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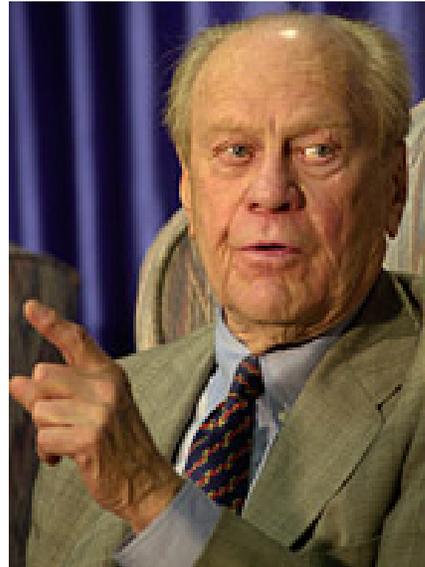
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HO-CHUNK NATION COURT BULLETIN

INDIAN COUNTRY REMEMBERS FORMER PRESIDENT GERALD R. FORD



38th President of the United States, Gerald R. Ford, 1913-2006

Amidst political turmoil, Gerald R. Ford became the first person to sit in the seat of Vice President and President without hitting the campaign trail. President Ford first obtained the seat of Vice President upon the resignation of Vice President Spiro T. Agnew in October of 1973. William Branigin and Debbi Wilgoren, WASHINGTON POST, *Nation Remembers Former President Ford* (visited Jan. 2, 2006) available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/02/AR2007010200281.html>. Prior to filling the Vice Presidential position, he was the Republican leader in the House of Representatives where he represented the state of Michigan. *Id.* The Senate voted to confirm Ford in November of 1973, and the House followed in December of the same year. *Id.* Eight months later, Ford assumed the presidency following the scandalous resignation of President Richard M. Nixon. Former NBC White House correspondent Tom Brokaw stated of Ford, “[h]e didn’t seek the office. . . [a]nd yet. . . he was not frightened of the task before

him.”

During his two and a half year tenure as President, Ford signed three (3) major pieces of legislation into law, one executive order, and one proclamation affecting Indian Country. On October 29, 1994, President Ford signed S. 3007, the Indian Claims Commission Appropriations Legislation. John Woolley and Gerhard Peters, THE AMERICAN PRESIDENCY PROJECT, *Statement on Signing Indian Claims Commission Appropriations Legislation* (visited Jan. 2, 2007) available at <http://www.presidency.ucsb.edu/ws/index.php?pid=4518>. The goal of this piece of legislation was to counter a negative provision found in the 1946 Act. *Id.* This negative provision required that Government-supplied food and provisions, valued at \$57 million, be used to offset the Sioux’s claims against the Government over lands in the Black Hills region of South Dakota. *Id.* Thus, S. 3007 would ensure that this provision would be defective, and thus not “totally wipe out the \$17.5 million original evaluation and leave the Sioux Indians with nothing.” *Id.*

On January 4, 1975, President Ford signed into law S. 1017, the Indian Self-Determination and Education Assistance Act. John Woolley and Gerhard Peters, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=4739>. The purpose of the first portion of this legislation was to provide Indian communities with the ability to operate programs under contracts with the Federal Government. *Id.* The Act authorized the Bureau of Indian Affairs to make grants to tribal organizations in order to provide training to its potential workers so as to carry out the programs. *Id.* The second portion, the Indian Education Assistance Act, provided tribes with a stronger role in approving and disapproving the use of funds for children in the public school systems. *Id.* This was a major piece of legislation that jump-started the self-determination era.

President Ford next signed Executive Order 11829, creating the Hopi-Navajo Land Settlement Interagency Committee, on January 6, 1975. John Woolley and Gerhard Peters, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=60459>. The President created this interagency

committee to help reach a resolution over the conflicting rights and interests of the Hopi and Navajo tribes. *Id.* In essence, the committee was to develop relevant information for and respond to requests of the Mediator appointed by the Director of the Federal Mediation and Conciliation Service. *Id.*



On October 1, 1976, President Ford signed his most controversial Indian legislation into law. That bill being S. 522, the Indian Health Care Improvement Act. John Woolley and Gerhard Peters, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=6399>. President Ford was aware that even though spending had increased from \$128 million in FY 1970 to \$425 million in FY 1977, American Indians were still far behind the rest of America when it came to achieving and maintaining good health. *Id.* Although President Ford realized that S. 522 was not without its faults, the President stressed that Title VII’s reporting provision would allow the administration to bring to the attention of Congress any changes needed to improve the Act. *Id.* Many in Ford’s Cabinet, as well as Republican politicians, urged the President to veto the bill because of its costliness. Mark Trahant, *Settle Post-Intelligencer, As a Nation, We’re Better Off When Politicians Work Together* (visited at Jan. 2, 2007) available at http://seattlepi.nwsourc.com/opinion/297604_trahant31.html. Specifically, the legislation would cost \$1.6 billion over five years. *Id.* “In retrospect, the clash over the Indian Health Care Improvement Act reads like the situation familiar to every president - 51 headstrong and intelligent people see it one way, 49 see it another way, and the president has to disappoint one of those large groups. Ford decided this one for Indians, and Indian health care has been on an improving curve

ever since.” Jerry Reynolds, INDIAN COUNTRY TODAY, *The Presidents: Gerald R. Ford* (visited Jan. 3, 2007) available at <http://www.indiancountry.com/content.cfm?id=1081281612>.



Last, with President Ford’s signing of proclamation 4468, came the Observance of Native American Awareness Week. John Woolley and Gerhard Peters, THE AMERICAN PRESIDENCY PROJECT, *Remarks in Lawton, Oklahoma, Upon Signing a Proclamation for the Observance of Native American Awareness Week* (visited Jan. 2, 2007) available at <http://www.presidency.ucsb.edu/ws/index.php?pid=6428>. Upon the signing of the proclamation, October 10-16, 1976 was deemed Native American Awareness Week. *Id.* President Ford remarked, “[m]y administration is equally determined that history is going to continue to be changed, that the Indian shall no longer be lowest in poverty and slimmest in opportunity, and we are making those changes now.” *Id.* Thus, with his picking up where President Nixon had left off, President Ford continued to allow Indian issues to have a place on the “national political landscape that had seldom if ever been so positive.” Jerry Reynolds, INDIAN COUNTRY TODAY, *The Presidents: Gerald R. Ford* (visited Jan. 3, 2007) available at <http://www.indiancountry.com/content.cfm?id=1081281612>.



UPDATES FROM OUTSIDE COURTS

United States Supreme Court

Cases decided (1)

- *BP America v. Burton et al.*, No. 05-669 (decided Dec. 11, 2006) (holding that administrative payment orders issued by the Interior Department's Minerals Management Service assessing royalty underpayments on oil and gas leases are not covered by the general six-year statute of limitations for government contract actions set out in 28 U.S.C. § 2415(a)).

Certiorari granted (1)

- *Zuni Public School District et al. v. Department of Education et al.*, No. 05-1508 (granted Sept. 26, 2006).

Certiorari denied (11)

- *Oneida Indian Nation of New York v. Peterman*, No. 06-470 (denied Dec. 4, 2006).
- *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).

Petition for Certiorari filed (5)

- *New Mexico v. Del E. Romero*, No. 06-765 (filed Nov. 28, 2006).
- *Burrell v. Armijo*, No. 06-721 (filed Nov. 21, 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).

Ninth Circuit Court of Appeals

Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 2006 WL 3489836 (9th Cir. 2006).

A Non-Native Hawai'ian applicant brought this suit against private high schools under § 1981, challenging the schools' policy of giving preference to students of Native Hawai'ian ancestry. The Ninth Circuit Court of Appeals affirmed in part and reversed in part. A rehearing en banc was then granted. The Ninth Circuit Court of Appeals held that the schools' policy of giving preference to students of Native Hawai'ian ancestry did not violate § 1981. Affirmed.

United States v. State of Oregon, 2006 WL 3478341 (9th Cir. 2006).

The United States brought this action against states on behalf of Indian tribes to define treaty fishing rights. The confederation of tribes intervened as a defendant, 43 F.3d 1284. The Ninth Circuit Court of Appeals held that an Indian reservation is not foreclosed by res judicata from asserting the claim of a constituent tribe to fishing rights as the requisite identity of claims between an earlier intervention attempt and the present injunction hearing did not exist and, consequently, res judicata did not apply. Reversed 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 CASES

DECEMBER 04, 2006

Autumn White v. Guillermo Ortiz, CS 06-50 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Dec. 4, 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.

Rose Delgado v. Edward Mendez, CS 98-69 Order (Modifying & Enforcing Child Support Arrears Withholding) (HCN Tr. Ct., Dec. 4, 2006). (Matha, T).

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

State of Wisconsin, ex rel. Marita C. Basina v. Anthony M. Basina, CS 06-29 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Dec. 4, 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/Sauk County v. Francina I. Williams, CS 05-86 Order (Cessation of Current Child Support) (HCN Tr. Ct., Dec. 4, 2006). (Matha, T).

The Court had to determine whether to cease withholding due to the minor child residing with the respondent. The Court accordingly ordered the cessation of current child support withholding.

State of Wisconsin and Lena R. Cleveland v. Tyrone E. Cloud, CS 06-43 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Dec. 4, 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.

DECEMBER 05, 2006

State of Wisconsin/Wood County v. Barbara S. Smith, CS 05-10 Order (Cessation of Current Child Support & Arrears) (HCN Tr. Ct., Dec. 5, 2006). (Rockman, A).

The Court had to determine whether to cease withholding due to the minor child becoming emancipated and the child support arrearage being paid in full. The Court accordingly ordered the cessation of current child support and arrearage withholding.

State of Wisconsin v. John M. Lowe and Brittini M. Fish, CS 06-51 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Dec. 5, 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.

DECEMBER 06, 2006

Robert M. Mobley v. Joyce M. St. Cyr, CS 99-37 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Dec. 6, 2006). (Matha, T).

The petitioner filed a motion to amend arrears withholding with a certified accounting statement. The Court ordered the Treasury Department to continue to withhold an amount, in accordance with a previous order, from the respondent's future per capita distributions until satisfaction of this debt obligation.



DECEMBER 07, 2006

State of Wisconsin/Shawano County v. Jeffrey Jay Rockman, CS 99-59 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Dec. 7, 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.

DECEMBER 08, 2006

Melanie Stacy n/k/a Two Bears v. Harrison J. Funmaker and State of Wisconsin/Sauk County et al., CV 96-48, CS 06-13 *Order (Ceasing & Enforcing Current Child Support)* (HCN Tr. Ct., Dec. 8, 2006). (Matha, T).

The Court had to determine whether to cease withholding due to the parties entering a stipulation agreement whereby they agreed to split placement and the termination of child support. The Court ceased the withholding with regards to the current child support in that case.

DECEMBER 11, 2006

Casey K. White v. Robert White, CS 06-58 *Order (Enforcing Child Support)* (HCN Tr. Ct., Dec. 11, 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 his acquiescence to the request for relief due to his initiation of the cause of action. Thus, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin/Cynthia Fowler v. Ronald v. Mallory, CS 99-01 *Order (Ceasing Current Child Support Withholding)* (HCN Tr. Ct., Dec. 11, 2006). (Matha, T).

The Court had to determine whether to cease withholding due to the minor child's emancipation and completion of school. The Court ordered the cessation of child support withholding.

State of Wisconsin/Eau Claire County v. Forrest M. Downey, Sr. and Eau Claire County v. Forrest M. Downey, Sr., CS 05-26, 33 *Order (Ceasing & Enforcing Current Child Support)* (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A).

The Court had to determine whether to cease withholding due to the parties entering a stipulation agreement based upon the fact that the parties are now residing with one another. The Court ordered the cessation of child support withholding in that case, but that withholding continue unchanged in the second case.

DECEMBER 12, 2006

State of Wisconsin/Sauk Co. v. Mitchell RedCloud and Cynthia Mobley v. Mitchell RedCloud, CS 02-33, 03-42 *Order (Modifying & Enforcing Child Support- Arrears)* (HCN Tr. Ct., Dec. 12, 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.

Melissa McGill v. Paul J. Smith and Chelsae L. Joe v. Paul J. Smith, CV 96-62, CS 03-44 *Order (Proof of High School Enrollment Not Filed- Modifying Child Support)* (HCN Tr. Ct., Dec. 12, 2006). (Matha, T).

The Court previously requested the parties to file proof of high school enrollment as the child turned eighteen (18) years of age. The petitioner failed to file such proof, thus the child support was accordingly ceased in one case, and modified in the remaining case to reflect such change in circumstances.

Michelle Lewis v. Dennis C. Lewis, CS 01-36 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Dec. 12, 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 accordingly modified the arrearage amount.

DECEMBER 13, 2006

Melanie Stacy n/k/a Two Bears v. Harrison J. Funmaker and State of Wisconsin/Sauk County et al., CV 96-48, CS 06-13 *Reissued Order (Ceasing & Enforcing Current Child Support- Per Capita & Wages)* (HCN Tr. Ct., Dec. 13, 2006). (Matha, T).

The Court had to determine whether to cease withholding due to the parties entering a stipulation agreement whereby they agreed to split placement and the termination of child support. The Court ceased the withholding with regards to the current child support for both per capita and wages, but continued to enforce withholding for arrears.

DECEMBER 14, 2006

Kerry Thompson v. Paul F. Sallaway and Jennifer L. White Eagle v. Paul F. Sallaway and Bonita L. Roy v. Paul F. Sallaway, CS 98-08, 00-14, 05-76 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Dec. 14, 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.

DECEMBER 15, 2006

Karen Breit v. James A. White, CS 98-02 Order (Cessation of Current Child Support & Arrears) (HCN Tr. Ct., Dec. 15, 2006). (Rockman, A).

The Court had to determine whether to cease withholding due to the minor child's emancipation and dropping out of school. The Court ordered the cessation of child support withholding.

DECEMBER 18, 2006

State of Wisconsin and Jennifer S. Geoffrey v. Lee J. Biard and State of Wisconsin and Holly Allain v. Lee J. Biard, CS 06-53-54 Default Judgment (Equitable Adjustment) (HCN Tr. Ct., Dec. 18, 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.

DECEMBER 27, 2006

Aubrey McCauley v. Keramy Funmaker and Viola M. Velasco v. Keramy Funmaker, CS 00-20, 06-46 Order (Erratum) (HCN Tr. Ct., Dec. 27, 2006). (Rockman, A).

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

 **CIVIL GARNISHMENT CASES**

NOVEMBER 30, 2006

Linda Webber v. Leland Peter Whitegull, CG 06-70 Order (Petition Granted) (HCN Tr. Ct., Nov. 30, 2006). (Matha, T).

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

judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, noting a lack of objection to wage withholding. The Court, therefore, grants the request for relief of the petitioner.

Alliance Collection Agencies, Inc. v. Curtis Wayne White Eagle, CG 06-76 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. Nadene Lamb, CG 06-75 Order (Default Judgment) (HCN Tr. Ct., Nov. 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.

DECEMBER 05, 2006

Check & Cash, LLC v. Sherrie Eisenhut, CG 06-73 Order (Default Judgment) (HCN Tr. Ct., Dec. 5, 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.

DECEMBER 11, 2006

Alliance Collection Agencies, Inc. v. Nyree D. Kedrowski, CG 06-72 Order (Petition Granted in Part) (HCN Tr. Ct., Nov. 30, 2006). (Matha, T).

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

judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, noting a partial satisfaction of the debt. The Court, therefore, grants the remaining request of the petitioner.

DECEMBER 13, 2006

Creditor Recovery Service, LLC v. Diane Davis, CG 06-77 *Order (Default Judgment)* (HCN Tr. Ct., Dec. 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.

DECEMBER 29, 2006

Alliance Collection Agencies, Inc. v. Nyree D. Kedrowski, CG 06-72 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Dec. 29, 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.

Tomah Memorial Hospital v. Brian S. LaMere, CG 06-74 *Order (Default Judgment)* (HCN Tr. Ct., Dec. 29, 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**

DECEMBER 07, 2006

HCN Health & Social Services v. Kim Whitewing et al., CV 05-45 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Dec. 7, 2006). (Rockman, A).

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.



DECEMBER 27, 2006

HCN Dep't of Veterans Affairs and HCN v. Allyson Finch, CV 06-14 *Amended Scheduling Order* (HCN Tr. Ct., Dec. 27, 2006). (Rockman, A).

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

 **GENERAL COUNCIL ACTIONS**

George Lewis v. HCN Election Board et al., CV 06-109 *Scheduling Order* (HCN Tr. Ct., Dec. 12, 2006). (Rockman, A).

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

 **CONTRACTS**

NOVEMBER 30, 2006

HCN Dep't of Business et al. v. Sharon E. Labenz n/k/a Bunderson, CV 06-89 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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*, i.e., a small claims money judgment.

HCN Dep't of Business et al. v. Steven W. Carnell, CV 06-102 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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*, i.e., a small claims money judgment.

HCN Dep't of Business et al. v. Melissa S. Farmer CV 06-83 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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*, i.e., a small claims money judgment.



DECEMBER 12, 2006

HCN Dep't of Business et al. v. Jammie Terwall a/k/a Tammy Terwall & Harry Terwall, CV 06-94 *Order (Default Judgment)* (HCN Tr. Ct., Dec. 12, 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*, i.e., a small claims money judgment.

DECEMBER 19, 2006

HCN Dep't of Business et al. v. Jeffrey A. Brohn, CV 06-73 *Order (Default Judgment)* (HCN Tr. Ct., Dec. 19, 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*, i.e., a small claims money judgment.



DECEMBER 05, 2006

Mary Bernhardt v. HoCak Construction, LLC and HCN Dep't of Housing, CV 05-22 *Decision and Order* (HCN Tr. Ct., Dec. 5, 2006). (Vele, K).

The Court had to determine whether the plaintiff's action was barred by the STATUTE OF LIMITATIONS AND COMMENCEMENT OF CLAIMS, 2 HCC § 14c1. The Court determined that the statute of limitations began tolling when the final payments were tendered, and more importantly when the plaintiff first discovered the deficiencies in the defendant-builder's work as evidenced by her refusing to move into the residence. Because this occurred in September 2000, the plaintiff's claims are barred because the action for breach of contract should have commenced within three years of this occurrence.

DECEMBER 12, 2006

HCN Dep't of Housing Property Management Division v. Sammy L. Griner, Jr. & Elizabeth Rodriguez, CV 05-85 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Dec. 12, 2006). (Rockman, A).

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.

DECEMBER 29, 2006

HCN Property Management v. Rose Walker, CV 06-18 *Eviction Order (Default Judgment)* (HCN Tr. Ct., Dec. 29, 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 Property Management v. Rose Walker, CV 06-18 *Writ of Restitution* (HCN Tr. Ct., Dec. 29, 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.



ENROLLMENT

DECEMBER 04, 2006

Cornelius Decora, on behalf of Minors: J.D., DOB 09/17/85; S.D., DOB 03/20/87; F.D., DOB 06/14/88; and B.D., DOB 11/22/89 v. Adam Hall, HCN Tribal Enrollment Officer et al., CV 03-25 *Decision and Order* (HCN Tr. Ct., Dec. 4, 2006). (Vele, K).

Plaintiff filed this action on behalf of his minor children in order to seek enrollment of the children. Plaintiff sought the assistance of both the Clan Mothers and the Traditional Court. The Clan Mothers made clear that they supported the enrollment of the children. They indicated that the Ho-Chunk Nation follows the lineage of the father. The Clan Mothers then encouraged the plaintiff to seek the assistance of the Traditional Court. The plaintiff sought the assistance of the Traditional Court. The Traditional Court provided the plaintiff with a written description of what the traditions and customs of the HCN are with regards to lineage. Despite the articulation of tradition and custom by the Clan Mothers and Traditional Court, several changes in the enrollment process ultimately led to the denial of the children's enrollment with the HCN. The Trial Court ruled that the writing provided by the Traditional Court was a decision rendered by such Court, rather than an articulation of tradition and custom. As a decision, it was found not to be appealable to the Trial Court.



EMPLOYMENT

DECEMBER 08, 2006

Pamela K. Snowball v. HCN et al., CV 02-119 *Order (Final Judgment)* (HCN Tr. Ct., Dec. 8, 2006). (Matha, T).

The Court had to determine whether to reverse the decision to terminate the plaintiff's employment. The Court declined to take such action since it

found that the plaintiff violated federal, state and tribal requirements for the reporting of suspected child abuse. Specifically, the Court determined that the plaintiff inappropriately disclosed the alleged incident of abuse to an unauthorized individual. Thus, the Court denied the plaintiff's request for relief. The Court upheld the termination decision of the defendants.



DECEMBER 18, 2006

Kenneth Lee Twin v. Toni McDonald et al., CV 06-77 *Order (Remanding to Grievance Review Board)* (HCN Tr. Ct., Dec. 18, 2006). (Matha, T).

The Court had to determine whether to uphold the decision of the Grievance Review Board (hereinafter GRB). The GRB failed to adhere to the directives of the HCN Supreme Court. The Court accordingly remanded the matter to the GRB, directing it to comply with the appellate decision.

DECEMBER 21, 2006

Sherry Wilson v. HCN Dep't of Personnel, CV 05-43 *Order (Order upon Remand)* (HCN Tr. Ct., Dec. 21, 2006). (Matha, T).

The Supreme Court previously reversed and remanded a decision that the Court rendered in an employment action. The Supreme Court instructed the Court to conduct further proceedings, which the Court deemed unnecessary due to the fact that the matter previously proceeded to trial. Within this decision, the Supreme Court announced and imposed a liberal pleading requirement for *pro se* litigants. However, the Court has always acknowledged the disadvantages of a *pro se* litigant, and has thus attempted to provide an appropriate level of assistance without overstepping the ethical line of judge versus advocate. The Supreme Court cast the issue as one concerning amendment to

pleadings. However, the Court questions whether the issue should instead be one of joinder. If joinder was the issue, the case would not have been dismissed because the supervisor would have not proven to be an indispensable party. Instead, the Court would have joined the supervisor pursuant to *Ho-Chunk Nation Rules of Civil Procedure*, Rule 24.

The defendant, within its *Answer*, had instructed the plaintiff that she failed to name her supervisor as a defendant, and thus her claim of negligence by this supervisor should fail. Even with this notice, it did not appear that the plaintiff wished to name the supervisor as a defendant. First, the Court and parties understood that the matter could still progress through the GRB. Second, the plaintiff did not pursue the allegation of negligence against the supervisor at trial in any way. And last, the plaintiff did not portray her supervisor as acting outside the scope of his authority at trial, but instead that she could expect his willing cooperation. For these reasons, the Court reasserts its dismissal given Supreme Court precedent on the issue of joinder.



ADMINISTRATIVE APPEALS

DECEMBER 11, 2006

Willard Lonetree v. Larry Garvin, CV 06-74 Order (Notice of Oral Argument) (HCN Tr. Ct., Dec. 11, 2006). (Matha, T).

The petitioner requested that the Court entertain oral arguments within his *Initial Brief*. The Court, within its discretion, granted the request.

DECEMBER 18, 2006

Thomas Quimby v. HCN et al., CV 05-91 Order (Notice of Oral Argument) (HCN Tr. Ct., Dec. 18, 2006). (Rockman, A).

The petitioner requested that the Court entertain oral arguments within his *Reply Brief*. The Court, within its discretion, granted the request.



CHILDREN'S TRUST FUND (CTF)

DECEMBER 01, 2006

In the Interest of Minor Child: C.S., DOB 07/10/95, by Tara Snowball v. HCN Office of Tribal Enrollment, CV 05-81 Order (Motion Granted) (HCN Tr. Ct., Dec. 1, 2006). (Matha, T).

The Court previously granted a release of the Children's Trust Fund (hereinafter CTF) for purposes of orthodontic care of the minor child. The petitioner provided a partial accounting of the disbursed funds, but the Court did not close the case file. The petitioner filed a motion for release of CTF monies related to the ongoing orthodontic care of the minor. A family relocation permitted only a partial usage of the aforementioned funds. Thus, the petitioner sought to finish the orthodontic treatment through another dental provider. The respondent consented to the proposed usage of funds. The Court granted the motion.

