate Trial Judge Amanda L. Rockman

On August 14, 2006, tribal member Amanda L. Rockman was sworn-in as Associate Judge of the Ho-Chunk Nation Trial Court. The purpose of this interview is to provide the readership with some insight on the professional and personal life of Associate Judge Rockman. This interview was conducted by Nicole M. Homer, one of the Court's staff attorneys.

NH: What is your educational background?

AR: I have a B.A. in Anthropology and French, and a certificate or minor in American Indian Studies from the University of Wisconsin-Madison. I also have a J.D. from the University of Wisconsin Law School.

NH: What did you do before being appointed to your three (3) year term as Associate Trial Court Judge?

AR: Upon graduation from law school, I worked as the Ho-Chunk Nation Judiciary's Staff Attorney. I also worked for the Ho-Chunk

Nation's Department of Justice as a tribal attorney. I am fulfilling my Josephine P. White Eagle fellowship obligation.

NH: What drew you to the field of law?

AR: My undergraduate studies provoked interest towards the field of law, specifically Indian law. I had an American Indian history class, and we studied the Marshall Trilogy. The Marshall Trilogy is a series of cases, that continue to define Indian law. My parents also encouraged me to pursue my education, and they were very supportive regarding my legal education.

NH: Did you ever have dreams of becoming a judge?

AR: Yes, particularly for the Ho-Chunk Nation! Self-governance is essential in promoting sovereignty. The Judiciary's future is dependent upon the devotion of committed public servants. Judges, who are committed to and citizens of the Ho-Chunk Nation, who maintain a vested interest in the Ho-Chunk Nation most appropriately fill this role. No other jurisdictions, other than tribal jurisdictions, appoint non-citizens to interpret and determine their laws. For instance, a Wisconsin judge rarely presides over cases affecting California citizens, interpreting and determining California case law.

NH: What should individuals expect when entering "Judge Rockman's" courtroom?

AR: Individuals have preconceived notions regarding judges. For instance, people watch *Law & Order* on Friday night, and they expect me to come in and begin by speaking a lot of legal jargon. I try to keep all of the proceedings very respectful and cite directly to the law, often reading verbatim certain provisions of the law. However, at the same time, I recognize the implicit need of explaining issues to pro se litigants in layman terms. I try not to speak, as my father puts it, "another language."

NH: So, you are only days into your position, but what do you enjoy most about your job thus far?

AR: I really enjoy researching and writing. I have had the opportunity to write a few opinions and orders, but I am looking forward to following a case from beginning to end.

NH: What do you find most challenging about your position thus far?

AR: Former Chief Judge William Bossman and Pro Tempore Judge Tina F. Gouty-Yellow did not fully resolve some cases before the expiration of their respective terms, and making time to finish those decisions... it's going to involve putting in some long hours at the courthouse.



Supreme Court Associate Justice Mark Butterfield Swearing in Associate Trial Judge Amanda L. Rockman

NH: What are your goals for the next three (3) years?

AR: My goals are to contribute to the faith of Ho-Chunk citizens and members in our judicial system, to contribute to a body of law that clearly communicates standards and judicial precedent, and finally, to justly and timely issue judgments.

NH: What are your long-term career objectives?

AR: At some point, I would really like to go back to school and obtain either an S.J.D. or an L.L.M. I harbor hopes of some day teaching law in an academic setting.

NH: Any thoughts about running for HCN Supreme Court Justice in the future?

AR: Not at this point in time, the Supreme Court is composed of incredibly bright and able individuals who care a lot about the Nation and its well-being.

NH: Where do you see the Trial Court in the next ten (10) years?

AR: The Trial Court will continue to be on the forefront of technological advances. Hopefully, the Nation will continue to exert its sovereignty by extending subject matter jurisdiction to include areas such as probate and criminal jurisdiction.

NH: Can you tell me a little bit about your life away from work—what do you think people should know about the Amanda Rockman outside of the Courthouse?

AR: I am deeply committed to my family. I have two beautiful children, and they keep me unrealistically busy. My parents live in the Mission, and I am very appreciative for all of their help, guidance and love. When time and funding permit, I also love to travel in Wisconsin or abroad. However I have not been able to travel recently... it seems with kids, traveling gets more and more difficult and complex. I also thoroughly enjoy being around music, and you'll rarely find me in silence. I play a few different instruments, and I enjoy playing in the Black River Area Community Band.

NH: What was the last book or novel you read?

AR: Montessori Play and Learn: A Parent's Guide to Purposeful Play from Two to Six by Lesley Britton and simultaneously Sherman Alexie's Reservation Blues.

NH: The last CD you purchased?

AR: Gnarls Barkley.

NH: What U.S. Supreme Court Justice do you most admire and why?

AR: John Glover Roberts, Jr. Although he is an extremely recent addition to the United States Supreme Court (September 29, 2005), he is an incredibly brilliant man. At the age of thirty-seven (37), he became the youngest appellate judge in the country. At the age of fifty (50), he became the youngest Chief Justice for the United States Supreme Court in a couple of centuries! He maintains some knowledge of Indian law. Hopefully, the Court under his direction as Chief Justice will have some enlightening additions to Indian law.

NH: Thank you for your time, are there any last comments you would like to add?

AR: Yes, I would like to thank the Legislature for the appointment and confirmation. I am looking forward to an opportunity to serve the Nation.



Associate Trial Court Judge Amanda Rockman (L) and 2006 Department of Justice Summer Legal Intern Kate Lindsay (R)

COURT HOSTS ANNUAL FUN RUN/WALK

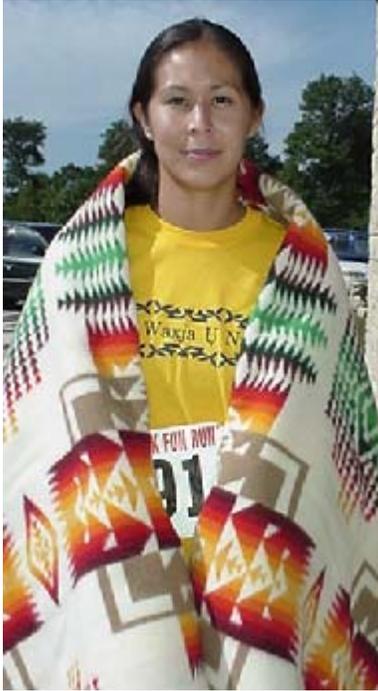
The HCN Judiciary hosted its annual 5K Fun Run/Walk on Saturday, September 2, 2006. This year marked the eleventh anniversary of the event. Nearly fifty runners and walkers, from ages 10 to 69, participated.

The overall male winner was Dana Lonetree with a time of nineteen minutes, thirty-five seconds (19:35). Jodi Webster was the first overall female runner with a time of twenty-five minutes (25:00).

The Ho-Chunk Nation Judiciary congratulates all runners and walkers on their achievements. Special thanks to:

- The Ho-Chunk Nation Business Department, for its donation of water and prizes;
- Ho-Chunk Cinema, for its donation of movie passes & popcorn;

- Chief Trial Court Judge Todd Matha, for his donation of refreshments;
- Assistant Trial Court Judge Amanda Rockman, Assistant Clerk of Court Selina Joshua, Assistant Clerk of Court Jessi Cleveland, and Supreme Court Clerk Mary Endthoff, for their donation of time and effort in making the Fun Run/Walk a success.



Jodi Webster, overall female runner, with her Pendleton blanket



Dana Lonetree, overall male runner, receiving his Pendleton blanket from Supreme Court Justice Mark Butterfield



TRIAL COURT NOTICE

Staff Attorney Jennifer Tilden has updated the Ho-Chunk Nation Judiciary website (<http://ho-chunknation.com/government/courts.htm>). The website now provides many new and updated features including:

- **COURT CALENDAR:** Web-users now have the ability to find hearing dates and times on the Court Calendar link. If a person clicks on any one of the case numbers, provided that it is not a case number for a juvenile or child abuse action, they will be brought to a page where the following information is provided: the case name, the case number, the names of legal counsel, the type of hearing, the type of case, and the time of the hearing.
- **VIRTUAL TOUR:** Web-users now have the ability to see pictures and read descriptions about the court building, the Great Seal of the Ho-Chunk Nation, and the Seal of the Judiciary.
- **NOTICES:** Web-users now have the ability to read information about any events that the Court may be holding. Currently, a person will be able to read about Law Day if they click on the Notices link.
- **HO-CHUNK BAR ASSOCIATION:** Web-users now have the ability to access a list of all Ho-Chunk Bar Association members. Included in this list is the contact information for each member. Furthermore, there is a link that will bring the reader to the *Rules for Admission to Practice in the Courts of the Ho-Chunk Nation*. These rules will provide the reader with information on how to become a member of the Ho-Chunk Bar Association.
- **DRIVING DIRECTIONS:** Web-users now have the ability to find driving routes to the courthouse from all directions. Included in this section is a small map.



UPDATES FROM OUTSIDE COURTS

United States Supreme Court

Certiorari granted

- NO RECENT GRANTING OF CERTIORARI

Certiorari denied

- NO RECENT DENIALS

Petition for Certiorari filed

- *San Carlos Apache Tribe v. Arizona*, No. 06-173 (filed Aug. 1, 2006).



Eighth Circuit Court of Appeals

Bone Shirt v. Hazeltine, No. 05-4010 (8th Cir. 2006).

This case arises from the 2001 legislative redistricting of South Dakota. The redistricting plan (the Plan) created a 105-member state legislature that was split into thirty-five districts. Each district elected two members of the state house of representatives at-large and one member of the state senate. District 28 was an exception. It was divided into two single-member districts: District 28A and 28B. There were only two Indian-majority districts in the plan, Districts 27 and 28A. District 27, with a ninety percent Native-American population, consistently elected Indian-preferred candidates. District 28A, with a lesser majority, frequently

- **FAQS:** Web-users now have the ability to read commonly asked questions, as well as obtain answers to such questions. Each answer contains links to pertinent cases, rules, or laws. For example, if part of the answer offered comes from the holding of a specific case, there will be a link to that case provided within that specific answer. This section will be an excellent tool to commence one's legal research.
- **COURT BULLETINS:** This section has been updated to provide the most recent HO-CHUNK NATION COURT BULLETINS.
- **JUDICIAL RULES:** This section has been updated to provide additional rules, as well as recently changed rules. For example, web-users now have access to: the *Rules of Professional Conduct*, *Timely Issuance of Decisions*, and the *Federal Rules of Evidence*. In addition, this section now provides the most recent version of the *Ho-Chunk Nation Rules of Civil Procedure*. Therefore, *HCN R. Civ. P. 63*, entitled *Judicial Review of Administrative Adjudication*, is now available via the web.
- **FORMS ONLINE:** This section has been updated to provide additional boilerplate forms. For example, web-users now have access to the *Petition for Administrative Review*. These forms are provided to make filing a cause of action easier for the public.
- **CASE SUMMARIES:** This section has been updated to provide the most recent case summaries. There are now case summaries available from 2004 through 2006.

SUPREME COURT NOTICE

On July 22, 2006, the HCN Supreme Court changed the *Ho-Chunk Nation Rules of Civil Procedure*, Rule 63(D) to read, in part, as follows:

(D) The commission or board, designated as the respondent, must transmit the administrative record to the Court within fifteen (15) days after filing the Petition for Administrative Review.

elected Indian-preferred candidates. District 26, which neighbors District 27, had only a thirty percent Native-American population and did not elect an Indian-preferred candidate from 1982 to 2002. At issue is whether the Plan violated Section 2 of the Voting Rights Act by packing District 27 with Native-Americans at the expense of District 26, and whether the district court redistricted South Dakota in a manner that assured Native-Americans in Districts 26 and 27 the opportunity to elect Indian-preferred candidates. The circuit court found that the redistricting plan violated Section 2 of the Voting Rights Act by packing one district with Native Americans at the expense of another, and the district court redistricted South Dakota in a manner that assured Native Americans in the districts the opportunity to elect Indian-preferred candidates.

United States v. White Plume, 447 F.3d 1067 (8th Cir. 2006).

The United States brought this action for declaratory and injunctive relief against the grower who, pursuant to a tribal ordinance, had produced industrial hemp on tribal land without Drug Enforcement Agency (DEA) registration. Numerous hemp companies intervened as defendants. The Court of Appeals held that industrial hemp is subject to regulation by the Controlled Substances Act (CSA). The Court also held that the Treaty of Fort Laramie of 1868 did not give the grower a right to grow industrial hemp. Last, the regulation of industrial hemp by CSA did not violate the companies' substantive due process rights. Affirmed.

Minnesota Court of Appeals

Zander v. Zander, 2006 WL 2405687 (Minn. Ct. App. 2006).

In a divorce proceeding in Scott County District Court, the judge dissolved the parties' marriage, granted the parties joint legal and physical custody of the children, and ordered the division of the parties' marital property, after which the former wife's motion for amended findings or a new trial was denied. The former wife appealed this decision. The Minnesota Court of Appeals held that the trial court did not abuse its discretion by denying the

former wife's motion for amended findings relating to former husband's residence; that the trial court did not abuse its discretion in denying the former wife's motion for a new trial on the grounds of fraud or newly discovered evidence; that the evidence supported the award to parties of joint legal and physical custody of the children; that the monthly per capita payments that former wife, who was member of Indian tribe, received from tribal community were marital property subject to division between parties; and that the trial court did not abuse its discretion in equally dividing the marital property. Affirmed.



UPDATES FROM CONGRESS

On July 27, 2006, the Voting Rights Act (VRA) was signed into law for another 25 years. The law was set to expire in 2007. The VRA was first signed into law by President Lyndon B. Johnson to ensure that certain practices be deemed illegal, such as polling taxes and mandatory literacy tests. Such devices were mainly used in the south in order to prevent African Americans from having the opportunity to vote.

Although being associated predominantly with the southern states, the VRA has had a profound impact on states containing high American Indian and Alaskan Native populations as well. The two sections of the VRA that will play a large role in such populated areas are the minority language provisions and preclearance. The minority language provisions, found in section 203, require that if more than 5% of the voting age population in any one jurisdiction are members of a single language "minority" and have limited proficiency in English, then that jurisdiction must provide oral and written assistance in the minority language. Therefore, registration forms, ballots, and polling signs must all be provided in not only English, but the minority language as well.



UPCOMING EVENTS

- **WISCONSIN TRIBAL JUDGE'S ASSOCIATION (WTJA) MEETING- OCT. 5-6, HO-CHUNK NATION TRIAL COURT, BLACK RIVER FALLS, WI**
- **HO-CHUNK JUDICIARY LAW DAY- OCT. 5, HO-CHUNK NATION TRIAL COURT, BLACK RIVER FALLS, WI**
- This year's Law Day is being held in conjunction with the Wisconsin Tribal Judges Association, Inc. (WTJA) quarterly autumn meeting.
- Directions are available on the HCN Judiciary's website at http://hochunknation.com/government/judicial/driving_directions.htm.
- For WTJA attendees, the Ho-Chunk Nation Judiciary has set aside a block of rooms at Majestic Pines Casino. You can reach the casino at (888) 625-8668.
- Law Day will conclude with a WTJA golf outing held at Skyline Golf Course in Black River Falls, WI. <http://www.golfskyline.com>.
- Free and Open to the Public
- CLE Credits Available
- For more information please contact Nicole Homer at (800) 434-4070

8:15 A.M.	REGISTRATION & BREAKFAST RECEPTION
9:00 A.M.	WELCOME & JUDICIAL 2005-2006 CASE LAW UPDATE HCN TRIAL COURT STAFF ATTORNEY NICOLE M. HOMER
9:30 A.M.	QUESTION & ANSWER PERIOD/ BREAK
9:45 A.M.	EXTENSION OF FULL FAITH AND CREDIT AND/OR COMITY TO FOREIGN CHILD SUPPORT ORDERS HCN TRIAL COURT STAFF ATTORNEY JENNIFER L. TILDEN
10:15 A.M.	QUESTION & ANSWER PERIOD/ BREAK
10:30 A.M.	RETROACTIVITY AND THE LAW HCN TRIAL COURT ASSOCIATE JUDGE AMANDA L. ROCKMAN
11:00 A.M.	QUESTION & ANSWER PERIOD/ BREAK
11:15 A.M.	IMMUNITIES FROM SUIT HCN TRIAL COURT CHIEF JUDGE TODD R. MATHA
11:45 A.M.	QUESTION & ANSWER PERIOD/ BREAK
12:00 P.M.	CLOSING REMARKS/PROGRAM ENDS

Preclearance mandates that if jurisdictions have had a history of discrimination, they must submit all election changes to the U.S. Department of Justice for review before that change may take effect. This procedure is intended to ensure that such jurisdictions may not enact laws that will interfere or impair one's right to vote. For example, jurisdictions would not be able to implement laws forbidding voters from presenting tribal identification cards or requiring state-issued driver licenses in order to vote.

Although some have argued that this oversight is no longer needed, and is merely a relic of the past when Southern states could not be trusted to treat all citizens equally, others argue that the abuses continue today. In reference to measures approved by the Georgia Legislature, the WASHINGTON POST quoted Sen. John F. Kerry (D-Mass,) as questioning, "[w]here would the citizens of Georgia be—particularly low-income and minority citizens—if they were required to produce a government-issued identification or pay \$20 every five years in order to vote?" See Charles Babington, *Voting Rights Act Extension Passes In Senate, 98 to 0*, WASHINGTON POST, July 21, 2006, at A01. Jesse L. Jackson was reported as stating that the Senate vote had called only for "restrained celebration" because the "Justice Department, right down the line, has chosen states' rights." *Id.*

This hesitation is also felt by the Native American Rights Fund (NARF). NARF recently reported that Section 203 has not been completely put into operation in Alaska. Full implementation of this section of the VRA is crucial in many parts of Alaska, including Bethel where more than one-fifth (1/5th) of the population speaks Yup'ik instead of English. *Voting Rights Act Reauthorization 2006—Voting Rights 101*, E-ACTION NEWS (Native American Rights Fund, Boulder, CO), Aug. 24, 2006. Therefore, NARF will remain "committed to monitoring and encouraging compliance with this law in Alaska and around the United States." *Id.*



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 Garnishment (CG), 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. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that 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

AUGUST 4, 2006

Jessica A. Ysquierdo v. Roger L. Houghton, Jr., CV 06-32 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 4, 2006). (Matha, T).

The Court granted the party's request to appear by telephone.

AUGUST 22, 2006

State et al. v. Gabriel D. Funmaker, CS 98-06 Order (Ceasing Arrearage Withholding) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The petitioner filed a request to suspend per capita withholding for arrears due to the child support arrearage being paid in full. The Court ordered the cessation. However, the *Order* remains unchanged with respect to the current child support withholding.

Angela Maria Regalia v. Roger Lee Houghton, Jr. and Jessica A. Ysquierdo v. Roger L. Houghton, Jr., CS 01-19, 06-32 Petition Granted (Equitable Adjustment) (HCN Tr. Ct., Aug. 22, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent filed a timely answer in which he did not object to the recognition and enforcement of the foreign child support order, but merely requested a *Fact-Finding Hearing*. At the *Hearing*, the respondent again failed to object to the recognition and enforcement of the foreign child support order. Alternatively, the respondent requested information on how to terminate his parental rights. The Court lacks the authority to terminate a parent's rights. Thus, the Court granted the recognition and enforcement of the foreign judgment, and performed an equitable adjustment due to the respondent's serial payor status.



AUGUST 30, 2006

Iowa ex rel. Klayton Armond Adams¹ v. Klinton Rodrick Blackdeer, CS 06-39 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Aug. 30, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

In re the Marriage of: Stacey L. Russell and James P. Russell, CS 06-42 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Aug. 30, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

AUGUST 31, 2006

Hope B. Smith v. Mary R. Smith and State v. Mary R. Smith, CS 05-16, 06-48 *Judgment (Equitable Adjustment)* (HCN Tr. Ct., Aug. 31, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent expressed her acquiescence to the request for relief, as she filed the *Petition*. Therefore, the Court waived the normal service of process requirement. The Court accordingly granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment due to the respondent's serial payor status.

Hope B. Smith v. Kenneth Smith and State v. Kenneth Smith, CS 98-17, 06-47 *Judgment (Equitable Adjustment)* (HCN Tr. Ct., Aug. 31, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent expressed her acquiescence to the request for relief, as she filed the *Petition*. Therefore, the Court waived the normal service of process requirement. The Court accordingly granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment due to the respondent's serial payor status.

CIVIL GARNISHMENT

AUGUST 01, 2006

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 06-40 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 1, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.



AUGUST 04, 2006

Alliance Collection Agencies, Inc. v. Donna R. Pabst, CG 06-47 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 4, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Tomah Memorial Hospital v. Diane Wilde, CG 06-48 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 4, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign

¹ This name should be Klayton Armond Blackdeer.

judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Tia L. Bagnowski, CG 06-46 Order (Default Judgment) (HCN Tr. Ct., Aug. 4, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Mary Locey, CG 06-34 Order (Default Judgment) (HCN Tr. Ct., Aug. 4, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

AUGUST 08, 2006

Quick Cash Loans v. Tina Forcia, CG 06-41 Order (Suspension of Activity) (HCN Tr. Ct., Aug. 8, 2006). (Matha, T).

The petitioner filed a *Petition to Register & Enforce a Foreign Judgment or Order*. The Court will confirm the employment of the respondent through correspondence with the HCN Dep't of Personnel prior to effectuating service. Thereafter, the Court will process the *Petition*. If the respondent later leaves the employ of the Nation, the Court shall suspend all case file activity and inform the petitioner of its ability to file a motion to resumes activity if the respondent subsequently resumed employment with the Nation.



AUGUST 09, 2006

Alliance Collection Agencies, Inc. v. Leah R. Rice, CG 06-43 Order (Default Judgment) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

General Electric Capital Credit v. Maxine B. Bowman, CG 06-39 Order (Default Judgment) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. John W. and Debra L. Swantek, CG 06-49 Order (Default Judgment) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

AUGUST 25, 2006

Alliance Collection Agencies, Inc. v. Gloria A. Ward, CG 06-51 Order (Default Judgment) (HCN Tr. Ct., Aug. 25, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

AUGUST 28, 2006

Alliance Collection Agencies, Inc. v. Kiel S. Roy, CG 06-42 Order (Default Judgment) (HCN Tr. Ct., Aug. 28, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Marie A. Wulf, CG 06-45 Order (Default Judgment) (HCN Tr. Ct., Aug. 28, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign

judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.



Alliance Collection Agencies, Inc. v. Dana R. Kaddatz, CG 06-44 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 28, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

AUGUST 30, 2006

Gundersen Clinic, Ltd. v. Rose A. Lemke-Smith, CG 06-52 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 30, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Jeffrey S. Dayton, CG 06-53 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 30, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

CIVIL CASES

AUGUST 1, 2006

HCN Dep't of Veterans Affairs et al. v. Allyson Finch, CV 06-14 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Aug. 1, 2006). (Matha, T).

