

HO-CHUNK NATION COURT BULLETIN

August 2007 Issue



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Monday through Friday
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CHANGE IN GUARD: NEW FACES AT THE COURTS



(l-r) Associate Justice Funmaker, Chief Justice Hunter, Associate Justice Butterfield, Chief Judge Matha, and Associate Judge Rockman

On June 30, 2007, the Ho-Chunk Nation Judiciary celebrated the work of the Honorable Mark D. Butterfield. Having a desire to focus more of his time on family and employment obligations, Justice Butterfield decided to refrain from running for another term as Associate Justice of the Supreme Court. Currently, Justice Butterfield is Director of the Ho-Chunk Housing & Community Development Agency. Justice Butterfield's legal career began in 1986 when he obtained his Juris Doctorate from the University of Wisconsin Law School. Before joining the Court, he worked as an attorney within the Ho-Chunk Nation Department of Justice and previously with the Alaska Legal Services. Upon being chosen by the Legislature for the position of Chief Judge of the Ho-Chunk Nation Trial Court in the summer of 1995, Justice Butterfield became the first member of the Ho-Chunk Nation Judiciary. In addition, Justice Butterfield was the first member of the Ho-

Chunk Nation Bar. After laying a firm foundation of judicial doctrine during two appointed terms as Chief Trial Court Judge, Justice Butterfield ran for Associate Justice of the HCN Supreme Court. On April 17, 2002, Justice Butterfield was sworn in as Associate Justice, a position he retained until this past month.



of Associate Justice of the HCN Supreme Court on July 4, 2007.



On June 30, 2007, Staff Attorney Jennifer L. Tilden finished her one (1) year judicial clerkship. Ms. Tilden has since accepted the position of Contract Specialist with the Army Corps of Engineers in Winchester, Virginia. The Judiciary wishes Ms. Tilden best wishes in her future endeavors.



On July 1, 2007, Natalie Stites began her two (2) year term as Staff Attorney at the tribal courts. Ms. Stites is a member of the Cheyenne River Lakota Tribe of South Dakota, and grew up on the eastside of Los Angeles, California in the City of Commerce. After graduating from the University of California, Los Angeles (UCLA) in 1999, Ms. Stites was awarded a prestigious fellowship with the California State Assembly and worked as a legislative aide. Following this fellowship, she worked as a higher education policy advisor in the Education Secretary's office in Sacramento, California and entered the UCLA School of Law in 2003. She was awarded a Juris Doctorate in May 2007, specializing in public interest law and policy, and is a Master's degree candidate in American Indian Studies. During her summers, she worked for a nonprofit

The Ho-Chunk Nation Judiciary recently welcomed back Joan Greendeer-Lee. Justice Greendeer-Lee previously held the position of Associate Trial Judge during the period of March 8, 1996 through April 11, 1999. She was sworn into the position

organization devoted to improving tribal justice systems, for the legal department of her own Tribe, and for a boutique law firm specializing in federal Indian law in Washington, D.C. Ms. Stites hopes to help and support the Ho-Chunk Nation through her work as a staff attorney and judicial law clerk, and plans to continue to work on behalf of tribal interests and Indigenous people throughout her legal career.



UPDATES FROM OUTSIDE COURTS

UNITED STATES SUPREME COURT

Petition for Certiorari filed

- *Catawba Indian Tribe of South Carolina v. South Carolina*, No. 07-69 (filed July 16, 2007).
- *Gros Ventre Tribe v. United States*, No. 06-1672 (filed June 14, 2007).
- *Confederated Tribes and Bands of the Yakama Nation v. Confederated Tribes of the Colville Indian Reservation*, No. 06-1588 (filed May 29, 2007).

UNITED STATES COURT OF APPEALS, 1ST CIRCUIT

Carcieri v. Kempthorne, 2007 WL 2069544 (1st Cir. 2007). The state and town petitioned for review of the decision of the Department of the Interior (DOI) which accepted a 31-acre parcel of land into trust for the benefit of the Indian tribe. The United States District Court for the District of Rhode Island granted summary judgment for the DOI, and appeal was taken. On rehearing en banc, the Court of Appeals held that: the DOI's construction of the Indian Reorganization Act (IRA), as allowing trust acquisitions for tribes that were recognized and under federal jurisdiction at time of the trust application, was entitled to *Chevron* deference; that the Bureau of Indian Affairs (BIA) did not act arbitrarily and capriciously, in violation of the Administrative Procedure Act (APA), when deciding to take land into trust for an Indian tribe; and the BIA satisfied its responsibilities under the National Environmental Policy Act (NEPA) by issuing a finding of no significant impact (FONSI). Affirmed.



12th ANNUAL 5K FUN RUN/WALK SEPTEMBER 1, 2007

On Saturday, September 1, 2007, the HCN Judiciary will be holding its 12th annual 5K Fun Run/Walk. All runners and walkers are invited to come out and enjoy the race. The race begins and finishes at Wa Ehi Hoci which is located at W9598 Highway 54 East, Black River Falls, WI (situated between the I-94 exit and Majestic Pines Casino). Registration will be held from 8:00 - 8:45 a.m. and the race will begin at 9:00 a.m.

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



RECENT TRIAL COURT 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), Family (FM), 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.

CHILD SUPPORT CASES

JULY 03, 2007

State of Wisconsin/Eau Claire v. Augustus G. Downey and Dunn Co. Child Supp. Agency v. Augustus G. Downey, CS 02-04, 07-35 *Reissued Order (Equitable Adjustment)* (HCN Tr. Ct., Jul. 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 file a timely answer. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

JULY 09, 2007

State of Wisconsin/Jackson County v. Joseph I. Antone, CS 05-64 *Order (Enforcing Arrearage Withholding)* (HCN Tr. Ct., Jul. 9, 2007). (Matha, T).