DECEMBER 05, 2006

In the Interest of Minor Children: D.L., DOB 05/27/91; M.L., DOB 10/21/93; and M.L., DOB 05/28/99, by Doracita Lonetree v. HCN Office of Tribal Enrollment, CV 06-26 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 5, 2006). (Matha, T).

The Court previously released funds from the CTF accounts of the child for costs associated with private school tuition and musical instruments and introductory lessons. The petitioner submitted a final receipt, confirming proper use of the funds. The Court accepted this accounting.

DECEMBER 11, 2006

In the Interest of Minor Child: J.L.K., DOB 09/18/98, by Nyree Kedrowski v. HCN Office of Tribal Enrollment, CV 06-98 Order (Petition Granted in Part) (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with eye wear. The Court granted the request.

In the Interest of Minor Child: S.F.S., DOB 11/09/90, by Marcella Snowball v. HCN Office of Tribal Enrollment, CV 06-82 Order (Petition Granted) (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

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 Order (Petition Granted) (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Adult CTF Beneficiary: Bruce Sanford, DOB 01/17/84 v. HCN Office of Tribal Enrollment, CV 06-55 Order (Denial of Petition) (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A).

The Court had to determine whether an adult can access monies from his CTF to pay for costs associated with the purchase of an automobile. The Court denied the request.

DECEMBER 12, 2006

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 (Requesting Accounting) (HCN Tr. Ct., Dec. 12, 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.

DECEMBER 15, 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., Dec. 15, 2006). (Matha, T).

The Court had to determine whether to grant a subsequent release of monies from the adult beneficiary's CTF. Pursuant to a previous *Order*, the petitioner filed proof of enrollment in school. The Court accordingly granted the subsequent release of funds for costs associated with rent.

DECEMBER 19, 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, by Rita June Wolf v. HCN Office of Tribal

Enrollment, CV 06-71 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 19, 2006). (Rockman, A).

The Court previously released funds from the CTF accounts of the 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.

DECEMBER 20, 2006

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 (Requesting Accounting) (HCN Tr. Ct., Dec. 20, 2006). (Rockman).

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.

DECEMBER 21, 2006

In the Interest of Minor Child: B.G.L., Jr., DOB 03/19/93, by Boye G. Ladd, Sr. v. HCN Office of Tribal Enrollment, CV 06-116 Order (Petition Granted) (HCN Tr. Ct., Dec. 21, 2006). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: J.L.K., DOB 09/18/98, by Nyree Kedrowski v. HCN Office of Tribal Enrollment, CV 06-98 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 21, 2006). (Rockman, A).

The Court previously released funds from the CTF accounts of the child for costs associated with eye wear. The petitioner submitted an invoice from Eau Claire Optical, confirming proper use of the funds. The Court accepted this accounting.

DECEMBER 28, 2006

In the Interest of Adult CTF Beneficiary: Donovan T. Littlejohn, DOB 04/25/89 v. HCN Office of Tribal Enrollment, CV 06-114 Order (Granting

Telephonic Appearance) (HCN Tr. Ct., Dec. 28, 2006). (Matha, T).

The Court granted the attorney's request to appear by telephone during the *Fact-Finding Hearing*.

In the Interest of Adult CTF Beneficiary: Joseph R. Hammer, DOB 09/02/82 v. HCN Office of Tribal Enrollment and In the Interest of minor child: K.T., DOB 09/25/89, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV 06-84, 91 Order (Petition Granted in Part) (HCN Tr. Ct., Dec. 28, 2006). (Matha, T).

The Court had to determine whether an adult can access monies from his CTF to pay for costs associated with emergency housing assistance and replacement of personal belongings due to a residential fire. In a consolidated action, the Court must also determine whether the parent can access monies on behalf of his minor child from the child's CTF for the same expenses. The Court granted the request in part. Specifically, the Court granted a release of monies associated with emergency rental assistance, appliances, furniture, modestly priced clothing, and renters insurance. However, the Court denied the requests for televisions and expensively priced clothing due to the fact that these requests did not represent necessities.

DECEMBER 29, 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., Dec. 29, 2006). (Matha, T).

The Court had to determine whether to grant a subsequent release of monies from the adult beneficiary's CTF. Pursuant to a previous *Order*, the petitioner filed proof of enrollment in school. The Court accordingly granted the subsequent release of funds for costs associated with basic utilities.

INCOMPETENT TRUST FUND (ITF)

DECEMBER 12, 2006

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 Order (Petition Granted) (HCN Tr. Ct., Dec. 12, 2006). (Rockman, A).

The Court had to determine whether a legal guardian can access monies on behalf of an adult incompetent member from the ITF to accommodate residential care. The Court granted the request.

In the Interest of Adult Incompetent: D.P.G., DOB 08/28/82, by Regina Taylor and Tony Salo v. HCN Office of Tribal Enrollment, CV 05-15 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 12, 2006). (Matha, T).

The Court previously released funds from the ITF accounts of the incompetent tribal member for costs associated with rent, utilities, and a personal allowance. The petitioner submitted a payment history statement, confirming proper use of the funds. The Court accepted this accounting.

DECEMBER 18, 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., Dec. 18, 2006). (Rockman, A).

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

DECEMBER 19, 2006

In the Interest of O.S.R., DOB 05/14/68, by Jean Ann Day v. HCN Office of Tribal Enrollment, CV 97-117 Order (Recusal Request Granted) (HCN Tr. Ct., Dec. 19, 2006). (Rockman, A).

The petitioner requested that the judge recuse herself due to a distant familial relationship. In accordance with *HCN Judicial Ethics*, § 4-2 (B), a judge or justice may recuse him/herself on his or her own discretion to avoid the appearance of impropriety." Therefore, the judge granted the recusal request.

 **FAMILY CASES**

The Court subsequently scheduled a *Guardianship Hearing*. In accordance with the HOČAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), § 3.45c(1), the Court requests that the 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 Children: M.L.C., DOB 07/01/97 and M.C., DOB 10/23/98, JV 06-40-41 Order (Submission of Traditional Relatives List) (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, the Court requests that CFS prepare and submit a list of the minor children's traditional relatives to the Court.

DECEMBER 01, 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 (Designation of Physical Custodian) (HCN Tr. Ct., Dec. 1, 2006). (Matha, T).

The CHILDREN'S ACT, §3.4 confirms the confidential nature of guardianship and protection proceedings. Thus, the Court provides this redacted order to aid the guardian and/or physical custodian in obtaining services for the minor child(ren) entrusted to his/her care.

In the Interest of Minor Child: S.J.W., DOB 02/10/93, JV 04-12 Order (Establishment of Child Support) (HCN Tr. Ct., Dec. 1, 2006). (Matha, T).

The Court had to determine whether to establish a child support obligation for the mother of the minor child. The CHILDREN'S ACT provides the Court with this authority, so long as it effects proper service of process. Thus, the Court erects a child support obligation.

In the Interest of Minor Child: S.J.W., DOB 02/10/93, JV 04-12 Order (Establishment of Child Support- Redacted) (HCN Tr. Ct., Dec. 1, 2006). (Matha, T).

The CHILDREN'S ACT, §3.4 confirms the confidential nature of guardianship and protection proceedings. Thus, the Court provides this redacted

 **DIVORCE****DECEMBER 28, 2006**

In re the Marriage of: Todd R. Matha and Katie Funmaker-Matha, FM 06-11 Final Judgment for Divorce (HCN Tr. Ct., Dec. 28, 2006). (Wabaunsee, A. J.).

The joint petitioners filed the *Petition for Divorce (Without Minor Children)*, thereby consenting to the personal jurisdiction of the Court. Additionally, the parties jointly filed a *Divorce Agreement* to be attached to the *Final Judgment*. The parties 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. The petitioner stated that the marriage is irretrievably broken with no possibility of reconciliation, whereas the respondent believed the opposite.

 **DOMESTIC VIOLENCE****NO RECENT DECISIONS** **JUVENILE CASES****NOVEMBER 29, 2006**

In the Interest of Minor Children: M.L.C., DOB 07/01/97 and M.C., DOB 10/23/98, JV 06-40-41 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.

order for purposes of child support withholding and related administration by the Ho-Chunk Nation Department of Treasury (hereinafter Treasury Department).

DECEMBER 05, 2006

In the Interest of Minor Child: S.J.W., DOB 02/10/93, JV 04-12 Order (Erratum) (HCN Tr. Ct., Dec. 5, 2006). (Matha, T).

The Court issues this *Erratum Order* to correct a clerical mistake in its last *Order*.

In the Interest of Minor Child: R.G.S., DOB 11/10/99, JV 06-28 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Dec. 5, 2006). (Rockman, A).

The Court appointed a GAL in this matter.



DECEMBER 06, 2006

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 (Denial of Motion to Reschedule Trial Date) (HCN Tr. Ct., Dec. 6, 2006). (Rockman, A).

The Court received a *Motion for Expedited Consideration and Motion to Reschedule Trial Date* from the petitioner. Opposing counsel would not agree to postpone the *Trial*. Thus, the Court reviewed the *Motion to Reschedule Trial Date* on an expedited basis. The basis for the *Motion* was the fact that the *Guardian Ad Litem Report* had not been submitted. However, past practice has indicated that Guardian Ad Litem often submit written reports on the day of either hearings or trials, and likewise make oral reports to the Court. Thus, the Court denied the *Motion*.

DECEMBER 08, 2006

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42 Order (Granting Emergency Temporary Legal & Physical Custody) (HCN Tr. Ct., Dec. 8, 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.

DECEMBER 12, 2006

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Dec. 12, 2006). (Rockman, A).

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

DECEMBER 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., Dec. 13, 2006). (Rockman, A).

The Court 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.

DECEMBER 14, 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., Dec. 14, 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 performed this review in accordance with the CHILDREN'S ACT, §3.40c, and determined to maintain the status quo.

DECEMBER 18, 2006

In the Interest of Minor Child: J.M.D., DOB 03/29/06, JV 06-14 Order (Appointment of

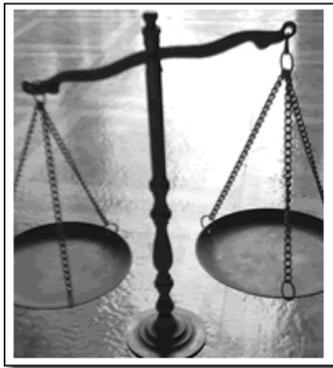
Guardian ad litem) (HCN Tr. Ct., Dec. 18, 2006). (Matha, T).

The Court appointed a GAL in this matter.

DECEMBER 19, 2006

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42 Order (Continuance of Plea Hearing) (HCN Tr. Ct., Dec. 19, 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, the father requested a continuance, after being advised as to his 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.



SUPREME COURT

DECEMBER 21, 2006

Joyce L. Warner v. HCN et al., SU 06-05 *Scheduling Order* (HCN Sup. Ct., December 21, 2006).

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

DECEMBER 26, 2006

Robert Gerhartz v. HCN Gaming Comm'n, SU 06-06 *Scheduling Order* (HCN Sup. Ct., December 26, 2006).

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

DECEMBER 29, 2006

George Lewis v. HCN Election Board et al., SU 06-07 *Scheduling Order* (HCN Sup. Ct., December 29, 2006).

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



RECENT FILINGS

TRIAL COURT



DECEMBER 12, 2006

Terri L. Thompson v. Dion J. Thompson, CS 06-59. (Matha, T).

Katherin A. Stojak v. Dion J. Thompson, CS 06-60. (Matha, T).

DECEMBER 13, 2006

Jerri Ann Lobermeier v. Ryan S. Thundercloud, CS 06-61. (Matha, T).

DECEMBER 19, 2006

Dawn Hunt & WI State Child Support v. Forrest Funmaker, CS 06-62. (Rockman, A).

DECEMBER 20, 2006

Leslie Rave v. Maynard Rave, Jr., CS 06-63. (Rockman, A).

Nicole V. Leonard v. Taylor J. Houghton, Sr., CS 06-64. (Rockman, A).



DECEMBER 04, 2006

Creditor Recovery Service v. Chiara Cleveland, CG 06-79. (Matha, T).

DECEMBER 12, 2006

Creditor Recovery Service v. Jerry D. McCrossen, CG 06-80. (Matha, T).

Cash Today, #201 v. Marlon White Eagle, CG 06-81. (Matha, T).

Cash Today, #201 v. Charles Hopinkah, CG 06-82. (Matha, T).

Cash Today, #201 v. Matthew Thundercloud, CG 06-83. (Matha, T).

DECEMBER 20, 2006

Alliance Collection Agencies Inc. v. Bryan J. Ringer, CG 06-84. (Matha, T).

Alliance Collection Agencies Inc. v. Amber A. Malone, CG 06-85. (Matha, T).

 **CIVIL CASES**

DECEMBER 18, 2006

Jeff/Lisa Harrison v. Nettie Kingsley, CV 06-115. (Rockman, A).

DECEMBER 19, 2006

In the Interest of Minor Child: B.G.L., Jr., DOB 03/19/93, CV 06-116. (Rockman, A).

In the Interest of Minor Child: M.G.W., DOB 07/09/95, by *Melody Whiteagle-Fintak*, CV 06-117. (Rockman, A).

DECEMBER 27, 2006

In the Interest of Minor Child: R.M.D., DOB 01/28/95, by *Ann Decorah*, CV 06-118. (Matha, T).

In the Interest of Minor Child: A.E.B., DOB 04/27/05, by *Francesca Bird*, CV 06-119. (Matha, T).

 **FAMILY**

DECEMBER 14, 2006

Iris M. Laes v. Richard J. Laes, FM 06-12. (Matha, T).

 **DOMESTIC VIOLENCE**

NO RECENT FILINGS

 **JUVENILE**

DECEMBER 07, 2006

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42. (Rockman, A).

SUPREME COURT

DECEMBER 15, 2006

George Lewis v. HCN Election Board et al., SU 06-07.



**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 – Vacant
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)





FEBRUARY 2007

VOL. 13, NO. 2

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Ho-Chunk Nation Judiciary
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 (715) 284-3136 Fax
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HO-CHUNK NATION

COURT BULLETIN

SPECIAL RECOGNITION FOR SUPREME COURT CHIEF JUSTICE MARY JO BROOKS HUNTER



HCN Chief Justice Mary Jo Brooks Hunter Receives Award from Chief Justice Russell A. Anderson of the Minnesota Supreme Court

Recently, the Ho-Chunk Nation Judiciary's own Supreme Court Chief Justice, Mary Jo Brooks Hunter, was honored by the Minnesota Judicial Branch for her pro bono work with the Hamline University School of Law Child Advocacy Clinic (online at http://www.hamline.edu/law/curriculum/clinics/child_advocacy.html, last visited February 14, 2007).

When not seated on the Nation's Supreme Court, Justice Brooks Hunter acts as an Associate Clinical Professor at Hamline University College of Law in St. Paul, Minnesota. Justice Brooks Hunter's work recently earned her recognition for her support of Minnesota's Guardian ad Litem (GAL) program; Hamline's child advocacy clinic has provided support and legal services to seventy-seven (77) GAL cases in the past years.



UPDATES FROM OUTSIDE COURTS

United States Court of Appeals for the Federal Circuit

Barry Lebeau v. United States, 2007 U.S. App. LEXIS 1471 (Fed. Cir. 2007).

A group of Sioux descendents were found to not be entitled to additional trust fund monies, despite the Department of Interior's breach of duties for unreasonably delaying payments to the members. A unanimous court ruled the members were entitled to the original trust amount, but not an additional \$1.9 million in damages.

United States Court of Appeals for the Ninth Circuit

Arakaki v. Lingle, 2007 U.S. App. LEXIS 2936 (9th Cir. 2007).

In a suit brought against named members of the Hawaiian government for alleged preferential treatment of persons of Native Hawaiian ancestry, the United States Supreme Court reversed and remanded the decision of the Ninth Circuit, finding a lack of standing to bring the instant action. On remand, the 9th Circuit ruled the citizens lacked standing to sue the Federal Government, and all claims against the federal government were dismissed.

United States Court of Appeals for the Eighth Circuit

State of South Dakota v. United States Dep't of the Interior, 2007 U.S. App. LEXIS 1879, (Jan. 29, 2007)

The 8th Circuit ruled that the United States Department of the Interior was permitted to take land into trust for the Santee Sioux Nation, despite the claims of the State of South Dakota that section 5 of the IRA is an unconstitutional delegation of

power, that the land fails to meet the required criteria, and that the land does not fall within the requirements of "Indian Country."

United States Court of Appeals for the Sixth Circuit

Sault Ste. Marie Tribe of Chippewa Indians v. Granholm, 2007 U.S. App. LEXIS 1944, (Jan. 30, 2007)

In a case brought against the Governor of the State of Michigan by six Indian nations regarding IGRA contracts entered into by the Governor's predecessor, the Sixth Circuit found that reversible error was committed by the failure of the lower court to accept extrinsic evidence regarding the meaning of the word "wager" as applied within the gaming compacts at issue.



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

JANUARY 03, 2007

State of Wisconsin v. Stanley Whiteeagle, CV 97-87 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 3, 2007). (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. Jesse J. Awonahopay, CS 04-32 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 3, 2007). (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.

Lucy K. Snake v. Roger D. Snake, CV 97-01 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 3, 2007). (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.

Antoinette Loch v. Larry R. Frostman, CS 03-49 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 3, 2007). (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.

JANUARY 09, 2007

State of Wisconsin/Jackson County v. Greg D. Henry, CS 99-64 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 9, 2007). (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.

Leslie Ann Rave v. Maynard A. Rave, Jr., CS 98-63 Order (Ceasing Current Child from Per Capita) (HCN Tr. Ct., Jan. 9, 2007). (Rockman, A).

The Court received an *Order Amending Support* issued by Jackson County Circuit Court. As a result the Court directed the HCN Department of Treasury to cease withholding per capita payments for child support.

State of Wisconsin/Jackson County v. Casey A. Fitzpatrick, CS 00-50 Order (Ceasing Arrearage Withholding from Per Capita) (HCN Tr. Ct., Jan. 9, 2007). (Rockman, A).

The Court ordered the cessation of child support arrearage withholding based upon the underlying state court order.

Mary Ann Dick v. Herman Foster Decorah, CS 06-16 Order (Ceasing Current Child Support Withholding) (HCN Tr. Ct., Jan. 9, 2007). (Rockman, A).

The Court received an *Order Suspending Support* issued by Monroe County Circuit Court. As a result the Court directed the HCN Department of Treasury to cease withholding per capita payments for child support.

State of Wisconsin, ex rel. Marita C. Basina v. Anthony M. Basina, CS 06-29 Order (Ceasing

Current Child Support Withholding) (HCN Tr. Ct., Jan. 9, 2007). (Matha, T).

The Court had to determine whether to cease withholding due to the minor child's emancipation and dropping out of school. The Court ordered the cessation of child support withholding.

Amanda Fanning v. Derek J. Fanning and Lisa M. Matchopatow v. Derek J. Fanning, CV 97-81, CS 99-72 *Order (Ceasing & Enforcing Current Child Support)* (HCN Tr. Ct., Jan. 9, 2007). (Rockman, A).

The Court had to determine whether to cease withholding due to the parties entering a stipulation agreement based upon the fact that the parties are now residing with one another. The Court ordered the cessation of child support withholding in that case, but withholding continued unchanged in the second case.

JANUARY 10, 2007

Jill M. Hartley v. Wendland O. White, CS 04-24 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jan. 10, 2007). (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.



Nicole V. Leonard v. Taylor J. Houghton, Sr., CS 06-64 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2007). (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.

State of WI and Dawn E. Hunt v. Forrest A. Funmaker, CS 06-62 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2007). (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.

Jerri Ann Lobermeier v. Ryan S. Thundercloud, CS 06-61 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Jan. 10, 2007). (Rockman, A).

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

JANUARY 12, 2007

Lucy K. Snake v. Roger D. Snake, CV 97-01 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Jan. 12, 2007). (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 August 2007 per capita distribution.

State of Wisconsin/Jackson County v. Jones Randall Funmaker, and *State of Wisconsin/Juneau Co. v. Jones R. Funmaker*, and *State of Wisconsin/Juneau Co. v. Jones R. Funmaker*, and *State of Wisconsin/Eau Claire Co. v. Jones R. Funmaker*, CS 05-56, 06-14, 06-24, 06-25 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The county closed its case due to arrears being paid in full. The Court accordingly grants the modification.

JANUARY 15, 2007

Larry M. Ostenson v. Sande E. Decorah-Ostenson, CS 06-52 *Order (Enforcing Child Support)* (HCN Tr. Ct., Jan. 15, 2007). (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 in writing, thus the Court granted recognition and enforcement of the foreign judgment.

Jerri Ann Lobermeier v. Ryan S. Thundercloud, CS 06-61 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).
The Court granted the petitioner's request to appear by telephone.

State of Wisconsin v. Barbara M. Funmaker, CS 07-01 Order (Enforcing Child Support) (HCN Tr. Ct., Jan. 15, 2007). (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 expressed her acquiescence to the request for relief in writing, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin and Velvet L. Cooper v. Martin J. Cooper, CS 06-57 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 15, 2007). (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.

State of Wisconsin/Jackson County and Karen Snow v. Greg D. Henry, CS 99-64 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Jan. 15, 2007). (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 August 2007 per capita distribution.

Antoinette Loch v. Larry R. Frostman, CS 03-49 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Jan. 15, 2007). (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 through the 2006/2007 school year.

Maria Mayotte v. Steven Kaquatosh, CS 06-56 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Jan. 15, 2007). (Matha, T).
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.

Jessica E. Parisien v. Steven Kaquatosh, CS 06-55 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Jan. 15, 2007). (Matha, T).
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.

JANUARY 16, 2007

State of Wisconsin v. Stanley Whiteeagle and State of Wisconsin v. Stanley G. Whiteeagle, CV 97-87, CS 05-38, Order (Modifying and Enforcing Child Support) (HCN Tr. Ct., Jan. 16, 2007). (Matha, T).
The Court had to determine whether to grant the petitioner's motion to modify. The petitioners requested a modification in current child support withholding. The respondent failed to respond timely. The Court granted the motion.

State of Wisconsin v. Jesse J. Awonahopay, CS 04-32 Order (Ceasing Current Child Support Withholding) (HCN Tr. Ct., Jan. 16, 2007). (Rockman, A).
The Court ordered the cessation of withholding from the respondent's per capita for current child support because the child has reached the age of majority.

Carol Garvin v. George Garvin, CV 01-27 Order (Recognizing & Enforcing Foreign Judgment) (HCN Tr. Ct., Jan. 16, 2007). (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.

Veronica Wilbur et al. v. Bernard L. Crowe and Sarah White Eagle v. Bernard L. Crowe, CV 96-54, 97-92, *Order (Ceasing Current Child Support Withholding)* (HCN Tr. Ct., Jan. 16, 2007). (Rockman, A).

The Court ordered the cessation of withholding from the respondent's per capita for current child support because the child has reached the age of majority.

Jill M. Hartley v. Wendland O. White, CS 04-24 *Order (Modifying Child Support & Impounding Per Capita)* (HCN Tr. Ct., Jan. 16, 2007). (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.

Dawn Young v. Dion Thompson and Stefanie Oilschlager v. Dion Thompson and Terri L. Thompson v. Dion Thompson and Katherine A. Stojak v. Dion Thompson, CV 96-86, CS 98-62, CS 06-59, CS 06-60 *Order (Equitable Adjustment)* (HCN Tr. Ct., Jan. 16, 2007). (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 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.

Tammy Cook v. Richard Cloud and Tammy M. Cook v. Richard A. Cloud, CV 97-139, CS 98-67 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Jan. 16, 2007). (Rockman, A).

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

JANUARY 23, 2007

Jerri Ann Lobermeier v. Ryan S. Thundercloud, CS CS 06-61 *Order (Enforcing Child Support)* (HCN Tr. Ct., Jan. 23, 2007). (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, nevertheless the Court granted recognition and enforcement of the foreign judgment.

JANUARY 29, 2007

Catherine Shegonee v. Daniel Youngthunder, Sr., CV 97-28 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jan. 29, 2007). (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.