The Court granted the party's request to appear by telephone.



AUGUST 03, 2006

Karen Bowman v. HCN Ins. Review Comm'n, CV 06-62 *Scheduling Order* (HCN Tr. Ct., August 3, 2006). (Matha, T).

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

HCN Dep't of Veterans Affairs et al. v. Allyson Finch, CV 06-14 *Scheduling Order* (HCN Tr. Ct., August 3, 2006). (Matha, T).

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

AUGUST 07, 2006

Leilani Jean Chamberlain v. Adam Hall, Enrollment Office of the Ho-Chunk Nation, CV 05-109 *Order (Denying Petitioner's Request for Costs & Fees)* (HCN Tr. Ct., Aug. 07, 2006). (Matha, T).

The Court had to determine whether to impose costs and attorney's fees against the respondent due to his failure to timely respond to the petitioner's discovery requests. The respondent neglected to request a modification to the scheduling order for the purpose of extending the response period. The Court refrained from imposing discovery sanctions, and instead cautioned the respondent to exercise due diligence in the future.

Stewart J. Miller v. The Lynwood Properties, LLC et al., CV 06-43 *Order (Dismissal without Prejudice)* (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The Court had to determine whether to dismiss the instant case. The plaintiff informed the Court of his intention to withdraw his case prior to convening a scheduling conference. Therefore, the Court dismissed the action without prejudice.

Virgil Bullshoe v. Marilyn Costello, CV 06-22 *Order (Petition Granted)* (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent filed a timely response. The Court conducted a *Fact-Finding Hearing*.

However, the respondent failed to demonstrate to the Court any reason why it should preclude granting full faith and credit to the foreign judgment. Thus, the Court granted the petitioner's request.



AUGUST 17, 2006

Ho-Chunk Hotel & Convention Center et al. v. Jackie Stempfer et al., CV 06-49 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 17, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

AUGUST 21, 2006

In re: The Name Change of Courtney Candace White, CV 06-44 Order (Granting Name Change) (HCN Tr. Ct., Aug. 21, 2006). (Rockman, A).

The Court had to determine whether to grant the request of the petitioner to have her name legally changed. The petitioner had substantiated the basis for the name change. The Court granted the request.

AUGUST 28, 2006

Dallas White Wing v. HCN General Council et al., CV 04-99 Order (Amending Scheduling Order & Setting Motion Hearing) (HCN Tr. Ct., Aug. 28, 2006). (Vele, K).

The Court had to determine whether to again modify the scheduling order to accommodate the parties' request to resolve the case through the presentation of a dispositive motion. The Court granted the modification in an effort to conclude this long-standing matter. The Court incorporated the briefing schedule agreed upon by the parties and reminded the parties of the date, time, and location of the *Motion Hearing*.

Ona Garvin v. HCN Election Board et al. and Dallas WhiteWing v. HCN General Council et al., CV 05-90, 05-93 Scheduling Order (HCN Tr. Ct., Aug. 28, 2006). (Vele, K).

The Court had to determine whether to again modify the scheduling order to accommodate the parties' request to resolve the case through the presentation of a dispositive motion. The Court granted the modification in an effort to conclude this long-standing matter. The Court incorporated the briefing schedule agreed upon by the parties and reminded the parties of the date, time, and location of the *Motion Hearing*.

AUGUST 29, 2006

Stephany Hughes v. HCN Gaming Comm'n et al., CV 05-44 Order (Granting Defendants' Motion to Dismiss) (HCN Tr. Ct., Aug. 29, 2006). (Matha, T). The Court had to determine whether to grant a dismissal of the instant action. The defendants contended that the plaintiff filed an untimely appeal of the *Decision and Order* rendered by the HCN Gaming Commission. The Court dismissed the case due to the plaintiff filing beyond the statute of limitation.



CONTRACTS

AUGUST 18, 2006

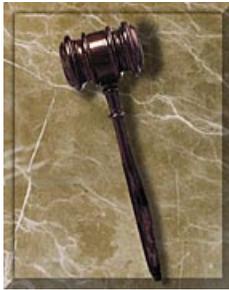
Ho-Chunk Casino Hotel & Convention Center et al. v. Lawrence Eagleman and Patricia Eagleman/Whitecloud, CV 06-48 Order (Default Judgment) (HCN Tr. Ct., Aug. 18, 2006) (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendants failed to answer the *Complaint* despite proper service of process. The Court rendered a default judgment against the defendants, awarding plaintiffs permissible relief sought in the *Complaint*.

AUGUST 21, 2006

Ho-Chunk Casino Hotel & Convention Center et al. v. Bryan Seversen and Dells Motor Speedway, CV 06-50 Order (Default Judgment) (HCN Tr. Ct., Aug. 21, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendants failed to answer the *Complaint* despite proper service of process. The Court rendered a default judgment against the defendants, awarding plaintiffs permissible relief sought in the *Complaint*.



EMPLOYMENT

AUGUST 14, 2006

Kenneth Lee Twin v. Toni McDonald et al., CV 04-27 Scheduling Order (HCN Tr. Ct., Aug. 14, 2006). (Matha, T).

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

HOUSING

AUGUST 08, 2006

HCN Home Ownership Program et al. v. Robert Mobley et al., CV 06-24 Findings of Fact, Conclusions of Law, and Order for Default Judgment, Including Costs (HCN Tr. Ct., Aug. 8, 2006). (Matha, T).

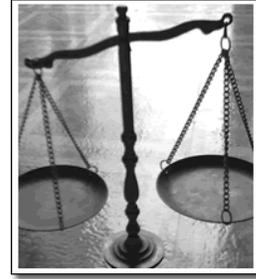
The Court determined that the Court lacked personal jurisdiction over certain defendants. The Court further decided that no issue of law or fact had been joined and the time for joining issue had expired, thus the plaintiff was entitled to a default judgment against the defendants pursuant to *HCN R. Civ. P. 54*.

AUGUST 17, 2006

HCN Property Management v. Adriane Walker, CV 05-97 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 17, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties

of its intent to close the file if no objection is received within ten (10) days.



CHILDREN'S TRUST FUND (CTF)

AUGUST 16, 2006

In the Interest of Minor Child: G.F., DOB 03/01/93, by Mary Fletcher v. HCN Office of Tribal Enrollment, CV 05-102 Order (Petition Granted) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court had to determine whether the legal guardian could access CTF monies on behalf of a minor child for costs associated with purchasing a therapeutic lap pool. The Court granted the request.

In the Interest of D.P.G., DOB 08/28/82, by Regina Taylor and Tony Salo v. HCN Office of Tribal Enrollment, CV 05-15 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court requested that the petitioner submit the required accounting.

In the Interest of Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment, CV 05-108 Order (Demanding Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court ordered that the petitioner submit the previous required accounting.

In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court requested that the petitioner submit the required accounting.

In the Interest of Minor Child: T.F., DOB 03/18/93, by Toni Funmaker v. HCN Office of Tribal

Enrollment, CV 06-42 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a correspondence from the orthodontist, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: J.M.N., DOB 07/02/93, by Ramona McDonald v. HCN Office of Tribal Enrollment, CV 06-21 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted account ledger pages, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 05-83 Order (Partially Accepting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with purchasing an automobile. The petitioner submitted copies of a bill of sale and proof of insurance, but failed to submit a copy of the Title and Registration. The Court partially accepted this accounting and reiterates its demand for a full accounting.



In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87; In the Interest of Minor Child: T.A.C., DOB 02/19/90 and R.G.C., DOB 07/27/92, by Orvilla R. White Eagle and June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court requested that the petitioner submit the required accounting for the release from Tyler A. Cloud's CTF account.

In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87; In the Interest of Minor Child: T.A.C., DOB 02/19/90, by Orvilla R. White Eagle; In the Interest of Minor Child: R.G.C., DOB 07/27/92, by June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court requested that the petitioners submit the required accounting for the release from the CTF accounts of T.A.C., DOB 02/19/90, and R.G.C., DOB 07/27/92.



AUGUST 17, 2006

In the Interest of Minor Child: C.M.R., DOB 12/15/94, by Leslie Rave v. HCN Office of Tribal Enrollment, CV 06-64 Order (Petition Granted) (HCN Tr. Ct., Aug. 17, 2006). (Matha, T).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: K.L., DOB 08/14/89, by Suk Kyoung Lonetree v. HCN Office of Tribal Enrollment, CV 06-59 Order (Petition Granted) (HCN Tr. Ct., Aug. 17, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with private school tuition and expenses. The Court granted the request.

In the Interest of Minor Child: J.R.D., DOB 02/01/95, by Michelle L. Fortney v. HCN Office of Tribal Enrollment, CV 06-65 Order (Petition Granted) (HCN Tr. Ct., Aug. 17, 2006). (Matha, T).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with orthodontic procedures. The Court granted the request.

AUGUST 24, 2006

In the Interest of Minor Child: C.R., DOB 06/13/93, by Regina Reel v. HCN Office of Tribal Enrollment, CV 06-68 Order (Petition Granted) (HCN Tr. Ct., Aug. 24, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: C.C.R., DOB 10/02/90, by Christian M. Roth v. HCN Office of Tribal Enrollment, CV 06-66 Order (Petition Granted) (HCN Tr. Ct., Aug. 24, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of his minor child for costs associated with orthodontic procedures. The Court granted the request.



AUGUST 25, 2006

In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 06-30 Order (Directing Release of Funds) (HCN Tr. Ct., Aug. 25, 2006). (Rockman, A).

The Court conditionally approved the petitioner's request to access CTF monies on behalf of her minor child for costs associated with private school and expenses. The Court had required the petitioner to document personal payment of miscellaneous and board fees as required in a previous order. The petitioner offered documentation of successive payments to the private school. The Court found that petitioner had demonstrated a good faith effort to satisfy her parental obligation. The Court directed the release of the funds.



INCOMPETENT TRUST FUND (ITF)

AUGUST 15, 2006

In the Interest of B.G.S., DOB 02/07/80, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Motion Granted) (HCN Tr. Ct., Aug. 15, 2006). (Matha, T).

The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with assisted vacation expenses. The Court granted the request.

AUGUST 16, 2006

In the Interest of B.F.R., DOB 09/18/19, by Dorothy Lenard v. HCN Office of Tribal Enrollment, CV 02-95 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The Court previously released funds from the ITF accounts of the adult incompetent member for costs associated with ongoing nursing home care. The petitioner submitted a payment history statement from the nursing home, confirming proper use of the funds. The Court accepted this accounting.

AUGUST 22, 2006

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent member for costs associated with annual residential LP gas costs. The petitioner submitted an account statement, confirming proper use of the funds. The Court accepted this accounting.

AUGUST 23, 2006

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/66 v. HCN Office of Tribal Enrollment, CV 96-87 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 23, 2006). (Rockman, A).

The Court requested that the petitioner submit the required accounting.



FAMILY

NO RECENT CASES

DOMESTIC VIOLENCE

AUGUST 03, 2006

In the Interest of Minor Child: R.S., DOB 06/07/98, (HCN Tr. Ct., Aug. 3, 2006). (Matha, T).

The Ho-Chunk Nation Trial Court has been presented with a sworn *Petition for Order for Protection*. The Court finds reasonable grounds to believe that the respondent has committed acts of domestic violence against the petitioner and/or family. Consequently, the Court enters this *Ex Parte Order for Protection* as necessary to protect the petitioner.

AUGUST 09, 2006

In the Interest of Elder Person: D.D., DOB 04/27/19, by Ho-Chunk Nation Dep't of Social Services v. Jovita Orozco, DV 06-02 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days. The HCN Loan Division shall no longer decline to grant loans against the respondent's future per capita on the basis of this action.

AUGUST 15, 2006

In the Interest of Minor Child: R.S., DOB 06/07/98, DV 06-05 Order (Requiring CFS Involvement) (HCN Tr. Ct., Aug. 15, 2006). (Rockman, A).

The Court had to determine whether to extend its *Ex Parte Order for Protection* on the basis of allegations of domestic abuse. Because a social

worker substantiated the allegations of abuse as reported by the petitioner in the initial pleading, the Court shall require the involvement of CFS in this juvenile action.

AUGUST 22, 2006

In the Interest of Minor Child: R.S., DOB 06/07/98, DV 06-05 Order (Dismissal) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The Court had to determine whether to dismiss the instant action. The petitioner failed to attend the *Domestic Abuse Hearing*, and was therefore unable to offer any additional evidence or testimony. The Court dismissed the instant action.



DIVORCE

AUGUST 21, 2006

In re the Marriage of: Walter J. Decorah and Caroline E. Decorah, FM 06-04 Order (Continued Initial Hearing Postponed) (HCN Tr. Ct., Aug. 21, 2006). (Rockman, A).

The Court previously convened a *Continued Initial Hearing*. The Court requested that the petitioners submit additional documentation with regards to marital debt. The Court had not received any documentation of marital debt, and thereby postponed the matter.

JUVENILE

AUGUST 2, 2006

In the Interest of Minor Child: L.K.B., DOB 09/27/89, JV 05-06 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Aug. 2, 2006). (Matha, T).

The Court appointed guardian in this matter. After a careful weighing of all the presented evidence, the Court deems such an appointment within the minor child's best interests.

In the Interest of Minor Child: D.R.W., DOB 08/12/04, JV 05-07 Order (Status Hearing) (HCN Tr. Ct., Aug. 2, 2006). (Matha, T).

The Court convened a *Status Hearing* upon remand to discuss the status of the case, including the reunification timeframe. Based upon information received from the State of Wisconsin Dept. of Corrections, the Court was disinclined to address the issue of the transitional period at that time. The Court requested the filing of a motion upon a change of circumstances.

AUGUST 03, 2006

In the Interest of Minor Child: A.P.H., DOB 08/26/05 JV 05-28 Order (Notification of Assumed Jurisdiction) (HCN Tr. Ct., Aug. 3, 2006). (Matha, T).

The Court deemed it necessary to provide the Red Lake Band of Chippewa Indians (“Red Lake”) with notice of a pending juvenile action involving a child that may be eligible for enrollment in the Ho-Chunk Nation and Red Lake.

In the Interest of Minor Child: A.P.H., DOB 08/26/05, JV 05-28 Order (Notification of Assumed Jurisdiction) (HCN Tr. Ct., Aug. 03, 2006). (Matha, T).

The Court deemed it necessary to provide the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“LCO”) with notice of a pending juvenile action involving a child that may be eligible for enrollment in the Ho-Chunk Nation and LCO.



In the Interest of Minor Child: A.P.H., DOB 08/26/05, JV 05-28 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 3, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court determined to maintain the status quo.

In the Interest of Minor Child: L.K.B., DOB 09/27/89, JV 05-06 Erratum Order (HCN Tr. Ct., Aug. 3, 2006). (Jones, J).

The Court issued this order to correct a clerical mistake made in the previous order.

AUGUST 07, 2006

In the Interest of Minor Children: J.C., DOB 06/10/04 and A.C., DOB 01/31/06, JV 06-18-19 Order (Initial Emergency Hearing) (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The Court convened the *Initial Emergency Hearing* to discuss the legal and procedural status of the instant action with the parties, to notify the parties of their need to attend a *Plea Hearing*, and to advise the parties of their rights. Rather than seek a plea, Ho-Chunk Nation Children & Family Services (hereinafter CFS) opted to seek a voluntary dismissal without prejudice in order to enter into a consent decree. The Court granted the voluntary dismissal.

In the Interest of Minor Child: D.P.S., DOB 12/12/88, JV 02-14 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess how the child had been progressing over the past six (6) months. The Court determined to order a conditional termination of jurisdiction upon the child reaching the age of majority.



In the Interest of Minor Children: L.L.T., DOB 06/23/96; R.R.T., DOB 03/16/94; L.M.T., DOB 01/20/93, JV 05-01-03 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance

with the dispositional order. The Court determined to maintain the status quo.

In the Interest of Minor Child: L.M., DOB 01/08/92, JV 98-14 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 7, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court determined to maintain the status quo.

AUGUST 08, 2006

In the Interest of Minor Child: R.B., DOB 06/23/95, JV 02-18 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 8, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent entered a plea of not guilty, after being advised as to her rights as a parent as set forth in the HOCAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), § 3.22d. The Court accordingly schedules a *Trial*.

In the Interest of Minor Child: A.L.A., DOB 06/18/14, JV 06-16 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Aug. 8, 2006). (Matha, T).

The Court appointed guardian in this matter. After a careful weighing of all the presented evidence, the Court deems such an appointment within the minor child's best interests.

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 8, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor child wished to contest the allegations contained in the *Child/Family Protection Petition*. At that time, the parent entered a plea of guilty. The Court accordingly schedules a *Dispositional Hearing*.

AUGUST 09, 2006

In the Interest of Minor Child: A.P.H., DOB 08/26/05, JV 05-28 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The petitioner filed a *Petition for Permanent Guardianship*. The Court subsequently scheduled a *Guardianship Hearing*. In accordance with the CHILDREN'S ACT, § 3.45c(1), the Court requested that CFS prepare and submit a guardianship report and home study to the Court.



In the Interest of Minor Children: P.M.S., DOB 01/14/91 and P.A.S., DOB 01/14/91, JV 98-06-07 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional revision. The Court determined to maintain the status quo while adding a single dispositional requirement that the mother participate in family counseling.

In the Interest of Minor Children: P.M.S., DOB 01/14/91 and P.A.S., DOB 01/14/91, JV 98-06-07 Order (Dispositional Requirements) (HCN Tr. Ct., Aug. 9, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing* in accordance with the CHILDREN'S ACT. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. The Court ordered specific dispositional requirements to be met for the protection of the child and possible reunification of the family.

AUGUST 16, 2006

In the Interest of Minor Children: J.V., DOB 10/22/98, and S.V., DOB 09/03/99, JV 02-19-20 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional revision. The Court determined to maintain the status quo.

AUGUST 17, 2006

In the Interest of Minor Children: K.M.C., DOB 04/11/90, and Q.J.C., DOB 08/07/92, JV 06-05-06 Order (Dispositional Requirements) (HCN Tr. Ct., Aug. 17, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing* in accordance with the CHILDREN'S ACT. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. The Court ordered specific dispositional requirements to be met for the protection of the child and possible reunification of the family.



AUGUST 18, 2006

In the Interest of Minor Child: R.B., Jr., DOB 04/23/91, JV 06-04 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 18, 2006). (Rockman, A).

The Court granted the Department of Justice's request to appear by telephone.

In the Interest of Minor Children: V.M.B., DOB 06/26/89; M.L.E.B., DOB 05/18/90; and D.J.B., DOB 09/21/99, JV 05-29-31 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 18, 2006). (Matha, T).

The Court conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional revision. The Court determined to maintain the status quo.

AUGUST 21, 2006

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; and A.M.M., DOB 11/01/02, JV 06-21-23 Order (Granting Emergency Temporary Legal Physical Custody) (HCN Tr. Ct., Aug. 21, 2006). (Rockman, A).

The Court had to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor children. The Court

entered this *Order* as necessary to ensure the safety of the children. At the scheduled *Initial Hearing*, the parent(s), guardian(s), and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by CFS.



AUGUST 22, 2006

In the Interest of Minor Child: P.A.B., DOB 06/18/04, JV 06-24 Order (Emancipation Study and Report) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The petitioner filed a *Petition for Emancipation* with the Court. In accordance with the CHILDREN'S ACT, § 3.16a, the Court requested that CFS prepare and submit an *Emancipation Study and Report* to the Court. The Court shall also convene an *Emancipation Hearing*.

In the Interest of Minor Children: R.C.S., DOB 06/07/98, et al., JV 06-21-23 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The Court granted the attorney's request to appear by telephone.

In the Interest of Minor Child: R.B., DOB 06/23/95, JV 02-18 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 22, 2006). (Matha, T).

The Court granted CFS's request that a witness appear by telephone.

In the Interest of Minor Children: K.B.M., DOB 10/29/03; G.E.M., DOB 08/25/95; A.D.M., DOB 04/25/97; and L.A.M., DOB 12/16/00, JV 03-07-10 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 22, 2006). (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the standing dispositional requirements. The Court determined to maintain the status quo.

AUGUST 24, 2006

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; and A.M.M., DOB 11/01/02, JV 06-21-23 Order (Initial Emergency Hearing) (HCN Tr. Ct., Aug. 24, 2006). (Rockman, A).

The Court convened the *Initial Emergency Hearing* to discuss the legal and procedural status of the instant action with the parties, to notify the parties of their need to attend a *Plea Hearing*, and to advise the parties of their rights.

In the Interest of Minor Child: R.B., Jr., DOB 04/23/91, JV 06-04 Order (Dismissal with Prejudice) (HCN Tr. Ct., Aug. 24). (Rockman, A).

The Court convened the *Trial*. CFS, by and through the Dept. of Justice, filed the *Notice and Motion for Expedited Consideration, Notice and Motion to Dismiss, and Motion to Dismiss*. The Court accordingly granted a dismissal with prejudice, and closed the case.

AUGUST 25, 2006

In the Interest of Minor Children: B.E.Y., DOB 07/25/89 and N.R.Y., DOB 07/06/91, JV 05-33-34 Order (Formal Trial) (HCN Tr. Ct., Aug. 25, 2006). (Matha, T).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. The mother of the minor children failed to attend the proceeding, but CFS still needed to satisfy its burden of proof. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

AUGUST 29, 2006

In the Interest of Minor Child: T.L.E., DOB 05/07/94, JV 05-14 Order (Conditional Denial of the Motion to Modify) (HCN Tr. Ct., Aug. 29, 2006). (Rockman, A).

The Court had to determine whether to grant the *Motion to Modify* as filed by petitioner. The Court conditionally denied the *Motion to Modify* as presented. The Court requested more information conforming to the requirements of the CHILDREN'S ACT within thirty (30) days.

AUGUST 29, 2006

In the Interest of Minor Child: R.B., DOB 06/23/95, JV 02-18 Order (Formal Trial) (HCN Tr. Ct., Aug. 30, 2006). (Matha, T).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. The father of the minor children failed to attend the proceeding, but CFS still needed to satisfy its burden of proof. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

SUPREME COURT

AUGUST 21, 2006

Daniel Brown v. James Webster, HCN Exec. Dir. of Business, SU 06-03 Amended Order (Granting Recusal Motion) (HCN S. Ct., Aug. 21, 2006).

The Court granted appellants' *Motion to Recuse* Justice Butterfield on the basis of avoiding an appearance of impropriety. Pursuant to Article VII, Sec. 13 of the HCN CONST., Art. VII, Sec. 13, the HCN Legislature is required to appoint a Justice *Pro Tempore* to fill the seat of Justice Butterfield in this matter only.



RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

AUGUST 9, 2006

State of WI-Eau Claire Co. v. Silas Quagon CS 06-44. (Matha, T).