The Court had previously issued an *Order (Modifying and Enforcing Child Support)*. The petitioner later filed a motion to enforce arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion.

JULY 11, 2007

Casey Whitegull v. Harriet M. Whitegull, CV 97-61 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jul. 11, 2007). (Matha, T).

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

Bow Lucero v. Jessica Snake, CS 07-37 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jul. 11, 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 Co. Child Support Agency v. Kim Whitegull, CV 97-162 *Order (Ceasing Child Support Withholding & Intent to Close)* (HCN Tr. Ct., July 11, 2007). (Rockman, A).

The Court had to determine whether to cease withholding due to the child emancipating and the arrearage debt being paid in full. The Court ordered the cessation of current child support withholding, and further indicated its intent to close the case.

Denise Amundsen v. Robert White, CS 03-07 *Order (Ceasing Child Support Withholding)* (HCN Tr. Ct., July 11, 2007). (Matha, T).

The Court had to determine whether to cease withholding due to the child reaching the age of emancipation. The Court ordered the cessation of current child support withholding.

Leslie Ann Rave v. Maynard A. Rave, Jr., CS 98-63 *Reissued Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jul. 11, 2007). (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.

Pauline Veith v. Henry J. Little Soldier, Jr. and State of Wisconsin and Lori A. Little Soldier v. Henry J. Little Soldier,

CS 02-25, 07-10 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jul. 11, 2007). (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. Additionally, the Court performed an equitable adjustment due to the respondent's serial payor status.

JULY 12, 2007

Julie A. Bose v. Michael Richard Smith, Jr., CS 07-40 *Order (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Jul. 12, 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.

JULY 13, 2007

Kristina M. Heath v. George O. Stacy, CV 97-26 *Order (Suspending Child Support Withholding)* (HCN Tr. Ct., July 13, 2007). (Rockman, A).

The Court had to determine whether to suspend withholding due to the petitioner's motion requesting such action. The Court ordered the cessation of current child support withholding.

Deena M. Basina v. William P. Smith, CS 98-53 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Jul. 13, 2007). (Rockman, A).

The Court had previously issued a *Judgment (Enforcing Child Support)*. The petitioner later filed a motion to amend arrears withholding with a certified accounting statement. The Court ordered the Treasury Department to withhold an amount, in accordance with the previous order.

Mary Martinson v. Mark S. Houghton, CS 98-43 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jul. 13, 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/Jackson Co. and Kevin Vasquez v. Rosemarie Powless, CV 97-82 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jul. 13, 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.

Neil T. McAndrew v. Lisa Miner McAndrew, CV 97-14 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Jul. 13, 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.

In re the marriage of: Vikki Goodbear v. John Goodbear, CS 07-42 *Order (Enforcing Child Support Arrears)* (HCN Tr. Ct., Jul. 13, 2007). (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments for arrearage withholding. The respondent acquiesced to the withholding. The Court granted recognition and enforcement of the foreign judgment.

CIVIL GARNISHMENT CASES

JULY 02, 2007

Reedsburg Physicians Group v. Cordell K. Leichtman, CG 07-45 *Order (Default Judgment)* (HCN Tr. Ct., Jul. 2, 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.

JULY 03, 2007

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 07-23 *Order (Default Judgment)* (HCN Tr. Ct., Jul. 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.

JULY 10, 2007

Midland Credit Management 2200 v. David Downing, CG 07-46 *Order (Default Judgment)* (HCN Tr. Ct., Jul. 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.

JULY 13, 2007

Louis L. Young, DDS v. Duane W. Kling, Jr., CG 06-63 Order (Default Judgment) (HCN Tr. Ct., Jul. 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.

JULY 17, 2007

Travis C. DeCora v. Cynthia Cloud-Smith, CG 07-36 Order (Petition Granted) (HCN Tr. Ct., Jul. 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 filed a timely response, and the Court scheduled a hearing. The respondent failed to attend, causing the Court to grant a judgment in favor of the petitioner.

 **CIVIL CASES**

 **ADMINISTRATIVE APPEALS**

JULY 17, 2007

Gale White v. Jean Day, CV 07-54 Scheduling Order (HCN Tr. Ct., Jul. 17, 2007). (Matha, T).
The Court issued this Scheduling Order to establish dates and deadlines for the instant case.

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

JULY 02, 2007

In the Interest of Minor Child: K.M.B., DOB 09/27/96, by Heidi M. Bird v. HCN Office of Tribal Enrollment, CV 07-50 Order (Petition Granted) (HCN Tr. Ct., Jul. 2, 2007). (Matha, T).
The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: B.A.C., DOB 09/24/01, by William Collins v. HCN Office of Tribal Enrollment, CV 07-49 Order (Petition Granted) (HCN Tr. Ct., Jul. 2, 2007). (Matha, T).
The Court had to determine whether a parent can access his child's CTF account to pay for costs associated with orthodontic procedures. The Court granted the request.

JULY 03, 2007

In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment, CV 06-113 Order (Demanding Accounting) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).
The Court previously released funds from the CTF accounts of the adult CTF 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 ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: T.K., DOB 06/06/90, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 07-07 Order (Requesting Accounting) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).

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.

In the Interest of Minor Child: L.A.O., DOB 09/15/93, by Sande Decorah-Ostenson v. HCN Office of Tribal Enrollment, CV 07-20 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).

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

In the Interest of Minor Child: N.L.R., DOB 01/18/99, by Ronald Rich v. HCN Office of Tribal Enrollment, CV 07-09 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).
The Court previously released funds from the CTF account of the child for costs associated with orthodontic procedures. The petitioner submitted a patient ledger, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: K.D.W., DOB 02/04/94 and D.W.W., DOB 06/29/95, by Kimberly Waukau v. HCN Office of Tribal Enrollment, CV 07-19 Order (Requesting Accounting) (HCN Tr. Ct., Jul. 3, 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.