JANUARY 30, 2007

Tara Pettibone v. Gregory Bird, CS 02-09 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jan. 30, 2007). (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 of Wisconsin v. Dean Hopinka, CV 97-46 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jan. 30, 2007). (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, Jackson County, on behalf of Shelley Thundercloud v. Kevin Vasquez, CS 99-19 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 30, 2007). (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.

Judith Ann Harbin Lujan v. Clinton Thunderchief, CS 05-72 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 30, 2007). (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.

Casey Whitegull v. Harriet M. Whitegull, CV 97-61 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Jan. 30, 2007). (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 and Kimberlee Ann Soldier v. Troy Joseph Soldier, CS 06-38 Order (Modifying

and Enforcing Child Support Arrears Withholding) (HCN Tr. Ct., Jan. 30, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

CIVIL GARNISHMENT CASES

JANUARY 3, 2007

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 06-80 Order (Default Judgment) (HCN Tr. Ct., Jan. 3, 2007). (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.

Cash Today #201 v. Marlon White Eagle, CG 06-81 Order (Default Judgment) (HCN Tr. Ct., Jan. 3, 2007). (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.



Cash Today #201 v. Charles Hopinkah, CG 06-82 Order (Default Judgment) (HCN Tr. Ct., Jan. 3, 2007). (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.

JANUARY 10, 2007

Alliance Collection Agencies, Inc. v. Amber A. Malone, CG 06-85 Order (Default Judgment) (HCN Tr. Ct., Jan. 10, 2007). (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.

JANUARY 18, 2007

Alliance Collection Agencies, Inc. v. Crystal E. Wilson, CG 06-71 *Order (Default Judgment)* (HCN Tr. Ct., Jan. 18, 2007). (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.

JANUARY 29, 2007

Creditor Recovery Service, LLC v. John P. McKeel, CG 06-78 *Order (Default Judgment)* (HCN Tr. Ct., Jan. 29, 2007). (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**

JANUARY 25, 2007

Patricia A. Lowe-Ennis v. Cash Systems, Inc. et al., CV 06-41 *Order (Notice of Oral Argument)* (HCN Tr. Ct., Jan. 25, 2007). (Matha, T).

The Court issued this order to provide notice of oral arguments in this case.

 **ADMINISTRATIVE APPEALS**

JANUARY 29, 2007

Joseph P. Marinan v. Ho-Chunk Gaming Commission, CV 06-56 *Order (Final Judgment)* (HCN Tr. Ct., Jan. 29, 2007). (Matha, T).

The Court declined to reverse the agency decision due to the petitioner's failure to truthfully respond to an unambiguous request for information on the gaming license application.

 **CHILDREN'S TRUST FUND (CTF)**

JANUARY 02, 2007

In the Interest of Minor Child: C.R., DOB 06/13/93, v. HCN Office of Tribal Enrollment, CV 06-68

Order (Requesting Accounting) (HCN Tr. Ct., Jan. 2, 2007). (Rockman, A).

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 Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment, CV 05-108 *Order (Accepting Accounting)* (HCN Tr. Ct., Jan. 2, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with continuing education and eye care. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: E.C.L., DOB 04/13/93 v. HCN Office of Tribal Enrollment, CV 06-111 *Order (Petition Granted)* (HCN Tr. Ct., Jan. 2, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

JANUARY 8, 2007

In the Interest of Minor Child: A.E.B., DOB 04/27/05 v. HCN Office of Tribal Enrollment, CV 06-119 *Order (Petition Granted)* (HCN Tr. Ct., Jan. 8, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

JANUARY 10, 2007

In the Interest of Minor Child: T.R.G., DOB 01/30/91 v. HCN Office of Tribal Enrollment, CV 07-03 *Order (Petition Granted)* (HCN Tr. Ct., Jan. 10, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay

for costs associated with orthodontic procedures. The Court granted the request.

JANUARY 15, 2007

In the Interest of Minor Child: T.W., DOB 04/09/93 v. HCN Office of Tribal Enrollment, CV 06-30 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with private school, tuition and expenses. 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.

JANUARY 18, 2007

In the Interest of Minor Child: J.R.D., DOB 02/01/95 v. HCN Office of Tribal Enrollment, CV 06-65 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 18, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with orthodontic procedures. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: M.L.P., DOB 05/21/95 v. HCN Office of Tribal Enrollment, CV 07-04 Order (Petition Denied) (HCN Tr. Ct., Jan. 18, 2007). (Matha, T).

The Court had to determine whether the parent could access CTF monies on behalf of a minor child for costs associated with purchasing a personal computer. Since the Court deems such expenditure unnecessary, the Court denied the request.

JANUARY 19, 2007

In the Interest of Minor Child: T.W., DOB 04/09/93 v. HCN Office of Tribal Enrollment, CV 06-30 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 19, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with private school tuition. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: B.K.W.B., DOB 02/10/91 v. HCN Office of Tribal Enrollment, CV 06-67 Order (Granting Petition) (HCN Tr. Ct., Jan. 19, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with private school tuition and expenses. The Court granted the request.

In the Interest of Minor Child: C.F.R., DOB 09/22/99 v. HCN Office of Tribal Enrollment, CV 07-02 Order (Petition Granted) (HCN Tr. Ct., Jan. 19, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with dental procedures. The Court granted the request.

JANUARY 22, 2007

In the Interest of Minor Child: D.M.B., DOB 04/20/94 v. HCN Office of Tribal Enrollment, CV 06-112 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 22, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the 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: T.L.J., Jr., DOB 06/07/90 v. HCN Office of Tribal Enrollment, CV 06-104 Order (Petition Denied) (HCN Tr. Ct., Jan. 22, 2007). (Rockman, A).

The Court had to determine whether the parent could access CTF monies on behalf of a minor child for costs associated with securing legal counsel. As a result of the absolute right to counsel in a criminal proceeding conferred by the Constitution of the United States, the Court denied the request.

JANUARY 29, 2007

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 (Accepting Accounting) (HCN Tr. Ct., Jan. 29, 2007). (Matha, T).

The Court previously released funds from the CTF account of minor child for costs associated with the

installation of a lap pool. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: T.W., DOB 04/09/93 v. HCN Office of Tribal Enrollment, CV 06-30 Order (Closing Case) (HCN Tr. Ct., Jan. 29, 2007). (Rockman, A).

The Court informed the parties of the intent to close the case if no objection was filed within ten (10) days.

JANUARY 31, 2007

In the Interest of Minor Child: M.G.W., DOB 07/09/95 v. HCN Office of Tribal Enrollment, CV 06-117 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jan. 31, 2007). (Rockman, A).

The petitioner failed to attend the fact-finding hearing, and did not notify the Court of an inability to attend the proceeding. Therefore, the Court dismissed the action without prejudice.

 **CONTRACTS**

JANUARY 02, 2007

HCN Nation & Ho-Chunk Nation Dep't of Bus. v. Paul M. Hauge, CV 06-103 Order (Default Judgment) (HCN Tr. Ct., Jan. 2, 2007). (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*, i.e., a small claims money judgment.



JANUARY 24, 2007

Ho-Chunk Nation and Ho-Chunk Nation Home Ownership Program v. Robert Michael Mobley, R & L Supply Co-op, Waste Management of WI, Capitol Auto Credit, Inc. and Baraboo National Bank, CV 06-24 Order (Erratum) (HCN Tr. Ct., Jan. 24, 2007). (Matha, T).

The Court issues this *Erratum Order* to correct a clerical mistake in its last *Order*.

 **EMPLOYMENT**

JANUARY 19, 2007

Jeneile Luebke v. Patricia Boyles, c/o Ho-Chunk Nation Health Dep't, CV 06-70 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 19, 2007). (Rockman, A).

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



JANUARY 30, 2007

Deborah Witt v. Dep't of Pers., Libby Fairchild & Linda Schumacher, CV 06-106 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jan. 30, 2007). (Matha, T).

The plaintiff informed the Court of her intention to withdraw the case during the discovery period. Therefore, the Court dismisses the action without prejudice.

JANUARY 30, 2007

Deborah Witt v. Dep't of Pers., Libby Fairchild & Linda Schumacher, CV 06-106 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jan. 30, 2007). (Matha, T).

The plaintiff informed the Court of her intention to withdraw the case during the discovery period. Therefore, the Court dismisses the action without prejudice.

 **GENERAL COUNCIL ACTIONS**

George Lewis v. HCN Election Board et al., CV 06-109 Order (Motion Denied) (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).

The Court denies the defendant's motion for reconsideration on the grounds of mootness. Since

the Court had previously granted the plaintiff's request for an injunction to preserve the status quo, and since the scheduled special election was not held, the motion was denied for lack of a case or controversy.

HOUSING

JANUARY 4, 2007

Ho-Chunk Nation Property Management v. Evans A. Littlegeorge, CV 05-95 Order (Satisfaction of Judgment) (HCN Tr. Ct., Jan. 4, 2007). (Matha, T).

The Court recognized that the debt had been paid in full and informed the parties of its intent to close the file.

JANUARY 23, 2007

HCN Property Management v. Troy Nakai & Sonia Roberts, CV 05-88 Scheduling Order (HCN Tr. Ct., Jan. 23, 2007). (Rockman, A).

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

INCOMPETENT TRUST FUND (ITF)

JANUARY 2, 2007

In the Interest of B.F.R., DOB 09/18/19 v. HCN Office of Tribal Enrollment, CV 02-95 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 2, 2007). (Matha, T).

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

JANUARY 12, 2007

In the Interest of Adult Incompetent G.D.G., DOB 01/03/43 v. HCN Office of Tribal Enrollment, CV 05-16 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

The Court previously released funds from the ITF accounts of the incompetent tribal member for costs associated with outstanding debts. The petitioner submitted a payment history statement, confirming proper use of the funds. The Court accepted this accounting.

JANUARY 24, 2007

In the Interest of Adult Incompetent H.C., DOB 01/31/31 v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 24, 2007). (Rockman, A).

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

FAMILY CASES



DIVORCE

NO RECENT DECISIONS

DOMESTIC VIOLENCE

NO RECENT DECISIONS

JUVENILE CASES

JANUARY 2, 2007

In the Interest of Minor Child: D.A.F., DOB 09/16/88, JV 03-16 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jan. 2, 2007). (Matha, T).

The Court terminated jurisdiction over and supervision of the instant case.

JANUARY 3, 2007

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 3, 2007). (Rockman, A).

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

JANUARY 4, 2007

In the Interest of Minor Child: L.M., DOB 01/08/92, JV 98-14 Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 4, 2007). (Rockman, A).

The Court 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: N.L.W., DOB 09/22/96, JV 06-42 Order (Continuance of Plea Hearing) (HCN Tr. Ct., Jan. 4, 2007). (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, the father requested a continuance, after being advised as to his rights as a parent as set forth in the HO-CHUNK NATION FAMILY AND CHILDREN'S ACT (hereinafter CHILDREN'S ACT), §3.22d. The Court accordingly reschedules the *Plea Hearing*, so as to provide time to obtain legal representation.

JANUARY 9, 2007

In the Interest of Minor Child: J.R.P., DOB 02/27/92, JV 03-01-02 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 9, 2007). (Matha, T).

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

JANUARY 11, 2007

In the Interest of Minor Child: H.M.A-S., DOB 05/22/04, JV 06-20 Order (Denial of Petition) (HCN Tr. Ct., Jan. 11, 2007). (Matha, T).

The Court had to determine whether to grant permanent guardianship in the instant action. The Court denied the petition because it did not conform to the requirements of the CHILDREN'S ACT, and does not coincide with the child's best interests.

JANUARY 12, 2007

In the Interest of Minor Child: D.C.Y., DOB 04/12/06, JV 06-39 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

The Court had to determine whether to appoint a successor temporary guardian of the minor child,

pursuant to the CHILDREN'S ACT. The Court deemed that such an appointment was within in the minor child's best interests.

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Establishment of Child Support- Redacted) (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

The CHILDREN'S ACT, §3.4 confirms the confidential nature of guardianship and protection proceedings. Thus, the Court provides this redacted order for purposes of child support withholding and related administration by the Ho-Chunk Nation Department of Treasury.

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Establishment of Child Support) (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

The Court had to determine whether to establish a child support obligation for the parents of the minor child. 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.

JANUARY 15, 2007

In the Interest of Minor Child: J.D.J., DOB 12/18/86, JV 98-19 Order (Terminating Child Support Obligations) (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).

The court removed the obligation of the child's mother to continue providing ongoing child support.

In the Interest of Minor Child: S.M.J., DOB 11/25/88, JV 98-21 Order (Terminating Child Support Obligations) (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).

The court removed the obligation of the child's mother to continue providing ongoing child support.

In the Interest of Minor Child: D.C.Y., DOB 04/12/06, JV 06-39 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Jan. 15, 2007). (Matha, T).

The Court appointed a GAL in this matter.

JANUARY 16, 2007

In the Interest of Minor Child: L.M., DOB 01/08/92, JV 98-14 Order (Submission of Traditional

Relatives List) (HCN Tr. Ct., Jan. 16, 2007). (Rockman, A).

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, the Court requests that CFS prepare and submit a list of the minor children's traditional relatives to the Court.



In the Interest of Minor Children: R.L.C., DOB 07/01/97, M.C., DOB 10/23/98, JV 06-40, 06-41 Order (Dismissal of Petition) (HCN Tr. Ct., Jan. 12, 2007). (Matha, T).

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

JANUARY 22, 2007

In the Interest of Minor Child: D.R.W., DOB 08/12/04, JV 05-07, Order (Motion Denied) (HCN Tr. Ct., Jan. 22, 2007). (Rockman, A).

The Court denied the petitioner's motion for a status hearing.

JANUARY 23, 2007

In the Interest of Minor Children: P.M.S., DOB 01/14/91; P.A.S., DOB 01/14/91, JV 98-06, 98-07, Order (Child Placement Hearing) (HCN Tr. Ct., Jan. 23, 2007). (Rockman, A).

The conducted a *Child Placement Hearing*. The Court had to assess the placement of the above-named minor children.

In the Interest of Minor Child: H.M.A.-S., DOB 05/22/04, JV 06-20 Order (Partially Granting Motion) (HCN Tr. Ct., Jan. 23, 2007). (Matha, T).

The Court granted the extension of a deadline to submit the visitation schedule and dispositional progress report.

JANUARY 25, 2007

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, 05-30, 05-31 Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 25, 2007). (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.

In the Interest of Minor Child: R.G.S., DOB 11/10/99, JV 06-28 Order (Denial of Petition) (HCN Tr. Ct., Jan. 25, 2007). (Rockman, A).

The Court had to determine whether to grant permanent guardianship in the instant action. The Court denied the petition because it did not conform to the requirements of the CHILDREN'S ACT, and does not coincide with the child's best interests.

In the Interest of Minor Children: K.M.C., DOB 04/11/90 and Q.J.C., DOB 08/07/92, JV 906-05, 06-06, Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 25, 2007). (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.

JANUARY 29, 2007

In the Interest of Minor Child: S.C., DOB 03/04/91, JV 07-03 Order (Submission of Traditional Relatives List) (HCN Tr. Ct., Jan. 29, 2007). (Rockman, A).

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, the Court requests that CFS prepare and submit a list of the minor children's traditional relatives to the Court.

JANUARY 30, 2007

In the Interest of Minor Children: J.C., DOB 04/10/04, A.C., DOB 01/31/06, JV 07-04, 07-05 Order (Granting Emergency Temporary Legal Custody) (HCN Tr. Ct., Jan. 30, 2007). (Matha, T). The Court had to determine whether to appoint an emergency legal guardian for the minor children. The Court deemed such an appointment to be within the minor children's best interests.

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, 06-30, 06-31, 06-32 Order (Acceptance of Consent Decree) (HCN Tr. Ct., Jan. 30, 2007). (Matha, T). The Court had to determine whether to accept a consent decree entered into by the parties. The Court accepted the consent decree submitted, and removed the trial date from the calendar.

JANUARY 31, 2007

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, 06-34, 06-35, 06-36, 06-37, 06-38 Order (Acceptance of Consent Decree) (HCN Tr. Ct., Jan. 31, 2007). (Rockman, A).

The Court had to determine whether to accept a consent decree entered into by the parties. The Court accepted the consent decree submitted, and removed the trial date from the calendar.

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, 06-22, 06-23 Order (Acceptance of Consent Decree) (HCN Tr. Ct., Jan. 31, 2007). (Rockman, A).

The Court had to determine whether to accept a consent decree entered into by the parties. The Court accepted the consent decree submitted, and removed the trial date from the calendar.



SUPREME COURT

NO RECENT DECISIONS

RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

JANUARY 5, 2007

State of Wisconsin v. Barbara M. Funmaker, CS 07-01. (Rockman, A).

JANUARY 8, 2007

State of Wisconsin- Ashley A. Sturdevant v. Ansen B. Funmaker, CS 07-02. (Matha, T).

JANUARY 9, 2007

State of Wisconsin/Eau Claire Co. Child Services v. Kenneth W. Lewis, CS 07-03. (Matha, T).

JANUARY 10, 2007

Thomas Harrison v. Michelle Cortez, CS 07-04. (Matha, T).

JANUARY 19, 2007

Lea Kohler v. Cory H. Funmaker, CS 07-05. (Rockman, A).

Brenda Youngthunder v. Katie Youngthunder, CS 07-06. (Rockman, A).

JANUARY 22, 2007

State of Wisconsin & Scott McKay v. April D. Lincoln, CS 07-07. (Matha, T).

State of Wisconsin & Maureen Big John v. Larry A. Fanning, CS 07-08. (Matha, T).

Blue Earth Co. & Michaela Arendariz v. Joshua R. Arendariz, CS 07-09. (Matha, T).

State of Wisconsin & Lori Little Soldier v. Henry Little Soldier, CS 07-10. (Matha, T).



CIVIL GARNISHMENT

JANUARY 09, 2007

CitiFinancial v. Anthony Van Riper, CG 07-01. (Matha, T).

Cash Today #201 v. Dennis Lewis, CG 07-02. (Matha, T).

JANUARY 12, 2007

Cash Today #201 v. Lewis Frogg, CG 07-03. (Matha, T).

Cash Today, #201 v. Caroline Decorah, CG 07-04. (Matha, T).

Cash Today, #201 v. Ellen Dumas, CG 07-05. (Matha, T).

JANUARY 16, 2007

Creditor Recovery Service v. Donna R. Pabst, CG 07-06. (Matha, T).

Quick Cash Loans v. Melinda Brown, CG 07-07. (Matha, T).

Cash Today, #201 v. Michelle Mountain, CG 07-08. (Matha, T).

Citibank (South Dakota) v. Victoria A. Lowe, CG 07-12. (Matha, T).



CIVIL CASES

JANUARY 2, 2007

In the Interest of: M.J.C., DOB 12/12/82, CV 07-01. (Rockman, A).

JANUARY 3, 2007

In the Interest of Minor Child: T.F.R., DOB 9/22/99, CV 07-02. (Rockman, A).

JANUARY 8, 2007

In the Interest of Minor Child: T.R.G., DOB 1/30/91, CV 07-03. (Matha, T).

JANUARY 10, 2007

In the Interest of Minor Child: M.L.P., DOB 5/21/95, CV 07-04. (Matha, T).

JANUARY 12, 2007

Ho-Chunk Nation, Property Management Division v. Francina Williams, CV 07-05. (Matha, T).

JANUARY 22, 2007

In the Interest of Minor Child: M.L.P., DOB 5/21/95, CV 07-06. (Matha, T).

JANUARY 24, 2007

In the Interest of T.K., DOB 6/6/90 v. HCN Office of Tribal Enrollment, CV 07-07. (Matha, T).

JANUARY 26, 2007

In the Interest of T.L.M., DOB 4/10/94 v. HCN Office of Tribal Enrollment, CV 07-08. (Matha, T).

In the Interest of N.L.R., DOB 1/18/99 v. HCN Office of Tribal Enrollment, CV 07-09. (Matha, T).



FAMILY

JANUARY 8, 2007

Ardella V. Quackenbush v. Leo G. Quackenbush, FM 07-01. (Matha, T).



DOMESTIC VIOLENCE

NO RECENT FILINGS



JUVENILE

JANUARY 02, 2007

In the Interest of Minor Child: M.R.A., DOB 03/30/99, JV 07-01. (Rockman, A).

In the Interest of Minor Child: C.J.A., DOB 10/23/00, JV 07-02. (Rockman, A).

JANUARY 26, 2007

*In the Interest of Minor Child: J.C., DOB 04/10/04,
JV 07-04. (Matha, T).*

*In the Interest of Minor Child: A.C., DOB 01/31/06,
JV 07-05. (Matha, T).*

JANUARY 29, 2007

*In the Interest of Minor Child: S.C., DOB 03/04/91,
JV 07-03. (Rockman, A).*

SUPREME COURT

JANUARY 19, 2007

*Mary Bernhardt v. HoCqk Construction, LLC., Ho-
Chunk Nation Dep't of Housing, SU 07-01.*



**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 – Dennis Rockman
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)





MARCH 2007

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Inside this Issue

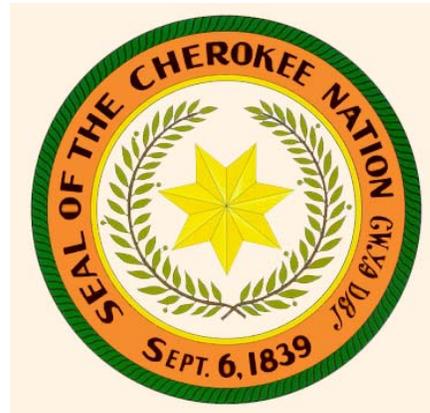
- 1** Cherokee Vote Overwhelmingly to Limit "Freedmen" Membership
- 3** Updates from Outside Courts
- 4** Recent HCN Court Decisions
- 11** Recent HCN Court Filings
- 13** HCN Court System Judiciary and Staff
- HCN Judiciary Fee Schedule
- Legal Citation Forms

Ho-Chunk Nation Judiciary
W9598 Hwy 54 East
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Black River Falls, WI 54615
(715) 284-2722 Ph.
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<http://www.ho-chunknation.com/government/courts.htm>

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HO-CHUNK NATION COURT BULLETIN

CHEROKEE VOTE OVERWHELMINGLY TO LIMIT "FREEDMEN" MEMBERSHIP



On Saturday, March 3, 2007, Cherokee Nation voters overwhelmingly passed a proposed amendment to the Cherokee Nation Constitution that would serve to greatly limit the membership of the so-called "Freedmen": Cherokee members who trace their lineage to African Americans and former slaves.

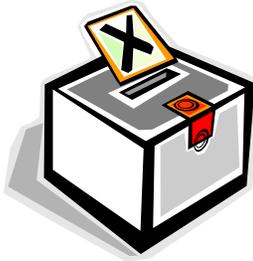
The legacy of former slaves and African Americans within the Cherokee Nation is a long one. Freedmen had originally been granted citizenship in the Cherokee Nation by action of the 1866 Treaty with the United States. Following the Civil War, the Federal government placed strict requirements onto the Cherokee Nation before granting the tribe readmission, due in part to the August 21, 1861 alliance of Principal Chief John Ross (1828-1866) and other Cherokee with the toppled Confederate government. At the end of the War, Ross wrote to President Lincoln, asking for readmission to the Union for the Cherokee Nation.

Ross' negotiations with the Federal Government culminated in the 1866 Treaty between the Cherokee and the United States, signed in

Washington, D.C. on July 19, 1866. Ironically, Ross was too ill to attend the ratification of the Treaty, dying in Washington less than a month later on August 1, 1866.

As a condition of realignment with the North, Article IX of the 1866 treaty compelled the abolition of slavery among the Cherokee, and an “equal footing” tribal membership for all slaves of the tribe and other blacks living and working within Cherokee lands at the time of ratification (July 27, 1866). Slaves and other freed blacks living within Cherokee country were given two years to reach a decision on membership; those choosing to remain were granted the right to vote and were granted the same rights and privileges of all other members of the tribe. Suits to enforce the provisions of the 1866 Treaty arose as early as 1870.