AUGUST 22, 2006

Candice Sandvick v. Charles V. Fox, CS 06-45. (Rockman, A).

AUGUST 28, 2006

Viola Velasco v. Keramy M. Funmaker, CS 06-46. (Rockman, A).

Wood Co. v. Kenneth D. Smith, CS 06-47. (Matha, T).

Wood Co. v. Mary Smith, CS 06-48. (Rockman, A).



CIVIL GARNISHMENT

AUGUST 8, 2006

Gundersen Clinic Ltd. v. Rose A. Lemke a/k/a/ Smith, CG 06-52. (Matha, T).

Alliance Collection Agencies Inc. v. Jeffrey S. Dayton, CG 06-53. (Matha, T).

AUGUST 22, 2006

Quick Cash Loans v. Gale White, CG 06-54. (Matha, T).

Quick Cash Loans v. David Mahlum, CG 06-55. (Matha, T).

AUGUST 29, 2006

Rapids Tiger Mart v. Thomas L. Weigel, CG 06-56. (Matha, T).

Alliance Collection Agencies Inc. v. Anthony G. Bielski, CG 06-57. (Matha, T).



CIVIL CASES

AUGUST 1, 2006

Janet Funmaker v. Libby Fairchild et al., CV 06-61. (Rockman, A).

AUGUST 2, 2006

Karen Bowman v. HCN Ins. Review Comm'n, CV 06-62. (Rockman, A).

AUGUST 7, 2006

In the Interest of Minor Child: M.W., DOB 04/05/95, by Miriam Whiteagle v. HCN Office of Tribal Enrollment, CV 06-63. (Rockman, A).

AUGUST 9, 2006

In the Interest of Minor Child: C.M.R., DOB 12/15/94, by Leslie Rave v. HCN Office of Tribal Enrollment, CV 06-64. (Matha, T).

In the Interest of Minor Child: J.R.D., DOB 02/01/95, by Michelle L. Fortney v. HCN Office of Tribal Enrollment, CV 06-65. (Matha, T).

AUGUST 10, 2006

In the Interest of Minor Child: C.C.R., DOB 10/02/90, by Christian M. Roth v. HCN Office of Tribal Enrollment, CV 06-66. (Matha, T).

AUGUST 11, 2006

In the Interest of Minor Child: B.K.W.B., DOB 02/10/91, by Cara Lee Murphy v. HCN Office of Tribal Enrollment, CV 06-67. (Rockman, A).

AUGUST 18, 2006

In the Interest of Minor Child: C.R., DOB 06/13/93, by Regina Reel v. HCN Office of Tribal Enrollment, CV 06-68. (Rockman, A).

In the Interest of Minor Child: J.J.S., DOB 03/08/95, by Jennifer Kaebisch v. HCN Office of Tribal Enrollment, CV 06-69. (Rockman, A).

AUGUST 28, 2006

In the Interest of Adult Incompetent: R. A. H., DOB 07/01/21 v. HCN Office of Tribal Enrollment, CV 06-70. (Rockman, A).

In the Interest of Minor Children: M.W., DOB 12/16/93; Z.W., DOB 12/27/95; and Z.W., DOB 01/02/98, by Rita June Wolf v. HCN Office of Tribal Enrollment, CV 06-71. (Rockman, A).

AUGUST 29, 2006

In the Interest of Minor Children: N.T., DOB 04/03/96; N.T., DOB 10/21/98; and N.T., DOB 08/13/01, by Robert Two Bears v. HCN Office of Tribal Enrollment, CV 06-72. (Rockman, A).



FAMILY

AUGUST 31, 2006

Mary A. Rosas v. Jorge A. Rosas, FM 06-08. (Rockman, A).



DOMESTIC VIOLENCE

AUGUST 2, 2006

In the Interest of: R.S., DOB 06/07/98, DV 06-05. (Rockman, A).



JUVENILE

AUGUST 10, 2006

H.M.A.S., DOB 05/22/98, JV 06-20. (Matha, T).

AUGUST 18, 2006

R.C.S., DOB 06/07/98, JV 06-21. (Rockman, A).

B.L.S., DOB 09/26/00, JV 06-22. (Rockman, A).

A.M.M., DOB 11/01/02, JV 06-23. (Rockman, A).

AUGUST 21, 2006

P.A.B.N., DOB 01/20/89, JV 06-24. (Rockman, A).

AUGUST 28, 2006

S.M.M., DOB 11/18/92, JV 06-25. (Rockman, A).

K.A.M., DOB 10/18/93, JV 06-26. (Rockman, A).

S.D.M., DOB 12/13/95, JV 06-27. (Rockman, A).

SUPREME COURT

NO RECENT FILINGS



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

Supreme Court—Mary Jo B. Hunter, Chief Justice

Mark D. Butterfield, Associate Justice

Dennis Funmaker, Associate Justice

Traditional Court – Earl Blackdeer

Donald Blackhawk

Dennis Funmaker

Jim Greendeer

Douglas Greengrass

Desmond Mike

Douglas Red Eagle

Preston Thompson, Jr.

Eugene Thundercloud

Morgan White Eagle

Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge

Amanda L. Rockman, Associate Judge

Clerk of Court, Trial Court – Marcella Cloud

Assistant Clerk of Court, Trial Court – Selina Joshua

Assistant Clerk of Court, Trial Court – Jessi Cleveland

Staff Attorney – Jennifer L. Tilden

Staff Attorney – Nicole M. Homer

Supreme Court Clerk – Mary Endthoff

* 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)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

(Region 10—Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

- *Complaint*.....\$50.00
- *Petition for Release of Per Capita Distribution (Children’s Trust Fund)*\$50.00
- *Motion to Appear Pro Hac Vice*.....\$35.00
- Appellate Filing Fee.....\$50.00
- *Petition to Register and Enforce Foreign Judgment/Order*\$20.00
- Marriage License Fee.....\$50.00

Court Fees

- Copying\$0.10/page
- Faxing\$0.25/page (sending & receiving)
- CD of Hearings\$12.50/CD
- Deposition Videotape\$10.00/tape
- Certified Copies.....\$0.50/page
- Equipment Rental\$5.00/hour
- Admission to Practice\$50.00

Legal Citation Forms

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

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.

HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.

ELDER PROTECTION ACT, 4 HCC § 1.

EMPLOYMENT RELATIONS ACT, 6 HCC § 5.

(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).

Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)

Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)





Ho-Chunk Nation Judiciary 5K Fun Run/Walk Results

OVERALL WINNERS			
<u>Male</u>	<u>Time</u>	<u>Female</u>	<u>Time</u>
Dana Lonetree	19:35	Jodi Webster	25:00

12 and under					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Stephen Brinegar	37:55	1 st	Wehonna Toth	28:09
2 nd			2 nd	Heleyna Brinegar	31:34
3 rd			3 rd	Tiana Raelyn Sargent	40:11
13-20					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Dana Lonetree Jr.	19:35	1 st	Lisa Goodbear	25:50
2 nd	Michael Decorah	22:21	2 nd	Miki Brinegar	28:00
3 rd	Christopher DeMarrias	23:39	3 rd	Brittany Yazzie	29:01
21-29					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Ray Huaute	26:44	1 st	Jodi Webster	25:00
2 nd	Duncan Rave	31:58	2 nd	Amanda Rockman	48:41
3 rd			3 rd	Kate Lindsay	48:42
30-39					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Brad Palmer	23:34	1 st	Amy Dubray	25:33
2 nd			2 nd	Chanda Janke	27:55
3 rd			3 rd	Angie Shegonee	30:41
40-49					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Dan Blumer	23:40	1 st	Kristi Oleson	49:39
2 nd	Ben Boardman	30:01	2 nd		
3 rd	Darren Brinegar	33:34	3 rd		
50 and above					
	<u>Male</u>	<u>Time</u>		<u>Female</u>	<u>Time</u>
1 st	Len Spiegler	39:32	1 st	Nancy Toth	30:17
2 nd	Mark Butterfield	39:44	2 nd	Gale White	43:00
3 rd	Martin Littlewolf	41:55	3 rd	Judy Whitehorse	45:00

Participant	Category	Time
Bird, Leland	13-20	48:44
Blackdeer, Bernice A.	50 & older	51:09
Blumer, Dan	40-49	23:40
Boardman, Ben	40-49	30:01
Brinegar, Darren	40-49	33:34
Brinegar, Heleyna	12 & younger	31:34
Brinegar, Miki	13-20	28:00
Brinegar, Stephen	12 & younger	37:55
Burns, Brandy	30-39	53:50
Butterfield, Mark	50 & older	39:44
Casarez, Sylvia	13-20	32:21
Decorah, Michael	13-20	22:21
DeMarrias, Christopher	13-20	23:39
Dubray, Amy	30-39	25:33
Edwards, Natasha	13-20	30:34
Goodbear, Emily	13-20	48:43
Goodbear, Lisa	13-20	25:50
Grant, Melissa	30-39	43:45
Huaute, Ray	21-29	26:44
Janke, Chanda	30-39	27:55
King, Tiffany	13-20	48:29
Lewis, Marie A.	50 & older	51:02
Lindsay, Kate	21-29	48:42
Littlewolf, Martin	50 & older	41:55
Lonetree, Dana Jr.	13-20	19:35
Lonetree, Georgia	50 & older	51:55
Munden, Shena	13-20	34:00
Oleson, Kristi	40-49	49:39
Palmer, Brady	30-39	20:16
Rave, Duncan	21-29	31:58
Rockman, Amanda	21-29	48:41
Sargent, Tiana Raelyn	12 & younger	40:11
Schonasky, Christopher	12 & younger	N/A
Schonasky, Danielle	30-39	53:30
Shegonee, Angie	30-39	30:41
Smith, Jalisa	13-20	39:17
Spiegler, Bridge Garvin	50 & older	52:55
Spiegler, Len	50 & older	39:32
Toth, Nancy	50 & older	30:17
Toth, Wehonna	12 & younger	28:09
Webster, Jodi	21-29	25:00
White, Gale	50 & older	43:00
Whitebear, Sharon	50 & older	52:57
Whitehorse, Judy	50 & older	45:00
Yazzie, Brittany	13-20	29:01
Yazzie, Nicole	13-20	29:25



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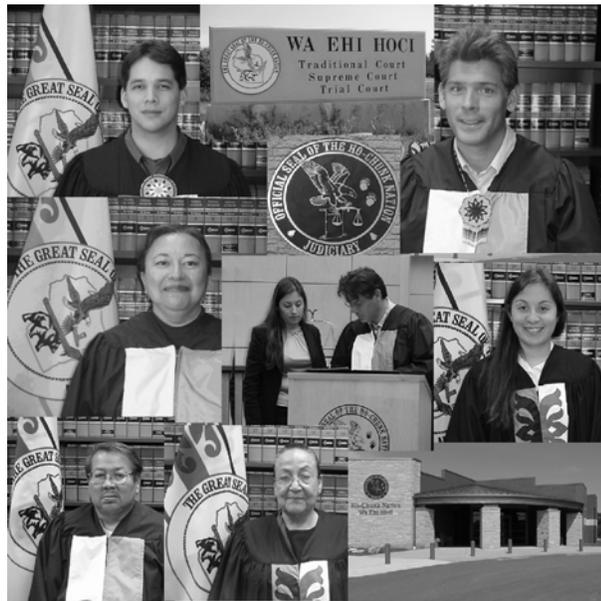
- 1** Judiciary Celebrates 11th Annual Law Day
 - 5** Supreme Court Notice: Supreme Court Meeting
 - 6** Updates from Outside Courts
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 - 19** Recent HCN Court Filings
 - 20** HCN Court System Judiciary and Staff
- HCN Judiciary Fee Schedule
- Legal Citation Forms

Ho-Chunk Nation Judiciary
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.

HO-CHUNK NATION COURT BULLETIN

JUDICIARY CELEBRATES 11TH ANNUAL LAW DAY



On October 5, 2006, the Ho-Chunk Nation Judiciary hosted its 11th Annual Law Day at *Wa Ehi Hoci*. The event is a public event, which is free and open to all lawyers, lay advocates, and other interested individuals. This year's Law Day was held in conjunction with the Wisconsin Tribal Judges Association, Inc. (WTJA) quarterly autumn meeting. Therefore, tribal judges and tribal court staff from around Wisconsin were in attendance for the Law Day presentations. This year's discussions included the following topics: 2005-2006 TRIAL COURT UPDATE, EXTENSION OF FULL FAITH AND CREDIT AND/OR COMITY TO FOREIGN CHILD SUPPORT ORDERS, RETROACTIVITY AND THE LAW, and IMMUNITIES FROM SUIT. Ho-Chunk Nation Trial Court Chief Judge Todd R. Matha began with a welcome and introduction of the presenters. WTJA President Leland Wigg-Ninham (Oneida) likewise offered a brief welcome, as well as a prayer.

2005-2006 TRIAL COURT UPDATE
Ho-Chunk Nation Rules of Civil Procedure
RULE 63

Staff Attorney Nicole M. Homer began Law Day with a discussion and overview of the past year in the Ho-Chunk Nation Trial Court. Besides discussing a selection of cases from July 2005 through August 2006, her presentation gave information regarding the new faces at the Trial Court, enhancement of the Judiciary's website, and the adoption of Rule 63 to the *Ho-Chunk Nation Rules of Civil Procedure*.



**HCN Trial Court Staff Attorney
Nicole M. Homer**

On February 11, 2006, the *Ho-Chunk Nation Rules of Civil Procedure* were revised to include Rule 63. *HCN R. Civ. P. 63* governs judicial review of agency decisions. Specifically, a person may file a petition to request that the HCN Trial Court review an agency decision stemming from the following laws:

- EMPLOYMENT RELATIONS ACT OF 2004,
 - must file within thirty (30) days
- HO-CHUNK INSURANCE REVIEW COMMISSION ESTABLISHMENT AND ORGANIZATION ACT,
 - must file within thirty (30) days
- HO-CHUNK NATION TRIBAL EMPLOYMENT RIGHTS ORDINANCE,
 - must file within thirty (30) days
- THE GAMING ORDINANCE, or the
 - must file within forty-five (45) days
- TRIBAL ENROLLMENT AND MEMBERSHIP ACT
 - must file within one hundred eighty (180) days.

In an effort to provide a convenient initial pleading template, the Court has added the *Petition for Administrative Review* to the forms online section of the judiciary website. This *Petition*, as well as a fifty dollar (\$50.00) filing fee, should be filed with the Court within the timeframe articulated in Section (A) of Rule 63 and listed above.

**EXTENSION OF FULL FAITH AND CREDIT
AND/OR COMITY TO
FOREIGN CHILD SUPPORT ORDERS**

Staff Attorney Jennifer L. Tilden offered a presentation on the EXTENSION OF FULL FAITH AND CREDIT AND/OR COMITY TO FOREIGN CHILD SUPPORT ORDERS. Her presentation included the background and history of the Full Faith and Credit for Child Support Orders Act (FFCCSOA), 28 U.S.C.A. § 1738B. Included in the history, was the transition from Uniform Reciprocal Enforcement of Support Act (URESA) to the Uniform Interstate Family Support Act (UIFSA), and finally to FFCCSOA.



**HCN Trial Court Staff Attorney
Jennifer L. Tilden**

Under FFCCSOA, the state that originally created the child support order shall retain exclusive jurisdiction unless: (a) all parties affected by the order leave the issuing state, or (b) until the parties file a written consent for another state/tribe to assume continuing exclusive jurisdiction. The general rule established in FFCCSOA is that the authorities of each state shall enforce foreign child support orders according to

the terms set out in the order, and shall not seek or make a modification of such order unless expressly permitted by FFCCSOA. Essentially, a state/tribe that does not have continuing exclusive jurisdiction cannot alter the scope, duration, or amount established in the foreign court order.

Pursuant to the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE, 4 HCC 2, the HCN Trial Court is granted the authority to enter a judgment that may enforce, but not modify a foreign child support order. In order to have the Court enforce a foreign child support order, a petitioner/respondent/child support agency must file a *Petition to Register and Enforce a Foreign Judgment/Order for Child Support*, submit an authenticated copy of the foreign order, and submit a twenty dollar (\$20.00) filing fee. At which point the Court would serve the respondent with a copy of the *Petition*, as well as a *Summons* that sets forth the rights of the respondent, including the right to request a *Fact-Finding Hearing* within twenty (20) days. Failure to respond within this timeframe may result in a default judgment.

RETROACTIVITY AND THE LAW

Associate Trial Court Judge Amanda L. Rockman followed with a presentation on RETROACTIVITY AND THE LAW. With regards to criminal law, the U.S. Constitution essentially bans retroactive legislation. In particular, the U.S. Constitution prohibits ex post facto laws, *i.e.*, laws that would criminalize actions that were legal at the time they were committed. In addition, the U.S. Constitution forbids federal and state governments from enacting bills of attainder. A bill of attainder is an act of a legislature declaring a person or group of persons guilty of some crime, and punishing them, without benefit of a trial. Similarly, the Constitution of the Ho-Chunk Nation bans bills of attainder and ex post facto laws. *See* HO-CHUNK NATION CONSTITUTION, Art. X, Sec. 1(a)(9). However, there are no constitutional restraints on retroactive civil legislation.

Retroactivity becomes more complex at the judicial level, *i.e.*, when the Court must determine what law to apply. There appear to be four (4) different legal regimes when it comes to judicial

retroactivity: Common Law/Blackstonian Model, Decision-Time Model, Transactional-Time Model, and the Modern Retroactivity Jurisprudence. Under the Blackstonian Model, new judicial rules were seen as more accurate statements of the law, and thus were applied to the parties appearing before the court regardless of when the transaction being litigated had occurred. Under the Decision-Time Model, the courts based their decisions on the law in force at the time the decisions were rendered, regardless of what the law might have been at the time of the transaction being litigated. Conversely, under the Transaction-Time Model, the courts began to apply the law in effect at the time the transaction took place.



**HCN Trial Court Associate Judge
Amanda L. Rockman**

The modern approach is once again guided by the idea that new law should generally govern parties regardless of when the transaction being litigated took place. For example, in *Harper*, the Court ruled that if a new rule is applied in the decision that announces it, it must be applied to cases on direct review, but not to those presented collaterally. *See Harper v. Virginia Dep't of Taxation*, 509 U.S. 86 (1993). Despite the general trend being a firm rule of retroactivity, as found in *Harper*, the U.S. Supreme Court has yet to resolve definitively the scope of retroactivity in civil cases on direct review, and it continues to be divided over the appropriate methodology to be utilized when

dealing with the application of retroactive rules/laws.

IMMUNITIES FROM SUIT

Chief Trial Court Judge Todd R. Matha provided the final presentation of the day entitled IMMUNITIES FROM SUIT. There are three general immunities that are significant when considering governmental defendants: sovereign immunity, governmental immunity, and official immunity (including absolute and qualified immunity). The theory of sovereign immunity sprung from the common law England adage that “the king can do no wrong.” Because the United States succeeded to the rights of the British Crown, it can likewise claim sovereign immunity. *Comm’rs of the State Ins. Fund v. United States*, 72 F. Supp. 549, 552 (S.D.N.Y. 1947). Similarly, Indian tribes possess sovereign immunity. However, tribal sovereignty is limited in that tribes are “subject to the superior and plenary control of Congress.” *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58 (1978). The Ho-Chunk Nation has immunity from suit pursuant to CONST., art. XII, § 1. Nonetheless, the Nation must raise this as a defense in its *Answer to a Complaint* or waive it altogether. See *HCN R. Civ. P. 6(A)*; *Louella A. Kelty v. Jonette Pettibone et al.*, CV 98-49 (HCN Tr. Ct., Feb. 22, 2006).



HCN Trial Court Chief Judge
Todd R. Matha

A problem that arose due to the states’ Eleventh Amendment immunity from suit provision of the U.S. Constitution was that many aggrieved

parties were found lacking a federal forum to adjudicate a state’s alleged infraction of constitutional guarantees. Therefore, the U.S. Supreme Court announced the *Ex Parte Young* Doctrine in its 1908 decision. The Court held that “[i]ndividuals who, as officers of the state, are clothed with some duty in regard to the enforcement of the laws of the state, and who threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution, may be enjoined by a Federal court of equity from such action.” *Ex Parte Young*, 209 U.S. 123, 155-56 (1908).

Oftentimes it is difficult to make the determination if the suit is being brought against the sovereign or against the individual officer. “[I]f the actions of an officer do not conflict with the terms of his valid statutory authority, then they are the actions of the sovereign, whether or not they are tortious under general law....” *Larson v. Domestic & Foreign Corp.*, 337 U.S. 682, 695 (1949). Courts will also focus on the type of relief being sought to make this determination. “When the action is in essence one for the recovery of money from the state, the state is the real, substantial party in interest and is entitled to invoke its sovereign immunity from suit even though individual officers are nominal defendants.” *Edelman v. Jordan*, 415 U.S. 651, 663 (1974) (quoting *Ford Motor Co. v. Dep’t of Treas.*, 323 U.S. 459, 464 (1945)). However, if the officer acts outside his/her authority, and the suit is not attacking the pocket of the sovereign, then the official will not have the ability to invoke immunity as a defense to suit.

Likewise, the Ho-Chunk Nation permits suit against officials or employees of the Nation who act beyond the scope of their authority, but only in equity. CONST., Art. XII, § 2. Therefore, a suit may be brought for declaratory and non-monetary injunctive relief. *Id*; *Timothy G. Whiteagle et al. v. Alvin Cloud, Chairman of the Gen. Council of Oct. 11, 2003, in his official capacity, et al.*, SU 04-06 (HCN S. Ct., Jan. 3, 2005) at 6. The Complaint must set forth whether the official or employee is being sued in his/her official capacity or as an individual. *HCN R. Civ. P. 27(B)*. In an effort to interpret these rules, the

Ho-Chunk Nation Courts have looked to *Ex Parte Young*. “The Nation’s case law has held that a plaintiff may avoid the bar of sovereign immunity if they name a particular official as a defendant; prove that the named official acted outside their scope of authority, *i.e.*, beyond the realm of their discretion; and seek only declaratory and injunctive relief.” *Lonnie Simplot et al. v. HCN Dep’t of Health*, CV 95-26-27, 96-05 (HCN Tr. Ct., Aug. 13, 1999) at 13.

Absolute immunity has been bestowed historically upon several positions including: judges, legislative members and their aides, the U.S. president, and prosecutors. The theory behind this defense is that “officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect to acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to governmental service and the threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government.” *Barr v. Matteo*, 360 U.S. 564, 571 (1959).