JULY 05, 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 (Requesting Accounting) (HCN Tr. Ct., Jul. 5, 2007). (Rockman, A).
The Court previously released funds from the CTF accounts of the adult CTF beneficiary for costs associated with automobile repairs. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

JULY 09, 2007

In the Interest of Adult CTF Beneficiary: Britten Park, DOB 12/18/83 v. HCN Office of Tribal Enrollment, CV 07-37 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jul. 9, 2007). (Rockman, A).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

In the Interest of Adult CTF Beneficiary: Gale Storm, DOB 08/15/85 v. HCN Office of Tribal Enrollment, CV 07-40 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jul. 9, 2007). (Rockman, A).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

JULY 10, 2007

In the Interest of Minor Child: A.F.D., DOB 12/25/93, by Elizabeth Deer v. HCN Office of Tribal Enrollment, CV 07-14 Order (Requesting Accounting) (HCN Tr. Ct., Jul. 10, 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: Neva J. Littlegeorge v. HCN Office of Tribal Enrollment, CV 06-80 Order (Demanding Accounting) (HCN Tr. Ct., Jul. 10, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult CTF 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 ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: T.R.G., DOB 01/30/91, by Sybil Grey Owl v. HCN Office of Tribal Enrollment, CV 07-03 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 10, 2007). (Matha, T).

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

JULY 13, 2007

In the Interest of Minor Children: M.L.P., DOB 05/21/95, and D.M.P., DOB 07/21/99, by Barbara Lowe v. HCN Office of Tribal Enrollment, CV 07-06 Order (Demanding Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the minor children for costs associated with emergency housing. 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: D.T.L., DOB 04/25/89, by Katherine Littlejohn v. HCN Office of Tribal Enrollment, CV 06-114 Order (Demanding Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court previously released funds from the CTF account of the minor child for costs associated with securing legal counsel. 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: E.C.L., DOB 04/13/93, by Valerie L. Lyons v. HCN Office of Tribal Enrollment, CV 06-111 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

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

In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment, CV 06-113 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with continuing education. The petitioner submitted a cancelled check, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: K.T., DOB 09/25/89, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV 06-91 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with emergency housing assistance and replacement of belongings lost in a residential fire. The petitioner submitted various receipts and invoices, confirming proper use of the funds. The Court accepted this 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 (Accepting Accounting) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with emergency housing assistance and replacement of belongings lost in a residential fire. The petitioner submitted various receipts and invoices, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: A.E.B., DOB 04/27/05, by Francesca J. Bird v. HCN Office of Tribal Enrollment, CV 06-119 Order (Motion Granted) (HCN Tr. Ct., Jul. 13, 2007). (Matha, T).

The Court earlier approved a CTF release for purposes of orthodontic care of the minor child. The petitioner filed a request for a further release of CTF monies to cover an unmet patient obligation. The Court granted the request.

JULY 19, 2007

In the Interest of Minor Children: B.A.C., DOB 10/14/98, and L.J.H., DOB 06/27/95, by Nina Greengrass-Starr v. HCN Office of Tribal Enrollment, CV 07-45 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jul. 19, 2007). (Rockman, A).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

In the Interest of Minor Child: L.B., DOB 05/04/99, by Carly Lincoln v. HCN Office of Tribal Enrollment, CV 07-52 Order (Petition Granted) (HCN Tr. Ct., Jul. 19, 2007). (Rockman, A).

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

JULY 20, 2007

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 07-26 Order (Petition Granted) (HCN Tr. Ct., Jul. 20, 2007). (Matha, T).

The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with automobile repair. The Court granted the request.

JULY 27, 2007

In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 07-31 Order (Granting Petition) (HCN Tr. Ct., Jul. 27, 2007). (Rockman, A).

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

In the Interest of Minor Child: D.H., DOB 06/07/95, by Marjorie Hopinkah v. HCN Office of Tribal Enrollment, CV 07-38 Order (Petition Denied) (HCN Tr. Ct., Jul. 27, 2007). (Rockman, A).

The Court had to determine whether a parent can access monies from her child's CTF to pay for costs associated with a residential college preparatory summer program offered at the University of California, Berkeley by Renaissance Learning, Inc. The Court denied the request.

JULY 30, 2007

In the Interest of Minor Children: K.D.W., DOB 02/04/94, and D.W.W., DOB 06/26/95, by Kimberly Waukau v. HCN Office of Tribal Enrollment, CV 07-19 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 30, 2007). (Matha, T).

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

In the Interest of Minor Child: A.E.B., DOB 04/27/05, by Francesca J. Bird v. HCN Office of Tribal Enrollment, CV 06-119 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 30, 2007). (Matha, T).

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

In the Interest of Minor Children: C.M.K., DOB 12/27/91, and R.K.K., DOB 04/04/90, by Darrellyne Klein v. HCN Office of Tribal Enrollment, CV 07-10 Order (Requesting Accounting) (HCN Tr. Ct., Jul. 30, 2007). (Matha, T).

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.

CONTRACTS

JULY 16, 2007

HCN and HCN Dep't of Labor v. Joseph White Eagle, CV 07-32 Order (Default Judgment) (HCN Tr. Ct., Jul. 16, 2007). (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*.

ELECTION MATTERS

JULY 11, 2007

HCN Election Bd. v. Danielle Lewis, CV 07-35 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jul. 11, 2007). (Rockman, A).

The Court granted the plaintiff's counsel's request to appear by telephone at the *Scheduling Conference*.

JULY 31, 2007

HCN and HCN Election Bd. v. Gerald Lee Cleveland, CV 07-36 Order (Default Judgment) (HCN Tr. Ct., Jul. 31, 2007). (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*.