In 1970, the Supreme Court of the United States ruled that the provisions of the 1866 Cherokee treaty were still valid. *See Cherokee Nation v. Oklahoma*, 397 U.S. 620 (1970). However, in 1978, the landmark United States Supreme Court *Martinez* decision upheld the ability of sovereign Indian nations to determine their own membership. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978).



Regardless, in March of 2006, the Judicial Appeals Tribunal (J.A.T.) of the Cherokee Nation ruled that Freedmen were entitled to citizenship within the Nation, since their ancestors are listed on the Dawes Roll, official membership rolls for the Cherokee Nation closed by act of Congress in 1907. The J.A.T. noted that the 1975 Constitution of the Cherokee Nation contains no required blood quantum for membership within the Nation. However, within the text of the same decision, the J.A.T. noted “the Constitution could be amended to

require that all tribal members possess Cherokee blood.” *Allen v. Cherokee Nation Tribal Council*, JAT-04-09 (Mar. 6, 2006) at 2-3.

The March 3, 2006 vote seeks to overturn this decision by referendum. If the referendum passes, the Constitution of the Cherokee Nation would be amended to require all tribal members to prove Cherokee, Shawnee or Delaware blood to remain enrolled members of the tribe, regardless of membership within the Dawes Roll. The Freedmen, granted citizenship by action of the 1866 Treaty, would no longer be entitled to citizenship under this amendment. Attempts to enjoin the election through the federal courts proved unsuccessful, despite the sympathies of Judge Henry Kennedy. *Vann v. Kempthorne*, Civil Action No. 2003-01711 (D.D.C., Dec. 19, 2006).

Nearly 9,000 tribal members—approximately 2,000 more than turned out to ratify the Constitution in the first place—turned out for last weekend’s Special Election on the issue, with 6,693 (77%) voting for the amendment and 2,040 (23%) against. Final certification of the results will not be made until after the closure of the protest period on March 12, 2007. Passage of the amendment will impact the approximately 2,800 Freedmen on the Cherokee membership rolls. Cherokee Spokesman Mike Miller noted that even if the amendment passes, services to the affected members will be subject to slow phasing-out while the tribe and its members adjust to the new constitutional requirements.

Challenges to the Amendment are already beginning at the tribal and federal level at our press date. The proposed amendment triggers serious questions regarding the inherent sovereignty of tribes, and the application of the 13th and 15th Amendments to the United States Constitution to Indian Nations. Since the Cherokee Nation has the second largest enrollment of any indigenous Nation (after the Navajo Nation), the repercussions of this case could be felt far and wide throughout Indian Country.

Spokesmen for the Tribe, including Principal Chief Chad Smith, stated that the vote illustrated a decisive statement by the tribe

regarding self-determination, “affirmed in 23 treaties with Great Britain and the United States and paid dearly with 4,000 lives on the Trail of Tears.” Opponents contend that the latest vote is one more example of the institutionalized patterns of discrimination against the Freedmen, or alternatively, a move to preserve a greater portion of the per capita distributions for a smaller group.

In addition to the pending judicial challenges to the proposed amendment, the Bureau of Indian Affairs may also choose to take action on this matter. The BIA may elect to cut federal funding to the Cherokee Nation until the Tribe reinstates the disputed members. Similar measures were taken in 2000 against the Seminole Nation.

A equivalent action taken by the Seminole Nation of Oklahoma in 2000 was overruled, and Freedmen Seminoles were reinstated into tribal membership registers. *Seminole Nation of Oklahoma v. Norton*, 223 F. Supp. 2d 122 (D.D.C. 2002). In the *Seminole* decision, the Court ruled the Seminole were barred from denying membership to black members, or from encroaching on the voting rights of Seminole Freedmen.

United States Court of Appeals for the Eighth Circuit

Cermak v. United States, 2007 U.S. App. LEXIS 4409, (Feb. 28, 2007)

The 8th Circuit ruled that the Interior Board of Indian Appeals did not abuse its discretion under the APA by refusing to reopen a probate/ Indian Land Certificate case when such request was untimely and brought by parties who were not party to the original, underlying cause of action.

United States Court of Appeals for the Sixth Circuit

Keweenaw Bay Indian Community v. Rising, 2007 U.S. App. LEXIS 4405, (Feb. 28, 2007).

The 6th Circuit upheld a ruling for the state of Michigan regarding tobacco tax and search and seizures since the tax falls on non-Indian consumers of the tobacco, the pre-pay requirement is a minimal burden on the Tribe, the applicable treaty does not preempt the tax, the search and seizure of the tobacco did not violate sovereign immunity and the warrants were sufficient to survive Fourth Amendment scrutiny.

United States District Court for the District of Columbia

Michigan Gambling Opposition v. Gale Norton, Civil Action No. 05-01181 (JGP), (Mar. 5, 2007)

The District Court for the District of Columbia granted a Stay Pending Appeal against the BIA, keeping the Agency from acquiring land for the Match-E-Be-Nash-She-Wish Band of Pottawatomi. The Pottawatomi are attempting to acquire the 146-acre site (the “Bradley Property”) outside of Grand Rapids, Michigan for construction of a casino. A nonprofit organization called MICHGo, the Michigan Gambling Opposition, opposes the construction of the casino, maintaining the construction of the casino would lead to irreparable environmental harm in the Wayland area.



UPDATES FROM OUTSIDE COURTS

Supreme Court of the United States

State of New Mexico v. Romero, 2007 U.S. LEXIS 2855 (U.S., Mar. 5, 2007)

The United States Supreme Court denied certiorari in a case involving criminal jurisdiction under 18 U.S.C.S. § 1151. The Supreme Court of New Mexico had previously ruled that the land in question, a privately-owned shopping mall within the exterior boundaries of Taos Pueblo, was Indian Country within the meaning of § 1151, and the state thereby lacked jurisdiction to prosecute an alleged assault and battery therein.

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

FEBRUARY 1, 2007

Sawyer County Child Support v. Robert W. Blackdeer, CV 97-40 Order (Ceasing Current Child Support Withholding) (HCN Tr. Ct., Feb. 1, 2007). (Matha, T).

The Court ordered the cessation of withholding from the respondent's per capita for current child support because the child has reached the age of majority.

State of South Dakota, Division of Child Support, ex rel Debra L. Sine-Crawford v. Daniel M. Sine, CS 05-75 Notice (Child Turning 18- Requiring Proof of

Enrollment) (HCN Tr. Ct., Feb. 1, 2007). (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.



Melanie Stacy n/k/a Two Bears v. Harrison J. Funmaker, CV 96-48 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Feb. 1, 2007). (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.

Kayla Giraud v. Randall Red Cloud, CS 02-50 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Feb. 1, 2007). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent expressed his acquiescence by filing this action, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin- Eau Claire County CSA v. Kenneth W. Lewis, CS 07-03 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Feb. 1, 2007). (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 of Wisconsin and Ashley Sturdevant v. Ansen B. Funmaker, CS 07-02 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Feb. 1, 2007). (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.

FEBRUARY 7, 2007

Brenda Youngthunder v. Katie Youngthunder, CS 07-06 *Default Judgment (Enforcing Child Support against Per Capita)* (HCN Tr. Ct., Feb. 7, 2007). (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.

FEBRUARY 12, 2007

State of Wisconsin/Juneau County v. Tammey D. Littlebear, CS 06-31 *Order (Modifying and Enforcing Child Support Arrears Withholding)* (HCN Tr. Ct., Feb. 12, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

Michael R. Hale v. Melody A. Hale, CS 98-52 *Order (Ceasing Current Child Support)* (HCN Tr. Ct., Feb. 12, 2007). (Matha, T).

The parties entered a new custody arrangement and stipulated to an end of child support. As a result the Court directed the HCN Department of Treasury to cease withholding per capita payments for child support.

FEBRUARY 14, 2007

Blue Earth County, MN and Michaela Jay Armendariz v. Joshua Raymond Armendariz, CS 07-09 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Feb. 14, 2007). (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.

FEBRUARY 15, 2007

State of Wisconsin and Lori A. Little Soldier v. Henry J. Little Soldier, CS 07-10 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Feb. 15, 2007). (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.

Ann L. Decorah v. Rachael A. Decorah, CS 06-65 *Order (Request for Documentation)* (HCN Tr. Ct., Feb. 15, 2007). (Matha, T).

The petitioner filed a motion to enforce a foreign child support order, but failed to provide a certified copy of arrears due. The court requested such a filing within 30 days, or the petitioner's claim faces dismissal.

FEBRUARY 16, 2007

June E. Whitethunder v. Todd A. Cloud, CS 07-14 *Order (Enforcing Child Support against Wages)* (HCN Tr. Ct., Feb. 16, 2007). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent expressed his acquiescence to the request for relief through his filing of the action, thus the Court granted recognition and enforcement of the foreign judgment.



CIVIL GARNISHMENT CASES

FEBRUARY 5, 2007

Citifinancial v. Anthony Van Riper, CG 07-01 *Order (Default Judgment)* (HCN Tr. Ct., Feb. 5, 2007). (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.

Cash Today #201 v. Dennis Lewis, CG 07-02 Order (Default Judgment) (HCN Tr. Ct., Feb. 5, 2007). (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. Bryan J. Ringer, CG 06-84 Order (Default Judgment) (HCN Tr. Ct., Feb. 5, 2007). (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.

Cash Today #201 v. Caroline Decorah, CG 07-04 Order (Default Judgment) (HCN Tr. Ct., Feb. 5, 2007). (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.

FEBRUARY 19, 2007

Creditor Recovery Service, LLC v. Donna R. Pabst, CG 07-06 Order (Default Judgment) (HCN Tr. Ct., Feb. 19, 2007). (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.

Cash Today #201 v. Michelle Mountain, CG 07-08 Order (Default Judgment) (HCN Tr. Ct., Feb. 19, 2007). (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.

Cash Today #201 v. Matthew Thundercloud, CG 06-83 Order (Default Judgment) (HCN Tr. Ct., Feb. 19, 2007). (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. Chiara Cleveland, CG 06-79 Order (Default Judgment) (HCN Tr. Ct., Feb. 19, 2007). (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. Melinda Brown, CG 07-07 Order (Voluntary Dismissal) (HCN Tr. Ct., Feb. 19, 2007). (Matha, T).

The petitioner sought recognition and enforcement of a money judgment. However, prior to the pleading deadline, the petitioner filed to dismiss due to the payment of the debt in full. The Court granted the dismissal.

FEBRUARY 20, 2007

Alliance Collection Agencies, Inc. v. Lawrence L. Walker, CG 07-09 Order (Default Judgment) (HCN Tr. Ct., Feb. 20, 2007). (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.

FEBRUARY 22, 2007

Sauk Prairie Memorial Hospital v. Kelly S. Wruck, CG 07-10 Order (Default Judgment) (HCN Tr. Ct., Feb. 22, 2007). (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

FEBRUARY 1, 2007

In re the Children of Joni Munnell, CV 96-64 Order (Appointment of Successor Trustee) (HCN Tr. Ct., Feb. 1, 2007). (Matha, T).

The Court appointed a successor trustee to oversee the accounts of the children of the late Joni Munnell.

FEBRUARY 27, 2007

Marlene Cloud et al. v. Ho-Chunk Nation et al., CV 06-31 Amended Scheduling Order (HCN Tr. Ct., Feb. 27, 2007). (Matha, T).

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



GENERAL COUNCIL ACTIONS

FEBRUARY 13, 2007

Ho-Chunk Nation Legislature, Tracy Thundercloud in his official capacity as chair of the Ho-Chunk Nation Finance Committee v. Ho-Chunk Nation President, George Lewis, CV 04-73 Reissued Judgment (Awarding Attorney's Fees) (HCN Tr. Ct., Feb. 13, 2007). (Rockman, A).

The court had to determine whether to grant attorney's fees to the defendant in this matter. The Court granted the defendant's request for fees in this matter, since the parties had previously stipulated to such fees.

FEBRUARY 16, 2007

Forest Funmaker, Rita Cleveland, Wilfrid Cleveland, Angelina Waege & Loa Porter v. Alvin Cloud in his capacity as Chairperson for 2005 Gen. Council, Tonie Lewis in her capacity as Sec'y for 2005 Gen. Council and the HCN Election Bd., CV 05-86 Decision (HCN Tr. Ct., Feb. 16, 2007). (Vele, K).

The Court had to determine whether to grant summary judgment in the matter of the legality of the General Council's vote on resolutions calling for a special election to replace named elected tribal officials. The Court found that the Chair and Secretary had acted within their delegated authority.

The Court deemed that the General Council acquiesced in voting by an absolute majority, i.e., requiring more affirmative votes than negative votes and abstentions combined. Accordingly, the Court granted summary judgment in favor of the defendants, which entitled President George Lewis to retain his seat following an attempt to recall him from office.



CONTRACTS

No recent cases.



HOUSING

FEBRUARY 21, 2007

Ho-Chunk Nation Property Management v. Rose Walker, CV 06-18 Order (Satisfaction of Judgment) (HCN Tr. Ct., Feb. 21, 2007). (Matha, T).

The Court granted a monetary judgment against the defendant, and directed the Ho-Chunk Nation Department of Treasury to withhold per capita income to satisfy a debt obligation to the Nation. The plaintiff filed a *Satisfaction of Judgment*, pursuant to *Ho-Chunk Nation Rules of Civil Procedure*, Rule 59. The Court recognized that the debt has been paid in full, and informed the parties of its intention to close the file.



ENROLLMENT

No recent cases.



EMPLOYMENT

FEBRUARY 1, 2007

Kathy Stacy v. Ho-Chunk Nation Legislature, CV 02-40 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Feb. 1, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's dispositive motion. While the actions of the agency violated the hearing provision of the GAMING ORDINANCE, this procedural shortcoming did not compel the Court to award the petitioner's requested relief. The petitioner did not adequately present a constitutional violation, and the Gaming Ordinance differentiated between the conduct of Commissioners and employees for purposes of

determining gaming license violations. The Court denied the petitioner's request for relief.



ADMINISTRATIVE APPEALS

No recent cases.



CHILDREN'S TRUST FUND (CTF)

FEBRUARY 2, 2007

In the Interest of Minor Child: D.T.L., DOB 04/25/89 v. HCN Office of Tribal Enrollment, CV 06-114 Order (Petition Granted) (HCN Tr. Ct., Feb. 2, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with securing legal counsel. The minor child was not entitled to a public defender, and, therefore, the Court granted the request.

In the Interest of Adult CTF Beneficiary: Neva J. Littlegeorge, DOB 09/24/85 v. HCN Office of Tribal Enrollment, CV 06-80 Order (Petition Granted) (HCN Tr. Ct., Feb. 2, 2007). (Matha, T).

The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with purchasing an automobile. The Court granted the request.

In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment, CV 06-113 Order (Partial Granting of Petition) (HCN Tr. Ct., Feb. 2, 2007). (Matha, T).

The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with continuing education and an automobile loan. The Court granted the request for educational funding, but denied the request to satisfy the automobile loan.

In the Interest of Minor Child: T.L.M., DOB 04/10/94 v. HCN Office of Tribal Enrollment, CV 07-08 Order (Petition Granted) (HCN Tr. Ct., Feb. 2, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

FEBRUARY 6, 2007

In the Interest of Minor Child: C.R., DOB 06/13/93 v. HCN Office of Tribal Enrollment, CV 06-68 Order (Accepting Accounting) (HCN Tr. Ct., Feb. 6, 2007). (Rockman, A).

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

FEBRUARY 12, 2007

In the Interest of Minor Child: B.G.L., Jr., DOB 03/19/93 v. HCN Office of Tribal Enrollment, CV 06-116 Order (Motion Granted) (HCN Tr. Ct., Feb. 12, 2007). (Rockman, A).

The Court had to determine whether a parent can access additional monies from his minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

FEBRUARY 14, 2007

In the Interest of Minor Child: K.L., DOB 08/14/89 v. HCN Office of Tribal Enrollment, CV 06-59 Order (Requesting Accounting) (HCN Tr. Ct., Feb. 14, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with private school, tuition and expenses. 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.

FEBRUARY 15, 2007

In the Interest of Minor Children: M.L.P., DOB 05/21/95 and D.M.P., DOB 07/21/99 v. HCN Office of Tribal Enrollment, CV 07-06 Order (Granting Petition) (HCN Tr. Ct., Feb. 15, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor children's CTF to pay for emergency housing assistance. The Court granted the request.

FEBRUARY 19, 2007

In the Interest of Minor Child: S.R.W., DOB 07/11/03 v. HCN Office of Tribal Enrollment, CV 06-78 Order (Requesting Accounting) (HCN Tr. Ct., Feb. 19, 2007). (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: N.L.R., DOB 01/18/99 v. HCN Office of Tribal Enrollment, CV 07-09 Order (Petition Granted) (HCN Tr. Ct., Feb. 19, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

FEBRUARY 20, 2007

In the Interest of Minor Child: L.A.L., DOB 01/15/89 v. HCN Office of Tribal Enrollment, CV 06-110 Order (Requesting Accounting) (HCN Tr. Ct., Feb. 20, 2007). (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.

FEBRUARY 26, 2007

In the Interest of Minor Child: S.R.W., DOB 07/11/03 v. HCN Office of Tribal Enrollment, CV 06-78 Order (Accepting Accounting) (HCN Tr. Ct., Feb. 26, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the child's trust fund for costs associated with orthodontic procedures. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

FEBRUARY 27, 2007

In the Interest of Minor Child: R.M.D., DOB 01/28/95 v. HCN Office of Tribal Enrollment, CV 06-118 Order (Petition Granted) (HCN Tr. Ct., Feb. 27, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay

for costs associated with orthodontic procedures. The Court granted the request.

FEBRUARY 28, 2007

In the Interest of Minor Child: J.J.S., DOB 04/01/94 v. HCN Office of Tribal Enrollment, CV 07-02 Order (Petition Granted) (HCN Tr. Ct., Feb. 28, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with dental procedures. The Court granted the request.

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 (Requesting Additional Accounting) (HCN Tr. Ct., Feb. 28, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children 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.



INCOMPETENT TRUST FUND (ITF)

FEBRUARY 26, 2007

In the Interest of Adult Incompetent: E.M.S., DOB 02/01/55 v. HCN Office of Tribal Enrollment, CV 03-27 Order (Accepting Accounting) (HCN Tr. Ct., Feb. 26, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult beneficiary for costs associated with living expenses and home remodeling. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.



FAMILY CASES

 **DIVORCE****FEBRUARY 13, 2007**

In re the Marriage of: Iris M. Laes and Richard J. Laes, FM 06-12 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Feb. 13, 2007). (Rockman, A).

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

FEBRUARY 19, 2007

Ardella V. Quackenbush v. Leo G. Quackenbush, FM 07-01 *Order (Voluntary Dismissal)* (HCN Tr. Ct., Feb. 19, 2007). (Matha, T).

The Court granted the petitioner's request to dismiss the petition for divorce.

FEBRUARY 22, 2007

In re the Marriage of: Iris M. Laes and Richard J. Laes, FM 06-12 *Final Judgment for Divorce* (HCN Tr. Ct., Feb. 22, 2007). (Rockman, A).

The Court granted the parties' divorce.

 **JUVENILE CASES****FEBRUARY 1, 2007**

In the Interest of Minor Children: M.R.A., DOB 03/30/99, C.J.A., DOB 10/23/00, JV 07-01, 07-02 *Order (Appointment of Guardian ad litem)* (HCN Tr. Ct., Feb. 1, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

FEBRUARY 07, 2007

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06 *Order (Granting Emergency Temporary Physical Custody)* (HCN Tr. Ct., Feb. 7, 2007). (Rockman, A).

The Court had to determine whether to grant emergency temporary 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 Ho-Chunk Nation Child and Family Services (CFS).

FEBRUARY 14, 2007

In the Interest of Minor Child: A.C.G., DOB 04/04/89, JV 98-05 *Order (Conditional Termination of Jurisdiction)* (HCN Tr. Ct., Feb. 14, 2007). (Rockman, A).

The Court terminated jurisdiction and supervision of the instant case unless the parties produce documentation sustaining continued jurisdiction.

FEBRUARY 20, 2007

In the Interest of Minor Children: J.C., DOB 04/10/04, A.C., DOB 01/31/06, JV 07-04, 07-05, *Order (Entrance of Plea)* (HCN Tr. Ct., Feb. 20, 2007). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parents of the minor children wished to contest the allegation contained in the *Child/Family Protection Petition* filed by CFS. The parent entered a plea of not guilty.

FEBRUARY 21, 2007

In the Interest of Minor Children: D.L.H., DOB 08/03/97, A.M.H., DOB 12/25/95, D.M.H., DOB 02/16/92, D.L.H., DOB 03/25/89, JV 03-20, 03-21, 03-22, 03-23 *Order (Termination of Jurisdiction)* (HCN Tr. Ct., Feb. 21, 2007). (Matha, T).

The Court terminated jurisdiction and supervision of the instant case.

In the Interest of Minor Children: L.C., DOB 03/14/98, M.C., DOB 10/11/99, C.K., DOB 02/08/04, C.K., DOB 06/20/05, JV 06-29, 06-30, 06-31, 06-32 *Order (Denial of Post-Judgment Motion)* (HCN Tr. Ct., Feb. 21, 2007). (Matha, T).

The Court declined to prosecute an action wherein CFS and the parties had reached a consent decree.

FEBRUARY 22, 2007

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06, *Order (Entrance of Plea)* (HCN Tr. Ct., Feb. 22, 2007). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parent of the minor

child wished to contest the allegation contained in the Child/Family Protection Petition filed by CFS. The parent entered a plea of not guilty.

In the Interest of Minor Children: J.R.P., DOB 02/27/92, L.M.P., DOB 05/12/90, JV 03-01, JV 03-02, Order (Formal Trial) (HCN Tr. Ct., Feb. 22, 2007). (Matha, T).

The Court convened a formal *Trial* for the purpose of determining whether the Ho-Chunk Nation Child and Family Services could prove allegations made within their Petition. The Court found that while CFS failed to prove the elements of the *Petition*, legal and physical custody of the minor children should not be returned to the subject of the *Petition* due to the temporary guardian's stated desire to relinquish guardianship.

FEBRUARY 27, 2007

In the Interest of Minor Child: R.B., DOB 06/23/95, JV 02-18 Order (Child Protection Review Hearing) (HCN Tr. Ct., Feb. 27, 2007). (Rockman, A).

The Court 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.

FEBRUARY 28, 2007

In the Interest of Minor Child: J.V., DOB 10/22/98, S.V., DOB 09/03/99, JV 02-19, JV 02-20 Order (Child Protection Review Hearing) (HCN Tr. Ct., Feb. 28, 2007). (Rockman, A).

The Court 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.

In the Interest of Minor Child: L.M., DOB 01/08/92, JV 98-14 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Feb. 28, 2007). (Rockman, A).

The Court had to determine whether to appoint a successor temporary guardian of the minor child, pursuant to the CHILDREN'S ACT. The Court deemed that such an appointment was within in the minor child's best interests.



SUPREME COURT

Daniel Brown v. James Webster as Exec. Dir. of Bus., SU 06-03 Decision (HCN S. Ct., Feb. 9, 2007).

The Supreme Court had to determine whether the Trial Court committed error by creating a new cause of action after the trial, failing to make a determination of the nature of the employment, and in applying federal precedent. The Supreme Court found that while the Trial Court abused its discretion in reviewing materials following the original trial and misapplied federal precedent in regards to the weight of outside precedent, however the Supreme Court was unable to reach a conclusion regarding reversible error on the categorization of the employee. The Supreme Court ruled that Mr. Brown should have realized that under the policies of the Nation, his conduct was unacceptable. As a result of the Trial Court's error, the decision of the Trial Court was *reversed*.

MARCH 5, 2007

Ho-Chunk Nation Legislature, Tracy Thundercloud in his official capacity as chair of the Ho-Chunk Nation Finance Committee v. Ho-Chunk Nation President, George Lewis, SU 07-02 Scheduling Order (HCN S. Ct., Mar. 5, 2007) (Funmaker, D).

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



TRIAL COURT



Carmilla Anderson v. Richard Anderson, CS 07-11 (Matha, T).