The U.S. Supreme Court has divided the immunity defense into absolute immunity and qualified immunity. Specifically, the Court has found that “[f]or officials whose special functions or constitutional status requires complete protection from suit, we have recognized the defense of ‘absolute immunity...’ [but] [f]or executive officials in general, however, our cases make plain that qualified immunity represents the norm.” *Harlow v. Fitzgerald*, 457 U.S. 800, 807 (1982) (quoting *Butz v. Economou*, 438 U.S. 478, 506 (1978)). The difference between absolute and qualified is essentially at which point the suit is defeated. “[A]bsolute immunity defeats a suit at the outset, so long as the official’s actions were within the scope of the immunity.” *Imbler v. Pachtman*, 424 U.S. 409, 419 n. 13 (1976). Qualified immunity, however, requires evidence to be provided at trial to establish the circumstances and motivations of the official’s actions. *Id.* Furthermore, the defense of qualified immunity is required to be pleaded by the defendant official. *Harlow*, 457 U.S. at 815.

This article was based upon the Law Day materials and presentations. If you would like a copy of the Law Day materials, which include case summaries, slides from all the presenter’s Powerpoint presentations, and a few cases selected by the presenters, then please contact Nicole Homer at (800) 434-4070 or (715) 284-2722. Please note that there will be copy fee of \$4.00 for a hard copy.



SUPREME COURT NOTICE

Supreme Court Meeting – NOTE: All Supreme Court meetings are open to the public except as noted above. If you wish to have an item added to the agenda, please notify Mary Endthoff, Clerk of Court, prior to the meeting at (715) 284-2722.

SUPREME COURT MEETING NOTICE and AGENDA October 28, 2006

**HCN Tribal Court Building, W9598 HWY 54 E
Black River Falls, WI**

9:00 a.m.

- I. Opening Prayer/Introductions
- II. Review and approve Minutes of September 16, 2006
- III. Old Business
 - a. Supreme Court Clerk, Mary Endthoff
 - i. Update/Questions
 - ii. Signatures needed
 - b. HCN Rules of Criminal Procedures

Noon Lunch Break

- IV. New Business
 - a. Chief Justice Hunter items
 - b. Justice Funmaker items
 - c. Justice Butterfield items
- V. Set next meeting date: December 9, 2006

VI. Case Deliberation (Justices only)

VII. Adjourn



TRIAL COURT NOTICE

- NO RECENT NOTICES



UPDATES FROM OUTSIDE COURTS

United States Supreme Court

Certiorari granted

- *Zuni Public School District et al. v. Department of Education et al.*, No. 05-1508 (granted Sept. 27, 2006).

Oral arguments heard

- *BP America v. Burton et al.*, No. 05-669 (heard October 4, 2006).

Certiorari denied

- *Means v. Navajo Nation*, No. 05-1614 (denied Oct. 10, 2006).
- *Morris v. Tanner*, No. 05-1285 (denied Oct. 10, 2006).
- *Bruner v. Oklahoma ex rel. Oklahoma Tax Comm'n*, No. 05-1470 (denied Oct. 2, 2006).
- *Utah v. Shivwits Band of Paiute Indians*, No. 05-1160 (denied Oct. 2, 2006).
- *Dark Eyes v. CT Commissioner of Revenue Services*, No. 05-1464 (denied Oct. 2, 2006).

- *South Dakota v. Dep't of Interior*, No. 05-1428 (denied Oct. 2, 2006).

Petition for Certiorari filed

- *Naftaly v. Keweenaw Bay Indian Community*, No. 06-429 (filed Sept. 21, 2006).
- *Narragansett Indian Tribe v. Rhode Island*, No. 06-414 (filed Sept. 21, 2006).
- *Robert Naftaly, Chairperson, Michigan State Tax Commission, et al., v. Keweenaw Bay Indian Community*, No. 06-429 (filed Sept. 21, 2006).
- *Delaware Nation v. Pennsylvania*, No. 06-364 (filed Sept. 12, 2006).
- *Walton v. Tesuque Pueblo*, No. 06-361 (filed Sept. 11, 2006).

Court of Appeals, D.C. Circuit

City of Tacoma, Washington v. Federal Energy Regulatory Commission, 460 F.3d 53 (D.C. Cir. 2006).

Several petitions for review were filed as to a series of orders from the Federal Energy Regulatory Commission (FERC), granting a conditional license to the city to operate a hydroelectric project. These petitions were then consolidated. The Court of Appeals held that FERC's issuance of a minor part license to the city to operate a hydroelectric project in 1924 was not an ultra vires act. In addition, FERC's interpretation of the relicensing provision of Federal Power Act (FPA) to permit relicensing upon expiration of a minor part license to operate a hydroelectric project was entitled to *Chevron* deference. Furthermore, FERC had no authority to impose a 60-day limitation unilaterally on the Secretary of the Interior for submitting conditions on the license deemed necessary for adequate protection and utilization of the Indian reservation. The Secretary of the Interior was not limited to mitigating the impact that the project's access road and transmission line would have on the Indian reservation. In addition, FERC complied with its obligations under the National Historic Preservation

Act. Also, it was held that FERC reasonably concluded that a supplemental certification under the Coastal Zone Management Act (CZMA) was unnecessary. Additionally, Congress implicitly extended to FERC the power to shut down hydroelectric projects. Last, it was held that FERC was justified in relying on biological opinions (BiOps) prepared by National Marine Fisheries Service and the Fish and Wildlife Service. Petitions denied in part, granted in part, and remanded.

Seventh Circuit Court of Appeals

State of Wisconsin v. Ho-Chunk Nation, 2006 WL 2588936 (7th Cir. 2006).

The state of Wisconsin brought this action to compel arbitration of a dispute concerning a gaming compact negotiated with the Ho-Chunk Nation under the Indian Gaming Regulatory Act (IGRA) and for the appointment of an arbitrator. The Court of Appeals held that the Federal Arbitration Act (FAA) did not provide an independent basis for jurisdiction. Furthermore, the IGRA did not provide basis for jurisdiction either. Finally, it was held that sanctions for filing a frivolous appeal were not appropriate in the case where the State gave notice and filed a motion for voluntary dismissal before the Ho-Chunk Nation filed its opening brief. Vacated and remanded; appeal dismissed in part and motion for sanctions denied.

Eighth Circuit Court of Appeals

U.S. v. One Star, 2006 WL 2883153 (8th Cir. 2006).

The defendant's convictions for aggravated sexual abuse of a child and simple assault, stemming from charges of sexual abuse and assault of his daughters, were affirmed over claims that: 1) the prosecutor violated his constitutional right to remain silent; and 2) there was insufficient evidence to convict on six counts of aggravated sexual abuse.

Ninth Circuit Court of Appeals

State of Idaho v. Shoshone-Bannock Tribes, 2006 WL 2873636 (9th Cir. 2006).

The state of Idaho appealed the district court's grant of summary judgment to the Shoshone-Bannock Tribes ("Tribes") in their declaratory judgment

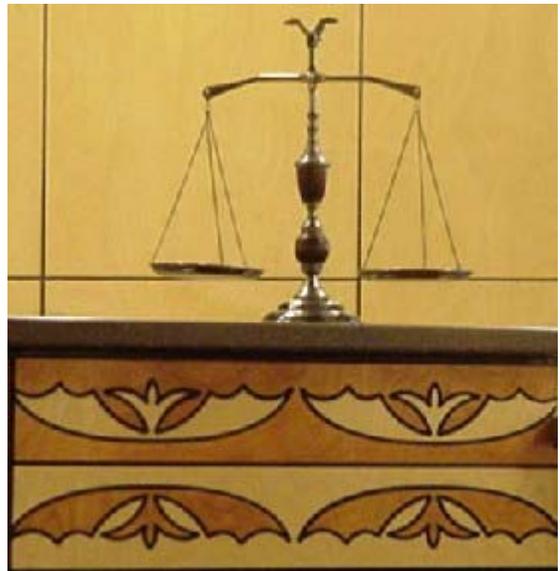
action regarding the types of games they may offer pursuant to their tribal-state gaming Compact ("Compact") with Idaho. The court ruled that the Tribes could operate tribal video gaming machines without renegotiating their Compact to limit the numbers of games and to require payments by the Tribes to local educational programs and schools. We affirm the district court's grant of summary judgment to the Tribes.

Kesser v. Cambra, Jr., 2006 WL 2589425 (9th Cir. 2006).

A prisoner filed a petition for writ of habeas corpus, challenging his state court murder conviction. The United States District Court for the Northern District of California denied his petition. The prisoner appealed to the Ninth Circuit Court of Appeals. The Court of Appeals held that the prosecutor improperly struck a potential juror on the basis of her race. Reversed and remanded.

Allen v. Gold Country Casino, 2006 WL 2788494 (9th Cir. 2006).

In a suit against a Tribe and its casino by a former employee alleging retaliation, dismissal of claims on sovereign immunity grounds is affirmed where the casino functions as an arm of the Tribe. However, dismissal of defendant's claims under 42 U.S.C. Section 1985 is reversed where he should be given the opportunity to amend his pro se complaint to assert these two claims intelligibly.





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 Garnishment (CG), 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. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that 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 13, 2006

State of Wisconsin/Sauk Co. and Johnny Whitecloud v. Patricia A. Hindsley, N/K/A Whitecloud, CS 00-46 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

SEPTEMBER 14, 2006

Marathon Co. Dep't of Social Services v. Benjamin C. Decorah, CS 05-98 Order (Ceasing Child Support Withholding & Intent to Close) (HCN Tr. Ct., Sept. 14, 2006). (Matha, T).

The petitioner filed a request to terminate per capita withholding for current child support and child support arrears because they have been paid in full, and the child is no longer living in foster care.

State et al. v. Chris M. Thundercloud, CS 00-15 Order (Closing Case) (HCN Tr. Ct., Sept. 14, 2006). (Matha, T).

The Court closed the case due to the untimely passing of the respondent.

SEPTEMBER 15, 2006

State et al. v. Alan J. WhiteThunder, CS 06-22 Order (Enforcing Child Support) (HCN Tr. Ct., Sept. 15, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent filed a written response claiming the child resided with him. The Court held a *Fact-Finding Hearing* where further proof of custody was requested of the

petitioner. The petitioner submitted such proof. The Court accordingly granted recognition and enforcement of the foreign judgment.

Cynthia Tack v. Matthew Thundercloud, CV 97-74 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 19, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Lana Lincoln v. Jon Eric Miner, CS 99-62 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 19, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

SEPTEMBER 20, 2006

State of Wisconsin/Jackson County v. Jones Randall Funmaker; State of Wisconsin/Juneau County v. Jones R. Funmaker; State of Wisconsin/Juneau County v. Jones R. Funmaker; and State of Wisconsin/Eau Claire County v. Jones R. Funmaker, CS 05-56; 06-14; 06-24-25 Order (Modifying & Enforcing Child Support & Erratum) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. In light of the new judgment's advantageous effect upon the respondent, the Court presumed the respondent's acquiescence with regards to the modification. The Court granted petitioner's uncontested motion. Furthermore, the Court corrected an error found in a previous order.

SEPTEMBER 21, 2006

Sabrina L. Decorah v. Amery D. Decorah, Sr., CS 05-98 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Matha, T).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high

school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

Mary Ann Dick v. Herman Foster Decorah, CS 06-16 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

State v. Robert Cleveland, CS 00-33 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.



Veronica Wilbur et al. v. Bernard L. Crowe, CV 96-54 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

State v. Wilfrid Cleveland, CS 03-19 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

Iowa, ex rel. Parker Andersen, DOB 07/23/88 v. Luther Aaron Dixon II, CS 00-12 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

Jeanette Dakota v. Travis Decorah, CV 97-130 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

SEPTEMBER 22, 2006

State and Eddie Fernandez v. Shannon Nicole Fernandez, CS 02-05 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Kelley L. Thundercloud v. Wallace P. Greendeer, CV 96-90 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Sept. 22, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's request that withholding of current child

support continue in order to satisfy arrears that have accumulated. The respondent failed to timely respond, thus the Court granted the petitioner's request.

State and Kimberlee Ann Soldier v. Troy Joseph Soldier, CS 06-38 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Heidi A. Simenson v. Joseph W. Bowling, CS 04-25 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

State et al. v. Curtis Frank Redbird, CS 06-36 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State et al. v. Robert Orozco, CS 02-18 Order (Cessation of Current Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).

The Court ordered the cessation of withholding from the respondent's per capita for current child support because the child is now residing with the respondent.

Marissa Lynn Youngthunder v. Michael Blaine Youngthunder Sr., CS 06-40 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 22, 2006). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent

failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Candice Sandvick v. Charles V. Fox, IV, CS 06-45 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Sept. 22, 2006). (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of petitioner.

SEPTEMBER 25, 2006

State et al. v. Lawrence Waube, CS 04-09 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Sept. 25, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's request that withholding of current child support continue in order to satisfy arrears that have accumulated. The respondent failed to timely respond, thus the Court granted the petitioner's request.

Hennepin County on behalf of Shirley Jackson v. Kent Funmaker, CS 00-26 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 25, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

State et al. v. Mary Hernandez, n/k/a Mary Thompson, CS 01-28 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Sept. 25, 2006). (Rockman, A).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

CIVIL GARNISHMENT



SEPTEMBER 13, 2006

Quick Cash Loans v. Gale White, CG 06-54 Order (Default Judgment) (HCN Tr. Ct., Sept. 13 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Cottonwood Financial v. Melissa Thunder, CG 05-110 Modification (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The Court had to determine whether to modify the garnishment amount to include accrued interest at the statutory interest rate. The Court granted the modification request.

Credit Acceptance Corporation v. Debra S. McCollum, CG 05-124 Modification (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The Court had to determine whether to modify the garnishment amount to include accrued interest at the statutory interest rate. The Court granted the modification request.

SEPTEMBER 19, 2006

Rapids Tiger Mart v. Thomas L. Weigel, CG 06-56 Order (Default Judgment) (HCN Tr. Ct., Sept. 19, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

SEPTEMBER 25, 2006

Alliance Collection Agencies, Inc. v. Anthony G. Bielski, CG 06-57 Order (Default Judgment) (HCN Tr. Ct., Sept. 25, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

CIVIL CASES



SEPTEMBER 20, 2006

Ho-Chunk Hotel & Convention Center et al. v. Bernard Mountain, CV 06-40 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

SEPTEMBER 27, 2006

Jeneile Luebke v. Patricia Boyles C/O HCN Health Dep't, CV 06-70 Scheduling Order (HCN Tr. Ct., Sept. 27, 2006). (Rockman, A).

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

CONTRACTS

NO RECENT CASES

HOUSING



SEPTEMBER 06, 2006

HCN Property Management v. Rose Walker, CV 06-18 Scheduling Order (HCN Tr. Ct., Sept. 6, 2006). (Matha, T).

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

SEPTEMBER 22, 2006

HCN Housing and Community Development Agency v. Margaret Hoffman, CV 06-08 Order (Denying Plaintiff's Motion for Summary Judgment) (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).

The Court had to determine whether to grant the plaintiff's request for summary judgment. The plaintiff improperly attempted to shift the burden of establishing an essential element of its cause of action to the defendant. The Court found that genuine issues of material fact remained to be resolved and accordingly denied the plaintiff's request.

EMPLOYMENT

SEPTEMBER 11, 2006

Joyce L. Warner v. Ho-Chunk Nation et al., CV 04-72 Order (Denying Plaintiff's Motion for Summary Judgment) (HCN Tr. Ct., Sept. 11, 2006). (Matha, T).

The Court had to determine whether to grant the plaintiff's request for summary judgment. The Court had previously analogized to federal due process jurisprudence for purpose of defining the scope of the tribal due process clause, and the parties have acknowledged this practice. The plaintiff asserted a constitutional right to minimum procedural due process prior to the imposition of a

non-disciplinary demotion. The Court performed an examination of persuasive case law, which runs contrary to this assertion. Furthermore, the employer did not impose a disciplinary measure and the PERSONNEL MANUAL is otherwise devoid of any procedural requirements for instituting the demotion. The CONSTITUTION, and not subordinate legislation, will establish the degree of procedural due process, but legislation must first secure the benefit of employment against demotion. The PERSONNEL MANUAL does not grant such security. Thus, an employee accepts and maintains employment with full awareness that he/she may be subjected to a non-disciplinary demotion. The Court accordingly denies the plaintiff's request.

SEPTEMBER 14, 2006

Robert Gerhartz v. HCN Gaming Comm'n, CV 05-104 *Order (Final Judgment)* (HCN Tr. Ct., Sept. 14, 2006). (Matha, T).

The Court had to determine whether to grant the petitioner's request for relief. The HCN Gaming Commission suspended the petitioner's gaming license for a period of one (1) month prior to conducting a *Show Cause Hearing*. The petitioner seeks judicial review of the Commission decision that resulted from such *Hearing*. Although the Court found that the respondent has broad authority to regulate not only gaming, but its employees as well, the Court found that in the case at hand, the respondent lacked the authority to suspend the petitioner based upon a violation of GAMING ORDINANCE § 1203(b). This is because the Court found no violation of such section, or any other section that would warrant the suspension of a gaming license. Therefore, the Court remanded the case to the respondent with the instructions to award the petitioner with one (1) month of backpay pursuant to GAMING ORDINANCE, § 1101(b)(vii)(b), and that it expunge the petitioner's record.

Janet Funmaker v. Libby Fairchild, in her capacity as Executive Director of the HCN Dep't of Personnel et al., CV 06-61 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Sept. 14, 2006). (Rockman, A).

The Court granted the party's request to appear by telephone.

SEPTEMBER 15, 2006

Willard Lonetree v. Larry Garvin, CV 06-74 *Scheduling Order* (HCN Tr. Ct., Sept. 15, 2006). (Matha, T).

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

SEPTEMBER 20, 2006

Janet Funmaker v. Libby Fairchild, in her capacity as Executive Director of the HCN Dep't of Personnel et al., CV 06-61 *Scheduling Order* (HCN Tr. Ct., Sept. 20, 2006). (Rockman, A).

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

SEPTEMBER 25, 2006

Willard Lonetree v. Larry Garvin, CV 06-74 *Order to Change Schedule* (HCN Tr. Ct., Sept. 25, 2006). (Matha, T).

The Court issued this *Change to Schedule* to change the dates and deadlines for the instant case.

ENROLLMENT



SEPTEMBER 13, 2006

Leilani Jean Chamberlain v. Adam Hall, Enrollment Officer of the HCN, CV 05-109 *Stipulation & Order to Revise the Scheduling Order, Set New Defendant Initial Discovery Response Timeline, Continue Other Matters, and Withdraw Request for Sanctions and Fees* (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The Court finds good cause to allow the case to proceed as stipulated by the parties. The Court reminded the parties of the importance of keeping the Court informed of any further scheduling matters. The Court removed any remaining deadlines in this case from the calendar.

SEPTEMBER 21, 2006

Bruce Sanford v. HCN Office of Tribal Enrollment, CV 06-55 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The Court granted the party's request to appear by telephone.

CHILDREN'S TRUST FUND (CTF)

SEPTEMBER 5, 2006

In the Interest of Minor Child: M.W., DOB 04/05/95, by Miriam Whiteagle v. HCN Office of Tribal Enrollment, CV 06-63 Order (Denial of Petition) (HCN Tr. Ct., Sept. 5, 2006). (Rockman, A).

The Court had to determine whether the parent could access CTF monies on behalf of a minor child for costs associated with purchasing clothing. The Court denied the request.

In the Interest of Minor Children: N.T.B., DOB 04/03/96; N.T.B., DOB 10/21/98; and N.T.B., DOB 08/13/01, by Robert TwoBears v. HCN Office of Tribal Enrollment, CV 06-72 Order (Petition Granted) (HCN Tr. Ct., Sept. 5, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of his minor children for costs associated with orthodontic procedures. The Court granted the request.



In the Interest of Minor Children: M.W., DOB 12/16/93; Z.W., DOB 12/27/95; and Z.W., DOB 01/02/98, by Rita June Wolf v. HCN Office of Tribal Enrollment, CV 06-71 Order (Petition Granted) (HCN Tr. Ct., Sept. 5, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of her minor children for costs associated with orthodontic procedures. The Court granted the request.

SEPTEMBER 13, 2006

In the Interest of Adult CTF Beneficiary: Selina R. Littlewolf, DOB 01/29/84 v. HCN Office of Tribal Enrollment, CV 06-11 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Sept. 13, 2006). (Rockman, A).

The Court had to determine whether to dismiss the instant case. The petitioner requested access to CTF monies for costs associated with orthodontic procedures. The respondent asked the Court not to release funds until the petitioner provided an invoice for the proposed orthodontic work. The petitioner has not presented the relevant documentation in over six (6) months. Therefore, the Court dismissed the action without prejudice.

In the Interest of Adult CTF Beneficiary: Vanity S. Bartlett, DOB 12/31/877 v. HCN Office of Tribal Enrollment, CV 06-04 Order (Demanding Accounting) (HCN Tr. Ct., Sept. 13, 2006). (Rockman, A).

The Court requested that the petitioner submit the required accounting.

In the Interest of Minor Child: S.J., DOB 11/25/88, by LuAnn Decorah v. HCN Office of Tribal Enrollment, CV 06-54 Order (Motion to Dismiss Granted) (HCN Tr. Ct., Sept. 13, 2006). (Rockman, A).

The Court convened a *Fact-Finding Hearing*. The petitioner, although in receipt of the *Notice of Hearing*, failed to appear. The Court proceeded in her absence under the authority of *HCN R. Civ. P. 44(C)*. The respondent indicated that the minor child objected to the release of funds because she does not reside with her mother and is expecting a child herself. The Court accordingly granted the respondents' *Motion to Dismiss*.

In the Interest of Minor Child: N.W.J., DOB 10/17/91, by Rebecca J. Akers v. HCN Office of Tribal Enrollment, CV 06-60 Order (Petition Granted) (HCN Tr. Ct., Sept. 13, 2006). (Rockman, A).

The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with orthodontic procedures. The Court granted the request.

SEPTEMBER 28, 2006

In the Interest of Decedent Member: M.G.J., DOB 03/22/98, by Joannie Lund v. HCN Office of Tribal Enrollment, CV 06-75 Order (Releasing Children's Trust Fund to Estate) (HCN Tr. Ct., Sept. 28, 2006). (Rockman, A).

The Court had to determine whether to release the monies from a decedent tribal member's CTF to the estate. These monies remain in an irrevocable trust held by the Ho-Chunk Nation and administered by Fifth Third Bank. The Court directed the release of the CTF to the court-appointed representative of the estate.

In the Interest of Decedent Member: M.G.J., DOB 03/22/98, by Joannie Lund v. HCN Office of Tribal Enrollment, CV 06-75 Order (Erratum) (HCN Tr. Ct., Sept. 28, 2006). (Rockman, A).

The Court issued this *Erratum Order* to correct a clerical mistake made in a previous *Order*.

INCOMPETENT TRUST FUND (ITF)

SEPTEMBER 13, 2006

In the Interest of Adult Incompetent: A.F., DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, CV 97-79 Order (Requiring Additional Information) (HCN Tr. Ct., Sept. 13, 2006). (Rockman, A).

The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with remodeling the ward's bedroom and bathroom. The Court requested further evidence to support the request for release of funds.