EMPLOYMENT

JULY 02, 2007

Casimir T. Ostrowski v. HCN et al., CV 02-82 *Stipulation for Dismissal and Order of Dismissal* (HCN Tr. Ct., Jul. 2, 2007). (Matha, T).

The parties mutually agreed to dismiss the action and have reached an agreement, which is explained in the *Stipulation for Dismissal and Order of Dismissal*.

JULY 18, 2007

Faye Begay v. Jean Day et al., CV 03-09 Order (*Addressing Contempt Action*) (HCN Tr. Ct., Jul. 18, 2007). (Rockman, A).

The Court had to determine whether to find the Executive Director of the Department of Personnel in contempt of court. The Court previously held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. Specifically, the Court found that the defendants failed to provide the plaintiff with a meaningful opportunity to be heard. Thus, the Court reversed the plaintiff's termination and awarded the appropriate relief. The plaintiff contended that the HCN failed to reinstate her to a position of comparable wage as required by court order. The Court found that the Director of Personnel demonstrated reasonable compliance by relying upon the representations of counsel in relation to Personnel's statutory role in the case. Thus, the alleged contemnor had adequately rebutted the prima facie case of contempt. However, the Court disagreed with the legal position advocated by counsel, namely that the employment given to the plaintiff after the termination, but before the final judgment, was complying with the court order. The Court directed the Executive Director of Personnel to fulfill Personnel's responsibility under the final judgment.

ENROLLMENT

JULY 02, 2007

Cornelius Decora, on behalf of Minors: J.D., DOB 09/17/85; S.D., DOB 03/20/87; F.D., DOB 06/14/88; B.D., DOB 11/22/89 v. Adam Hall et al., CV 03-25 Order (HCN Tr. Ct., Jul. 2, 2007). (*Pro tempore Vele*, K).

The Court had to determine whether to find the defendants in contempt for failing to enroll the children as previously court ordered. A *Show Cause Hearing* was conducted. The Court found that the children's tribal membership in another tribe needed to be relinquished before enrollment with the Ho-Chunk Nation could proceed.

HOUSING

JULY 20, 2007

HCN Dep't of Hous. Prop. Mgmt. Div. v. Summer Martin and Dustin Jackson, CV 03-23 Order (*Satisfaction of Judgment*) (HCN Tr. Ct., Jul. 20, 2007). (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.

INCOMPETENT'S TRUST FUND (ITF)

JULY 03, 2007

In the Interest of Adult Incompetent: B.G.S., DOB 02/07/80, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (*Requesting Accounting*) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).

The Court previously released funds from the ITF accounts of the adult incompetent for costs associated with assisted vacation 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.

JULY 05, 2007

In the Interest of Adult Incompetent: A.F., DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, CV 97-79 Order (*Requesting Accounting*) (HCN Tr. Ct., Jul. 5, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent for costs associated with assisted remodeling the ward's bedroom and bathroom. The petitioner failed to submit an accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

JULY 10, 2007

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., Jul. 10, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with rental assistance. The

petitioner submitted a correspondence from the rental complex, confirming proper use of the funds. The Court accepted this accounting.

JULY 13, 2007

In the Interest of Adult Incompetent, B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., Jul. 19, 2007). (Rockman, A).

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

JULY 27, 2007

In the Interest of Adult Incompetent: O.S.R., DOB 05/14/68, by Jean Ann Day v. HCN Office of Tribal Enrollment, CV 97-117 Order (Motion Granted) (HCN Tr. Ct., Jul. 27, 2007). (Matha, T).

The Court had to determine whether a protective payee can access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund (hereinafter ITF) for costs associated with an ongoing personal allowance and associated service fees. The Court granted the request.

JULY 30, 2007

In the Interest of Adult Incompetent: B.G.S., DOB 02/07/80, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Accepting Accounting) (HCN Tr. Ct., Jul. 30, 2007). (Matha, T).

The Court previously released funds from the ITF account of the adult incompetent for costs associated with an assisted vacation. The petitioner submitted several receipts, confirming proper use of the funds. The Court accepted this accounting.

 **RECALL/REMOVAL**

JULY 02, 2007

Dallas White Wing v. HCN General Council et al., CV 04-99 Order (Conditional Dismissal with Prejudice) (HCN Tr. Ct., Jul. 2, 2007). (Pro tempore Vele, K).

The Court had to determine whether to dismiss this case. The Court previously ordered the plaintiff to provide response as to whether he wished to proceed with the case. The plaintiff failed to respond within the timeframe provided. The Court dismissed the action with prejudice.

 **DOMESTIC VIOLENCE**

NO DECISIONS AT THIS TIME.

 **FAMILY**

 **DIVORCE**

NO DECISIONS AT THIS TIME.

 **JUVENILE CASES**

JULY 03, 2007

In the Interest of Minor Child: V.M.B., DOB 06/26/89, et al., JV 05-29-31 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jul. 3, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Modification Hearing*.

JULY 05, 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 05-29-31 Order (Partial Termination of Jurisdiction) (HCN Tr. Ct., Jul. 5, 2007). (Matha, T).

The minor child reached the age of majority in JV 05-29. Furthermore, the father had substantially complied with the dispositional requirements in JV 05-30. Thus, the Court terminated its jurisdiction over and supervision of JV 05-29-30 in accordance with the HOCAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), § 3.16d. However, the Court retained jurisdiction over JV 05-31.

JULY 06, 2007

In the Interest of Minor Children: S.C., DOB 03/04/91, et al., JV 07-03-07 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jul. 6, 2007). (Rockman, A).

The Court granted two (2) parties' requests to appear by telephone at the *Trial*.

JULY 10, 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; M.H., DOB 02/09/00, JV 05-15-18 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Jul. 10, 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.

JULY 19, 2007

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 (Requesting Guardian Ad Litem Opinion) (HCN Tr. Ct., Jul. 19, 2007). (Rockman, A).