Outagamie County and Dallas Pekarek v. Julie Rockman, CS 07-12 (Matha, T).

FEBRUARY 13, 2007

Crystal Ryba v. Gabriel Downey, CS 07-13 (Rockman, A).

June Whitethunder v. Todd Cloud, CS 07-14 (Rockman, A).

FEBRUARY 20, 2007

Mary C. Wilson and Domestic Relation Section v. Wayne E. Wilson, CS 07-15 (Matha, T).

Leon R. Caldwell v. Tanya L. Hindsley, CS 07-17 (Matha, T).

Eau Claire County/State of Wisconsin v. Cassandra Littlebear, CS 07-18 (Matha, T).

FEBRUARY 21, 2007

Joey Whitewing v. Gladys Sitting Eagle, CS 07-19 (Matha, T).

 **CIVIL GARNISHMENT**

FEBRUARY 16, 2007

Citibank (South Dakota) v. Victoria A. Lowe, CG 07-12 (Matha, T).

FEBRUARY 20, 2007

Creditor Recovery v. Chad L. Lowell, CG 07-13 (Matha, T).

FEBRUARY 23, 2007

Alliance Collection Agency v. Dixie Hall, CG 07-14 (Matha, T).

Alliance Collection Agency v. Betty Granger, CG 07-15 (Matha, T).

Alliance Collection Agency v. Lambert C. Cleveland, CG 07-16 (Matha, T).

Alliance Collection Agency v. Steven Stygar, CG 07-17 (Matha, T).

Alliance Collection Agency v. Donna Pabst, CG 07-18 (Matha, T).

FEBRUARY 28, 2007

Dean Medical Center v. John Mulhern, CG 07-19 (Matha, T).

 **CIVIL CASES**

FEBRUARY 6, 2007

In the Interest of Minor Children C.M.K., DOB 12/27/91, R.R.K., DOB 04/04/90 v. HCN Office of Tribal Enrollment, CV 07-10. (Matha, T).

FEBRUARY 12, 2007

In the Interest of: J.J.S., DOB 04/01/94 v. HCN Office of Tribal Enrollment, CV 07-11 (Rockman, A).

FEBRUARY 26, 2007

In the Interest of: M.T.K., DOB 07/04/95 v. HCN Office of Tribal Enrollment, CV 07-12 (Rockman, A).

In the Interest of: T.G., DOB 07/18/94 v. HCN Office of Tribal Enrollment, CV 07-13 (Rockman, A).

 **FAMILY**

FEBRUARY 8, 2007

Mary A. Rosas v. Jorge Rosas, FM 07-02. (Matha, T).

 **DOMESTIC VIOLENCE**

FEBRUARY 26, 2007

Julie A. Rockman v. Dallas Pekarek, DV 07-01. (Matha, T).

 **JUVENILE**

FEBRUARY 7, 2007

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06. (Matha, T).

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 – Denis Rockman
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)





APRIL 2007

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HCN Judiciary Fee Schedule
Legal Citation Forms

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 The Court will be **CLOSED** for a half day on Good Friday (April 6) and **CLOSED** Easter Monday (April 9). Have a good holiday!



HO-CHUNK NATION COURT BULLETIN

BUSH ADMINISTRATION OFFERS \$7 BILLION "SETTLEMENT" IN *COBELL* LITIGATION



On Thursday, March 1, 2007, Secretary of the Interior Dirk Kempthorne and Attorney General Alberto Gonzales issued a letter to Senator Byron Dorgan, offering a settlement of up to seven billion dollars over ten years to settle the *Cobell* trust mismanagement case.

The *Cobell* litigation began in 1996 when Elouise Cobell and four others filed suit against the United States Department of the Interior and the Treasury Department. Elouise Cobell is a member of the Blackfeet Tribe of Montana. Cobell and the others were represented by the Native American Rights Fund, and the suit was originally brought against Bruce Babbitt (Secretary of the Interior until January 1, 2001, under President William Clinton). The named defendant was later updated to Gale Norton, then to Dirk Kempthorne in May of 2006.

The named plaintiffs claimed the gross mismanagement

of Indian trust lands and monies by the Bureau of Indian Affairs and others had led to huge losses for approximately 500,000 Native Americans whose land is held in trust by the Federal Government.

Understanding the root of the *Cobell* litigation requires a grasp of the history of the interaction between the federal government and Native tribes. Following the Civil War, the federal government determined that the best way to handle relations with the indigenous Nations would be to attempt to assimilate Tribes into the wider population, thereby destroying their individual identity. Noting the strong ties tribes held to their land, a determination was made to destroy the tribal land base to “encourage assimilation.”



To this end, in 1887 the Dawes Act was passed. The Dawes Act cut a portion of tribal lands into plots between 40-160 acres in size, declaring the balance of Indigenous land “surplus” and opening it to non-Indian settlement. Section 5 of the Act provided for the US to “hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made.” The federal government assumed that in the 25-year trust period, the land would prove suitable for farming, and then the lands would be handed over in fee simple (the best form of ownership in property law) after the trust period ended.

Unfortunately, the segway of lands from the custody of the federal government to the hands of the individual trustees did not progress entirely as planned. Many of the lands handed over at 25 years were lost due to tax levys, since the taxation system was not explained to trustees prior to the transfer of the lands. Abundant anti-Indigenous racism remained, and the government began to question whether the trustees were “competent” to receive

the deeds for so much land. By the early 1900s, federal statutes had been amended to make the federal government’s oversight of these lands more permanent. Allotment was formally repealed in 1934, with the passage of the IRA (Indian Reorganization Act).

As time passed, and the original trustees aged and passed on, the probate of these allotments became an increasingly important issue. Since few tribal members left a formal will, the lands passed through intestate succession to their heirs, fractionalizing the holdings even further. Now, 120 years after the original passage of the Dawes Act, ownership of some of the original parcels is down to 0.0000001 percent. At present there are an estimated four million ownership interests in the ten million acres of land. See http://en.wikipedia.org/wiki/Cobell_v._Kempthorne, last visited March 14, 2007.

The *Cobell* litigation was originally assigned to Judge Royce C. Lamberth of the DC Circuit. One of Judge Lamberth’s first actions was to bifurcate the *Cobell* litigation into two cases: to account for the missing funds; then to provide for a reform of the system in the future. Such a reconciliation (good only through the end of 2000) would take approximately ten years, at an estimated cost of \$2.4 billion. The trial date for the second portion of the litigation has yet to be set, more than a decade after inception of the litigation.

In February 1999, then-Secretary of the Interior Bruce Babbitt was held in contempt of Court by presiding Judge Lamberth for failure to produce documents, destruction of relevant documents, and giving false testimony. Six months later, Lamberth assessed a \$600,000 penalty against the government for failure to produce requested discovery documents. On three separate occasions, the Treasury department has admitted to destroying Indian trust documents.

Over the course of the litigation, Lamberth became a strong critic of the Department of the Interior, and he was eventually removed from the case on July 11, 2006. The US Court of Appeals for the DC Circuit found that Lamberth had lost his impartiality in regards to the *Cobell* litigation. The

Appeals Court noted, “We conclude, reluctantly, that this is one of those rare cases in which reassignment is necessary.” Lamberth was replaced by Judge James Robertson, United States District Court, District of Columbia.



This month, in a letter sent from Kempthorne and Alberto Gonzales to Senator Byron Dorgan, the government proposed up to a \$7 billion dollar settlement over ten years on *Cobell*. The monies in the proposed settlement would not go to individual plaintiffs, but to Indian Country as a whole. It admits no liability, requires no accounting for the affected monies, and changes nothing about the current trust administration system. With the settlement, the government still maintains no money is missing from the trust!

Asked for comment, lead plaintiff Elouise Cobell said “[t]he Kempthorne-Gonzales letter is a license to steal from Indian people. And, while the Interior Department has a long and notorious history of cheating, swindling and robbing from Indian people, I in all my years have never heard of such a brazen attempt to rob us of our livelihood.” See *Editorial: Bush Administration Proposes to Settle Nothing*, online at www.indianz.com/news/2007/001779.asp, last checked March 15, 2007.

On March 26, 2007, the Supreme Court of the United States refused two appeals in the *Cobell* litigation. One of the appeals regarded the removal of Judge Lamberth from the case, the other regarded information technology security of Indian trust systems. Chief Justice John Roberts did not participate in either petition. The Court had no comment regarding their refusal to grant certiorari in these appeals.

The *Cobell* litigation is ongoing.

UPDATES FROM OUTSIDE COURTS

United States Court of Appeals for the Federal Circuit

United Keetoowah Band of Cherokee Indians of Oklahoma v. United States, 2007 U.S. App. LEXIS 6293 (Mar. 19, 2007)

The Court of Appeals for the Federal Circuit reversed and remanded the decision of the US Court of Federal Claims. The Appeals Court found that since the Cherokee Nation of Oklahoma was not a necessary party to the action regarding the Settlement Act and land in the Arkansas River Basin, the lower court erred in dismissing the claim under United States Court of Federal Claims Rule 19.

United States Court of Appeals for the Ninth Circuit

Navajo Nation v. United States Forest Service, No. 06-15371, (Mar. 12, 2007)

The 9th Circuit ruled to protect the sacred San Francisco Peaks from treated sewage runoff in an action by the Navajo Nation, Sierra Club, Havasupai, White Mountain Apache, and others. A three-judge panel found a proposed sewage-treatment project in the area would substantially burden the Navajo’s free exercise of religion in the region.

United States Court of Appeals for the Eighth Circuit

Higgins v. Gonzales, 2007 U.S. App. LEXIS 6402, (Mar. 20, 2007)

The 8th Circuit ruled that the actions of the employer fell short of the discrimination required to sustain a claim. There was no evidence in the record that the supervisor’s anger materially affected the employee’s circumstance such that a reasonable person in the complainant’s position would be dissuaded from filing a complaint. The judgment of the US District Court for the District of South Dakota was affirmed.





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

MARCH 5, 2007

State of Wisconsin/Jackson County v. Buffy M. Garvin, n/k/a Decorah, CS 05-95 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Mar. 5, 2007). (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.

Denise Amundson v. Robert White, CS 03-07 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Mar. 5, 2007). (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 J. Mayek v. Esteban M. Blackhawk, Sr., and Thelma S. Garcia v. Esteban M. Blackhawk, Sr., CS 02-14, CS 02-15 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Mar. 5, 2007). (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.

Casey Whitegull v. Harriet M. Whitegull, CV 97-61 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Mar. 5, 2007). (Matha, T).

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 August 2007 per capita distribution.

Outagamie County and Dallas Pekarek v. Julie Rockman, CS 07-12 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Mar. 5, 2007). (Matha, T).

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.

Thomas Harrison v. Michelle Cortez, CS 07-04 Default Judgment (Enforcing Child Support against Per Capita) (HCN Tr. Ct., Mar. 5, 2007). (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.

Joey Whitewing v. Gladys Sitting Eagle, CS 07-19 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Mar. 5, 2007). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent consented to the motion by filing the action, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin and Lena R. Cleveland v. Tyrone E. Cloud, CS 06-43 Order (Modifying and Enforcing Child Support Arrears Withholding) (HCN Tr. Ct., Mar. 5, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin and Maureen J. Bighorn v. Larry A. Fanning, CS 07-08 Order (Erratum) (HCN Tr. Ct., Mar. 5, 2007). (Matha, T).

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

MARCH 6, 2007

State of Wisconsin v. Robert Cleveland, CS 00-33 Order (Modifying and Enforcing Child Support Arrears Withholding) (HCN Tr. Ct., Mar. 6, 2007). (Rockman, A).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.



Kay S. Thompson v. Kerry L. Thompson, CS 07-11 Order (Enforcing Child Support) (HCN Tr. Ct., Mar. 6, 2007). (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 consented to the motion, thus the Court granted recognition and enforcement of the foreign judgment.

MARCH 7, 2007

State of Wisconsin v. Moses L. Cleveland, CS 04-15 Order (Cessation of Current Child Support) (HCN Tr. Ct., Mar. 7, 2007). (Rockman, A).

The minor children are currently residing with the respondent full-time. As a result, the Court directed the HCN Department of Treasury to cease withholding per capita payments for child support.

MARCH 8, 2007

Crystal G. Ryba v. Gabriel A. Downey, CS 07-13 Order (Enforcing Child Support) (HCN Tr. Ct., Mar. 8, 2007). (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 consented to the motion, thus the Court granted recognition and enforcement of the foreign judgment.

MARCH 12, 2007

William Carl Scarce v. Maria Nicole Blackhawk, CS 06-09 Order (Modifying and Enforcing Child Support- Per Capita & Wages) (HCN Tr. Ct., Mar. 12, 2007). (Matha, T).

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

MARCH 13, 2007

Leon R. Caldwell v. Tanya L. Hindsley, CS 07-17 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Mar. 13, 2007). (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.

Mary C. Wilson & Domestic Relations Section v. Wayne E. Wilson, CS 07-15 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 13, 2007). (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.

Eau Claire Co., State of WI & Eau Claire Co. Child Support Agency v. Cassandra Littlebear, CS 07-18 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 13, 2007). (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.

Carmilla Anderson v. Richard L. Anderson, CS 07-16 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 13, 2007). (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.

Rebecca Rave v. Andrew S. Rave, CS 02-57 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 13, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owed in this case.

State of Wisconsin/Jackson Co. v. Lance D. Rave, CS 05-65 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 13, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owed in this case.

MARCH 14, 2007

Josephine Shegonee v. Justin C. Decora and State of Wisconsin/Jackson Co. v. Justin C. Decora, CS 03-06, 05-91 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 14, 2007). (Rockman, A).

The Court issued this order to update the amount of arrears owing in this case.

MARCH 15, 2007

State of Wisconsin, on behalf of Gwyn Greengrass v. Christopher John Littlewolf, aka Greyhair, CV 97-112 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 15, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

MARCH 19, 2007

State of Wisconsin/Bethel St. Cyr v. Geoffrey G. Lonetree, CS 03-55 *Order (Modifying and Enforcing Child Support Arrears Withholding)* (HCN Tr. Ct., Mar. 19, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

MARCH 21, 2007

State of Wisconsin/Jackson Co. v. Justin D. Littlewolf, CS 02-39 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 21, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

MARCH 27, 2007

Earl L. Lemieux II v. Melissa Lee Snowball and Sandra J. Schmidt v. Melissa L. Snowball, CS 05-62, 06-03 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 27, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

State of Iowa ex rel., WS1000026, Taylor Justicia Renee Houston, a Child v. Jerome J. Houston, CS 02-42, *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Mar. 27, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

Judith Ann Harbin Lujan v. Clinton Thunderchief, CS 05-72, *Order (Extension of Child Support)* (HCN Tr. Ct., Mar. 27, 2007). (Matha, T).

The Court issued this order extend child support until the minor child's nineteenth birthday, in accordance with Colorado law.

CIVIL GARNISHMENT CASES

MARCH 13, 2007

Citibank (S.D.), N.a. 2902 v. Victoria A. Lowe, CG 07-12 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 13, 2007). (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. Chad L. Lowell, CG 07-13 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 13, 2007). (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.

MARCH 15, 2007

Alliance Collection Agencies, Inc. v. Donna Pabst, CG 07-18 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 15, 2007). (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. Lambert C. Cleveland, Jr., CG 07-16 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 15, 2007). (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. Betty Granger., CG 07-15 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 15, 2007). (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.

MARCH 26, 2007

Alliance Collection Agencies, Inc. v. Steve Stygar, CG 07-17 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 26, 2007). (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

MARCH 29, 2007

Carol Garvin v. George Garvin, CV 01-27 *Order (Show Cause)* (HCN Tr. Ct., Mar. 29, 2007). (Matha, T).

The Court granted the petitioner's request for a *Show Cause Hearing* pursuant to the CONTEMPT ORDINANCE, 2 HCC § 5.5a(1)(a).

GENERAL COUNCIL ACTIONS

MARCH 1, 2007

Ona Garvin v. Ho-Chunk Nation Election Bd., Mary Ellen Dumas, as Election Bd. Chair, and Wilma Thompson, as Election Bd. Vice Chair and Dallas White Wing v. Ho-Chunk Nation Gen. Council, through Alvin Cloud, in his capacity as Chairperson of the Gen. Council; and HCN Election Bd., through Mary Ellen Dumas, as Chair of the Election Bd., CV 05-90, CV 05-93 *Decision* (HCN Tr. Ct., Mar. 1, 2007). (Vele, K).

The Court had to determine whether to grant summary judgment in the matter of who may vote in a Special Election called by the General Council to recall named elected officials. The Court found that while the Nation's Constitution guaranteed the General Council the right to call such an election, it did not guarantee a tribal-wide right to vote in the election. A tribal-wide vote was found to unfairly

dilute the interests of members within Districts 3 and 4. The Court additionally found that according to the plain language of the underlying resolution, the Special Elections were recall, not removal, actions. Accordingly, the Court granted partial summary judgment in favor of the plaintiffs.



ELECTION MATTERS

MARCH 6, 2007

George Lewis v. Ho-Chunk Nation Election Bd., et al., CV 06-109 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Mar. 6, 2007). (Rockman, A).

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

MARCH 19, 2007

Kenneth L. Twin v. Ho-Chunk Nation, HCN Legislature, HCN Election Bd., CV 07-16 Order (Denying Candidate Certification) (HCN Tr. Ct., Mar. 19, 2007). (Rockman, A).

The Court denied the candidate's request for certification in the coming General Election, due to the member's failure to properly inform the Nation of his change in residence.

MARCH 19, 2007

Shelia Corbine, Attorney General; Ho-Chunk Nation; and Constituents of District II v. Wade Blackdeer, Vice President/District II Legislator, and in his individual capacity, CV 07-18 Order (Preliminary Injunction Hearing) (HCN Tr. Ct., Mar. 19, 2007). (Rockman, A).

The Court issued this order to schedule a Preliminary Injunction Hearing in this matter.



ADMINISTRATIVE APPEALS

MARCH 9, 2007

Janet Funmaker v. Libby Fairchild, in her capacity as Executive Director of HCN Dep't of Pers., HCN Dep't of Pers., and Ho-Chunk Nation, CV 06-61 Order (Remand) (HCN Tr. Ct., Mar. 9, 2007). (Rockman, A).

The Court remanded this case to the Grievance Review Board for a specific finding of monetary relief. The Court determined that the limits established by the Employment Relations Act's

sovereign immunity waiver do not apply to the Board's grants of relief.

Willard Lonetree v. Larry Garvin, in his official capacity as Executive Director of Ho-Chunk Nation Heritage Preservation, CV 06-74 Order (Reversing and Remanding) (HCN Tr. Ct., Mar. 9, 2007). (Matha, T).

The Court reversed and remanded this case to the Grievance Review Board due to the supervisor's failure to afford the petitioner pre-deprivation minimal due process. The Court reiterated that the supervisor conducting the pre-deprivation hearing must possess discretionary authority to determine the level of appropriate discipline.

MARCH 21, 2007

Jeneile Luebke v. Patricia Boyles c/o HCN Health Dep't, CV 06-70 Order (Amended Scheduling Order) (HCN Tr. Ct., Mar. 21, 2007). (Rockman, A).

The Court issued this Order to amend dates and times in this action.



CHILDREN'S TRUST FUND (CTF)

MARCH 1, 2007

In the Interest of Minor Child: M.T.N., DOB 07/04/95 v. HCN Office of Tribal Enrollment, CV 07-12 Order (Petition Granted) (HCN Tr. Ct., Mar. 1, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with dental procedures. The Court granted the request.

MARCH 6, 2007

In the Interest of Adult CTF Beneficiary: Marvel Jean Cloud, DOB 12/12/82 v. HCN Office of Tribal Enrollment, CV 07-01 Order (Petition Conditionally Granted) (HCN Tr. Ct., Mar. 6, 2007). (Rockman, A).

The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with automobile repairs. The Court granted the request, so long as the petitioner provided proof of school enrollment and proof of financial assistance.

MARCH 12, 2007

In the Interest of Minor Child: T.G., DOB 07/18/94 v. HCN Office of Tribal Enrollment, CV 07-13 Order (Petition Granted) (HCN Tr. Ct., Mar. 12, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: J.J.S., DOB 04/01/94 v. HCN Office of Tribal Enrollment, CV 07-11 Order (Motion Granted) (HCN Tr. Ct., Mar. 12, 2007). (Rockman, A).

The Court had to determine whether a parent can access additional monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

MARCH 15, 2007

In the Interest of Minor Child: T.G., DOB 07/18/94 v. HCN Office of Tribal Enrollment, CV 07-13 Order (Petition Granted) (HCN Tr. Ct., Mar. 12, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

MARCH 26, 2007

In the Interest of Minor Child: A.E.B., DOB 04/27/05 v. HCN Office of Tribal Enrollment, CV 06-119 Order (Motion Granted) (HCN Tr. Ct., Mar. 26, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Suspending Release) (HCN Tr. Ct., Mar. 26, 2007). (Matha, T).

The Court suspended future releases from the CTF of the adult beneficiary, due to the member's failure to file required paperwork.

In the Interest of Minor Child: N.W.J., DOB 10/17/91 v. HCN Office of Tribal Enrollment, CV

06-60 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 26, 2007). (Rockman, A).

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 demanded that the petitioner submit the required accounting.

In the Interest of Minor Child: K.L., DOB 08/14/89 v. HCN Office of Tribal Enrollment, CV 06-59 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 26, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with private school tuition and expenses. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court demanded that the petitioner submit the required accounting.

In the Interest of Minor Child: D.R.M., DOB 05/12/99 v. HCN Office of Tribal Enrollment, CV 06-107 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 26, 2007). (Rockman, A).

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

In the Interest of Minor Child: T.K., DOB 06/06/90 v. HCN Office of Tribal Enrollment, CV 07-07 Order (Petition Granted) (HCN Tr. Ct., Mar. 26, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with private school tuition and expenses. The Court granted the request.

MARCH 27, 2007

In the Interest of Minor Child: S.F.S., DOB 11/09/90 v. HCN Office of Tribal Enrollment, CV 06-82 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 27, 2007). (Rockman, A).

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 requested that the petitioner submit the required accounting.

In the Interest of Minor Child: A.F.D., DOB 12/25/93 v. HCN Office of Tribal Enrollment, CV 07-14 Order (Petition Granted) (HCN Tr. Ct., Mar. 27, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

MARCH 28, 2007

In the Interest of Adult CTF Beneficiary: Jason N. Hopinka, DOB 12/17/83 v. HCN Office of Tribal Enrollment, CV 03-15 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with his criminal defense and underlying events. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court demanded that the petitioner submit the required accounting.



In the Interest of Adult CTF Beneficiary: Marvel Jean Cloud, DOB 12/12/82 v. HCN Office of Tribal Enrollment, CV 07-01 Order (Directing Release of Funds) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court directed Fifth Third Bank to release funds for automobile repairs, following the petitioner's submission of the required documentation.

MARCH 30, 2007

In the Interest of Minor Children: K.D.W., DOB 02/04/94 and D.W.W., DOB 06/29/95 v. HCN Office of Tribal Enrollment, CV 07-19 Order (Petition Granted) (HCN Tr. Ct., Mar. 30, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.



INCOMPETENT TRUST FUND (ITF)

MARCH 15, 2007

In the Interest of B.G.S., DOB 02/07/80 v. HCN Office of Tribal Enrollment, CV 06-34 Order (Motion Granted) (HCN Tr. Ct., Mar. 15, 2007). (Matha, T).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to accommodate assisted vacation expenses. The Court granted the request.

MARCH 28, 2007

In the Interest of A.F., DOB 05/10/79 v. HCN Office of Tribal Enrollment, CV 97-79 Order (Motion Granted) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to remodel the ward's bedroom and bathroom. The Court granted the request.

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the incompetent member for costs associated with residential care. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

In the Interest of H.C., DOB 01/31/31 v. HCN Office of Tribal Enrollment, CV 05-72 Order

(*Accepting Accounting*) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

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



MARCH 30, 2007

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 30, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult beneficiary for costs associated with residential care. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

 **FAMILY CASES**

 **DIVORCE**

MARCH 5, 2007

In re the Marriage of: Walter J. Decorah and Caroline E. Decorah, FM 06-04 Final Judgment for Divorce (HCN Tr. Ct., Mar. 5, 2007). (Rockman, A).