SEPTEMBER 20, 2006

In the Interest of Adult Incompetent: B.N.F., DOB 09/03/86, by Alaine A. Yingst v. HCN Office of Tribal Enrollment, CV 05-59 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

The Court requested that the petitioner submit the required accounting.

SEPTEMBER 26, 2006

In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65, by Dolli Big John v. HCN Office of Tribal Enrollment, CV 00-83 Order (Contempt) (HCN Tr. Ct., Sept. 26, 2006). (Matha, T).

The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The petitioner failed to attend the *Show Cause Hearing*, resulting in an inability to rebut the *prima facie* showing of contempt. The Court held the petitioner in contempt and imposed a reasonable remedial sanction.

FAMILY

DIVORCE

SEPTEMBER 13, 2006

In re the Marriage of: De Forrest M. Funmaker and Joyce I. Funmaker, FM 06-06 Final Judgment for Divorce (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The petitioner filed the *Petition for Divorce (Without Minor Children)*, thereby consenting to the personal jurisdiction of the Court. The respondent failed to timely respond despite receiving proper service. Both the petitioner and respondent are enrolled members of the Ho-Chunk Nation and have resided in the State of Wisconsin for at least six (6) consecutive months prior to filing of the petition. Furthermore, the petitioner has resided in Ho-Chunk Nation territory for at least six (6) consecutive months prior to filing the petition. The parties stated that the marriage is irretrievably broken with no possibility of reconciliation.

SEPTEMBER 14, 2006

In re the Marriage of: Dolly M. Finn v. Daniel Santo Soto, FM 06-05 Order (Dismissal) (HCN Tr. Ct., Sept. 14, 2006). (Rockman, A).

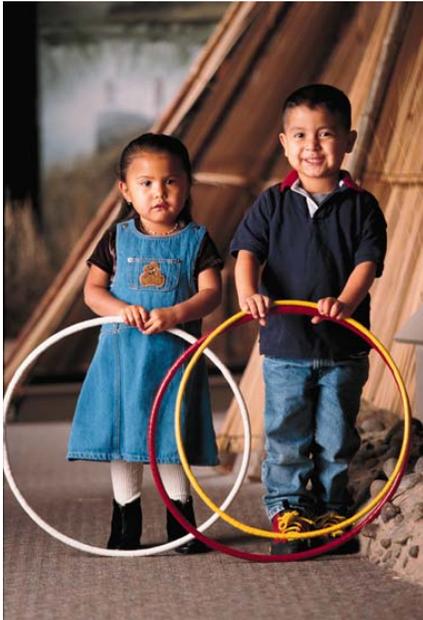
The Court previously convened an *Initial Hearing* at which the parties revealed that neither individual satisfied the personal jurisdiction requirements as stated in the applicable statute. Specifically, the petitioner, while an enrolled member of the Ho-Chunk Nation, has not "resided in the state of Wisconsin for at least six (6) months." DIVORCE & CUSTODY ORDINANCE, 4 HCC § 9.2. The respondent, is a non-member and has not been "a resident of the Ho-Chunk Nation for at least six

(6) months.” *Id.* Therefore, the Court dismissed this action for lack of personal and/or territorial jurisdiction.

DOMESTIC VIOLENCE

NO RECENT CASES

JUVENILE



SEPTEMBER 12, 2006

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; and A.M.M., DOB 11/01/02, JV 06-21-23 Order (Continuance of Plea Hearing) (HCN Tr. Ct., Sept. 12, 2006). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the other parent requested a continuance, after being advised as to his rights as a parent as set forth in the HOÇAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN’S ACT), §3.22d. The Court accordingly reschedules the *Plea Hearing*, so as to provide time for the parent to obtain legal representation.

SEPTEMBER 13, 2006

In the Interest of Minor Children: J.R.P., DOB 02/27/92, and L.M.P., DOB 05/12/90, JV 03-01-02

Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Sept. 13, 2006). (Matha, T).

The petitioner filed a *Petition for Permanent Guardianship*. The Court subsequently scheduled a *Guardianship Hearing*. In accordance with the CHILDREN’S ACT, § 3.45c(1), the Court requested that Ho-Chunk Nation Child & Family Services (hereinafter CFS) prepare and submit a guardianship report and home study to the Court.

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Sept. 14, 2006). (Rockman, A).

The Court granted the Guardian ad Litem’s request to appear by telephone.

In the Interest of Minor Child: A.A., DOB 03/23/98, JV 06-11 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Sept. 14, 2006). (Rockman, A).

The Court granted the Guardian ad Litem’s request to appear by telephone.

SEPTEMBER 15, 2006

In the Interest of Minor Child: H.D.J., DOB 11/25/88, JV 98-20 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sept. 15, 2006). (Rockman, A).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional requirements. The Court determined to maintain the status quo.

In the Interest of Minor Child: R.B., DOB 06/23/95, JV 02-18 Order (Dispositional Requirements) (HCN Tr. Ct., Sept. 15, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing* in accordance with the CHILDREN’S ACT. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. The Court ordered specific dispositional requirements to be met for the protection of the child and possible reunification of the family.

SEPTEMBER 18, 2006

In the Interest of Minor Children: B.E.Y., DOB 07/25/89, and N.R.Y., DOB 07/06/91, JV 05-33-34

Order (Dispositional Requirements) (HCN Tr. Ct., Sept. 18, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing* in accordance with the CHILDREN'S ACT. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. The Court ordered specific dispositional requirements to be met for the protection of the child and possible reunification of the family.

In the Interest of Minor Children: C.C.P., DOB 02/03/93, and G.L.P., DOB 06/10/94, JV 03-25-26 Order (Conditional Appointment of Permanent Guardian) (HCN Tr. Ct., Sept. 18, 2006). (Rockman, A).

The Court had to determine whether to appoint a successor permanent guardian for the minor children pursuant to CHILDREN'S ACT, 4 HCC §3. After weighing all of the presented evidence, the Court deems such an appointment within the minor child's best interests.

SEPTEMBER 19, 2006

In the Interest of Minor Child: A.C.S., DOB 04/04/89, JV 98-05 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sept. 19, 2006). (Matha, T). The Court conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional revision. The Court determined to impose additional requirements upon the parents as reflected in JV 98-06-07, which the Court now consolidates with the instant case.

SEPTEMBER 20, 2006

In the Interest of Minor Child: H.M.A.S., DOB 05/22/04, JV 06-20 Order (Continuance of Child Protection Review Hearing) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

The Court convened a *Child Protection Review Hearing* for the purpose of determining the level of compliance with the dispositional requirements entered by Monroe County Circuit Court. At the time, the parents of the minor child requested a continuance, after being advised as their rights as parents as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly reschedules the *Child Protection Review Hearing*, so as to provide time for the parent to obtain legal representation.

In the Interest of Minor Child: H.M.A.S., DOB 05/22/04, JV 06-20 Order (Submission of Traditional Relatives List) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

In accordance with the CHILDREN'S ACT 4 HCC §3, the Court hereby requests that CFS prepare and submit a list of the minor child's traditional relatives. The Court limits this request to the maternal great grandparents and their descendancy, but notes that it may expand the request at a future time.

In the Interest of Minor Child: H.M.A.S., DOB 05/22/04, JV 06-20 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Sept. 20, 2006). (Matha, T).

The petitioner filed a *Petition for Permanent Guardianship*. The Court subsequently scheduled a *Guardianship Hearing*. In accordance with the CHILDREN'S ACT, § 3.45c(1), the Court requested that CFS prepare and submit a guardianship report and home study to the Court.

SEPTEMBER 21, 2006

In the Interest of Minor Child: P.A.B-N., DOB 01/20/89 v. HCN Office of Tribal Enrollment, JV 06-24 Order (Dismissal of the Petitioner for Emancipation without Prejudice) (HCN Tr. Ct., Sept. 21, 2006). (Rockman, A).

The Court had to determine whether to dismiss the *Petition for Emancipation*. The petitioner requested that the Court dismiss the *Petition*. The Court granted the dismissal without prejudice.

SEPTEMBER 22, 2006

In the Interest of Minor Children: Y.M.R., DOB 08/19/04; Y.J.R., DOB 06/24/05; A.A., DOB 03/23/98; and V.A., DOB 02/28/00, JV 06-09-12 Order (Continuance of Child Protection Review Hearing) (HCN Tr. Ct., Sept. 22, 2006). (Rockman, A).

The Court convened a *Child Protection Review Hearing*. At the time, the father of the minor child requested a continuance, after being advised as his rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly reschedules the *Child Protection Review Hearing*, so as to provide time for the parent to obtain legal representation.

SEPTEMBER 26, 2006

In the Interest of Minor Child: S.M.J., DOB 11/25/88, JV 98-21 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Sept. 26, 2006). (Rockman, A).

The Court appointed a GAL in this matter.

SUPREME COURT

SEPTEMBER 21, 2006

Sherry Wilson v. HCN Dep't of Personnel, SU 06-01 Decision (HCN S. Ct., Sept. 21, 2006).

The Supreme Court had to determine whether the Trial Court's dismissal of the appellant's cause of action at the Trial Court level was in error. The Trial Court dismissed the appellant's action without reaching the merits of the case because the appellant had failed to name the appropriate party. Instead, the appellant had only sued the sovereign. The Supreme Court determined that if the Trial Court had formally advised the *pro se* litigant that a dismissal was imminent unless she named a specific party, and then she adamantly refused to amend her pleadings, then the Supreme Court might be inclined to uphold the Trial Court's decision. However, the Supreme Court noted that the appellant had named individuals in the attachments of her *Complaint* and that the Trial Court should not have taken a strict and literal interpretation of sovereign immunity. Therefore, the Supreme Court reversed and remanded with instructions for the Trial Court to liberally construe the *Complaint* as having been amended to conform to the evidence.

RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

SEPTEMBER 9, 2006

Kelly Funmaker v. Daniel E. Bird, CS 06-49.



CIVIL GARNISHMENT

SEPTEMBER 12, 2006

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 06-58. (Matha, T).

SEPTEMBER 13, 2006

Creditor Recovery Service, LLC v. Darren L. Brinegar, CG 06-59. (Matha, T).

Alliance Collection Agencies, Inc. v. Kevin L. Kniprath, CG 06-60. (Matha, T).

SEPTEMBER 14, 2006

Alliance Collection Agencies, Inc. v. Victoria A. Lowe, CG 06-61. (Matha, T).

SEPTEMBER 27, 2006

Mile Bluff Clinic, LLP v. Trina Buchanan, CG 06-62. (Matha, T).

Louis L. Young, DDS v. Duane W. Kling, Jr., CG 06-63. (Matha, T).

Nekoosa Port Edwards State Bank v. Grady D. Stewart, CG 06-64. (Matha, T).

Quick Cash Loans v. Sherry Eisenhut, CG 06-65. (Matha, T).

Creditor Recovery Service, LLC v. Donna R. Pabst, CG 06-66. (Matha, T).

Creditor Recovery Service, LLC v. Iris M. Laes, CG 06-67. (Matha, T).



CIVIL CASES

SEPTEMBER 5, 2006

Willard Lonetree v. Larry Garvin, CV 06-74. (Matha, T).

SEPTEMBER 8, 2006

HCN Business Dep't v. Jeffrey Brohn, CV 06-73. (Matha, T).

SEPTEMBER 12, 2006

In the Interest of Decedent: M.G.J., DOD, 09/24/03 v. HCN Office of Tribal Enrollment, CV 06-75. (Rockman, A).

In the Interest of Minor Child: M.L.P., DOB 05/21/95, by Barbara Jane Lowe v. HCN Office of Tribal Enrollment, CV 06-76. (Matha, T).

SEPTEMBER 14, 2006

Kenneth Lee Twin v. Toni McDonald et al., CV 06-77. (Matha, T).

SEPTEMBER 25, 2006

In the Interest of Minor Child: S.R.W., DOB 07/11/03, by Errol S. Whitewing v. HCN Office of Tribal Enrollment, CV 06-78. (Rockman, A).



FAMILY

SEPTEMBER 27, 2006

Lynette Rae Hopinkah v. William Jones Kemp, I, FM 06-10. (Rockman, A).



DOMESTIC VIOLENCE

NO RECENT FILINGS



JUVENILE

NO RECENT FILINGS

SUPREME COURT

NO RECENT FILINGS



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
 Mark D. Butterfield, Associate Justice
 Dennis Funmaker, Associate Justice

Traditional Court – Earl Blackdeer
 Donald Blackhawk
 Dennis Funmaker
 Jim Greendeer
 Douglas Greengrass
 Desmond Mike
 Douglas Red Eagle
 Preston Thompson, Jr.
 Eugene Thundercloud
 Morgan White Eagle
 Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
 Amanda L. Rockman, Associate Judge

Clerk of Court, Trial Court – Marcella Cloud
 Assistant Clerk of Court, Trial Court – Selina Joshua
 Assistant Clerk of Court, Trial Court – Jessi Cleveland
 Administrative Assistant – Margaret Wilkerson
 Bailiff – Sheena Schoen
 Staff Attorney – Jennifer L. Tilden
 Staff Attorney – Nicole M. Homer
 Supreme Court Clerk – Mary Endthoff

* 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)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
 (Region 10 — Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

- *Complaint*.....\$50.00
- *Petition for Release of Per Capita Distribution (Children’s Trust Fund)*\$50.00
- *Motion to Appear Pro Hac Vice*.....\$35.00
- Appellate Filing Fee.....\$50.00
- *Petition to Register and Enforce Foreign Judgment/Order*\$20.00
- Marriage License Fee.....\$50.00

Court Fees

- Copying\$0.10/page
- Faxing\$0.25/page (sending & receiving)
- CD of Hearings\$12.50/CD
- Deposition Videotape\$10.00/tape
- Certified Copies.....\$0.50/page
- Equipment Rental\$5.00/hour
- Admission to Practice\$50.00

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
 ELDER PROTECTION ACT, 4 HCC § 1.
 EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
 (for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)





NOVEMBER/DECEMBER 2006
VOL. 12, NO. 11

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Legal Citation Forms

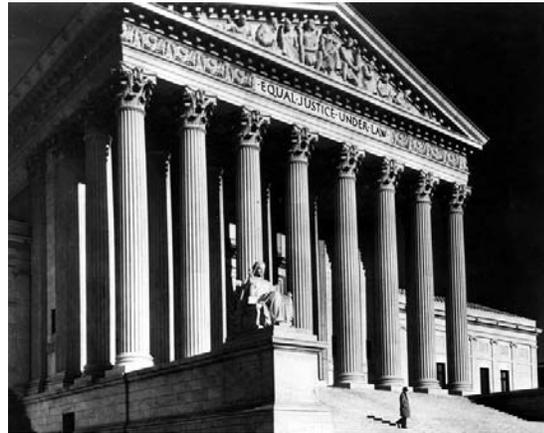
Ho-Chunk Nation Judiciary
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[http://www.ho-chunknation.com/
government/courts.htm](http://www.ho-chunknation.com/government/courts.htm)

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HO-CHUNK NATION COURT BULLETIN

SUPREME COURT BEGINS NEW TERM

CHANGES IN THE COURT—
GOOD OR BAD FOR INDIAN COUNTRY?



The United States Supreme Court's 2006-2007 term commenced on October 2, 2006. Many across Indian Country have been in essence holding their breath to see what the Court will do under the new leadership of Chief Justice John Roberts. Early into his second term as Chief Justice, it does not appear that much has or will change with the passing of the late Chief Justice William Rehnquist. If anything, the Court appears to be leaning more conservative now.



Supreme Court Chief Justice John Roberts



Former Supreme Court Justice Sandra Day O'Connor

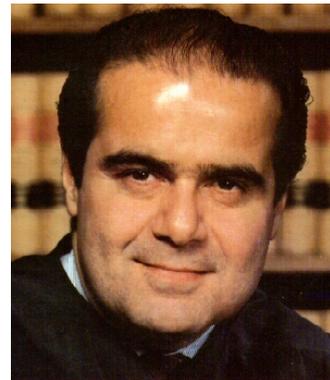
On July 1, 2005, the Court lost a more centrist viewpoint with the retirement of Justice Sandra Day O'Connor. Although appointed by Republican President Ronald Reagan, Justice O'Connor was often considered the more moderate Justice among her conservative comrades. "She authored major decisions in favor of tribes, occasionally blasted her colleagues for taking a limited view of tribal sovereignty and often provided the "swing" vote in close decisions." Indianz.com, *Justice O'Connor Resigns from U.S. Supreme Court* (July 5, 2006), available at <http://www.indianz.com/News/2005/009120.asp>. Then, what seemed to be a Halloween trick rather than a treat was President Bush's October 31, 2005 announcement that Samuel Alito was his nominee to replace Justice O'Connor.



Supreme Court Justice Samuel Alito

Justice "Alito is sometimes referred to in legal circles as "Scalito" -- after Justice Antonin Scalia—for his strict conservative views." Indianz.com, *Bush Announces New U.S. Supreme Court Pick* (October 31, 2005), available at

<http://www.indianz.com/News/2005/011027.asp>. These strict views are evidenced in Scalia's 1990 majority opinion in *Employment Div., Dep't of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990). In *Smith*, the Supreme Court decided against two Native Americans who were denied unemployment compensation upon being fired for failing a drug test after using peyote. The Court specifically found that a tribal member was not excused under the Free Exercise Clause for a violation of state peyote laws that represented generally applicable prohibitions of socially harmful conduct.



Supreme Court Justice Antonin Scalia

In a recent debate between Justice Scalia and the president of the American Civil Liberties Union (ACLU), the Justice explained that he thought the *Smith* case really was not about religion. Indianz.com, *Scalia's Ruling in Native Religious Case Debated* (October 20, 2006), available at <http://www.indianz.com/News/2006/016515.asp>. The Justice explained that the "Court precedents, at the time, gave citizens overly broad license to challenge any statute by arguing that it burdens their religious beliefs." *Id.* It was the Justice's opinion that the prior law regarding religious impingement went against the Constitution. *Id.* Specifically, Justice Scalia disagreed with the standard that when any general law of applicability impinges on a person's religious beliefs, the state must demonstrate a compelling state interest. Instead, Justice Scalia believed that a person should have no problem seeking an exemption from the majority rather than the Court, because this county is full of "tolerant people, especially on matters of religion." *Id.* These views led to his majority opinion limiting

a citizen's ability to challenge general laws on religious grounds. *Id.*

However, unlike Justice Scalia, Alito has recently decided a Native American religious case in favor of Native American interests based upon utilizing a strict level of scrutiny. In *Blackhawk v. Pennsylvania*, 381 F.3d 202 (3rd Cir. 2004), Alito decided in favor of a Native American who sought a waiver from having to pay fees related to the keeping of bears on his property for religious ceremonies. The Third Circuit Court of Appeals found that the statute allowing a waiver of fee for the permit to keep wildlife in captivity was not generally applicable, and thus was subject to strict scrutiny. After performing its analysis, the Third Circuit found that the statute did not withstand strict scrutiny.

It is still too early to see where the Court is heading, but with Roberts replacing Rehnquist, Alito replacing O'Connor, and Scalia still charging ahead with full force, it appears that the Supreme Court is still not waiting with open arms for Indian Law cases to be brought before it. Two months into this term, there have been seventeen (17) Indian Law related cases that have been filed with the Supreme Court. The petition for certiorari has been denied in ten (10) cases, granted in two (2) cases, and still pending in five (5) cases.

Certiorari granted

- *Zuni Public School District et al. v. Department of Education et al.*, No. 05-1508 (granted Sept. 26, 2006).
- *BP America v. Burton et al.*, No. 05-669 (granted Apr. 17, 2006).

Petition for Certiorari filed

- *Burrell v. Armijo*, No. 06-721 (filed Nov. 21, 2006).
- *Oneida Indian Nation of New York v. Peterman*, No. 06-470 (filed Oct. 2, 2006).
- *Phelps Dodge Corp. v. San Carlos Apache Tribe*, No. 06-333 (filed Sept. 5, 2006).
- *San Carlos Apache Tribe v. Arizona*, No. 06-173 (filed Aug. 1, 2006).
- *Murphy v. Oklahoma*, No. 05-10787 (filed May 3, 2006).

Certiorari denied

- *Narragansett Indian Tribe v. Rhode Island*, No. 06-414 (denied Nov. 27, 2006).
- *Naftaly v. Keweenaw Bay Indian Community*, No. 06-429 (denied Nov. 27, 2006).
- *Delaware Nation v. Pennsylvania*, No. 06-364 (denied Nov. 27, 2006).
- *Walton v. Tesuque Pueblo*, No. 06-361 (denied Nov. 13, 2006).
- *Means v. Navajo Nation*, No. 05-1614 (denied Oct. 10, 2006).
- *Morris v. Tanner*, No. 05-1285 (denied Oct. 10, 2006).
- *Bruner v. Oklahoma ex rel. Oklahoma Tax Commission*, No. 05-1470 (denied Oct. 2, 2006).
- *Dark-Eyes v. Connecticut Commissioner of Revenue Services*, No. 05-1464 (denied Oct. 2, 2006).
- *South Dakota v. Dept. of Interior*, No. 05-1428 (denied Oct. 2, 2006).
- *Utah v. Shivwits Band of Paiute Indians*, No. 05-1160 (denied Oct. 2, 2006).

One of the more recent denials was a case that involved jurisdiction, and thus had the potential of raising serious concerns with regards to tribal sovereignty.

In *Means v. Navajo Nation*, 432 F.3d 924 (9th Cir. 2005), the petitioner argued that the Navajo Nation lacked the authority to prosecute him because he was not a member of the Navajo Nation and never would be. Furthermore, he argued that the Duro fix, a 1990 act of Congress, violated his constitutional rights. Specifically he argued that the act violates the U.S. Constitution because it subjects "all Indians," regardless of enrollment, to the criminal jurisdiction of all tribes. The Ninth Circuit Court of Appeals held that the petitioner was not deprived of equal protection or due process by the statute that made him subject to the criminal jurisdiction of another tribe's courts for misdemeanors committed on that tribe's reservation. The Court relied upon the United States Supreme Court decision of *U.S. v. Lara*, 541 U.S. 193 (2004). The *Lara* Court upheld the congressional power to pass legislation reversing the 1990 Supreme Court decision of *Duro v. Reina*, 495 U.S. 676 (1990). In

reversing that decision, the Court restored inherent tribal sovereign authority to prosecute non-member Indians for reservation crimes. By the Supreme Court rejecting to review the *Means* case, it appears that tribal jurisdiction over all Indians is safe for the time being. However, we must await further developments to determine if the current makeup of the Court will pose problems in the future for tribal sovereignty.



UPDATES FROM OUTSIDE COURTS

Court of Appeals, D.C. Circuit

Colorado River Indian Tribes v. National Indian Gaming Commission, 2006 WL 2987912 (D.C. Cir. 2006).