The Court requested the submission of a *Guardian ad Litem Report*.

JULY 20, 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 09/06/01;

A.M., DOB 06/16/04; and A.M., DOB 03/14/06, JV 07-09-14 Order (Granting Emergency Temporary Legal & Physical Custody) (HCN Tr. Ct., Jul. 20, 2007). (Matha, T).

The Court had to determine whether to grant emergency temporary legal and/or physical custody of the above-named minor children. The Court entered this Order as necessary to ensure the safety of the children. At the scheduled Initial Hearing, the parent(s), guardian(s), and/or physical custodian(s) shall be afforded proper due process for purposes of answering the *Child/Family Protection Petition* filed by Children and Family Services.

JULY 30, 2007

In the Interest of Minor Child: B.E.Y., DOB 07/25/89, JV 05-33 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jul. 30, 2007). (Matha, T).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d.



RECENT SUPREME COURT DECISIONS

JULY 03, 2007

Robert Gerhartz v. HCN Gaming Comm'n, SU 06-06 Decision (HCN S. Ct., Jul. 3, 2007). (Funmaker, D).

The appellant appealed the decision from the Trial Court overturning a suspension given by the Gaming Commission. The Supreme Court found that the Trial Court did not err in ruling that the Gaming Commission should have applied GAMING ORDINANCE 1803(b) and not 1203(b). The Court noted that the ORDINANCE contains two sections dedicated to ensuring high standards are maintained with regards to licensees. Section 1203 deals with the application process, while Section 1803 deals with the post-application process. It determined that if the Legislature had wanted Section 1203 to deal with investigations after a license had been issued then it would not have created Section 1803. Furthermore, if the Court were to view Section 1203 as dealing with investigations after a license has been rendered, it would essentially render Section 1803 meaningless.

The Supreme Court did find however that the Trial Court erred in its application of Section 1801(e). The Court determined that both Sections 1212 and 1801 deal with suspensions. Although the language of Section 1212 only

states cancellation, its title speaks of both suspensions and cancellations. Furthermore, the Court adopted the standards found in Sections 1212 and 1801 in determining whether suspensions and cancellations are warranted. However, the Court determined that the more pressing issue was whether the INTERNAL CONTROL MANUAL (hereinafter ICM) may be used as a rule promulgated in pursuance of the ORDINANCE under Section 1212 or a license condition imposed by the Legislature as Section 1801 requires. The Court found that the introductory language of the ICM allows for the ICM to fall into the category of "rules promulgated in pursuance of this Ordinance" as Section 1212 states. Thus, because the appellant was found to violate the ICM, he was also found to have violated the ORDINANCE allowing for him to be subjected to a suspension. The Supreme Court stated that the confusion over whether the ICM could be used to discipline could have been avoided had the Gaming Commission used Chapter 7 of the ORDINANCE that dealt with sanitation and public safety. The Supreme Court further held that the Trial Court should have remanded the case to the Gaming Commission without specific instructions in regards to remedies, but should have merely advised the Gaming Commission on what law it should apply, which would prevent similar mistakes from occurring in the future. Reversed in part and remanded.

JULY 23, 2007

Ona Garvin v. HCN Election Bd. et al., SU 07-07 Decision (HCN S. Ct., Jul. 23, 2007). (Hunter, M).

The appellant appealed the decision from the Trial Court ruling that the recall election should be limited to Ms. Garvin's district and that the election should be characterized as a recall and not a removal election. The Supreme Court found that the Trial Court did not err in interpreting notice as the controlling issue with regards to appellant's procedural due process violation claim. However, the Court further stated that the Trial Court should provide an explanation as to why certain claims are not being considered. The Supreme Court also determined that the Trial Court did not err by focusing on the issue of whether notice was provided rather than the due process owed by the General Council. Specifically, the Court found that the Trial Court does not need to address an issue if it considers another issue to be dispositive. Furthermore, the Court determined that the appellant's procedural due process rights were not violated. An appellant asserting procedural due process claims must first articulate a property right recognized by the CONSTITUTION, case law, or statute and then prove that he/she was denied that property without due process. HCN CONSTITUTION, ART. IX, § 5 does not create a property right for elected officials subjected to recall resolutions and alleging malfeasance does not transform a recall resolution into a removal, which would require due process. Thus, the appellant's procedural due process rights were not violated. Affirmed.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

JULY 10, 2007

Heather C. Lee v. Vance W. White, CS 07-45 (Matha, T).

Desia M. Tallmadge v. Arthur E. Tallman, CS 07-46 (Matha, T).

JULY 13, 2007

State of Wisconsin/Jaclyn Carriaga v. Jordan Vidana, CS 07-47 (Matha, T).

JULY 17, 2007

State of Nebraska on behalf of C.A.O. v. Shane A. Oknewski, CS 07-48 (Rockman, A).

State of Nebraska on behalf of K.A.M.H. v. Shane A. Oknewski, CS 07-49 (Rockman, A).

JULY 30, 2007

State of Wisconsin/Lena M. Snowball v. Alan L. Walker, CS 07-49 (Rockman, A).



CIVIL CASES

JULY 06, 2007

In the Interest of Minor Child: L.B., DOB 05/04/99, by Carly Lincoln v. HCN Office of Tribal Enrollment, CV 07-52 (Rockman, A).

JULY 10, 2007

In the Interest of Minor Children: Z.W., DOB 07/28/91; M.W., DOB 12/16/93; Z.W., DOB 01/02/98; S.W., DOB 11/15/99 v. HCN Office of Tribal Enrollment, CV 07-51 (Matha, T).

In the Interest of Minor Children: H.D., DOB 03/23/95, and K.D., DOB 09/05/96, by Richard Dakota v. HCN Office of Tribal Enrollment, CV 07-53 (Matha, T).