The Court granted the parties' divorce.

 **DOMESTIC VIOLENCE**

MARCH 9, 2007

Julie A. Rockman v. Dallas Pekarek, DV 07-01 Order (Extension of Order for Protection) (HCN Tr. Ct., Mar. 9, 2007). (Matha, T).

The Court extended the final order for protection originally issued by the State of Wisconsin due to the non-responsiveness of the respondent.

 **JUVENILE CASES**

MARCH 2, 2007

In the Interest of Minor Children: M.R.A., DOB 03/30/99, C.J.A., DOB 10/23/00, JV 07-01, JV 07-02 Order (Denial of Petition) (HCN Tr. Ct., Mar. 2, 2007). (Rockman, A).

The Court had to determine whether to grant temporary guardianship in the instant action. The Court denied the petition because it did not conform to the requirements of the CHILDREN'S ACT, and does not coincide with the children's best interests.

MARCH 6, 2007

In the Interest of Minor Child: S.C., DOB 03/04/91, JV 07-03 Order (Granting Motion) (HCN Tr. Ct., Mar. 6, 2007). (Rockman, A).

The Court granted expedited consideration and a motion to postpone in this matter.

MARCH 7, 2007

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Mar. 7, 2007). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: S.C., DOB 03/04/91, JV 07-03 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Mar. 7, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

MARCH 12, 2007

In the Interest of Minor Children: B.E.Y., DOB 07/25/89, N.R.Y., DOB 07/06/91, JV 05-33, 05-34 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 12, 2007). (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 performed this review in accordance with the

CHILDREN'S ACT, §3.40, and determined to maintain the status quo.

MARCH 13, 2007

In the Interest of Minor Child: N.L.W., DOB 09/22/96, JV 06-42 Order (Dismissal with Prejudice) (HCN Tr. Ct., Mar. 13, 2007). (Rockman, A).

The Court accepted CFS's choice not to prosecute the case against the respondents.

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, L.A.M., 12/16/00, JV 03-07, 03-08, 03-09, 03-10 Order (Requesting GAL Opinion) (HCN Tr. Ct., Mar. 13, 2007). (Rockman, A).

The Court issued this order to request the submission of an opinion report by the GAL assigned to this case.

MARCH 28, 2007

In the Interest of Minor Children: P.M.S., DOB 01/14/91, P.A.S., DOB 01/14/91, JV 98-06, 98-07 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court 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 Children: J.C., DOB 04/10/04, A.C., DOB 01/31/06, JV 07-04, 07-05, Order (Formal Trial) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court convened a formal *Trial* for the purpose of determining whether the Ho-Chunk Nation Child and Family Services could prove allegations made within their Petition. The Court found CFS could prove the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Mar. 28, 2007). (Matha, T).

The petitioner filed a Petition for Permanent Guardianship of the minor child with the Court.

The Court subsequently scheduled a *Guardianship Hearing*. In accordance with CHILDREN'S ACT, the Court requests that CFS prepare and submit a guardianship report and home study to the Court.



SUPREME COURT

MARCH 5, 2007

Ho-Chunk Nation Legislature, Tracy Thundercloud in his official capacity as chair of the Ho-Chunk Nation Finance Committee v. Ho-Chunk Nation President, George Lewis, SU 07-02 Scheduling Order (HCN S. Ct., Mar. 5, 2007) (Funmaker, D).

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

MARCH 12, 2007

George Lewis v. HCN Election Board et al., SU 06-07 Decision (HCN S. Ct., Mar. 12, 2007).

The Supreme Court reversed the Trial Court's issuance of a preliminary injunction preventing the removal of HCN President George Lewis by the General Council. The Supreme Court found the Trial Court should not have issued the preliminary injunction because the determination as to whether President Lewis had committed malfeasance is a political question, and thereby unfit to be decided by the judicial branch.



TRIAL COURT



CHILD SUPPORT

MARCH 12, 2007

Heather Littlethunder v. Steven Kearnes, Sr., CS 07-20 (Rockman, A).

Sheboygan Cty. CSA for Monica R. Kinney v. Kurt K. Netzer, CS 07-21 (Rockman, A).

Sheboygan Cty. CSA for Diane K. Flessert v. Kurt K. Netzer, CS 07-22 (Rockman, A).

MARCH 23, 2007

Milwaukee Cty. & Allison Albert v. Peter Albert, CS 07-23 (Matha, T).

Blue Earth Cty. & Elizabeth Ann Block v. Dana J. Armendariz, CS 07-24 (Matha, T).

 **CIVIL GARNISHMENT**

MARCH 2, 2007

Valued Service of Wisconsin, LLC., Check Advance # 20125 v. Danielle L. Tousey, CG 07-20 (Matha, T).

Valued Service of Wisconsin, LLC., Check Advance #20125 v. Tracy R. Steeb, CG 07-21 (Matha, T).

Valued Service of Wisconsin, LLC., Check Advance #20125 v. Kelly Potts, CG 07-22 (Matha, T).

MARCH 8, 2007

Creditor Recovery Service v. Jerry D. McCrossen, CG 07-23 (Matha, T).

 **CIVIL CASES**

MARCH 2, 2007

In the Interest of Minor Child T.G., DOB 7/18/94 v. HCN Office of Tribal Enrollment, CV 07-13. (Rockman, A).

MARCH 9, 2007

In the Interest of Minor Child Avery Deer, DOB 12/25/93 v. HCN Office of Tribal Enrollment, CV 07-14. (Matha, T).

MARCH 13, 2007

In the Interest of Minor Children V.K.B., DOB 09/18/98, E.M.B., DOB 03/09/01 v. HCN Office of Tribal Enrollment, CV 07-15. (Rockman, A).

MARCH 14, 2007

Kenneth L. Twin v. HCN Election Bd., CV 07-16. (Rockman, A).

MARCH 15, 2007

Jason N. Hopinka v. HCN Office of Tribal Enrollment, CV 07-17. (Rockman, A).

MARCH 16, 2007

Shelia Corbine v. Wade Blackdeer, CV 07-18. (Rockman, A).

MARCH 23, 2007

In the Interest of Minor Children K.D.W, DOB 02/04/94, D.W.W., DOB 06/29/95 v. HCN Office of Tribal Enrollment, CV 07-19. (Matha, T).

SUPREME COURT

MARCH 5, 2007

Ho-Chunk Nation Legislature, Tracy Thundercloud in his official capacity as chair of the Ho-Chunk Nation Finance Committee v. Ho-Chunk Nation President George Lewis, SU 07-02.



**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 – VACANT
 Bailiff – Margaret Wilkerson
 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)





MAY 2007

VOL. 13, NO. 5

Inside this Issue

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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.

MAY CLOSURES:
 The Court will be **CLOSED** May 28 in observance of Memorial Day.



HO-CHUNK NATION COURT BULLETIN

“A SEDULOUSLY AND CAREFULLY PLANED MASSACRE”: SAND CREEK, BATH AND VIRGINIA TECH



On April 16, 2007, a lone gunman opened fire on the campus of Virginia Tech in Blacksburg, Virginia. The gunman, later identified as senior Seung-Hui Cho, killed 32 people and wounded 29 more in two separate incidents two hours apart. At the end of his spree, as police closed in on him, Cho died in Norris Hall of a self-inflicted gunshot wound. Later investigation into Cho revealed a young man pathologically obsessed with death and violence, who had shown his sadistic tendencies for years prior to his final breakdown.

While the Virginia Tech massacre was undoubtedly the greatest firearm massacre in *recent* American history, and a great tragedy, the short-sighted media was quick to label the disaster “the greatest school massacre in American history” and the “greatest firearms massacre in US history.” Students of American history will note, however, that tragically *neither* of these statements is the case.

On May 18, 1927, angered about the pending foreclosure of his farm due to rising property taxes, a disgruntled member of the school board loaded over 1,000 pounds of dynamite in the elementary school in Bath Township, Michigan. In a series of three explosions, Andrew

Kehoe killed himself and 44 others, by and large children between third and sixth grade. Kehoe injured an additional 58, also mostly small children. The bombing of Bath Consolidated Schools still ranks as the deadliest school massacre in US history, killing more than VA Tech and Columbine combined.

In 1864, Governor John Evans of Colorado suggested that all whites “take a few months off and dedicate the time to wiping out the Indians.” Colonel John Chivington, a former Methodist minister, took Evan’s statement to heart. Chivington led a band of white militia against the residents of Black Kettle, a Cheyenne settlement on the banks of the Sand Creek, despite the American flag of truce flying over the village.

On the icy morning of 29 November 1864, Chivington’s militia killed at least 200 Indians; in his deposition to Congress about the massacre, Chivington himself estimated as many as 500-600 Indians were killed. Most of those killed were women, children, and the elderly. When a soldier asked why he must fire on unarmed children, Chivington is reported to have stated, “From nits come lice.” This Massacre has been largely lost to history, as evidenced by recent claims that the tragic Virginia Tech shootings on April 20 were the largest number of murders in US history. *See generally* <http://www.indianz.com/News/2007/002488.asp>.

“Later, nobody could remember whether White Antelope was still wearing the peace medal given to him by President Lincoln.” Chivington’s men scalped most of the dead, and a display of body parts of those killed were later displayed at the Opera House in Denver. Many of the corpses were boiled (to remove the flesh) and returned to the Army Museum for study.

In the aftermath of the Sand Creek Massacre, a Joint Special Committee of the United States Congress was called to look into allegations of atrocities committed by Chivington and his men. Congress found the actions taken in the name of the US Government to amount to a “sedulously and carefully planed [sic] massacre.” The Committee noted:

As to Colonel Chivington, your committee can hardly find fitting terms to describe his

conduct...he deliberately planned and executed a foul and dastardly massacre...Having full knowledge of their friendly character, having himself been instrumental to some extent in placing them in their position of fancied security, he took advantage of their inapprehension...the truth is that he surprised and murdered, in cold blood, the unsuspecting men, women, and children on Sand Creek...and then returned to Denver and boasted of the brave deeds he and the men under his command had performed.

Despite these findings, no one was ever convicted for participation in the Sand Creek Massacre.

In 1993, pursuant to NAGPRA, a delegation of Cheyenne traveled to the Smithsonian Institution in Washington, D.C., and received the remains of six of the victims of the Sand Creek massacre. The Smithsonian had divided remains in their collection into five categories of Cheyenne affiliation: Definite, Probable, Possible, Uncertain, and Unknown. All remains falling within the first three of these categories were returned to the tribe, pursuant to PL 101-185. These bones—mostly skulls—were laid to rest in a ceremony in Concho, Okla. A human scalp, identified as Arapahoe, taken from Sand Creek was formerly within the collection of the Denver Museum of Nature & Science in Colorado, which published a NAGPRA notice in March 2004. The remains were repatriated to the Cheyenne-Arapaho in June of 2005 for future interment at the Sand Creek site. *See:* <http://www.cr.nps.gov/nagpra/fednotices/nagpradir/nic0752.html>.



For many years, the actual site of the massacre was lost to history. In 1998, former President Bill Clinton signed Public Law 105-243, the Sand Creek Massacre Site Study Act. The area was definitively identified in May 2000 following the discovery of shrapnel from a mountain Howitzer, a large caliber

cannon documented as used in the massacre, but unused in the region at the time. The site is located outside the modern town of Eads, CO. The Sand Creek Massacre Site Establishment Act of 2000 authorized purchase of this land from willing sellers for the establishment of a park and memorial. As noted by the 105th Congress in the text of the bill, “[t]ribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.” The site will be officially dedicated on April 28, 2007.

The remains of those killed in these two massacres, particularly those housed in the collections of the Denver Museum and the Smithsonian Institution, are clearly within the zone of interests that NAGPRA was intended to protect. The museums have obeyed the terms of the statute by cataloging the remains and returning them to petitioning tribal members with definitive proof of ancestry. That makes the Sand Creek and Bear River Massacres both rare success stories under the Act: the right tribes with standing to petition applying for remains which were adequately inventoried and covered under the Act.

It is said those who forget history are doomed to repeat it. May the tragic acts of incomprehensible violence which predated the Virginia Tech massacre be remembered, in hopes they may never again be repeated. The friends and families of the VA Tech victims remain in the thoughts and prayers of the Ho-Chunk Judiciary.



UPDATES FROM OUTSIDE COURTS

United States Court of Appeals for the Ninth Circuit

National Wildlife Federation v. National Marine Fisheries Service, No. 06-35011, (Apr. 9, 2007)

The 9th Circuit ruled the Nez Perce, Umatilla, Warm Springs and Yakama Nations had the right to be consulted regarding hydroelectric dams on the Columbia and Snake Rivers under treaty rights dating to 1855. The 9th Circuit found the requirement that engineers and builders consult with the local indigenous nations prior to undertaking construction was reasonable given the history of the case.



Supreme Court of Virginia

Alliance to Save the Mattaponi et al. v. Commonwealth of Virginia, 621 S.E. 2d 78, (2005)

The city of Newport News, Virginia and the Mattaponi Tribe reached a compromise in the 10-year litigation regarding the construction of a reservoir in King William County, Virginia. The Tribe maintains they retain water rights to the region under a 1677 Treaty. The case has been ongoing for nearly a decade, with the Supreme Court of the United States denying certiorari in June 2006. The agreement provides for the payment of \$650,000.00 to end litigation on the matter. Construction of the reservoir is due to begin in June, 2007.

Supreme Court of Connecticut

Beecher v. Mohegan Tribe, SC 17546 (Apr. 24, 2007)

In an action brought by a former member of the Mohegan Tribal Gaming Commission, the Supreme Court of Connecticut found that the Tribe had not waived its sovereign immunity by instigating an original lawsuit in the matter. The Court noted while initiation of a lawsuit may constitute consent to sue or be sued, such consent only applies to the particular action, not suits stemming therefrom. Justice David M. Borden concluded by noting “[n]either reason nor fairness permits us to disregard the well established doctrine of tribal sovereign immunity. Though it began as a judicial doctrine, tribal sovereign immunity now rests squarely in Congress’ court.”



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

APRIL 3, 2007

Heather Little Thunder v. Steven Kearnes, Sr., CS 07-20 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Apr. 3, 2007). (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.

APRIL 5, 2007

State of South Dakota, Division of Child Support, ex rel Debra L. Sine-Crawford v. Daniel M. Sine, CV 05-75 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Apr. 5, 2007). (Matha, T).

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 August 2007 per capita distribution.

APRIL 10, 2007

State of Wisconsin v. Dean Hopinka, CV 97-46 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Apr. 10, 2007). (Matha, T).

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 August 2007 per capita distribution.

State of Iowa ex rel., WS1000026, T.J.R.H., a Child v. Jerome J. Houston, CS 02-42 *Order (Ceasing Withholding of Child Support Arrears)* (HCN Tr. Ct., Apr. 10, 2007). (Matha, T).

The petitioner filed a motion stating child support arrears in this case had been paid in full. As a result, the Court issued this order to cease withholding for child support arrears.

In re the Marriage of: Stacey L. Russell v. James P. Russell, CS 06-42 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Apr. 10, 2007). (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.

APRIL 11, 2007

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, -24, -25 *Order (Modifying and Enforcing Child Support &*

Erratum) (HCN Tr. Ct., Apr. 11, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. Since the motion was advantageous to the respondent, the Court assumed his acquiescence, thereby granting recognition and enforcement of the foreign judgment.

APRIL 13, 2007

Sawyer Co. Child Support v. Tyrone A. Blackdeer, CS 04-38 Order (*Ceasing Withholding and Intent to Close*) (HCN Tr. Ct., Apr. 13, 2007). (Matha, T).

The petitioner filed a motion stating child support in this case had been paid in full. As a result, the Court issued this order to cease withholding for child support.

APRIL 16, 2007

Melissa McGill v. Paul Smith, CV 96-62 Order (*Updating Arrearage Withholding*) (HCN Tr. Ct., Apr. 16, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

Milwaukee Co. & Allison Albert v. Peter J. Albert, CS 07-23 Order (*Enforcing Child Support Against Wages*) (HCN Tr. Ct., Apr. 16, 2007). (Matha, T).

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.

APRIL 23, 2007

Ellen Frandy v. Roland T. Labarge, CS 07-24 Order (*Enforcing Child Support Against Wages*) (HCN Tr. Ct., Apr. 23, 2007). (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.

State of Wisconsin v. Stacy Yellowcloud, CS 99-65 Order (*Updating Arrearage Withholding*) (HCN Tr. Ct., Apr. 23, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

State of Wisconsin & Maureen J. Bighorn v. Harvey Holst, Jr., CS 04-61 Order (*Updating Arrearage Withholding*) (HCN Tr. Ct., Apr. 23, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

State of Wisconsin/ Sauk County v. Mitchell RedCloud and Cynthia Mobley v. Mitchell RedCloud, CS 02-33, 03-42 Order (*Updating Arrearage Withholding*) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

The Court issued this order to update the amount of arrears owing in this case.



CIVIL GARNISHMENT CASES

APRIL 23, 2007

Black River Memorial Hospital v. Vilas L. & Gina Whiteeagle, CG 07-24 Order (*Default Judgment*) (HCN Tr. Ct., Apr. 23, 2007). (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. Tina Forcia, CG 06-41 Order (*Motion Granted*) (HCN Tr. Ct., Apr. 23, 2007). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent has returned to employment with the Nation and failed to timely respond to a notice of reactivation, thus the Court granted a judgment in favor of the petitioner.



CIVIL CASES

JANUARY 5, 2007

Ho-Chunk Nation Treasury v. George Garvin, CV 01-27 Order (*Show Cause*) (HCN Tr. Ct., Mar. 29, 2007). (Matha, T).

The Court granted the petitioner's request for a *Show Cause Hearing* pursuant to the CONTEMPT ORDINANCE, 2 HCC § 5.5a(1)(a).



GENERAL COUNCIL ACTIONS

MARCH 1, 2007

Ona Garvin v. Ho-Chunk Nation Election Bd., Mary Ellen Dumas, as Election Bd. Chair, and Wilma Thompson, as Election Bd. Vice Chair and Dallas White Wing v. Ho-Chunk Nation Gen. Council, through Alvin Cloud, in his capacity as Chairperson of the Gen. Council; and HCN Election Bd., through Mary Ellen Dumas, as Chair of the Election Bd., CV 05-90, CV 05-93 Decision (HCN Tr. Ct., Mar. 1, 2007). (Vele, K).

The Court had to determine whether to grant summary judgment in the matter of who may vote in a Special Election called by the General Council to recall named elected officials. The Court found that while the Nation's Constitution guaranteed the General Council the right to call such an election, it did not guarantee a tribal-wide right to vote in the election. A tribal-wide vote was found to unfairly dilute the interests of members within Districts 3 and 4. The Court additionally found that according to the plain language of the underlying resolution, the Special Elections were recall, not removal, actions. Accordingly, the Court granted partial summary judgment in favor of the plaintiffs.



ELECTION MATTERS

APRIL 6, 2007

Shelia Corbine, Attorney General; Ho-Chunk Nation; and Constituents of District II v. Wade Blackdeer, Vice President/District II Legislator, and in his individual capacity, CV 07-18 Order (Addressing Preliminary Injunction Request) (HCN Tr. Ct., Apr. 6, 2007). (Rockman, A).

The Court issued this order to schedule a *Preliminary Injunction Hearing* in this matter.

APRIL 17, 2007

Shelia Corbine, Attorney General; Ho-Chunk Nation; and Constituents of District II v. Wade Blackdeer, Vice President/District II Legislator, and in his individual capacity, CV 07-18 Order (Motion Denied) (HCN Tr. Ct., Apr. 17, 2007). (Rockman, A).

The Court denied the petitioner's Motion for Preliminary Injunction since the issue was superseded by the Supreme Court's authority.

Since the HCN Supreme Court vacated the portion of *Lewis SU 06-07*, the petitioner's motion is based on, the Trial Court may not rule on this matter. Specifically, the Supreme Court ordered the Trial Court to conduct an evidentiary hearing on the issue of pro tempore succession.



ADMINISTRATIVE APPEALS

APRIL 2, 2007

Susan F. Bosgraff v. Ho-Chunk Nation and Ho-Chunk Nation Dep't of Ins. and Paula Goulet v. HCN Ins. Review Comm'n, CV 06-99, 06-105 Order (Requiring Submission of Briefs) (HCN Tr. Ct., Apr. 2, 2007). (Rockman, A).

The Court requested all parties submit briefs in this matter.

Willard Lonetree v. Larry Garvin, in his official capacity as Executive Director of Ho-Chunk Nation Heritage Preservation, CV 06-74 Order (Reversing and Remanding) (HCN Tr. Ct., Mar. 9, 2007). (Matha, T).

The Court reversed and remanded this case to the Grievance Review Board due to the supervisor's failure to afford the petitioner pre-deprivation minimal procedural due process. The Court reiterated that the supervisor conducting the pre-deprivation hearing must possess discretionary authority to determine the level of appropriate discipline.

MARCH 21, 2007

Jeneile Luebke v. Patricia Boyles c/o HCN Health Dep't, CV 06-70 Order (Amended Scheduling Order) (HCN Tr. Ct., Mar. 21, 2007). (Rockman, A).

The Court issued this *Order* to amend dates and times in this action.



CHILDREN'S TRUST FUND (CTF)

APRIL 2, 2007

In the Interest of Minor Child D.R.M., DOB 05/12/1999 v. HCN Office of Tribal Enrollment, CV 06-107 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 2, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor member for costs associated

with the purchase of hearing instruments. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child K.L., DOB 08/14/89 v. HCN Office of Tribal Enrollment, CV 06-59 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 2, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the minor member for costs associated with private school tuition and related expenses. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.



In the Interest of Minor Child N.W.J., DOB 10/17/91 v. HCN Office of Tribal Enrollment, CV 06-60 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 2, 2007). (Rockman, A).

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

In the Interest of Minor Child: K.T., DOB 09/25/89 v. HCN Office of Tribal Enrollment, CV 06-91 Order (Requesting Accounting) (HCN Tr. Ct., Apr. 2, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with emergency housing assistance and replacement of belongings lost in a residential fire. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

In the Interest of Adult CTF Beneficiary: Joseph R. Hammer, DOB 09/02/82 v. HCN Office of Tribal Enrollment, CV 06-84 Order (Requesting

Accounting) (HCN Tr. Ct., Apr. 2, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with emergency housing assistance and replacement of belongings lost in a residential fire. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

APRIL 3, 2007

In the Interest of Minor Child T.L.M., DOB 04/10/94 v. HCN Office of Tribal Enrollment, CV 07-08 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 3, 2007). (Matha, T).

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

In the Interest of Minor Child D.R.M., DOB 05/12/99 v. HCN Office of Tribal Enrollment, CV 07-08 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 3, 2007). (Matha, T).

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

APRIL 10, 2007

In the Interest of Minor Child: L.A.O., DOB 09/15/93 v. HCN Office of Tribal Enrollment, CV 07-20 Order (Petition Granted) (HCN Tr. Ct., Apr. 10, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

APRIL 23, 2007

In the Interest of Adult CTF Beneficiary Jason Hopinkah v. HCN Office of Tribal Enrollment, CV 07-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

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

In the Interest of Minor Child B.K.W.B., DOB 02/10/97 v. HCN Office of Tribal Enrollment, CV 06-67 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the minor member for costs associated with private school tuition and expenses. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child T.G., DOB 07/18/94 v. HCN Office of Tribal Enrollment, CV 07-13 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

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

In the Interest of Minor Child: C.F.R., DOB 09/22/99 v. HCN Office of Tribal Enrollment, CV 07-02 Order (Requesting Accounting) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the minor member 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 requested that the petitioner submit the required accounting.

APRIL 24, 2007

In the Interest of Minor Child: T.R.G., DOB 01/30/91 v. HCN Office of Tribal Enrollment, CV 07-03 Order (Requesting Accounting) (HCN Tr. Ct., Apr. 24, 2007). (Matha, T).

The Court previously released funds from the CTF account of the minor member 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 requested that the petitioner submit the required accounting.