The Indian tribe sued the National Indian Gaming Commission (NIGC), claiming that NIGC exceeded its authority by promulgating regulations that established mandatory operating procedures for Class III gaming in tribal casinos. The tribe moved for summary judgment. The United States District Court for the District of Columbia, granted the tribe's motion for summary judgment and NIGC appealed. The Court of Appeals held that the Indian Gaming Regulatory Act did not give NIGC authority to promulgate regulations establishing mandatory operating procedures for class III gaming. Affirmed.

Seventh Circuit Court of Appeals

Burgess v. Watters, 2006 WL 3093635 (7th Cir. 2006).

Following the affirmance of his involuntary commitment to a state mental health facility as a sexually violent person, the petitioner sought a writ of habeas corpus. The United States District Court for the Western District of Wisconsin denied the petition and the petitioner then appealed. The Court of Appeals held that the Wisconsin Supreme Court did not unreasonably apply the clearly established

federal law in determining that the State had the power to involuntarily commit an enrolled member of an Indian tribe as a sexually violent person under civil jurisdiction conferred by Congress on States. Affirmed.

Ninth Circuit Court of Appeals

Pit River Tribe v. U.S. Forest Service, 2006 WL 3163952 (9th Cir. 2006).

The Pit River Tribe alleged that the procedures followed by the agencies in extending certain leases in the Medicine Lake Highlands, and the subsequent approval of a geothermal plant to be built there, violated the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the National Forest Management Act (NFMA), and the Administrative Procedure Act (APA). Pit River also contended that the agencies violated their fiduciary obligations to Native American tribes. Furthermore, they claimed to have jurisdiction pursuant to [28 U.S.C. § 1291](#). The Ninth Circuit Court of Appeals held that the tribe did have standing to pursue its claims. In addition, the Energy Policy Act's amendments to the Geothermal Steam Act would not be applied retroactively so as to render the claims moot. The agencies were found to have violated the NEPA by failing to complete an environmental impact statement (EIS) before extending leases that granted absolute rights to develop the plant. Furthermore, subsequent preparation of an EIS for the plant did not cure the prior violation of the NEPA. Last, the agencies violated the NHPA by failing to conduct consultation or consideration of historical sites before extending the leases. Reversed.

Supreme Court of Minnesota

In re Welfare of T.T.B., 2006 WL 2975290 (Minn. 2006).

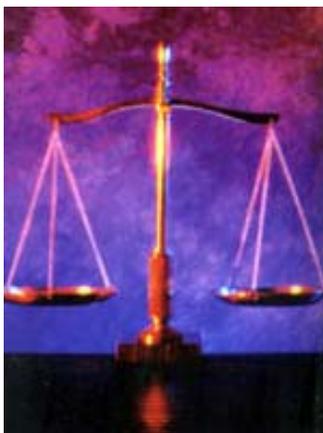
In a child protection proceeding, the county filed a petition for the transfer of legal custody of the Indian child. The mother and father filed a joint petition requesting the transfer of jurisdiction to the tribal court, and father filed a motion to dismiss. The tribe filed an independent motion for the transfer of jurisdiction. The District Court in Hennepin County denied the requests to transfer as well as the father's motion to dismiss. In addition,

the District Court issued an order transferring the legal custody of child to the paternal grandmother of mother's older child. The father and tribe appealed. The Court of Appeals, 710 N.W.2d 799, reversed, concluding that good cause did not exist to deny the transfer of jurisdiction to the tribal court. An appeal was taken. Upon the grant of expedited review, the Supreme Court held that good cause existed for the trial court to deny the transfer of jurisdiction of the proceeding to the tribal court of child's tribe. Reversed; District Court order denying transfer of jurisdiction to tribal court reinstated.



SUPREME COURT NOTICE

- **Adoption of the *Ho-Chunk Nation Interim Rules of Criminal Procedure***
 - The HCN Supreme Court pursuant to its constitutional authority adopted the *HCN Rules of Criminal Procedure* for use as procedural rules for governance of criminal cases filed or brought before the Courts until these rules are superseded by more permanent rules by the Court.
 - The rules became effective on October 28, 2006.
 - If you would like to review a copy of the rules please contact Supreme Court Clerk of Court Mary Endthoff at 715-284-2722.



HO-CHUNK NATION SUPREME COURT MEETING NOTICE and AGENDA

December 9, 2006

HCN Tribal Court Building, W9598 HWY 54 E
Black River Falls, WI

- 9:00 a.m.** Opening Prayer/Introductions
- 10:00 a.m.** Oral Argument:
Casimir Ostrowski vs. Ho-Chunk Nation, Ho-Chunk Nation Personnel Dept., and Ho-Chunk Casino, SU 06-04
- Review and approve Minutes of
October 28, 2006
- 12:00 p.m.** Lunch Break
- 1:00 p.m.** Old Business
- a. HCN Interim Rules of Criminal Procedure
Discussion with Michelle Cleveland,
County/Tribal Law Enforcement
Subcommittee
 - b. Supreme Court Clerk, Mary
Endthoff
 - i. Update/Questions
 - ii. Signatures needed
- New Business
- a. Chief Justice Hunter items
 - b. Justice Funmaker items
 - c. Justice Butterfield items
- Set next meeting date
- Case Deliberation (Justices only)
- Adjourn

NOTE: All Supreme Court meetings are open to the public except as noted above. If you wish to have an item added to the agenda, please notify Mary Endthoff, Clerk of Court, prior to the meeting at (715) 284-2722.



school or its equivalent. The Court ordered the parties to file proof of high school enrollment.



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 Garnishment (CG), 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. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that 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 CASES

OCTOBER 03, 2006

Evangeline Two Crow v. Gregory Harrison, CV 97-153 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high

Eau Claire Co. et al. v. Silas G. Quagon, CS 06-44 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Amy Hennings v. Jerome Cloud et al. and Sonya M. Bindley v. Jerome Cloud, CV 97-118, 97-163 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Barbara Funmaker v. John Whitewater and Lillian L. Harrison v. John Whitewater, CV 97-148, CS 06-27 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin v. Courage Kingswan, CS 06-41 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Sawyer Co. Child Support v. Robert W. Blackdeer, CS 05-18 *Order (Cessation of Current Child Support)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).
The Court had to determine whether to cease withholding due to the parties failing to submit proof of high school enrollment. The Court accordingly ordered the cessation of current child support withholding, but the continuation of withholding for arrears.

Barbara Long v. Garrett Banuelos, Sr. and Rebecca Rodriquez v. Garrett L. Banuelos, CV 97-88, CS 06-35 *Judgment (Equitable Adjustment)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).
The Court had to determine whether to enforce a standing foreign child support order against serial payor's per capita payments. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Sabrina L. Decorah v. Amery D. Decorah, Sr., CS 05-98 *Order (Erratum)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).
The Court issued this order to correct a clerical mistake made in the previous order.

Kathleen Peters v. Kevin B. Funmaker, CS 02-51 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).
The minor child turned eighteen (18) years of age. In accordance with state law, the respondent's obligation ends when the children turns eighteen (18) years of age, unless the child is enrolled in high school or its equivalent. The Court ordered the parties to file proof of high school enrollment.

State of Wisconsin v. Wilfrid Cleveland, CS 03-19 *Order (Erratum)* (HCN Tr. Ct., Oct. 3, 2006). (Matha, T).

The Court issued this order to correct a clerical mistake made in the previous order.

OCTOBER 11, 2006

State of Wisconsin v. Robert Cleveland, CS 00-33 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).
The Court previously requested the parties to file proof of high school enrollment as the child turned eighteen (18) years of age. The petitioner filed such proof, thus the child support shall continue until the child graduates from high school in June 2007.

OCTOBER 12, 2006

Candice Solesby v. Kevin B. Funmaker and Kathleen Peters v. Kevin B. Funmaker and Christina Funmaker et al. v. Kevin B. Funmaker and Stephanie M. Antone et al. v. Kevin B. Funmaker, CS 98-07, 02-51, 03-82-83 *Order (Termination of Support & Equitable Adjustment)* (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).
The Court had to determine whether to cease withholding due to the parties failing to submit proof of high school enrollment. The Court accordingly ordered the cessation of current child support withholding, and then performed an equitable adjustment for the remaining cases.

Pamela L. Mallory et al. v. Frederick K. Greendeer and Carol L. Miller et al. v. Frederick K. Greendeer and State of Wisconsin v. Frederick K. Greendeer, CS 03-05, 99-75, CV 97-44 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).
The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

OCTOBER 12, 2006

Courtney C. White, n/k/a Courtney C. Funmaker v. Greg Whitegull, CS 06-23 *Order (Modifying & Enforcing Child Support Arrears Withholding)* (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).
The Court had to determine whether to grant petitioner's motion to modify child support arrears. The respondent failed to respond within the

specified time frame. The Court granted petitioner's uncontested motion.

Michelle Raye Haukaas v. Calvin Lee Nakai, CS 99-66 Order (Cessation of Current Child Support) (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).

The Court ordered the cessation of withholding from the respondent's per capita for current child support because the child is now residing with the respondent.

OCTOBER 13, 2006

Tracy Cobb et al. v. Daniel Bird and Kelly J. Funmaker v. Daniel E. Bird, CS 03-51, 06-49 Judgment (Equitable Adjustment) (HCN Tr. Ct., Oct. 13, 2006). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent filed a timely response acquiescing to the enforcement of another child support order. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

State of Wisconsin et al. v. Forrest M. Downey, Sr. and Eau Claire Co. v. Forrest M. Downey, Sr., CS 05-26, 05-33 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 13, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Alisa Cantwell v. Sterling Funmaker and State of Wisconsin v. Sterling G. Funmaker, CS 99-79, 06-37 Default Judgment (Equitable Adjustment) (HCN Tr. Ct., Oct. 13, 2006). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The respondent failed to file a timely answer. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

Lana Alane Lincoln v. Jon Eric Miner, CS 99-62 Order (Modifying & Enforcing Child Support

Arrears Withholding) (HCN Tr. Ct., Oct. 13, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to modify child support arrears. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

OCTOBER 16, 2006

Jessica Bearskin v. Roger D. Thundercloud, CS 98-31 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Jessica Bearskin v. Roger D. Thundercloud, CS 98-31 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Vincent Hernandez et al. v. Mary Hernandez, CS 01-28 Order (Modifying Child Support & Impounding Per Capita) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court had to determine whether to modify the current child support due to the child reaching the age of majority. The parties failed to present evidence of high school enrollment within the specified time frame. The Court thus modified the withholding to represent the percentages followed by the State of Wisconsin. Furthermore, the Court ordered that the excess monies be impounded providing the State the opportunity to file proof that the child support should continue at the previous rate until the youngest child reaches the age of majority.

Jessica Cloud et al. v. Joshua D. Cloud, Sr., CS 03-34 Order (Modifying & Enforcing Child Support Arrears Withholding) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to modify the child support arrears. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

Karen Breit v. James A. White, CS 98-02 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court previously requested the parties to file proof of high school enrollment as the child turned eighteen (18) years of age. The petitioner filed such proof, thus the child support shall continue until the May 2007 per capita distribution.

NOVEMBER 14, 2006

Iowa ex rel. Klayton Armond Adams v. Klinton Rodrick Blackdeer, CS 06-39 *Order (Erratum)* (HCN Tr. Ct., Nov. 14, 2006). (Matha, T).

The Court issued this order to correct a clerical mistake made in the previous order.

State of South Dakota, Division of Child Support, ex rel Debra L. Sine-Crawford v. Daniel M. Sine, CS 05-75 *Order (Modifying & Enforcing Child Support- Per Capita & Wages)* (HCN Tr. Ct., Nov. 14, 2006). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The Court presumed the respondent's acquiescence as the modification benefits the respondent. The Court granted petitioner's uncontested motion.

CIVIL GARNISHMENT CASES



OCTOBER 09, 2006

Alliance Collection Agencies, Inc. v. Kevin L. Kniprath, CG 06-60 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign

judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Darren L. Brinegar, CG 06-59 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 06-58 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

OCTOBER 10, 2006

Mile Bluff Clinic, LLP v. Trina Buchanan, CG 06-62 *Order (Voluntary Dismissal)* (HCN Tr. Ct., Oct. 10, 2006). (Matha, T).

The Court had to determine whether to dismiss the instant case. The petitioner indicated that it had received full payment in the case. Thus, the Court dismissed the case without prejudice.

OCTOBER 11, 2006

Quick Cash Loans v. David Mahlum, CG 06-55 *Order (Suspension of Activity)* (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The petitioner filed a *Petition to Register & Enforce a Foreign Judgment or Order*. The Court will confirm the employment of the respondent through correspondence with the HCN Dep't of Personnel prior to effectuating service. Thereafter, the Court will process the *Petition*. If the respondent later leaves the employ of the Nation, the Court shall suspend all case file activity and inform the petitioner of its ability to file a motion to resume activity if the respondent subsequently resumes employment with the Nation.

OCTOBER 18, 2006

Creditor Recovery Service, LLC v. Donna R. Pabst, CG 06-66 Order (Default Judgment) (HCN Tr. Ct., Oct. 18, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Louis L. Young, DDS v. Duane W. Kling, Jr., CG 06-63 Order (Default Judgment) (HCN Tr. Ct., Oct. 18, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

NOVEMBER 08, 2006

Quick Cash Loans v. Sherrie Eisenhut, CG 06-65 Order (Voluntary Dismissal) (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).

The Court had to determine whether to dismiss the instant case. The petitioner indicated that it had reached an agreement with the respondent on payment arrangements. Thus, the Court dismissed the case without prejudice.

NOVEMBER 09, 2006

Nekoosa Port Edwards State Bank v. Grady D. Stewart, CG 06-64 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Credit Acceptance Corp. v. Kelly Potts a/k/a Kelly Waldow, CG 06-68 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Victoria A. Lowe, CG 06-61 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Mary Locey, CG 06-69 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Iris M. Laes, CG 06-67 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

NOVEMBER 16, 2006

Creditor Recovery Service, LLC v. Iris M. Laes, CG 06-67 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 16, 2006). (Matha, T).

The Court recognized that the debt had been paid in full and informed the parties of its intent to close the file.

NOVEMBER 16, 2006

Linda Webber v. Leland Peter Whitegull, CG 06-70 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 28, 2006). (Matha, T).

The Court granted the individual's request to appear by telephone at the *Fact-Finding Hearing*.



OCTOBER 05, 2006

Ralph Kleeber v. Gaming Comm'n, CV 06-46 Order to Dismiss (HCN Tr. Ct., Oct. 5, 2006). (Matha, T).

The parties mutually agreed to dismiss the plaintiff's *Complaint* and have reached an agreement, which is explained in the *Stipulation and Motion to Dismiss*.



OCTOBER 09, 2006

Marx Advertising Agency, Inc. v. Ho-Chunk Nation et al., CV 04-16 Order (*Granting Telephonic Appearance*) (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court granted the party's request to appear by telephone.

Betty J. White v. Steve Garvin et al., CV 06-28 Order (*Dismissal with Prejudice*) (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court had to determine whether to dismiss the case. The plaintiff had failed to appear at the *Pre-Trial Conference* and *Trial* despite receipt of proper notice. Therefore, the Court dismissed the action with prejudice.

OCTOBER 11, 2006

Kristin K. White Eagle v. Ho-Chunk Casino et al., CV 04-97 Order (*Satisfaction of Judgment*) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court recognized that the debt in the current case has been paid in full, and informed the parties of its intent to close the file if no objection is received within ten (10) days.

OCTOBER 13, 2006

HCN Dep't of Education et al. v. Andrew Rave, CV 06-57 Order (*Default Judgment*) (HCN Tr. Ct., Oct. 13, 2006). (Matha, T).

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

the plaintiffs permissible relief sought in the *Complaint*.

Ho-Chunk Casino Hotel & Convention Center et al. v. Orrin Cloud, CV 06-37 Order (*Default Judgment*) (HCN Tr. Ct., Oct. 13, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the *Complaint* despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the *Complaint*.

Ho-Chunk Casino Hotel & Convention Center et al. v. Jackie Hainta, CV 06-51 Order (*Default Judgment*) (HCN Tr. Ct., Oct. 13, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the *Complaint* despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the *Complaint*.

OCTOBER 25, 2006

Susan F. Bosgraaf v. HCN et al., CV 06-99 *Scheduling Order* (HCN Tr. Ct., Oct. 25, 2006). (Matha, T).

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

NOVEMBER 06, 2006

HCN Dep't of Labor et al. v. Contingency Planning Solutions, Inc. et al., CV 06-12 Order (*Denying Post Judgment Motion*) (HCN Tr. Ct., Nov. 6, 2006). (Matha, T).

The Court had to determine whether to grant the defendants' motion for relief from the default judgment. The defendants argued that they mistakenly delivered their responsive pleading only to the plaintiffs. The Court examined the defendants' argument under the standard for granting reconsideration of a final judgment in these instances. Based upon this review, the Court declined to upset the standing default judgment.

HCN Legislature, Tracy Thundercloud in his official capacity as chair of the HCN Finance Committee v. HCN President, George Lewis, CV 04-73 Order (Awarding Attorney's Fees) (HCN Tr. Ct., Nov. 6, 2006). (Rockman, A).

The Court had to determine whether to grant attorney's fees to the defendant in this matter. The plaintiff claims that the defendant is not entitled to attorney's fees due to an untimely filing of the motion for attorney's fees. The defendant countered that the Court should ignore a minor procedural flaw in the interest of equity. The motion was originally filed in a timely fashion, however there was a deficiency. The Court notified the defendant of such deficiency, at which point the defendant corrected the flaw within two (2) days of the notice of deficiency being mailed out. Therefore, the Court granted the request for attorney's fees despite this minor flaw.

NOVEMBER 08, 2006

Thomas Quimby v. HCN Health Ins. Review Comm'n et al., CV 05-91 Order Granting Extension (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).

The Court granted the defendants' request for an extension in time to submit their *Response Brief* upon proof being submitted that plaintiff's counsel agreed to the requested extension in a previously drafted letter.

Patricia A. Lowe-Ennis v. Cash Systems, Inc., CV 06-41 Order (Requiring Joinder of Party) (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).

The Court had to determine whether to uphold the adjudicative decision of the HCN Tribal Rights Ordinance Commission (hereinafter TERO Commission). The petitioner failed to name the TERO Commission as a respondent in this administrative appeal. The Court utilizes its discretion to join the TERO Commission in this suit, and requires the TERO Commission to file a response brief and supplement the administrative record.

NOVEMBER 09, 2006

HCN Dep't of Health & Human Services v. Carol Rockman, CV 04-02 Order (Final Judgment) (HCN Tr. Ct., Nov. 9, 2006). (Rockman, A).

The Court had to determine whether to grant the relief requested by the plaintiffs. The Court held

that the defendant is immune from suit under the doctrine of official immunity, and therefore was not subject to monetary penalties in connection with her actions.

NOVEMBER 13, 2006

HCN v. Bank of America, N.A., CV 02-93 Order (Requiring Status Updates) (HCN Tr. Ct., Nov. 13, 2006). (Matha, T).

The HCN Judiciary has continually recognized the principle that a plaintiff maintains the burden to prosecute its case. The plaintiff had requested a continuance on August 28, 2006. The Court granted the request. However, the plaintiff still must prosecute its case. Thus, the Court ordered that the plaintiff file status updates at minimum six (6) month intervals beginning on or before December 1, 2006.

NOVEMBER 14, 2006

Ho-Chunk Nation Health & Social Services v. Kim Whitewing et al., CV 05-45 Reissued Order (Default Judgment) (HCN Tr. Ct., Nov. 14, 2006). (Rockman, A).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the *Complaint* despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the *Complaint*.

Kenneth L. Twin v. Toni McDonald et al., CV 06-77 Order (Notice of Oral Argument) (HCN Tr. Ct., Nov. 14, 2006). (Matha, T).

The respondents requested that the Court entertain oral arguments within its *Response Brief*. The Court, within its discretion, granted the request.

NOVEMBER 17, 2006

Paula A. Goulet v. HCN Ins. Review Board, CV 06-105 Scheduling Order (HCN Tr. Ct., Nov. 17, 2006). (Matha, T).

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

George Lewis v. HCN Election Board, Mary Ellen Dumas, in her official capacity as Chair of the Election Board, and Wilma Thompson in her official capacity as Vice-Chair of the Election

Board, Wade Blackdeer, in his official capacity as Vice President and President pro tempore, Becky Albert, in her official capacity as Treasurer of the HCN, and Francis Decorah, in his capacity as General Council Chairperson, November 11, 2006, CV 06-109 Order (Inviting Participation of Amicus Curiae) (HCN Tr. Ct., Nov. 17, 2006). (Rockman, A).

Because the resolution of the issues raised in the plaintiff's *Complaint* may affect actions made and contemplated by the General Council and its representatives, the Court invited the General Council Agency to submit an *amicus* brief on the issues involved in this matter.

NOVEMBER 22, 2006

HCN Dep't of Veterans Affairs et al. v. Allyson Finch, CV 06-14 Scheduling Order (HCN Tr. Ct., Nov. 22, 2006). (Rockman, A).

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

NOVEMBER 28, 2006

HCN and HCN Dep't of Business v. Ashley R. Biesen, CV 06-100 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the *Complaint* despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the *Complaint*.

HCN Dep't of Business et al. v. Dee Anna J. Boushon, CV 06-101 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the *Complaint* despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the *Complaint*.

 **CONTRACTS**
NO RECENT CASES



 **HOUSING**

OCTOBER 05, 2006

HCN Home Ownership Program v. Mary BigJohn and Joe Greendeer, CV 06-53 Order to Dismiss (HCN Tr. Ct., Oct. 5, 2006). (Matha, T).

The parties mutually agreed to dismiss the plaintiff's *Complaint* and have reached an agreement which is explained in the *Motion to Dismiss*.

HCN Dep't of Housing, Property Management Division v. Lacy Estes a/k/a Lacy Bigjohn, CV 06-32 Order to Dismiss (HCN Tr. Ct., Oct. 5, 2006). (Matha, T).

The parties mutually agreed to dismiss the plaintiff's *Complaint* and have reached an agreement which is explained in the *Motion to Dismiss*.



NOVEMBER 14, 2006

HCN Housing and Community Development Agency v. Margaret Hoffman, CV 06-08 Eviction Order (Default Judgment) (HCN Tr. Ct., Nov. 14, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff, *i.e.*, restitution of premises and an award of damages. The defendant failed to appear at Trial despite proper notice. The Court rendered a default judgment against the defendant, awarding the plaintiff permissible relief sought in the *Complaint*.

HCN Housing and Community Development Agency v. Margaret Hoffman, CV 06-08 *Writ of Restitution* (HCN Tr. Ct., Nov. 14, 2006). (Matha, T).

After affording the defendant notice and an opportunity to be heard, the Court determined that the plaintiff has a superior right to possession of the property in question. The Court entered a final judgment on behalf of the plaintiff to have the property restored to its possession and to remove the defendant, her possessions, and those occupying the property with her from the premises. The Court sought the assistance of a tribal law enforcement officer or the sheriff of Sauk County in order to restore the property.