JULY 13, 2007

Gale White v. Jean Day, CV 07-54 (Matha, T).

In the Interest of Adult Incompetent: R.L., DOB 08/04/53, by Office of State Guardian by M. Sierra v. HCN Office of Tribal Enrollment, CV 07-55 (Rockman, A).

JULY 18, 2007

In the Interest of Minor Children: L.J.H., DOB 06/27/95, and B.A.C., DOB 10/14/98, by Nina Greengrass Starr v. HCN Office of Tribal Enrollment, CV 07-56 (Rockman, A).

JULY 20, 2007

In the Interest of Minor Child: O.E.H., DOB 05/14/92, by Rhonda L. Funmaker v. HCN Office of Tribal Enrollment, CV 07-57 (Matha, T).

JULY 20, 2007

In the Interest of Adult CTF Beneficiary: Myra Blackdeer, DOB 09/01/98 v. HCN Office of Tribal Enrollment, CV 07-58 (Matha, T).

JULY 27, 2007

Social Services v. Alvane King, CV 07-59 (Rockman, A).

JULY 31, 2007

HOP v. Wendy Williams, CV 07-60 (Rockman, A).

HCN Bus. Dep't et al. v. Shanna Harrison, CV 07-61 (Rockman, A).



CIVIL GARNISHMENT CASES

JULY 05, 2007

Unifund Group v. Lynn Schommer, CG 07-49 (Matha, T).

JULY 16, 2007

Tomah Mem'l Hosp. v. Rose A. Lemke n/k/a Rose A. Smith, CG 07-50 (Matha, T).

JULY 17, 2007

Mobile Veterinary Practice v. Victoria Lowe, CG 07-51 (Matha, T).

Creditor Recovery Serv. v. Chad L. Lowell, CG 07-52 (Matha, T).

JULY 25, 2007

All Am. Plaza v. Amber Dowling, CG 07-53 (Matha, T).

All Am. Plaza v. Angeline Greengrass, CG 07-54 (Matha, T).

All Am. Plaza v. Lloyd G. WhiteEagle, CG 07-55 (Matha, T).

JULY 27, 2007

Black River Mem'l v. Brain S. LaMere, CG 07-56 (Matha, T).

 **FAMILY CASES**
NO FILINGS AT THIS TIME.

 **DOMESTIC VIOLENCE**
NO FILINGS AT THIS TIME.

 **JUVENILE CASES**

JULY 20, 2007

In the Interest of Minor Child: S.M., DOB 11/18/92, JV 07-09
(Rockman, A).

In the Interest of Minor Child: K.M., DOB 10/18/93, JV 07-10
(Rockman, A).

In the Interest of Minor Child: S.M., DOB 12/13/95, JV 07-11
(Rockman, A).

In the Interest of Minor Child: A.M., DOB 09/06/01, JV 07-12
(Rockman, A).

In the Interest of Minor Child: A.M., DOB 06/16/04, JV 07-13
(Rockman, A).

In the Interest of Minor Child: A.M., DOB 03/14/06, JV 07-14
(Rockman, A).

JULY 24, 2007

In the Interest of Minor Child: N.L., DOB 10/09/97, JV 07-15
(Matha, T).

In the Interest of Minor Child: N.L., DOB 01/19/99, JV 07-16
(Matha, T).

In the Interest of Minor Child: K.T.T., DOB 08/08/04, JV 07-17
(Matha, T).

JULY 31, 2007

In the Interest of Minor Child: L.D.C., DOB 03/14/97, JV 07-18
(Matha, T).

In the Interest of Minor Child: M.R.C., DOB 10/11/99, JV 07-19
(Matha, T).

In the Interest of Minor Child: C.J.K., DOB 02/08/04, JV 07-20
(Matha, T).

In the Interest of Minor Child: C.H.K., DOB 06/20/05, JV 07-21
(Matha, T).



RECENT SUPREME COURT FILINGS

NO FILINGS AT THIS TIME.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice

Joan Greendeer-Lee, 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 – Natalie Stites

Staff Attorney – Nicole M. Homer

Supreme Court Clerk – Mary Endthoff

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

WISCONSIN TRIBAL JUDGES ASSOCIATION

(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

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

HCN Judiciary Fee Schedule

Filing Fees

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

Court Fees

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

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.

ELDER PROTECTION ACT, 4 HCC § 1.

EMPLOYMENT RELATIONS ACT, 6 HCC § 5.

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

HCN Supreme Court Case Law

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

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

HCN Trial Court Case Law

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

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

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

September/October 2007 Issue



Vol. 13, Nos. 9-10

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HCN SUPREME COURT UPHOLDS TRIAL COURT'S DECISION ALLOWING GRB TO GRANT MONETARY RELIEF

On March 9, 2007, the Ho-Chunk Nation (hereinafter HCN) Trial Court determined that the limitations established within the sovereign immunity waiver of the EMPLOYMENT RELATIONS ACT (hereinafter ERA) do not extend to the Grievance Review Board (hereinafter GRB) when it grants forms of relief. *Janet Funmaker v. Libby Fairchild, in her capacity as Executive Director of HCN Dep't of Pers. et al.*, CV 06-61 (HCN Tr. Ct., Mar. 9, 2007), *aff'd*, SU 07-05 (HCN S. Ct., Aug. 31, 2007). The ERA merely directs that the GRB will "make a decision," which "determine[s] whether the facts support a violation of the Employment Relations Act or applicable Unit Operating Rules." CV 06-61 at 15; ERA, § 5.34g(7). With regards to its remedial powers, the Court found that the ERA contained no remedial limitations on the GRB. CV 06-61 at 15. Instead, the ERA dictates that "[t]he Board shall have the authority to direct the Executive Director of Personnel to execute *the appropriate remedy* consistent with the determination of the Board." CV 06-61 at 15 (quoting ERA § 5.34g(8)) (emphasis added).