In the Interest of Minor Child: E.C.L., DOB 04/13/93 v. HCN Office of Tribal Enrollment, CV 06-111 Order (Requesting Accounting) (HCN Tr. Ct., Apr. 24, 2007). (Matha, T).

The Court previously released funds from the CTF account of the minor member 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 requested that the petitioner submit the required accounting.

In the Interest of Minor Child R.M.D., DOB 01/28/95 v. HCN Office of Tribal Enrollment, CV 06-118 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 24, 2007). (Matha, T).

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

In the Interest of Minor Children: C.M.K., DOB 12/27/91 and R.R.K., DOB 04/04/90 v. HCN Office of Tribal Enrollment, CV 07-10 Order (Petition Granted) (HCN Tr. Ct., Apr. 24, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor children's CTFs to pay for costs associated with orthodontic procedures. The Court granted the request.



INCOMPETENT TRUST FUND (ITF)

MARCH 28, 2007

In the Interest of A.F., DOB 05/10/79 v. HCN Office of Tribal Enrollment, CV 97-79 Order (Motion Granted) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to remodel the ward's bedroom and bathroom. The Court granted the request.

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court previously released funds from the ITF account of the incompetent member for costs associated with residential care. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

FAMILY CASES

DIVORCE

MARCH 5, 2007

In re the Marriage of: Walter J. Decorah and Caroline E. Decorah, FM 06-04 Final Judgment for Divorce (HCN Tr. Ct., Mar. 5, 2007). (Rockman, A).

The Court granted the parties' divorce.

DOMESTIC VIOLENCE

MARCH 9, 2007

Julie A. Rockman v. Dallas Pekarek, DV 07-01 Order (Extension of Order for Protection) (HCN Tr. Ct., Mar. 9, 2007). (Matha, T).

The Court extended the final order for protection originally issued by the State of Wisconsin due to the non-responsiveness of the respondent.

JUVENILE CASES

APRIL 2, 2007

In the Interest of Minor Child S.L.C., DOB 08/28/89, JV 05-09 Order (Denial of Petition) (HCN Tr. Ct., Apr. 2, 2007). (Rockman, A).

The Court had to determine whether to revoke permanent guardianship in the instant action. The Court denied the petition because it did not conform to the requirements of the CHILDREN'S ACT, and does not coincide with the 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., Apr. 2, 2007). (Rockman, A).

The Court convened a Status Hearing at the request of the mother to discuss the case. Ho-Chunk Nation Children & Family Services (hereinafter CFS) requested a three-month transitional period of return

from the temporary guardian and paternal grandmother to the mother.

APRIL 3, 2007

In the Interest of Minor Child: S.L.C., DOB 08/28/89, JV 05-09 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Apr. 3, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

APRIL 5, 2007

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06 Order (Dispositional Requirements) (HCN Tr. Ct., Apr. 5, 2007). (Matha, T).

The Court conducted a dispositional hearing. At the hearing, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. The Court ordered certain dispositional recommendations necessary for the protection of the children and possible reunification of the family.



MARCH 12, 2007

In the Interest of Minor Children: B.E.Y., DOB 07/25/89, N.R.Y., DOB 07/06/91, JV 05-33, 05-34 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 12, 2007). (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 performed this review in accordance with the CHILDREN'S ACT, §3.40, and determined to maintain the status quo.



SUPREME COURT

APRIL 13, 2007

George Lewis v. HCN Election Board et al., SU 06-07 Order for Reconsideration (HCN S. Ct., Apr. 13, 2007). (Butterfield, M.).

The Supreme Court vacated the first paragraph of page 8 in its March 12, 2007 Decision in this matter, a portion which appeared to give an advisory opinion on the line of succession for the position of President of the Ho-Chunk Nation.



TRIAL COURT



CHILD SUPPORT

APRIL 11, 2007

Michelle Klien-Brito v. Albert Cleveland, CS 07-26 (Rockman, A).

APRIL 16, 2007

State of Wisconsin & Criste Ann Morton v. Patrick Sturdevant, CS 07-27 (Matha, T).

Jacqueline Miller and State of Wisconsin v. Donovan P. Scheurich, Jr., CS 07-28 (Matha, T).

APRIL 20, 2007

Ramsey Cty. & Danielle Crowfeather v. Kent Funmaker, CS 07-29 (Matha, T).



CIVIL GARNISHMENT

APRIL 3, 2007

Alliance Collection Agency v. Tammy Roberts, CG 07-25 (Matha, T).

APRIL 4, 2007

Alliance Collection Agency v. Marie Ann Wolf, CG 07-26 (Matha, T).

APRIL 5, 2007

Strupper, Schuster & Coupler v. Jeriah Rave, CG 07-27 (Matha, T).

APRIL 11, 2007

Ozaukee County Clerk of Courts v. Anthony A. Decorah, CG 07-28 (Matha, T).

APRIL 16, 2007

Creditor Recovery Service v. Chiara Cleveland, CG 07-29 (Matha, T).

Creditor Recovery Service v. Grady Stewart, CG 07-30 (Matha, T).

APRIL 20, 2007

Tri-State Adjustments v. Diane Wilde, CG 07-31 (Matha, T).



CIVIL CASES

APRIL 3, 2007

In the Interest of Minor Child L.A.O., DOB 09/15/93 v. HCN Office of Tribal Enrollment, CV 07-20. (Matha, T).

In the Interest of Minor Child R.M., DOB 06/07/97 v. HCN Office of Tribal Enrollment, CV 07-21. (Matha, T).

APRIL 16, 2007

In the Interest of Adult CTF Beneficiary Cha-Ska Prescott v. HCN Office of Tribal Enrollment, CV 07-22. (Matha, T).

In the Interest of Minor Child M.W., DOB 07/09/95 v. HCN Office of Tribal Enrollment, CV 07-23. (Matha, T).

Timothy WhiteEagle v. Wade Blackdeer et al., CV 07-24. (Matha, T).

APRIL 19, 2007

In the Interest of Minor Child A.F., DOB 01/13/96 v. HCN Office of Tribal Enrollment, CV 07-26. (Matha, T).

APRIL 20, 2007

*In the Interest of Minor Child M.L., DOB 03/03/94
v. HCN Office of Tribal Enrollment, CV 07-25.
(Matha, T).*



APRIL 5, 2007

*Jerome Cloud v. Simone Cloud, FM 07-03
(Rockman, A).*



APRIL 3, 2007

*In the Interest of Minor Child A.H., DOB 07/03/06,
JV 07-07. (Rockman, A).*

SUPREME COURT

APRIL 6, 2007

*HCN Treasury Department et al. v. Corvettes on the
Isthmus, et al., SU 07-03.*

*Willard Lonetree v. Larry Garvin, in his official
capacity as Exec. Director of HCN Heritage
Preservation, SU 07-04.*

*Forrest Funmaker, Rita Cleveland, Wilfrid
Cleveland, Angelina Waege, Loa Porter v. Alvin
Cloud in his capacity as Chairperson for 2005
General Council, SU 07-06.*

APRIL 10, 2007

*Janet Funmaker v. Libby Fairchild, in her capacity
as Exec. Director of HCN Dep't of Personnel, Dep't
of Personnel, HCN Dep't of Personnel, Ho-Chunk
Nation, SU 07-05.*

APRIL 24, 2007

Ona Garvin v. HCN Election Bd., SU 07-07.

MARK YOUR CALENDARS FOR:



Guardian Ad Litem Training

July 10-12, 2007

The *Ho-Chunk Nation Children & Family Act* requires that the Trial Court “appoint a guardian ad litem to protect the interests of the child” in every juvenile case. 4 HCC § 3.20b. The Ho-Chunk Nation Judiciary currently seeks conscientious, caring and dependable individuals to fill this important role. A guardian ad litem serves as an independent advocate and informs the Court of a child's interests in child protection actions and guardianship matters.

Guardians ad litem receive compensation for their services and reimbursement for accumulated expenses. The Court will host an **on-site guardian ad litem training session on July 10-12, 2007**, at Wa Ehi Hoci in Black River Falls, WI.

Wisconsin Judicare, Inc. will conduct the training, which is free to tribal members and non-member tribal employees. Interested individuals, including current guardians ad litem, are encouraged to attend, and should seek further information from the Clerk of Court at (800) 434-4070 or (715) 284-2722. Pursuant to the *Ho-Chunk Nation Rules for Guardian Ad Litem*, prospective attendees must complete an application and schedule a brief interview. The course is limited to participation of approximately twenty (20) individuals.

The training session has received the support of the Executive Director of the Personnel Department, and **tribal employees may receive paid Educational Leave to attend the course**. Employees must request Educational Leave at least thirty (30) days in advance of the training as required by the *Employment Relations Act*. Approval of any such request remains within the discretion of the relevant departmental Executive Director. 6 HCC § 5.24a-b.





**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
Cecil R. Garvin, Sr.
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 – VACANT
Bailiff – Margaret Wilkerson
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)





JUNE 2007

VOL. 13, NO. 6

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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/
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HO-CHUNK NATION COURT BULLETIN

NUNAMINGNUT UTEQIHUT: NAGPRA AND THE STRUGGLE TO REPATRIATE NATIVE REMAINS



In September 1897, arctic explorer Robert Peary brought six Greenland Inuit to New York City onboard the arctic steamer the Hope. Peary had acted at the behest of Franz Boas of the American Museum of Natural History. The Inuit, known popularly as the “Peary Eskimos,” were a great tourist attraction; in their first two days in the city, 30,000 people paid a quarter apiece to see them on the deck of the Hope. The Inuit lived in apartments above the museum and remained a popular attraction until they began to die of pneumonia and tubercular infections.

The ill Inuit moved to Bellevue Hospital in the city. Within just eight months of their arrival at the Port of New York, four of the six were dead of tuberculosis. One of the survivors returned to Greenland, and the last, a six-year-old named Minik, remained with a member of Boas’ team. Minik attended the burial of his father, Qisuk, in a grave in Central Park, showing onlookers a “traditional” Inuit burial. Minik failed to realize at the time his father’s remains had been boiled, cataloged and added to the Museum collection; a log was used to fill the grave. When 15-year-old Minik learned the truth about his father’s

remains from a newspaper, he fought for the return of Qisuk's remains. Sensationalist papers of the day ran with the melodramatic story:

An upstairs room—at the museum—is his father's last resting place. His coffin is a showcase, his shroud a piece of plate glass. No quiet of the graveyard is there; the noise of shuffling feet and the tap, tap of hammers as workmen fix up other skeletons, is ever present. And when the sunlight fades they turn on the electrical lights so that Minik's father may not even have the pall of darkness to hide his naked bones.

Minik died during the great influenza epidemic of 1918.

The story of Minik and the other Peary Eskimos is one of the rare occasions that Native American Graves Protection and Repatriation Act (NAGPRA) repatriation has directly contradicted the wishes of both the tribe and the dead in question. In August 1993, the remains of the Peary Eskimos were returned to Qaanaaq, Greenland, for reburial. Ironically, this repatriation was against the Inuit tradition and the likely wishes of those whose remains were moved: the Inuit believe the evil of a person remains in his bones, and therefore try not to associate with the remains of the dead. Corpses are believed to be shells left behind when the spirit reincarnates. Asked his feelings on the return of the remains, Minik's last surviving relative replied, "If that's what [the Museum people] wanted, it's alright. And if they [the bones] had stayed where they were, that would have been alright too."¹ Minik and his companions now rest below a simple cross, bearing a plaque inscribed, "*Nunamingnut Uteqihut*"—They are Home.

Within American museums, no culture's remains have been so widely displayed and so openly exploited as those of the indigenous tribes of North America. Until the past 20 years, native remains would be displayed, sold, collected, and even singled out for inspection to the exclusion of other bodies in the same dig. These desecrations

finally led Congress to enact the NAGPRA in 1990 (25 U.S.C.S. §§ 3001 *et. seq.*), allowing law enforcement agencies to control the trade in Native ritual objects and remains and providing a system for the return of traceable remains. Senator Daniel K. Inouye (D, Hawaii) noted:

When human remains are displayed in museums or historical societies, it is never the bones of white soldiers or the first European settlers that came to this continent that are lying in glass cases. It is Indian remains. The message that this sends to the rest of the world is that Indians are culturally and physically different and inferior to nonindians. By any definition, this is racism.

This exclusive display of non-Caucasian remains is a distinctly American idiosyncrasy. All the European bog people discovered have been white. Cathedrals throughout Europe contain the relics of Catholic Saints exhibited for the veneration of pilgrims—Saint Bernadette remains incorruptible in her crystal coffin in Nevers, France; St. Valentine's bones repose in an ossuary in Dublin, Ireland.

In its 45th Session in 1994, the United Nations Economic and Social Council Commission on Human Rights drafted a bill similar to NAGPRA calling for the international return of indigenous remains and a renewed respect for native cultures, languages, and religions. Article 13 specifically states that, "[s]tates shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected, and protected."

In 1996, teenagers at the Tri-City Water Follies hydroplane race outside Kennewick, Wash., came upon human remains in an eroding Columbia River bank. Initially, there was no reason to believe that NAGPRA applied to the skeleton. The remains were initially believed to be those of early Caucasian settlers, since the craniofacial structure did not appear to be consistent with that of any known tribal remains. Leading American forensic anthropologist Dr. James Chatters noted, "[t]here were unusual characteristics in the skull, narrow, sloping features. And the prominent nose, distinct

¹ Edmund Carpenter, *Dead Truth, Live Myth*, at <http://faculty.virginia.edu/phantom/Dead%20Truth.pdf>.

from the more rounded, Mongolian-type features found on early Native remains.”



The decidedly Caucasoid features of Kennewick Man became a major bone of contention among anthropologists studying the remains. Chatters’ facial reconstruction from the skull yielded a profile startlingly similar to that of the British *X-Men* star Patrick Stewart. The *New Yorker* and *New York Post* each ran articles questioning the ethnicity of Kennewick Man based on the “Stewart Reconstruction,” implying an early Caucasoid presence in North America. However, Doug Owsley of the Smithsonian Institution noted that the remains resembled those of the Spirit Cave mummy discovered in Nevada, dated at approximately 10,650 years old.

The bones were found on federal property owned by the Army Corps of Engineers, who elected to return the bones to the Umatilla Tribe without following the standard repatriation procedures outlined in NAGPRA. Additionally, the Umatilla refused all requests by anthropologists to study the remains. The Confederated Tribes of the Colville Nation called into question the Army Corps failure to follow protocol in the case.

Radio-carbon dating of the metacarpal bone performed at the University of California, Riverside, sets the age of the skeleton at somewhere between 8,340 and 9,800 years old with a 95% confidence level, some of the oldest human remains ever uncovered in North America. Other ancient remains have been unearthed at Hourglass Cave, Colorado (8,000 years old) and Spirit Cave, Nevada (9,415 years). CAT scans revealed an arrow-like stone projectile with a rounded base and serrated edges still imbedded within the man’s pelvis. Known as the Kennewick Man for the site where he

was unearthed, the skeleton is nearly complete despite its age—nearly 450 generations.

Eight scientists filed suit in United States District Court in Portland requesting the right to examine the remains. A memorandum arrived to the office of Doug Owsley questioning the ability of Smithsonian employees to file suit against the government under 18 U.S.C. § 205. After the case was filed, the Army Corps of Engineers, working in concert with tribes like the Umatilla, used helicopters to bury the site with landfill and planted Russian Olive Trees over the area. These maneuvers effectively cut off all further study of the area before Congress could act to protect the site. The corps spent nearly \$170,000.00 of taxpayer money to carry out the site cover-up.

During the process of moving the remains, both of the femurs originally catalogued at the discovery site vanished. After the skull, femurs are the most important bones for dating and scientific purposes. A high-ranking official at the La Bataille facility apparently let members of the Umatilla tribe into the vault to perform ceremonies over the bones. These same tribal members allegedly removed the femurs and reburied them at an undisclosed location.

The Kennewick Man dispute initially rose through the District of Oregon, appealed to the 9th Circuit in September of 2003. Circuit Judge Ronald M. Gould wrote the opinion of the Court affirming Oregon’s decision to bar the tribes from reburying Kennewick Man and handing the remains over to the scientists pursuant to the Archeological Resources Protection Act of 1979 (ARPA). After establishing the court had jurisdiction over the issue, the court ruled “that NAGPRA requires human remains to bear some relationship to a presently existing tribe, people, or culture to be considered ‘Native American.’” However, why should he? The climate, topography, flora and fauna of North America have all altered since Kennewick Man lived. Kennewick Man saw the end of the last great Ice Age 10,000 years ago; giant short-faced bear and mastodons still roamed North America.

There is no evidence in the trial record that Kennewick Man shares any relation to modern tribes in the Washington region. Moreover, the skeleton’s features more closely resemble those of Caucasians, Pacific Islanders and Polynesians. Oral

histories presented by some of the tribes were dismissed by the court as being surmised later from geological and anthropological evidence. Focusing on the word "indigenous" in the statute, the scientists noted that Congress never intended in drafting the statute to encompass skeletons more than 9,000 years old; such a date was far past the intended cutoff date.

Under 43 CFR 10.10(g), "culturally unidentifiable human remains" must be reported, and a review committee established to suggest a plan of action for each set of remains. These reports are submitted to the Secretary of the Interior, who may recommend specific actions for culturally unidentifiable remains. Since the court ruled the remains were not Native American, and not covered under NAGPRA, the 9th Circuit awarded them to the anthropologists under ARPA, and remanded the case to the district court.

Following a retrial encompassing amicus curiae briefs from five tribes, Jelderks noted in his opinion that no definitive link to any living tribe could be proven, allowing for study of Kennewick Man to proceed. "Following the 9th Circuit's conclusion that NAGPRA does not apply, there is no basis for concluding that the tribal claimants have a legally cognizable interest which entitles them to participate as parties in any further proceedings in this court." Until repatriation efforts succeed, the remains continue to be the property of the Army Corps of Engineers. They are housed at the Burke Museum, University of Washington.



Notes from the Bench:

TIMELINESS OF COURT APPEARANCES

The Court had informally sanctioned a practice of permitting parties to appear in the courtroom up to approximately fifteen (15) minutes after scheduled hearing times. However, the Court **will no longer allow such latitude** absent a proper advance request from a party for a delay of a proceeding. Parties are expected to appear promptly at the time of a court action, and unwelcome consequences may result from an untimely appearance. See *HCN R Civ D*

HOW TO IRRITATE A JUDGE

Tim Hallahan

Maintaining judicial objectivity and equanimity in the face of caseload pressures and courtroom irritants isn't easy.

Amongst the most annoying...

- ✓ *"With all due respect..."* As soon as a judge hears this, she knows that her judgement, intelligence, or both, are about to be attacked.
- ✓ *Bickering.* Judges hate lawyers who attack each other. Speak to the judge, not to your opponent. Don't interrupt. Don't stoop to the level of your obnoxious adversary.
- ✓ *Tardiness.* Leave for court earlier than seems necessary. If you're going to be late, call as soon as you know.
- ✓ *Blaming the secretary and/or paralegal.* If you err, take responsibility for it.
- ✓ *Eye rolling.* It's tempting to show disapproval with all manner of facial expressions and body language. It may feel good, but it makes you look like a twelve-year-old.
- ✓ *Threats.* Don't even mention the Court of Appeal or "reversible error."
- ✓ *Ex parte communication.* Avoid the temptation of speaking with the judge about the merits of your case without the other side present. Judges are uncomfortable with these communications and risk being disciplined.
- ✓ *Lack of focus.* Burdened with crushing caseloads, judges hate having someone waste their time. Avoid repetition and trivial detail; don't offer cumulative evidence.
- ✓ *Quibbling.* Sometimes it's worth the risk of incurring the judge's wrath by arguing with his rulings. Most of the time it isn't.

- ✓ *Being rude to the staff.* Don't think that cozying up to the judge will negate your arrogance with her courtroom staff. The clerk, court reporter, and bailiff are the eyes and ears of the judge.
- ✓ *Lack of preparation.* You make the judge's job much easier to do when you are prepared. Have your files organized. Know the legal and evidentiary issues. Prepare your witnesses. Be efficient. See the judge smile.

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UPDATES FROM OUTSIDE COURTS

United States District Court for the District of Columbia

Marilyn Vann et al. v. Dirk Kempthorne, Secretary of the United States Dep't of the Interior et al., 1:03cv01711 (May 8, 2007)

The recently ousted "Freedmen" members of the Cherokee Nation filed a Motion for a Preliminary Injunction, seeking the withdrawal of federal funding to the Cherokee Nation and an invalidation of the election leading to their removal from the Cherokee rosters.



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

MAY 1, 2007

State of Wisconsin & Scott A. McKay v. April D. Lincoln, CS 07-07 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., May 1, 2007). (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.

MAY 3, 2007

Michelle Klein-Brito v. Albert Cleveland, CS 07-26 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., May 3, 2007). (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.

MAY 7, 2007

In Re the Paternity of: A.G.J. v. Travis G. Jacobson and In Re the Paternity of A.M.B. v. Travis G. Jacobson, CS 05-84, 05-85 Order (Modifying Child Support Against Wages) (HCN Tr. Ct., May 7, 2007). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent filed the motion, thus the Court granted recognition and enforcement of the foreign judgment.

MAY 8, 2007

State of Wisconsin & Crystelann M. Morton v. Patrick W. Sturdevant, CS 07-27 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., May 8, 2007). (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.

Jacqueline R. Miller v. Donovan P. Scheurich, Jr., CS 07-28 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., May 8, 2007). (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.

MAY 9, 2007

State of Wisconsin v. Christopher Littlewolf and State of Wisconsin/Jackson County v. Christopher Littlewolf, CS 97-112, CS03-03 Order (Erratum) (HCN Tr. Ct., May 9, 2007). (Matha, T).

The Court issued this order to correct a clerical error in a previous order.

MAY 10, 2007

Sheboygan Co. Child Support Agency for Monica R. Kinney v. Kurt K. Netzer, CS 07-21 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., May 10, 2007). (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.

Ellen Frandy v. Roland T. Labarge, CS 07-25 Order (Erratum) (HCN Tr. Ct., May 10, 2007). (Rockman, A).

The Court issued this order to correct a clerical error in a previous order.

MAY 14, 2007

Jodi Dennison v. Marcus Sena and State of Iowa v. Marcus Sena, CV 02-35, 03-78 Order (Updating Arrearage Withholding) (HCN Tr. Ct., May 14, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in case CS02-35.

Jodi Dennison v. Marcus Sena and State of Iowa v. Marcus Sena, CV 02-35, 03-78 Order (Updating Arrearage Withholding) (HCN Tr. Ct., May 14, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in case CS03-78.

State of Wisconsin v. Jackie E. Snow, CS 02-53 Order (Ceasing Child Support Withholding) (HCN Tr. Ct., May 14, 2007). (Matha, T).

The petitioner filed a motion ceasing current child support in this case. As a result, the Court issued this order to cease withholding for child support.

MAY 15, 2007

Anita Bolanger v. Darrell L. Sena, Jr. and Melissa Rogers v. Darrell L. Sena, Jr., CV 01-06, 02-21 Order (Updating Arrearage Withholding) (HCN Tr. Ct., May 15, 2007). (Matha, T).

The Court issued this order to update the amount of arrears owing in this case.

Leslie Ann Rave v. Maynard A. Rave, Jr., CS 98-63 Order (Modifying Child Support Against Wages) (HCN Tr. Ct., May 15, 2007). (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 respond within the prescribed timeframe, thus the

Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin/Eau Claire Co. v. Cory H. Funmaker and *State of Wisconsin v. Cory H. Funmaker*, CS 03-60, 04-27 *Reissued Notice (Consolidating Cases & Updating Case Number)* (HCN Tr. Ct., May 15, 2007). (Rockman, A).

The Court issued this notice to consolidate two open cases in the above matter.

MAY 16, 2007

Ramsey Co. & Danielle Crowfeather v. Kent Funmaker, CS 07-29 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., May 16, 2007). (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.

William Carl Scarce v. Maria Nicole Blackhawk, CS 06-93 *Order (Ceasing Arrearage Withholding)* (HCN Tr. Ct., May 16, 2007). (Matha, T).