NOVEMBER 20, 2006

HCN Housing and Community Development Agency v. Kevin Day, CV 06-96 *Eviction Order (Default Judgment)* (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff, *i.e.*, restitution of premises and an award of damages. The defendant failed to answer the *Complaint* despite proper service of process. The Court rendered a default judgment against the defendant, awarding the plaintiff permissible relief sought in the *Complaint*.

HCN Housing and Community Development Agency v. Kevin Day, CV 06-96 *Writ of Restitution* (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

After affording the defendant notice and an opportunity to be heard, the Court determined that the plaintiff has a superior right to possession of the property in question. The Court entered a final judgment on behalf of the plaintiff to have the property restored to its possession and to remove the defendant, her possessions, and those occupying the property with her from the premises. The Court sought the assistance of a tribal law enforcement officer or the sheriff of Sauk County in order to restore the property.

HCN Housing and Community Development Agency v. Susanna Littlewolf, CV 06-97 *Eviction Order (Default Judgment)* (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff, *i.e.*, restitution of premises and an award of damages. The defendant failed to answer the *Complaint* despite proper service of process. The Court rendered a default judgment against the defendant, awarding the plaintiff permissible relief sought in the *Complaint*.

HCN Housing and Community Development Agency v. Susanna Littlewolf, CV 06-97 *Writ of Restitution* (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

After affording the defendant notice and an opportunity to be heard, the Court determined that the plaintiff has a superior right to possession of the property in question. The Court entered a final judgment on behalf of the plaintiff to have the property restored to its possession and to remove the defendant, her possessions, and those occupying the property with her from the premises. The Court sought the assistance of a tribal law enforcement officer or the sheriff of Sauk County in order to restore the property.



OCTOBER 6, 2006

Robert Gerhartz v. HCN Gaming Comm'n, CV 05-104 *Order (Erratum)* (HCN Tr. Ct., Oct. 6, 2006). (Matha, T).

The Court issued this order to correct a clerical mistake made in the previous order.

OCTOBER 11, 2006

Stanley J. Decorah v. HCN Workman's Comp., CV 06-58 *Scheduling Order* (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

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

OCTOBER 30, 2006

Ona Garvin v. HCN, Silas Cleveland, in his individual capacity et al., CV 01-78 Order (*Motion to Dismiss Granted*) (HCN Tr. Ct., Oct. 30, 2006). (Rockman, A).

The Court had to determine whether to grant the defendants' *Motion to Dismiss* whereby the defendants moved to dismiss the plaintiff's cause(s) of action. The plaintiff claimed that she was subjected to an involuntary termination from her position. The Court determined that the officials did not act outside the scope of their authority. Instead, the Court found that the defendants were exercising business judgment based upon their knowledge of the business. With regards to the plaintiff's claims regarding her late annual evaluation, the Court determined that the PERSONNEL POLICIES AND PROCEDURES MANUAL (hereinafter PERSONNEL MANUAL) had already provided the plaintiff with the sole relief for such a violation by her supervisors. The Court also held that the plaintiff's action for involuntary termination be dismissed because the plaintiff failed to establish that a termination ever occurred. Additionally, the Court determined that the plaintiff had been afforded sufficient procedural due process during the demotional transfer. This was evidenced by the fact that it was these due process protections that allowed the plaintiff to save her employment by reasoning with her superiors to allow a demotional transfer rather than a termination. Therefore, the Court granted the *Motion to Dismiss*.

NOVEMBER 03, 2006

Morning Star Leonard v. Julie Nakai, Floor Sales Supervisor of Ho-Chunk Bingo et al., CV 02-45 Order (*Final Judgment*) (HCN Tr. Ct., Nov. 3, 2006). (Matha, T).

The Court had to determine whether the defendants improperly denied the plaintiff a minimum full-time employee work schedule. The Court concluded that the relevant statutory language does not create and entitlement to work a defined amount of hours. The Court accordingly denied the plaintiff's request for relief.

NOVEMBER 08, 2006

Faye Begay v. Jean Day, Executive Director of the HCN Education Dep't et al., CV 03-09 Order

(*Final Judgment*) (HCN Tr. Ct., Nov. 8, 2006). (Rockman, A).

The Court had to determine whether to grant the plaintiff's request for relief. The Court held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. Specifically, the Court found that the defendants failed to provide the plaintiff with a meaningful opportunity to be heard. Thus, the Court reverses the plaintiff's termination and awards appropriate relief.

NOVEMBER 09, 2006

Stewart A. Miller v. HCN Legislature, et al., CV 99-22 Order (*Final Judgment*) (HCN Tr. Ct., Nov. 9, 2006). (Rockman, A).

The Court had to determine whether to grant the plaintiff's request for relief. The plaintiff requested both declaratory and monetary relief against the defendants. The plaintiff claimed that the defendants acted outside the scope of their authority in suspending the plaintiff. The Court determined that the Legislature did not act outside the scope of its authority granted to them by the CONSTITUTION as it relates to internal legislative procedures. Thus, the plaintiff could not receive equitable relief on that ground, as the Legislature did not waive its sovereign immunity. However, the Legislature still had to abide by the constitutional mandates of due process as articulated within CONSTITUTION, ART. X, § 1(a)(8). The Court determined that the Legislature failed to afford the plaintiff his minimal procedural due process protections. Namely, the plaintiff was not provided with adequate notice of a hearing that would take place on the matter, nor that any disciplinary action would be taken against him. Thus, the Court granted the plaintiff's request that the Department of Personnel remove all negative references connected to the proceedings that led to the plaintiff's suspension. However, the Court did not award any monetary relief despite a denial of due process because there was no waiver of sovereign immunity, and the plaintiff failed to adhere to the terms of the limited waiver of sovereign immunity within the former PERSONNEL MANUAL.

OCTOBER 09, 2006

In the Interest of Minor Child: D.R.O., DOB 01/12/96, by Victoria J. Ortiz v. HCN Office of Tribal Enrollment, CV 06-38 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 9, 2006). (Rockman, A).

The Court previously released funds from the Children's Trust Fund (hereinafter CTF) accounts of the child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

OCTOBER 10, 2006

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 05-83 Order (Show Cause) (HCN Tr. Ct., Oct. 10, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with an automobile and automobile insurance. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.



OCTOBER 11, 2006

In the Interest of Minor Child: D.L.H., DOB 03/25/89, by Cynthia Hopinka v. HCN Office of Tribal Enrollment, CV 06-19 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court had to determine whether to dismiss the instant case. The petitioner requested access to CTF monies. The respondent asked the Court not to release funds until the petitioner provided corroborating documentation. The petitioner has

not presented the relevant documentation in over six (6) months. Therefore, the Court dismissed the action without prejudice.

In the Interest of Adult CTF Beneficiary: by Chaska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment, CV 05-108 Order (Show Cause) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with continuing education. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.

In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87 and In the Interest of Minor Child: T.A.C., DOB 02/19/90, by Orvilla R. White Eagle and In the Interest of Minor Child: R.G.C., DOB 07/27/92, by June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Show Cause) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court previously released funds from the CTF account of Tyler A. Cloud, DOB 10/31/87, for costs associated with a variety of concerns. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.

In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87 and In the Interest of Minor Child: T.A.C., DOB 02/19/90, by Orvilla R. White Eagle and In the Interest of Minor Child: R.G.C., DOB 07/27/92, by June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Show Cause) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court previously released funds from the CTF account of T.A.C., DOB 02/19/90, and R.G.C., DOB 07/27/92, for costs associated with a variety of concerns. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.

In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Denying Request) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court previously informed the petitioner that any release of monies from her CTF account was contingent upon current school attendance. The petitioner began school, however only attended for two (2) weeks before ceasing to attend. Therefore, the Court denied the petitioner's request for a release for costs associated with rent or utilities.

OCTOBER 16, 2006

In the Interest of Minor Child: C.C.R., DOB 10/02/90, by Christian M. Roth v. HCN Office of Tribal Enrollment, CV 06-66 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court previously released funds from the Children's Trust Fund (hereinafter CTF) accounts of the child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Demanding Accounting) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with rental assistance. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: S.R.W., DOB 07/11/03, by Errol S. Whitewing v. HCN Office of Tribal Enrollment, CV 06-78 Order (Petition Granted) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court had to determine whether a parent can access his Children's Trust Fund account to pay for costs associated with orthodontic procedures. The Court granted the request.

OCTOBER 24, 2006

In the Interest of Minor Child: L.H.C., DOB 03/05/01, by Isabel L. Smith v. HCN Office of Tribal Enrollment, CV 06-79 Order (Dismissal without

Prejudice) (HCN Tr. Ct., Oct. 24, 2006). (Matha, T).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

NOVEMBER 09, 2006

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 05-83 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court previously released funds from the Children's Trust Fund (hereinafter CTF) accounts of the child for costs associated with the purchase of an automobile. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

NOVEMBER 14, 2006

In the Interest of Minor Children: M.W., DOB 12/16/93; Z.W., DOB 12/27/95; Z.W., DOB 01/02/98 v. HCN Office of Tribal Enrollment, CV 06-71 Order (Motion Granted) (HCN Tr. Ct., Nov. 14, 2006). (Rockman, A).

The Court had to determine whether a parent can access his Children's Trust Fund account to pay for costs associated with dental procedures. The Court granted the request.

NOVEMBER 15, 2006

In the Interest of Minor Child: D.R.M., DOB 05/12/99, by Sherry McKinley v. HCN Office of Tribal Enrollment, CV 06-107 Order (Petition Granted) (HCN Tr. Ct., Nov. 15, 2006). (Rockman, A).

The Court had to determine whether a parent can access his Children's Trust Fund account to pay for costs associated with the purchase of hearing instruments. The Court granted the request.

NOVEMBER 17, 2006

In the Interest of Minor Child: L.A.L., DOB 01/15/89, by Levi A. Lincoln, Sr. v. HCN Office of Tribal Enrollment, CV 06-110 Order (Petition Granted) (HCN Tr. Ct., Nov. 17, 2006). (Matha, T).

The Court had to determine whether a parent can access his Children's Trust Fund account to pay for

costs associated with orthodontic procedures. The Court granted the request.

NOVEMBER 20, 2006

In the Interest of Minor Child: K.T., DOB 09/25/89, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV 06-91 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

The Court granted the petitioner's request to appear by telephone at the *Fact-Finding Hearing*.

NOVEMBER 27, 2006

In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87 and In the Interest of Minor Child: T.A.C., DOB 02/19/90, by Orvilla R. White Eagle and In the Interest of Minor Child: R.G.C., DOB 07/27/92, by June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Contempt) (HCN Tr. Ct., Nov. 27, 2006). (Matha, T).

The Court previously released funds from the CTF account of Tyler A. Cloud, DOB 10/31/87, for costs associated with a variety of concerns. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court convened a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court. However, the petitioner failed to attend the Hearing, resulting in an inability to rebut the prima facie showing of contempt. The Court held the petitioner in contempt and imposed a reasonable remedial sanction.

In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87 and In the Interest of Minor Child: T.A.C., DOB 02/19/90, by Orvilla R. White Eagle and In the Interest of Minor Child: R.G.C., DOB 07/27/92, by June E. White Thunder v. HCN Office of Tribal Enrollment, CV 05-92 Order (Contempt) (HCN Tr. Ct., Nov. 27, 2006). (Matha, T).

The Court previously released funds from the CTF account of T.A.C., DOB 02/19/90, and R.G.C., DOB 07/27/92, for costs associated with a variety of concerns. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court convened

a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court. However, the petitioner failed to attend the Hearing, resulting in an inability to rebut the prima facie showing of contempt. The Court held the petitioner in contempt and imposed a reasonable remedial sanction.

In the Interest of Minor Children: N.T.B., DOB 04/03/96; N.T.B., DOB 12/21/98; and N.T.B., DOB 08/13/01, by Robert TwoBears v. HCN Office of Tribal Enrollment, CV 06-72 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 27, 2006). (Rockman, A).

The Court previously released funds from the Children's Trust Fund (hereinafter CTF) accounts of the children for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: M.L.D., DOB 04/05/01, by Terry T. Deloney v. HCN Office of Tribal Enrollment, CV 05-58 Order (Establishing Contempt Fine) (HCN Tr. Ct., Nov. 27, 2006). (Matha, T).

The Court had to determine whether to establish a sum certain in a contempt action for purposes of recognition and enforcement in a foreign court. The respondent invited the Court to issue a writ of execution on the petitioner's property. The Court declined this invitation because it deems its prior contempt sanction as self-executing. The Court shall reduce its judgment to a sum certain, while recognizing the ongoing status of the civil contempt penalty.

In the Interest of Minor Children: T.J.M., DOB 10/25/88 and A.M.M., DOB 07/02/90, by Kenda Tarr v. HCN Office of Tribal Enrollment, CV 03-83 Order (Establishing Contempt Fine) (HCN Tr. Ct., Nov. 27, 2006). (Matha, T).

The Court had to determine whether to establish a sum certain in a contempt action for purposes of recognition and enforcement in a foreign court. The respondent invited the Court to issue a writ of execution on the petitioner's property. The Court declined this invitation because it deems its prior contempt sanction as self-executing. The Court

shall reduce its judgment to a sum certain, while recognizing the ongoing status of the civil contempt penalty.

NOVEMBER 29, 2006

In the Interest of Minor Child: M.L.P., DOB 05/21/95, by Barbara J. Lowe v. HCN Office of Tribal Enrollment, CV 06-76 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 29, 2006). (Matha, T).

The Court convened a continued *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

In the Interest of Adult CTF Beneficiary: Carl M. Steen-Wilson, DOB 01/26/86 v. HCN Office of Tribal Enrollment, CV 06-35 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 29, 2006). (Matha, T).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.



INCOMPETENT TRUST FUND (ITF)

OCTOBER 04, 2006

In the Interest of Adult Incompetent: G.D.G., DOB 01/03/43, by Alma Miner v. HCN Office of Tribal Enrollment, CV 05-16 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 4, 2006). (Matha, T).

The Court previously released funds from the Incompetent Trust Fund (hereinafter ITF) accounts of the adult incompetent member for costs associated with outstanding debts, including judicially imposed fines. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

OCTOBER 10, 2006

In the Interest of Adult Incompetent: B.N.F., DOB 09/03/86, by Alaine A. Yingst v. HCN Office of Tribal Enrollment, CV 05-59 Order (Accepting

Accounting) (HCN Tr. Ct., Oct. 10, 2006). (Matha, T).

The Court previously released funds from the ITF account for costs associated with a personal computer and to satisfy attorney's fees. The petitioner submitted a payment history statement, confirming proper use of the funds. The Court accepted this accounting.

OCTOBER 11, 2006

In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara Meltesen v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 11, 2006). (Matha, T).

The Court previously released funds from the ITF account for costs associated with ongoing nursing home care, medical-related debts and professional guardianship service fees. The petitioner submitted receipts, confirming proper use of the funds. The Court accepted this accounting.

OCTOBER 12, 2006

In the Interest of Adult Incompetent: R.A.H., DOB 07/01/21, by Gerald L. Paar v. HCN Office of Tribal Enrollment, CV 98-64 Order (Motion Granted) (HCN Tr. Ct., Oct. 12, 2006). (Matha, T). The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with a tombstone for a departed spouse. The Court granted the request.

OCTOBER 16, 2006

In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65, by Dolli Big John v. HCN Office of Tribal Enrollment, CV 00-83 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court previously released funds from the ITF account for costs associated with household accommodations. The petitioner submitted a payment history statement, confirming proper use of the funds. The Court accepted this accounting.

OCTOBER 18, 2006

In the Interest of Adult Incompetent: B.G.S., DOB 02/07/80, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Accepting

Accounting) (HCN Tr. Ct., Oct. 18, 2006). (Matha, T).

The Court previously released funds from the ITF account for costs associated with an assisted vacation. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

NOVEMBER 08, 2006

In the Interest of Adult Incompetent: A.W.T., DOB 07/04/80, by Patricia A. Johnston-Thundercloud v. HCN Office of Tribal Enrollment, CV 06-52 Order (Petition Granted) (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).

The Court had to determine whether a legal guardian can access monies on behalf of an adult incompetent member from the ITF to establish a monthly allowance. The Court granted the request.

In the Interest of Adult Incompetent: R.A.H., DOB 07/01/21, by Gerald L. Paar v. HCN Office of Tribal Enrollment, CV 98-64 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).

The Court previously released funds from the ITF account for costs associated with a purchasing a tombstone for a departed spouse. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

NOVEMBER 09, 2006

In the Interest of Adult Incompetent: G.D.G., DOB 01/03/43, by Alma Miner v. HCN Office of Tribal Enrollment, CV 05-16 Order (Demanding Accounting) (HCN Tr. Ct., Nov. 9, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with rental assistance. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

NOVEMBER 13, 2006

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/66, by Kyle M. Funmaker v. HCN Office of Tribal Enrollment, CV 96-87 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 13, 2006). (Rockman, A).

The Court previously released funds from the ITF account for costs associated with day services program, which includes vocational and educational training and communal integration. The petitioner submitted an account statement, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Adult Incompetent: B.F.R., DOB 09/18/19, by Dorothy Lenard v. HCN Office of Tribal Enrollment, CV 02-95 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 13, 2006). (Rockman, A).

The Court previously released funds from the ITF account for costs associated with ongoing nursing home care. The petitioner submitted a payment history, confirming proper use of the funds. The Court accepted this accounting.

NOVEMBER 15, 2006

In the Interest of Adult Incompetent: E.M.S., DOB 02/01/55, by Cecelia Sine v. HCN Office of Tribal Enrollment, CV 03-27 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 15, 2006). (Rockman, A).

The Court previously released funds from the ITF account for costs associated with updating her home, reimbursement to Residential Services for payments made on behalf of the ward, reimbursement of her living allowance, and disbursement of an ongoing living allowance for E.M.S. The petitioner submitted a series of account statements, invoices, receipts, etc., confirming proper use of the funds. The Court accepted this accounting.

NOVEMBER 22, 2006

In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment, CV 04-22 Order (Motion Denied) (HCN Tr. Ct., Nov. 22, 2006). (Matha, T).

The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with maintaining a residence, *i.e.*, replacing carpeting and purchasing new furniture. The Court denied the request because the member has never resided in the home.

NOVEMBER 28, 2006

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/60, by Jon B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110 Order (Motion Granted) (HCN Tr. Ct., Nov. 28, 2006). (Rockman, A).

The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with ongoing guardian services. The Court granted the request.

 **FAMILY CASES**

 **DIVORCE**

OCTOBER 11, 2006

In re the Marriage of: Gilman E. Lincoln, Sr. and Agnes Shongo Lincoln, FM 06-07 Final Judgment for Divorce (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).

The parties jointly filed the *Petition for Divorce (Without Minor Children)*, thereby consenting to the personal jurisdiction of the Court. The petitioner is an enrolled member of the Ho-Chunk Nation and has resided in the State of Wisconsin for at least six (6) consecutive months prior to filing of the petition. The parties stated that the marriage is irretrievably broken with no possibility of reconciliation.



NOVEMBER 28, 2006

In re the Marriage of: Lynette Rae Hopinkah and William Jones Kemp, I, FM 06-10 Final Judgment for Divorce (HCN Tr. Ct., Nov. 28, 2006). (Rockman, A).

The parties jointly filed the *Petition for Divorce (Without Minor Children)*, thereby consenting to the

personal jurisdiction of the Court. The petitioner is an enrolled member of the Ho-Chunk Nation and has resided in the State of Wisconsin for at least six (6) consecutive months prior to filing of the petition. In addition, the petitioner has resided on HCN territory for at least six (6) consecutive months prior to the filing. The parties stated that the marriage is irretrievably broken with no possibility of reconciliation.

 **DOMESTIC VIOLENCE**

OCTOBER 16, 2006

In the Interest of Elder Person, by HCN Dep't of Soc. Servs., DV 06-06 Order (Final Judgment) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court had to determine whether the respondents violated the HO-CHUNK NATION ELDER ABUSE PROTECTION ACT OF 2001. The petitioner accused the respondents of elder exploitation, and presented clear and convincing evidence of such cause of action. The Court granted relief in the form of restitution.

 **JUVENILE CASES**



OCTOBER 02, 2006

In the Interest of Minor Child: H.M.A-S., DOB 05/22/04, JV 98-20 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 2, 2006). (Rockman, A).

The Court appointed a GAL in this matter.

OCTOBER 09, 2006

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Entrance of Plea) (HCN Tr. Ct., Oct. 9, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent entered a plea of not guilty, after being advised as to her rights as a parent as set forth in the HOCAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), §3.22d. The Court accordingly schedules a *Trial*.

OCTOBER 10, 2006

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; A.M.M., DOB 11/01/02, JV 06-21-23 Order (Entrance of Plea) (HCN Tr. Ct., Oct. 9, 2006). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent entered a plea of not guilty, after being advised as to her rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly schedules a *Trial*.

In the Interest of Minor Child: S.J.W., DOB 02/10/93, JV 04-12 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 10, 2006). (Matha, T).

The Court granted the party's request to appear by telephone.

In the Interest of Minor Children: V.J.F., DOB 09/26/98 and I.D.F., DOB 03/30/02, JV 03-39-40 Order (Continuation of Guardianship Hearing) (HCN Tr. Ct., Oct. 10, 2006). (Matha, T).

The Court convened a *Guardianship Hearing* for the purpose of determining whether to appoint a temporary guardian of the person of minor children. At that time, the parent requested a continuance, after being advised as to his rights as a parent as set forth in the CHILDREN'S ACT, §3.17h. The Court accordingly reschedules the *Guardianship Hearing*, so as to provide time for the parent to obtain legal representation.

OCTOBER 11, 2006

In the Interest of Minor Children: L.L.T., DOB 06/23/96; R.R.T., DOB 03/16/94; L.S.T., DOB 01/20/93, JV 05-01-03 Order (Child Protection

Review Hearing) (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).

The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court performed this review in accordance with the CHILDREN'S ACT, §3.40, and determined to maintain the status quo.

In the Interest of Minor Child: S.M.J., DOB 11/25/88, JV 98-21 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).

The Court granted the party's request to appear by telephone.

In the Interest of Minor Child: H.D.J., DOB 11/25/88, JV 98-20 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).

The Court granted the party's request to appear by telephone.

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; A.M.M., DOB 11/01/02, JV 06-21-23 Order (Entrance of Plea-Redacted) (HCN Tr. Ct., Oct. 11, 2006). (Rockman, A).

The Court confirms the confidential nature of protection proceedings. Therefore, the Court provided this redacted order to aid the parent in obtaining services for minor children entrusted to his care via unsupervised visitation.

OCTOBER 12, 2006

In the Interest of Minor Child: S.J.W., DOB 02/10/93, JV 04-12 Order (Conditional Termination of Jurisdiction) (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).