Practically speaking, if the Court were to have found that the GRB did not have the power to grant monetary relief, it would have created a system of inequity. If an individual won at the GRB level, they would have been confined to receiving equitable remedies: reinstatement, expungment of employment record, bridge service credit, and restoration of the employee's seniority. *Funmaker* at 14. However, if an individual were to lose at the GRB level, appeal to the Trial Court and win, that person would have the ability to request monetary relief up to \$10,000.00 if the facts of the case permitted such a request. *Id.* Thus, if the Court had read silence to mean the GRB had less authority than the Court with regards to remedies, it would have created an inequitable result. *Id.*

On August 31, 2007, the Supreme Court upheld the decision

of the Trial Court. Specifically, the Supreme Court answered the question presented, “does the GRB have the authority to grant monetary awards,” in the affirmative. To have found differently, the appellants had to prove that “appropriate remedy,” as stated in the ERA, did not include back pay. However, the appellants failed to meet their burden. SU 07-05 at 3.

The appellants proposed two (2) arguments for their proposition that the GRB is prohibited from providing monetary relief. First, they claimed that suits do not have to occur in a court of law. *Id.* They contended that the GRB adjudicates suits, and therefore sovereign immunity applies. *Id.* Second, the appellants asserted that the power exerted by the GRB is not legislative, but is instead judicial. *Id.* They argued that the GRB was more like a court, and thus the disputes that it adjudicates were suits, so sovereign immunity applies. *Id.* The Supreme Court was not persuaded by either argument.

The Supreme Court easily determined that that the appellants’ first contention was unfounded. The appellants provided no legal citation for its definition that suits could occur outside of a court of law. *Id.* at 4. However, the Trial Court did provide the following remarks from former United States Supreme Court Chief Justice John Marshall when determining the opposite:

The term is certainly a very comprehensive one, and is understood to apply to any proceeding in a court of justice, by which an individual pursues that remedy in a court of justice, which the law affords him. The modes of proceeding may be various, but if a right is litigated between parties in a court of justice, the proceeding by which the decision of the court is sought, is a suit.

CV 06-61 at 12 n.5 (quoting *Plowden Weston et al. v. The City Council of Charleston*, 27 U.S. 449, 487 (1829)). Furthermore, commonly used legal dictionaries define a suit to be a proceeding within a court of law. SU 07-05 at 4.

The Supreme Court next found that the appellants’ second contention was incorrect. The appellants argued that the GRB was more similar to a legislatively created lower court of special jurisdiction, and thus is a court. *Id.* However, the ERA and the DEPARTMENT OF PERSONNEL ESTABLISHMENT AND ORGANIZATION ACT OF 2001 state the opposite. *Id.* The Ho-Chunk Nation’s

CONSTITUTION states that the Legislature delegates its power to Executive Departments. *Id.*; CONST., ART. V, § 2(b). The HCN Department of Personnel is an example of an Executive Department that has been delegated legislative power. *Id.* The GRB is an agency of the Department of Personnel. *Id.* Therefore, it too has been delegated legislative power. *Id.* at 5. Therefore, the GRB is not an arm of the Judiciary, but instead an arm of the Legislature. *Id.* If the GRB were a court, the Legislature would be unconstitutionally delegating authority it does not have, and thus encroaching upon the Judiciary’s authority. *Id.*

Additionally, the Supreme Court took the opportunity to correct a mistake that is increasingly being made. The appellants argue that the Trial Court “erred” in its aforementioned hypothetical scenario; where results would be inequitable if the GRB did not also have the power to grant monetary relief. *Id.* However, the appellant’s misused the legal term “error.” *Id.*

The word, “error,” should not be used when the attorney merely disagreed with a court’s interpretation of the law. Questions of law are reviewed de novo, requiring no error for the Supreme Court to reverse a Trial Court decision. Error is primarily associated with findings of fact that are found erroneous under a clearly erroneous standard, *United States v. United States Gypsum CO.*, 333 U.S. 364, 395 (1948), or when the Trial Court abuses its discretion, *Rae Anna Garcia vs. Joan Greendeer-Lee, Loa Porter, Hattie Walker and Greg Garvin as Officials of the HCN; HCN Personnel Dep’t and HCN Health and Human Services Dep’t*, SU 03-01 (HCN S. Ct., Apr. 30, 2003) at 3-4.

SU 07-05 at 6. The hypothetical was merely dicta, and thus cannot be considered error.

Furthermore, the appellants failed to explain why they considered the hypothetical scenario to be unfounded. *Id.* The appellants appeared to suggest that the Trial Court erred by ruling that the hypothetical procedure was the only possible procedure. They countered this procedure by arguing that an individual who wins at the GRB level may proceed to the Trial Court to have a determination made with regards to monetary relief. *Id.* However, the Supreme Court found that the Trial

Court need not address every possible outcome, and that the outcome presented was indeed plausible. *Id.* Additionally, the Supreme Court found that the alternative procedure presented by the appellants was extremely impractical and judicially uneconomical. *Id.* at 6-7.

Last, the Supreme Court addressed the *Joint Stipulation*. Within the Joint Stipulation, the parties agreed to limit the back pay according to ERA § 5.35. However, the Trial Court specifically found that this rule did not apply. *Id.* at 7. The Court read the *Joint Stipulation* to imply that because the parties never asked the Trial Court to determine whether or not the GRB could award more than \$10,000.00, the Supreme Court should not address the issue, and simply decide whether the GRB can award monetary damages. *Id.* at 7-8. However, these two issues are directly correlated to each other. Therefore, both Courts' decisions to address why the \$10,000.00 limit did not apply to the GRB were both necessary and appropriate. *Id.* at 8. Regardless of the Supreme Court's decision that the GRB may award more than \$10,000.00 if the facts so allow, the appellee went forth and limited herself to receiving only \$10,000.00. *Id.* The Supreme Court affirmed the decision of the Trial Court, and remanded the case back to the GRB to find facts necessary to determine the back pay entitled to the appellee. However, because of the *Joint Stipulation*, the award in this particular case should not exceed \$10,000.00.