The petitioner filed a motion ceasing current child support arrearage withholding in this case. As a result, the Court issued this order to cease withholding for child support arrears.

MAY 17, 2007

State of WI/Trempealeau Co. v. Cory H. Funmaker and *State of Wisconsin v. Cory H. Funmaker*, CS 03-63, 07-05 *Order (Modifying and Enforcing Child Support)* (HCN Tr. Ct., May 17, 2007). (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.

June Miller v. Larry Fanning and *State of Wisconsin and Maureen J. Bighorn v. Larry Fanning*, CS 98-71, 07-08 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., May 17, 2007). (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 file a timely answer. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

MAY 18, 2007

Sheboygan Co. Child Support Agency for Diane K. Flessert v. Kurt K. Netzer, CS 07-22 *Order (Enforcing Child Support Against Wages)* (HCN Tr. Ct., May 18, 2007). (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.

MAY 24, 2007

State of Wisconsin/Sauk Co., on behalf of Janet C. Day v. Christopher Sweet, CS 99-53 *Order (Ceasing Child Support Withholding)* (HCN Tr. Ct., May 24, 2007). (Rockman, A).

The petitioner filed a motion ceasing current child support withholding in this case. As a result, the Court issued this order to cease withholding for child support.

MAY 30, 2007

Stephanie R. Good v. Jesse WhiteEagle, CS 07-30 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., May 30, 2007). (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.

MAY 31, 2007

Lutisha A. Jones v. Daniel L. Sams, CS 04-65 *Order (Cessation of Current Child Support)* (HCN Tr. Ct., May 31, 2007). (Matha, T).

The petitioner filed a motion ceasing current child support in this case. As a result, the Court issued this order to cease withholding for child support.



Alliance Collection Agencies, Inc. v. Marie Ann Wolf, CG 07-26 Order (Default Judgment) (HCN Tr. Ct., May 1, 2007). (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.

M & I Marshall & Ilsley Bank v. Jeriah Rave, CG 07-27 Order (Default Judgment) (HCN Tr. Ct., May 1, 2007). (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.

MAY 15, 2007

Creditor Recovery Service, L.L.C. v. Grady Stewart, CG 07-30 Order (Default Judgment) (HCN Tr. Ct., May 15, 2007). (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.

MAY 17, 2007

In the Matter of the Outstanding Obligations of: Anthony A. Decorah, CG 07-28 Order (Extension of Full Faith and Credit) (HCN Tr. Ct., May 17, 2007). (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court granted a default judgment in favor of the petitioner out of respect to its state counterpart.

Creditor Recovery Service, L.L.C. v. Chiara Cleveland, CG 07-29 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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, L.L.C. v. Victoria A. Lowe, CG 07-11 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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. Dixie J. Hall, CG 07-14 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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.

Cash Today #201 v. Lewis Frogg, CG 07-03 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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.

Cash Today #201 v. Ellen Duma, CG 07-05 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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.

Valued Services of Wisconsin, LLC d/b/a Check Advance #20125 v. Danielle L. Tousey, CG 07-20 Order (Default Judgment) (HCN Tr. Ct., May 17, 2007). (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.

Valued Services of Wisconsin, LLC d/b/a Check Advance #20125 v. Kelly Potts, CG 07-22 Order

(Default Judgment) (HCN Tr. Ct., May 17, 2007). (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

MAY 1, 2007

Marlene C. Cloud et al. v. Ho-Chunk Nation et al., CV 06-31 Order (Motion Hearing) (HCN Tr. Ct., May 1, 2007). (Matha, T).

The Court convened a hearing to entertain arguments on the defendant's *Motion to Dismiss*.



ELECTION MATTERS

APRIL 17, 2007

George Lewis v. Ho-Chunk Nation Election Bd. et al., CV 06-109 Order (Final Judgment) (HCN Tr. Ct., Apr. 17, 2007). (Rockman, A).

The Court found that the removal of President George Lewis at the November 11, 2006 General Council fit within the prior procedural safeguards, such as timeliness of the notice and a reasonable opportunity to be heard as interpreted by the HCN Supreme Court.

MAY 4, 2007

JoAnn Jones v. Ho-Chunk Nation et al., CV 07-29 Order (Notification to Interested Parties) (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to inform the remaining presidential candidates of the filed challenge.

Michael Sallaway v. Ho-Chunk Nation Election Board, CV 07-27 Order (Notification to Interested Parties) (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to inform the remaining presidential candidates of the filed challenge.

Lawrence L. Walker, Jr. v. Ho-Chunk Nation Election Board, CV 07-28 Order (Notification to Interested Parties) (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to inform the remaining presidential candidates of the filed challenge.

JoAnn Jones v. Ho-Chunk Nation et al., CV 07-29 Scheduling Order (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to establish dates and times in this expedited election action.

Michael Sallaway v. Ho-Chunk Nation Election Board, CV 07-27 Scheduling Order (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to establish dates and times in this expedited election action.

Lawrence L. Walker, Jr. v. Ho-Chunk Nation Election Board, CV 07-28 Scheduling Order (HCN Tr. Ct., May 4, 2007). (Matha, T).

The Court issued this Order to establish dates and times in this expedited election action.

MAY 10, 2007

George Lewis v. Ho-Chunk Nation Election Bd. et al., CV 06-109 Order (Granting Telephonic Appearance) (HCN Tr. Ct., May 10, 2007). (Rockman, A).

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

MAY 11, 2007

George Lewis v. Ho-Chunk Nation Election Bd. et al., CV 06-109 Order (Granting Telephonic Appearance) (HCN Tr. Ct., May 11, 2007). (Rockman, A).

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

Joyce L. Warner v. Ho-Chunk Nation Election Bd. et al., CV 07-30 Order (Permitting Plaintiff to Reschedule) (HCN Tr. Ct., May 11, 2007). (Matha, T).

The Court issued this order to permit the plaintiff to reschedule the *Pre-Trial Hearing* in this matter, cancelled for good cause.

Dallas White Wing v. Ho-Chunk Nation Election Bd. et al., CV 07-34 Order (Denying Preliminary Injunction) (HCN Tr. Ct., May 11, 2007). (Rockman, A).

The Court issued this order denying the plaintiff's request for a preliminary injunction, enjoining the Special Runoff Primary Election scheduled for May 11, 2007; and the Special Recall Election scheduled

for May 15, 2007. Since the plaintiff failed to exhaust his administrative remedies and had previously litigated the same issue in a prior case, the present claim was barred by *res judicata*, and the injunction was denied.

MAY 14, 2007

Michael Sallaway v. Ho-Chunk Nation Election Board, CV 07-27 Order (Preliminary Determinations) (HCN Tr. Ct., May 14, 2007). (Matha, T).

The Court issued this Order to memorialize actions taken at the May 11, 2007 *Pre-Trial Hearing*.

MAY 21, 2007

Michael Sallaway v. Ho-Chunk Nation Election Board, CV 07-27 Order (Granting Motion to Intervene) (HCN Tr. Ct., May 21, 2007). (Matha, T).

The Court issued this Order to grant the *Motion to Intervene* of presidential candidate Wilfrid Cleveland.

Joyce L. Warner v. Ho-Chunk Nation Election Bd. et al., CV 07-30 Order (Granting Motion to Dismiss) (HCN Tr. Ct., May 21, 2007). (Matha, T). The Court issued this order to grant the defendant's *Motion to Dismiss*, since legislative candidate Gerald Cleveland obtained the requisite amount of electoral signatures on his Official Nomination Petition despite the presence of some seemingly fraudulent signatures.

MAY 22, 2007

Dallas White Wing v. Ho-Chunk Nation Election Bd. et al., CV 07-34 Order (Candidacy Appeal) (HCN Tr. Ct., May 22, 2007). (Rockman, A).

The Court issued this order holding that due to the Election Board's failure to timely notify the plaintiff that he had been removed from the election ballot, a Special Runoff Election must be held to meet statutory notification requirements.

MAY 24, 2007

Michael Sallaway v. Ho-Chunk Nation Election Board, CV 07-27 Order (Election Challenge) (HCN Tr. Ct., May 24, 2007). (Rockman, A).

The Court denied the request of the plaintiff regarding the proposed removal of presidential candidate Wilfrid Cleveland from the ballot since

the plaintiff failed to prove by clear and convincing evidence that the candidate had been convicted of a felony.



ADMINISTRATIVE APPEALS

MAY 30, 2007

Sharon Williams v. Ho-Chunk Nation Ins. Review Comm'n, CV 07-43, *Scheduling Order* (HCN Tr. Ct., May 30, 2007). (Rockman, A).

The Court issued this *Order* to establish dates and times in this action.



CHILDREN'S TRUST FUND (CTF)

MAY 1, 2007

In the Interest of Minor Child: M.L., DOB 03/03/94 v. HCN Office of Tribal Enrollment, CV 07-25 Order (Petition Granted) (HCN Tr. Ct., May 1, 2007). (Matha, T).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Adult CTF Beneficiary: Neva J. Littlegeorge, DOB 09/24/85 v. HCN Office of Tribal Enrollment, CV 06-80 Order (Requesting Accounting) (HCN Tr. Ct., May 1, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with the purchase of an automobile. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

MAY 2, 2007

In the Interest of Minor Children: V.K.B., DOB 09/18/98, and E.M.B., DOB 03/09/91 v. HCN Office of Tribal Enrollment, CV 07-15 Order (Dismissal Without Prejudice) (HCN Tr. Ct., May 2, 2007). (Rockman, A).

The Court dismissed the case, due to the petitioner's indication he no longer intended to pursue the petition.

In the Interest of Minor Child: C.F.R., DOB 09/22/99 v. HCN Office of Tribal Enrollment, CV 07-02 Order (Accepting Accounting) (HCN Tr. Ct., May 2, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the minor member for costs associated with orthodontic procedures. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

MAY 3, 2007

Jason Hopinka v. HCN Office of Tribal Enrollment, CV 07-17 Order (Dismissal Without Prejudice) (HCN Tr. Ct., May 3, 2007). (Rockman, A).

The Court dismissed the case, due to the petitioner's failure to appear for the *Fact-Finding Hearing*.

MAY 15, 2007

In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment, CV 06-113 Order (Requesting Accounting) (HCN Tr. Ct., May 15, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with continuing education. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.



MAY 17, 2007

In the Interest of Minor Child: B.G.L., Jr., DOB 03/19/93 v. HCN Office of Tribal Enrollment, CV 06-116 Order (Requesting Accounting) (HCN Tr. Ct., May 17, 2007). (Rockman, A).

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 requested that the petitioner submit the required accounting.

In the Interest of Minor Child: M.B., DOB 09/18/98 v. HCN Office of Tribal Enrollment, CV 07-33 Order (Petition Granted) (HCN Tr. Ct., May 17, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with orthodontic procedures. The Court granted the request.

MAY 29, 2007

In the Interest of Minor Child: B.G.L., Jr., DOB 03/19/93 v. HCN Office of Tribal Enrollment, CV 06-116 Order (Accepting Accounting) (HCN Tr. Ct., May 29, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the minor member for costs associated with orthodontic procedures. The petitioner submitted account statements, confirming proper use of the funds. The Court accepted this accounting.

MAY 30, 2007

In the Interest of Minor Child: E.T.R.B., DOB 11/19/04 v. HCN Office of Tribal Enrollment, CV 07-41 Order (Petition Granted) (HCN Tr. Ct., May 30, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the minor member for costs associated with dental procedures. The parent requested additional funds to satisfy the remaining balance on the account. The Court granted this request.

MAY 31, 2007

In the Interest of Minor Child: C.F.R., DOB 09/22/99 v. HCN Office of Tribal Enrollment, CV 07-02 Order (Motion Granted) (HCN Tr. Ct., May 31, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the minor member for costs associated with an unpaid balance on orthodontic procedures. The Court granted this request.



MAY 1, 2007

Cornelius Decora et al. v. Adam Hall, Ho-Chunk Nation Tribal Enrollment Officer et al., CV 03-25 Order (Show Cause) (HCN Tr. Ct., May 1, 2007). (Vele, K).

The Court granted the plaintiff's request for a *Show Cause Hearing* pursuant to the CONTEMPT ORDINANCE, 2 HCC § 5.5a(1)(a).

 **INCOMPETENT TRUST FUND (ITF)**

MAY 1, 2007

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Motion Granted) (HCN Tr. Ct., May 1, 2007). (Rockman, A).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to accommodate residential care expenses. The Court granted the request.

MAY 2, 2007

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Motion Granted) (HCN Tr. Ct., May 2, 2007). (Rockman, A).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to pay property taxes and outstanding debts to vendors. The Court granted the request.

In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment, CV 06-108 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the incompetent member for costs associated with residential care. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court requested that the petitioner submit the required accounting.

In the Interest of H.C., DOB 01/31/31 v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A).

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

MAY 10, 2007

In the Interest of M.A.F., DOB 04/26/66 v. HCN Office of Tribal Enrollment, CV 96-87 Order (Motion Granted) (HCN Tr. Ct., May 10, 2007). (Rockman, A).

The Court had to determine whether a guardian can access monies from an incompetent member's ITF to pay costs associated with a day services program. The Court granted the request.

 **FAMILY CASES**

 **DOMESTIC VIOLENCE**

MAY 2, 2007

Vanessa Carriaga v. Jordan Vidana, DV 07-02 Order (Dismissal) (HCN Tr. Ct., May 2, 2007). (Rockman, A).

The Court dismissed the instant action, since the petitioner failed to articulate reasonable grounds to believe the respondent had committed acts of domestic violence.

MAY 16, 2007

Julie A. Rockman v. Dallas J. Pekarek, DV 07-01 Order (Regarding Extension of Order for Protection) (HCN Tr. Ct., May 16, 2007). (Matha, T).

The Court issued this order to request additional documentation from the petitioner in this matter.

 **JUVENILE CASES**

APRIL 17, 2007

In the Interest of Minor Children C.C.C., DOB 06/25/92; A.K.C., DOB 11/23/90, JV 93-CU-04, 94-CU-21 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Apr. 17, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

In the Interest of Minor Children: S.C., DOB 03/04/91; A.H., DOB 07/31/06 JV 07-03, -07 Order (Granting Emergency Temporary Legal and Physical Custody) (HCN Tr. Ct., Feb. 7, 2007). (Rockman, A).

The Court had to determine whether to grant emergency temporary legal and 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 Ho-Chunk Nation Child and Family Services (CFS).

APRIL 23, 2007

In the Interest of Minor Child A.C., DOB 07/03/06, JV 07-07 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Apr. 23, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

APRIL 25, 2007

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Child Protection Review Hearing) (HCN Tr. Ct., Apr. 25, 2007). (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 performed this review in accordance with the CHILDREN'S ACT, §3.40, and determined to maintain the status quo.

MAY 1, 2007

In the Interest of Minor Children: J.B., Jr., DOB 11/27/95; and A.B., DOB 07/25/94, JV 01-06, 01-07 Order (Motion Hearing) (HCN Tr. Ct., May 1, 2007). (Rockman, A).

The Court conducted a *Motion Hearing* to determine whether to extinguish the temporary guardianship of the minor children. The Court performed this review in accordance with the CHILDREN'S ACT, §3.44, and determined to maintain the status quo.

In the Interest of Minor Children: C.C.C., DOB 06/25/92; and A.K.C., DOB 11/23/90, 93-CU-04, 94-CU-21 Order (Revocation Hearing) (HCN Tr. Ct., May 1, 2007). (Matha, T).

The Court conducted a *Revocation Hearing* to determine whether to extinguish the permanent guardianship of the minor children. The Court performed this review in accordance with the CHILDREN'S ACT, §3.34d(2).

MAY 2, 2007

In the Interest of Minor Children: P.M.S., DOB 01/14/91; and P.A.S., DOB 01/14/91, JV 98-06, 98-07 Order (Child Protection Review Hearing)-

Redacted (HCN Tr. Ct., May 2, 2007). (Rockman, A).

The Court issued this order to aid the legal guardian, Child and Family Services, in obtaining services for the minor children.

MAY 3, 2007

In the Interest of Minor Child: H.M.A-S., DOB 05/22/04, JV 06-20 Order (Granting Telephonic Appearance) (HCN Tr. Ct., May 3, 2007). (Matha, T).

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

MAY 4, 2007

In the Interest of Minor Children: S.C., DOB 03/04/91; and A.H., DOB 07/03/06, JV 07-03, 07-07 Order (Entrance of Plea) (HCN Tr. Ct., May 4, 2007). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parents of the minor children wished to contest the allegation contained in the *Child/Family Protection Petition* filed by CFS. The Court entered a plea of not guilty on behalf of the parent, due to her failure to attend the proceeding.

In the Interest of Minor Child: P.M.S., DOB 01/14/91, JV 98-06 Order (Capias Order) (HCN Tr. Ct., May 4, 2007). (Rockman, A).

The Court issued this order to permit the custody and transfer of the minor child back to Wisconsin.

MAY 7, 2007

In the Interest of Minor Children: L.L.T.B., DOB 06/23/9; R.R.T.B., DOB 03/16/94; and L.S.T.B., DOB 01/20/93, JV 05-01, 05-02, 05-03 Order (Conditional Termination of Jurisdiction) (HCN Tr. Ct., May 7, 2007). (Rockman, A).

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.

MAY 11, 2007

In the Interest of Minor Children: J.V., DOB 10/22/98, S.V.; DOB 09/03/99, JV 02-19, 02-20 Order (Child Protection Review Hearing) (HCN Tr. Ct., May 11, 2007). (Rockman, A).

The Court 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.

MAY 15, 2007

In the Interest of Minor Child: P.M.S., DOB 01/14/91, JV 98-06 Reissued Order (Capias Order) (HCN Tr. Ct., May 15, 2007). (Rockman, A).

The Court issued this order to permit the custody and transfer of the minor child back to Wisconsin.

MAY 17, 2007

In the Interest of Minor Child H.M.A-S., DOB 05/22/04, JV 06-20 Order to Release County Juvenile Records (HCN Tr. Ct., May 17, 2007). (Matha, T).

The Court issued this order to provide for the release of County juvenile records in the above-entitled matter.

MAY 18, 2007

In the Interest of Minor Child T.J.B., DOB 05/30/06, JV 06-15 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., May 18, 2007). (Matha, T).

The Court appointed a temporary guardian in this matter.

MAY 22, 2007

In the Interest of Minor Children M.L.D., DOB 05/23/91; M.L.H., DOB 08/18/97, M.H., DOB 02/19/99; and M.H., DOB 03/09/00, JV 05-15, -16, -17, -18 Reissued Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., May 22, 2007). (Rockman, A).

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 the HOČAK NATION CHILDREN AND FAMILY ACT (hereinafter 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

MAY 9, 2007

Thomas Quimby v. Ho-Chunk Nation and Ho-Chunk Nation Insurance Review Commission, SU 07-08 Order Denying Appeal (HCN S. Ct., May 9, 2007).

The Supreme Court upheld the Trial Court's decision due to the appellant's failure to raise allegations that the Trial Court was in error.



RECENT FILINGS

TRIAL COURT



CHILD SUPPORT

MAY 1, 2007

Stephanie Good v. Jesse Whiteagle, CS 07-30 (Rockman, A).

MAY 8, 2007

Brenda L. Miller v. Lewis A. Frogg, CS 07-31 (Rockman, A).

MAY 14, 2007

State of WI- Candi M. Peterson v. John M. Lowe, CS 07-32 (Rockman, A).

MAY 17, 2007

State of Wisconsin v. Silver D. Martin, CS 07-33 (Rockman, A).

Danelo CSA v. Fernandez D. Lucas, CS 07-34 (Rockman, A).



CIVIL GARNISHMENT

MAY 1, 2007

Advance America v. Richard Walker, CG 07-35. (Matha, T).

MAY 3, 2007

Travis DeCora v. Cynthia Cloud-Smith, CG 07-36 (Matha, T).

MAY 8, 2007

Black River Memorial v. Patrick Hartnett, CG 07-37 (Matha, T).

Black River Memorial v. Peggy Perkins, CG 07-38 (Matha, T).

Mile Bluff Clinic v. Trina Buchanan, CG 07-39 (Matha, T).

Mile Bluff Clinic v. Daniel A. & Denise Krofta, CG 07-40 (Matha, T).

MAY 21, 2007

Greater La Crosse Radiological v. Ricky & Katie Folkers, CG 07-41 (Matha, T).

MAY 29, 2007

Bulls Eye Credit Union v. Jerry D. McCrossen, CG 07-42 (Matha, T).

 **CIVIL CASES****MAY 4, 2007**

Michael Sallaway v. HCN Election Board, CV 07-27. (Matha, T).

Lawrence Walker v. HCN Election Board, CV 07-28. (Rockman, A).

JoAnn Jones v. Ho-Chunk Nation, CV 07-29. (Matha, T).

Joyce Warner v. Ho-Chunk Nation, CV 07-30. (Matha, T).

MAY 7, 2007

In the Interest of Minor Child: T.W., DOB 04/09/93 v. HCN Office of Tribal Enrollment, CV 07-31. (Rockman, A).

MAY 8, 2007

Department of Labor v. Joseph White Eagle, CV 07-32. (Rockman, A).

MAY 9, 2007

In the Interest of Minor Child: M.B., DOB 08/18/98 v. HCN Office of Tribal Enrollment, CV 07-33. (Rockman, A).

Dallas White Wing v. HCN Election Bd., CV 07-34. (Rockman, A).

MAY 11, 2007

HCN Election Bd. v. Danielle Lewis, CV 07-35. (Rockman, A).

HCN Election Bd. v. Gerald Lee Cleveland, Sr., CV 07-36. (Rockman, A).

Britten Park v. HCN Office of Tribal Enrollment, CV 07-37. (Rockman, A).

MAY 18, 2007

In the Interest of Minor Child: D.H., DOB 10/17/75 v. HCN Office of Tribal Enrollment, CV 07-38. (Matha, T).

Steve Garvin v. Jan Rousey, CV 07-39. (Matha, T).

MAY 21, 2007

Gale Storm v. HCN Office of Tribal Enrollment, CV 07-40. (Rockman, A).

In the Interest of Minor Child: E.T.R.B., DOB 11/19/04 v. HCN Office of Tribal Enrollment, CV 07-41. (Rockman, A).

HCN Business Dep't v. Shanna Harrison, CV 07-42. (Rockman, A).

MAY 24, 2007

Sharon Williams v. Four Winds Insurance Agency and the HCN, CV 07-43. (Rockman, A).

 **DIVORCE****MAY 17, 2007**

Evans Littlegeorge v. Judith Ann Littlegeorge, FM 07-04 (Matha, T).

SUPREME COURT
NO RECENT FILINGS

MARK YOUR CALENDARS FOR:



Guardian Ad Litem Training

July 10-12, 2007

The *Ho-Chunk Nation Children & Family Act* requires that the Trial Court “appoint a guardian ad litem to protect the interests of the child” in every juvenile case. 4 HCC § 3.20b. The Ho-Chunk Nation Judiciary currently seeks conscientious, caring and dependable individuals to fill this important role. A guardian ad litem serves as an independent advocate and informs the Court of a child's interests in child protection actions and guardianship matters.

Guardians ad litem receive compensation for their services and reimbursement for accumulated expenses. The Court will host an **on-site guardian ad litem training session on July**

10-12, 2007, at Wa Ehi Hoci in Black River Falls, WI.

Wisconsin Judicare, Inc. will conduct the training, which is free to tribal members and non-member tribal employees. Interested individuals, including current guardians ad litem, are encouraged to attend, and should seek further information from the Clerk of Court at (800) 434-4070 or (715) 284-2722. Pursuant to the *Ho-Chunk Nation Rules for Guardian Ad Litem*, prospective attendees must complete an application and schedule a brief interview. The course is limited to participation of approximately twenty (20) individuals.

The training session has received the support of the Executive Director of the Personnel Department, and **tribal employees may receive paid Educational Leave to attend the course.** Employees must request Educational Leave at least thirty (30) days in advance of the training as required by the *Employment Relations Act*. Approval of any such request remains within the discretion of the relevant departmental Executive Director. 6 HCC § 5.24a-b.





**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
Cecil Garvin
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 – Rosalie Kakkak
Bailiff – Margaret Wilkerson
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)