The Court conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court determined to conditionally terminate its jurisdiction.

OCTOBER 16, 2006

In the Interest of Minor Children: J.R.P., DOB 02/27/92 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Granting Emergency Temporary Legal &

Physical Custody) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court had to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor children. The Court entered this *Order* as necessary to ensure the safety of the children. At the scheduled *Initial Hearing*, the parent(s), guardian(s), and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by CFS.

In the Interest of Minor Children: J.R.P., DOB 02/27/92 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Continuance of Guardianship Hearing) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court convened a *Guardianship Hearing* for the purpose of determining whether to appoint a temporary guardian of the person of minor children. At that time, the parent requested a continuance, after being advised as to his rights as a parent as set forth in the CHILDREN'S ACT, §3.17h. The Court accordingly reschedules the *Guardianship Hearing*, so as to provide time for the parent to obtain legal representation.

In the Interest of Minor Children: K.M.C., DOB 04/11/90 and Q.J.C., DOB 08/07/92, JV 06-05-06 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 16, 2006). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: S.M.J., DOB 11/25/88, JV 98-21 Order (Entrance of Plea) (HCN Tr. Ct., Oct. 16, 2006). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At the time, the parent entered a plea of not guilty, after being advised as to her rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly schedules a *Trial*.

OCTOBER 17, 2006

In the Interest of Minor Child: H.D.J., DOB 11/25/88, JV 98-20 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 17, 2006). (Rockman, A).

The Court granted the individual's request to appear by telephone.

OCTOBER 18, 2006

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Dispositional Requirements) (HCN Tr. Ct., Oct. 18, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing*. The Court had to assess the extent and scope of the dispositional recommendations proposed by CFS, and elevated certain recommendations to the status of requirements.

In the Interest of Minor Children: Y.M.R., DOB 08/19/04; Y.J.R., DOB 06/24/05; A.A., DOB 03/23/98; V.A., DOB 02/28/00, JV 06-09-12 Order (Second Continuance of Child Protection Review Hearing) (HCN Tr. Ct., Oct. 18, 2006). (Rockman, A).

The Court convened a *Child Protection Review Hearing*. At that time, the parents requested a continuance, after being advised as to their rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly reschedules the *Child Protection Review Hearing*, so as to provide time to obtain legal representation.

OCTOBER 19, 2006

In the Interest of Minor Children: L.C., DOB 03/14/97; M.C., DOB 10/11/99; C.K., DOB 02/08/04; C.K., DOB 06/20/05, JV 06-29-32 Order (Granting Emergency Temporary Legal & Physical Custody) (HCN Tr. Ct., Oct. 19, 2006). (Matha, T).

The Court had to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor children. The Court entered this *Order* as necessary to ensure the safety of the children. At the scheduled *Initial Hearing*, the parent(s), guardian(s), and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by CFS.

OCTOBER 20, 2006

In the Interest of Minor Children: J.R.P., DOB 02/27/92 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Continuance of Plea Hearing) (HCN Tr. Ct., Oct. 20, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At that time, the parent requested a continuance, after being advised as to her rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly reschedules the *Plea Hearing*, so as to provide time to obtain legal representation.

OCTOBER 24, 2006

In the Interest of Minor Children: L.C., DOB 03/14/97; M.C., DOB 10/11/99; C.K., DOB 02/08/04; C.K., DOB 06/20/05, JV 06-29-32 Order (Initial Emergency Hearing) (HCN Tr. Ct., Oct. 24, 2006). (Matha, T).

The Court convened the *Initial Emergency Hearing* to discuss the legal and procedural status of the instant action with the parties, to notify the parties of their need to attend a *Plea Hearing*, and to advise the parties of their rights. The Court emphasized that it will conduct the civil proceedings in an informal manner and encourages liberal participation. Additionally, the Court notified the parties of the ability to request continuances for good cause.

OCTOBER 25, 2006

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 25, 2006). (Matha, T).

The Court granted the individual's request to appear by telephone.

In the Interest of Minor Children: L.C., DOB 03/14/97; M.C., DOB 10/11/99; C.K., DOB 02/08/04; C.K., DOB 06/20/05, JV 06-29-32 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Oct. 25, 2006). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 26, 2006

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; A.M.M., DOB 11/01/02, JV 06-21-23 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Oct. 26, 2006). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 27, 2006

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Formal Trial) (HCN Tr. Ct., Oct. 27, 2006). (Matha, T).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. The mother of the minor child failed to attend the proceeding, but CFS still needed to satisfy its burden of proof. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

OCTOBER 31, 2006

In the Interest of Minor Children: K.M., DOB 10/18/93; S.M., DOB 11/18/92; S.M., DOB 12/13/95; A.R., DOB 09/06/01; A.R., DOB 06/16/04; A.M., DOB 03/14/06, JV 06-33-38 Order (Granting Emergency Temporary Legal & Physical Custody) (HCN Tr. Ct., Oct. 31, 2006). (Matha, T).

The Court had to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor children. The Court entered this *Order* as necessary to ensure the safety of the children. At the scheduled *Initial Hearing*, the parent(s), guardian(s), and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by CFS.

NOVEMBER 01, 2006

In the Interest of Minor Children: K.M., DOB 10/18/93; S.M., DOB 11/18/92; S.M., DOB 12/13/95; A.R., DOB 09/06/01; A.R., DOB 06/16/04; A.M., DOB 03/14/06, JV 06-33-38 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Nov. 1, 2006). (Matha, T).

The Court appointed a GAL in this matter.

NOVEMBER 06, 2006

In the Interest of Minor Child: J.M.D., DOB 03/29/06, JV 06-14 Order (Granting Legal & Physical Custody) (HCN Tr. Ct., Nov. 6, 2006). (Matha, T).

The Court had to determine whether to grant legal and/or physical custody of the above-named minor child. The Court entered this *Order* as necessary to ensure the safety of the children. At the *Child Protection Hearing*, the parent(s), guardian(s),

and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by CFS.

In the Interest of Minor Child: A.P.H., DOB 08/26/05, JV 05-28 Order (Conditional Appointment of Permanent Guardian) (HCN Tr. Ct., Nov. 6, 2006). (Rockman, A).

The Court had to determine whether to appoint a permanent guardian for the minor child. After a careful weighing of all the presented evidence, the Court deemed that such an appointment would be within the minor child's best interests.

NOVEMBER 13, 2006

In the Interest of Minor Children: C.C.P., DOB 02/03/93 and G.L.P., DOB 06/10/94, JV 03-25-26 Reissued Order (Conditional Appointment of Permanent Guardian) (HCN Tr. Ct., Nov. 13, 2006). (Rockman, A).

The Court had to determine whether to appoint a permanent guardian for the minor children. After a careful weighing of all the presented evidence, the Court deemed that such an appointment would be within the minor children's best interests.

In the Interest of Minor Children: V.M.B., DOB 06/26/89; M.L.E.B., DOB 05/18/90; D.J.B., DOB 09/21/99, JV 05-29-31 Order (Supplementing Dispositional Requirements) (HCN Tr. Ct., Nov. 13, 2006). (Matha, T).

The Court previously conducted the *Modification Hearing*. At the *Hearing*, the Court had to determine whether to supplement the dispositional recommendations as requested by CFS. The parent concurred with the request, leading the Court to modify its earlier dispositional order.

NOVEMBER 14, 2006

In the Interest of Minor Child: J.M.D., DOB 03/29/06, JV 06-14 Order (Child Protection Review Hearing) (HCN Tr. Ct., Nov. 14, 2006). (Matha, T). The conducted a *Child Protection Review Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court performed this review in accordance with the CHILDREN'S ACT, §3.40, and determined to maintain the status quo.

NOVEMBER 16, 2006

In the Interest of Minor Child: M.T.G., DOB 10/05/04, JV 04-38 Order (Conditional Dismissal) (HCN Tr. Ct., Nov. 16, 2006). (Matha, T).

The Court had to determine whether to relinquish jurisdiction in order to afford the parents the ability to voluntarily seek a termination of rights within the state judicial system. Tribal governing law prohibits this Court from terminating parental rights. CHILDREN'S ACT, §3.3d. However, the HCN Traditional Court has previously declined to prevent a parent from voluntarily terminating his parental rights, provided that the parent knowingly and willingly made the determination. The Court shall accordingly conditionally terminate its jurisdiction over the instant case, which shall coincide with the anticipated filing of petitions in state court. The Court rendered this decision so as to avoid the possibility of two (2) jurisdictions claiming exclusive subject matter jurisdiction over a juvenile protection proceeding.

NOVEMBER 17, 2006

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Dispositional Requirements) (HCN Tr. Ct., Nov. 17, 2006). (Matha, T).

The Court conducted the *Dispositional Hearing*, in accordance with the CHILDREN'S ACT. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS.

NOVEMBER 20, 2006

In the Interest of Minor Children: J.R.P., DOB 02/27/06 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Nov. 22, 2006). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: S.M.J., DOB 11/25/88, JV 98-21 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 20, 2006). (Rockman, A).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d..

In the Interest of Minor Child: H.D.J., DOB 11/25/88, JV 98-20 Order (Termination of

Jurisdiction) (HCN Tr. Ct., Nov. 20, 2006). (Rockman, A).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d.

In the Interest of Minor Children: J.R.P., DOB 02/27/92 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Continuance of Guardianship Hearing) (HCN Tr. Ct., Nov. 20, 2006). (Matha, T).

The Court convened a *Guardianship Hearing* for the purpose of determining whether to appoint a temporary guardian of the person of minor children. At that time, neither the petitioning party, appointed guardian, nor parents appeared at the *Hearing*. The Court accordingly reschedules the *Guardianship Hearing*, so as to ascertain the wishes of all of the parties.

NOVEMBER 22, 2006

In the Interest of Minor Children: L.M.P., DOB 05/12/90, et al., JV 03-01-02 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 22, 2006). (Matha, T).

The Court granted the individual's request to appear by telephone at the *Initial Plea Hearing*.

In the Interest of Minor Children: S.M., DOB 11/18/92; K.M., DOB 10/18/93; S.M., DOB 12/13/95; A.M., DOB 09/16/01; A.M. DOB 06/16/04; A.M., DOB 03/14/06, JV 06-33-38 Order (Entrance of Plea) (HCN Tr. Ct., Nov. 22, 2006). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At that time, two of the parents entered a plea of not guilty, after being advised as to their rights as a parent as set forth in the CHILDREN'S ACT, §3.22d. The Court accordingly schedules a *Trial*.

NOVEMBER 28, 2006

In the Interest of Minor Children: K.M.C., DOB 04/11/90 and Q.J.C., DOB 08/07/92, JV 06-05-06 Order (Establishment of Child Support) (HCN Tr. Ct., Nov. 28, 2006). (Matha, T).

The Court had to determine whether to establish a child support obligation for the month of the minor

children. The CHILDREN'S ACT provides the Court with this authority, so long as it effects proper service of process. Thus, the Court erects such a financial obligation.

In the Interest of Minor Children: J.R.P., DOB 02/27/92 and L.M.P., DOB 05/12/90, JV 03-01-02 Order (Entrance of Plea) (HCN Tr. Ct., Nov. 28, 2006). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the temporary guardian of the minor children wished to contest the allegations contained in the *Child/Family Protection Petition*. At that time, the Court entered a plea of not guilty on behalf of the temporary guardian due to her failure to attend the proceeding. The Court accordingly schedules a *Trial*.

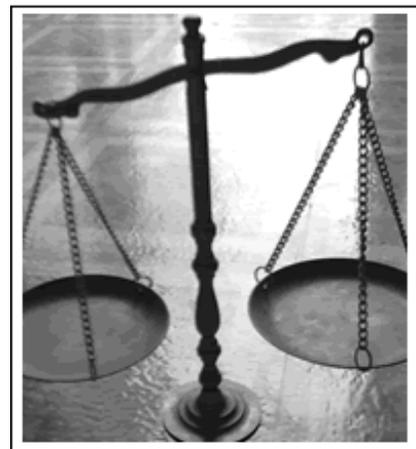
NOVEMBER 29, 2006

In the Interest of Minor Child: D.C.Y., DOB 04/12/06, JV 06-39 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Nov. 29, 2006). (Matha, T).

The petitioner filed a *Petition for Temporary Guardianship* of the minor child with the Court. The Court subsequently scheduled a *Guardianship Hearing*. In accordance with CHILDREN'S ACT, § 3.45c(1), the Court requests that CFS prepare and submit a guardianship report and home study to the Court.

SUPREME COURT

NO RECENT DECISIONS





RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

OCTOBER 18, 2006

State of Wisconsin v. John M. Lowe and Brittini M. Fish, CS 06-51. (Matha, T).

OCTOBER 19, 2006

Larry M. Ostensen v. Sande E. Decorah-Ostensen, CS 06-52. (Matha, T).

OCTOBER 26, 2006

Jennifer S. Geoffrey v. Lee J. Biard, CS 06-53. (Rockman, A).

Holly Allain v. Lee J. Biard, CS 06-54. (Rockman, A).

OCTOBER 28, 2006

Jessica E. Parisien v. Steven A. Kaquatosh, CS 06-55. (Matha, T).

Maria Mayotte v. Steven A. Kaquatosh, CS 06-56. (Matha, T).



CIVIL GARNISHMENT

OCTOBER 3, 2006

Credit Acceptance Corp. v. Kelly Potts a/k/a Waldow, CG 06-68. (Matha, T).

Creditor Recovery Service v. Mary Locey, CG 06-69. (Matha, T).

OCTOBER 18, 2006

Linda Webber v. Leland Whitegull, CG 06-70. (Matha, T).

OCTOBER 25, 2006

Alliance Collection Agencies v. Crystal E. Wilson, CG 06-71. (Matha, T).

Alliance Collection Agencies v. Nyree D. Kedrowski, CG 06-72. (Matha, T).

Check & Cash, LLC v. Sherrie Eisenhut, CG 06-73. (Matha, T).

NOVEMBER 8, 2006

Tomah Memorial Hospital v. Brian S. LaMere, CG 06-74. (Matha, T).

Alliance Collection Agencies v. Nadene Lamb, CG 06-75. (Matha, T).

Alliance Collection Agencies v. Curtis Wayne White Eagle, CG 06-76. (Matha, T).

NOVEMBER 22, 2006

Creditor Recovery Service v. Diane Davis, CG 06-77. (Matha, T).

NOVEMBER 27, 2006

Creditor Recovery Service v. John P. McKeel, CG 06-78. (Matha, T).



CIVIL CASES

OCTOBER 3, 2006

In the Interest of Minor Child: S.R.W., DOB 07/11/03, by Errol S. WhiteWing v. HCN Office of Tribal Enrollment, CV 06-79. (Matha, T).

OCTOBER 9, 2006

In the Interest of Adult CTF Beneficiary: Neva Littlegeorge, DOB 09/24/85 v. HCN Office of Tribal Enrollment, CV 06-80. (Matha, T).

OCTOBER 10, 2006

HCN and HCN Business Dep't v. Ivan Garduno, CV 06-81. (Rockman, A).

OCTOBER 11, 2006

In the Interest of Minor Child: S.F.S., DOB 11/09/90, by Marcella C. Snowball v. HCN Office of Tribal Enrollment, CV 06-82. (Rockman, A).

HCN and HCN Business Dep't v. Melissa S. Farmer, CV 06-83. (Rockman, A).

OCTOBER 17, 2006

In the Interest of Adult CTF Beneficiary: Joseph R. Hammer, DOB 09/02/82 v. HCN Office of Tribal Enrollment, CV 06-84. (Matha, T).

HCN Business Dep't v. Mike Stansberry II, CV 06-85. (Matha, T).

HCN Business Dep't v. Claudio Palacio, CV 06-86. (Matha, T).

HCN Business Dep't v. Becky Vargas, CV 06-87. (Matha, T).

HCN Business Dep't v. Robert Douglas, CV 06-88. (Matha, T).

HCN Business Dep't v. Shawn Labenz, CV 06-89. (Matha, T).

HCN Business Dep't v. Leisa Moore, CV 06-90. (Matha, T).

OCTOBER 18, 2006

In the Interest of Minor Child: K.T., DOB 09/25/89 v. HCN Office of Tribal Enrollment, CV 06-91. (Matha, T).

OCTOBER 19, 2006

HCN Business Dep't v. Roberto Tepolt, CV 06-92. (Matha, T).

HCN Business Dep't v. Katrina Neises, CV 06-93. (Matha, T).

HCN Business Dep't v. Jamie Terwall, CV 06-94. (Matha, T).

HCN Business Dep't v. Evelyn Seitz, CV 06-95. (Matha, T).

OCTOBER 20, 2006

HCN Housing & Community Development Agency v. Kevin Day, CV 06-96. (Matha, T).

HCN Housing & Community Development Agency v. Susanna Littlewolf, CV 06-97. (Matha, T).

OCTOBER 24, 2006

In the Interest of Minor Child: J.K.L., DOB 09/18/98, by Nyree Kedrowski v. HCN Office of Tribal Enrollment, CV 06-98. (Rockman, A).

Susan F. Bosgraaf v. HCN et al., CV 06-99. (Rockman, A).

OCTOBER 30, 2006

HCN Business Dep't v. Ashley R. Biesen, CV 06-100. (Matha, T).

HCN Business Dep't v. Dee Anna Boushon, CV 06-101. (Matha, T).

HCN Business Dep't v. Steven W. Carnell, CV 06-102. (Matha, T).

HCN Business Dep't v. Paul M. Hauge, CV 06-103. (Matha, T).

NOVEMBER 03, 2006

In the Interest of Minor Child: T.L.J., Jr., DOB 06/07/90, by Toby Jones Sr. v. HCN Office of Tribal Enrollment, CV 06-104. (Matha, T).

Deborah Witt v. Dep't of Personnel et al., CV 06-106. (Matha, T).

NOVEMBER 06, 2006

Paula A. Goulet v. HCN Ins. Review Bd., CV 06-105. (Rockman, A).

In the Interest of Minor Child: D.R.M., DOB 05/12/99, by Sherry A. McKinley v. HCN Office of Tribal Enrollment, CV 06-107. (Rockman, A).

In the Interest of Adult Incompetent: L.L.L., DOB 09/18/48, by Bertha Lowe v. HCN Office of Tribal Enrollment, CV 06-108. (Rockman, A).

NOVEMBER 15, 2006

George R. Lewis v. Election Board, Vice President, et al., CV 06-109. (Rockman, A).

In the Interest of Minor Child: L.A.L., DOB 01/15/89, by Levi A. Lincoln v. HCN Office of Tribal Enrollment, CV 06-110. (Matha, T).

NOVEMBER 17, 2006

In the Interest of Minor Child: E.C.L., DOB 04/13/93, by Valerie L. Lyons v. HCN Office of Tribal Enrollment, CV 06-111. (Matha, T).

NOVEMBER 20, 2006

In the Interest of Minor Child: D.M.B., DOB 04/20/94, by Helene M. Bean v. HCN Office of Tribal Enrollment, CV 06-112. (Rockman, A).

NOVEMBER 29, 2006

In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment, CV 06-113. (Matha, T).

In the Interest of Minor Child: D.T.L., DOB 04/25/89, by Katherine R. Littlejohn v. HCN Office of Tribal Enrollment, CV 06-114. (Matha, T).



NOVEMBER 14, 2006

Todd R. Matha v. Katie A. Funmaker-Matha, FM 06-11.



OCTOBER 3, 2006

In the Interest of Elder Person: O.G.C., DOB 03/03/43, DV 06-06. (Matha, T).



OCTOBER 13, 2006

In the Interest of Minor Child: L.C., DOB 03/14/97, JV 06-29. (Matha, T).

OCTOBER 19, 2006

In the Interest of Minor Child: M.C., DOB 10/11/99, JV 06-30. (Matha, T).

In the Interest of Minor Child: C.K., DOB 02/08/04, JV 06-31. (Matha, T).

In the Interest of Minor Child: C.K., DOB 06/20/05, JV 06-32. (Matha, T).

In the Interest of Minor Child: S.M., DOB 11/18/92, JV 06-33. (Rockman, A).

In the Interest of Minor Child: K.M., DOB 10/18/93, JV 06-34. (Rockman, A).

In the Interest of Minor Child: S.M., DOB 12/13/95, JV 06-35. (Rockman, A).

In the Interest of Minor Child: A.R., DOB 09/06/01, JV 06-36. (Rockman, A).

In the Interest of Minor Child: A.R., DOB 06/16/04, JV 06-37. (Rockman, A).

In the Interest of Minor Child: A.M., DOB 03/14/06, JV 06-38. (Rockman, A).

NOVEMBER 28, 2006

In the Interest of Minor Child: D.C.Y., DOB 04/12/06, JV 06-39. (Matha, T).

NOVEMBER 29, 2006

In the Interest of Minor Child: M.L.C., DOB 07/01/97, JV 06-40. (Matha, T).

In the Interest of Minor Child: M.C., DOB 10/23/98, JV 06-41. (Matha, T).

SUPREME COURT

NOVEMBER 13, 2006

Joyce L. Warner v. HCN et al., SU 06-05.

NOVEMBER 14, 2006

Robert Gerhartz v. HCN Gaming Comm'n, SU 06-06.





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

Supreme Court – Mary Jo B. Hunter, Chief Justice
 Mark D. Butterfield, Associate Justice
 Dennis Funmaker, Associate Justice

Traditional Court – Earl Blackdeer
 Donald Blackhawk
 Dennis Funmaker
 Jim Greendeer
 Douglas Greengrass
 Desmond Mike
 Douglas Red Eagle
 Preston Thompson, Jr.
 Eugene Thundercloud
 Morgan White Eagle
 Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
 Amanda L. Rockman, Associate Judge

Clerk of Court, Trial Court – Marcella Cloud
 Assistant Clerk of Court, Trial Court – Selina Joshua
 Assistant Clerk of Court, Trial Court – Jessi Cleveland
 Administrative Assistant – Margaret Wilkerson
 Bailiff – Sheena Schoen
 Staff Attorney – Jennifer L. Tilden
 Staff Attorney – Nicole M. Homer
 Supreme Court Clerk – Mary Endthoff

* 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)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
 (Region 10 — Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

- *Complaint*.....\$50.00
- *Petition for Release of Per Capita Distribution (Children’s Trust Fund)*\$50.00
- *Motion to Appear Pro Hac Vice*.....\$35.00
- Appellate Filing Fee.....\$50.00
- *Petition to Register and Enforce Foreign Judgment/Order*\$20.00
- Marriage License Fee.....\$50.00

Court Fees

- Copying\$0.10/page
- Faxing\$0.25/page (sending & receiving)
- CD of Hearings\$12.50/CD
- Deposition Videotape\$10.00/tape
- Certified Copies.....\$0.50/page
- Equipment Rental\$5.00/hour
- Admission to Practice\$50.00

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
 ELDER PROTECTION ACT, 4 HCC § 1.
 EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
 (for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