For a copy of the decision go to:
[http://ho-chunknation.com/UserFiles/SU07-05\(1\).pdf](http://ho-chunknation.com/UserFiles/SU07-05(1).pdf)



2007

HCN Judiciary 5K Fun Run/Walk

The Fun Run/Walk was a success! We would like to thank the following people and businesses for contributing to the 12th Annual HCN Judiciary Fun Run/Walk:

- Ho-Chunk Casino Hotel and Convention Center
- Majestic Pines Hotel
- Ho-Chunk Casino
- Ho-Chunk Health Care Center

- Old Rustic Mill Restaurant @ W Hwy 54 (Black River Falls)
- Wisconsin Well Woman Program, HCN Health Benefits
- Majestic Pines Casino
- HCN Business Dept.
- Caralee Murphy, Office of the President
- Julie Johnson, Lands Office
- Erwin Begay
- Shannon Hartwig
- John Falcon
- Nehomah Thundercloud
- Marlon Whiteeagle
- Clarissa Pettibone
- Rockman Entertainment (Black River Falls)
- Smiley Bear Logo & Design (Black River Falls)
- Logowear T-Shirt Design (Sparta)
- HCN Trial Court Judges and Staff
- All Participants and Volunteers!

**Top Female
 Leslie Guttenberg**



**Top Male
 Dana Lonetree**





12TH ANNUAL LAW DAY
OCTOBER 11, 2007
8:15 A.M. – 12: P.M.

As of last year, Law Day is held in conjunction with the Wisconsin Tribal Judges Association, Inc. (WTJA) quarterly autumn meeting. The meeting is being held at Wa Ehi Hoci on October 11-12, 2007. Law Day is an open house and discussion that is FREE and open to all tribal members, HCN employees, lawyers, lay advocates, and the general public. This is a great opportunity to learn more about the HCN Judiciary and recent legal developments. It is also a great opportunity to tour the court facility, Wa Ehi Hoci. CLE credits are available for attorneys licensed in the state of Wisconsin.

Participants will have the chance to hear presentations from numerous judicial officers and court staff. Directions are available on the Ho-Chunk Nation website at <http://ho-chunknation.com/?PageId=160>. For WTJA attendees, the Ho-Chunk Nation Judiciary will set aside a block of rooms at Majestic Pines Casino. You can reach the casino at (888) 625-8668. Law Day will conclude with a WTJA golf outing held at Skyline Golf Course in Black River Falls, WI (<http://www.golfskyline.com>).

For more information on Law Day, please contact Natalie Stites, Judicial Law Clerk, at (800) 434-4070 or (715) 284-2722.



**UPDATES FROM OUTSIDE
COURTS**

UNITED STATES SUPREME COURT

Petition for Certiorari filed

- ***Reber v. Utah***, No. 07-103 (filed July 23, 2007).
- ***Catawba Indian Tribe of South Carolina v. South Carolina***, No. 07-69 (filed July 16, 2007).
- ***Gros Ventre Tribe v. United States***, No. 06-1672 (filed June 14, 2007).
- ***Confederated Tribes and Bands of the Yakama Nation v. Confederated Tribes of the Colville Indian Reservation***, No. 06-1588 (filed May 29, 2007).

**UNITED STATES COURT OF APPEALS, 1ST
CIRCUIT**

Maine v. Johnson, 2007 WL 2258265 (1st Cir. 2007). Petitions were brought for review of a decision of the Environmental Protection Agency (EPA), which gave the State of Maine permitting authority, under the Clean Water Act (CWA) and the Maine "Settlement Acts," with regard to discharge of pollutants into territorial waters of certain Indian tribes, but exempted two tribal-owned facilities from the State's permitting program. On consolidation of petitions, the Court of Appeals held that the EPA did not err in giving the State permitting authority with regard to the 19 facilities which discharged pollutants into territorial waters of two Indian tribes; but that the EPA did err in exempting from that authority two tribally owned facilities; and that the Court lacked jurisdiction to review the issue of whether the EPA, after granting the State permitting authority, retained

authority to review State-issued permits in light of a general trust relationship between the federal government and the two Indian tribes. Affirmed in part and vacated and remanded in part.



RECENT TRIAL COURT

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), Family (FM), 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.

CHILD SUPPORT CASES

AUGUST 16, 2007

Heather Little Thunder v. Steven Kearnes, Sr., CS 07-20 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Aug. 16, 2007). (Rockman, A).

The Court had previously issued a *Default Judgment (Enforcing Child Support)*. The petitioner later filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the previous order.

Beltrami Co. by Assignment of: Tanya L. Hindsley and Darren Dafoe, CS 03-16 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Aug. 16, 2007). (Matha, T). The Court had previously issued an *Order (Enforcing Child Support)*. The petitioner later filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the law.

AUGUST 20, 2007

State of Wisconsin et al. v. Edward W. Cloud, CV 97-94 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Aug. 20, 2007). (Rockman, A).

The Court had previously issued an *Order (Enforcing Child Support)*. The petitioner later filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the law.

Renee K. Merrill v. Timothy W. Hanson, CS 07-43 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Aug. 20, 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.

Heather C. Lee v. Vance W. White, CS 07-45 Order (Enforcing Child Support) (HCN Tr. Ct., Aug. 20, 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 his acquiescence to the request in writing, and, therefore, the Court waived the normal service of process requirement. The Court granted recognition and enforcement of the foreign judgment.

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., Aug. 20, 2007). (Rockman, A).

The Court had previously issued an *Order (Modifying & Enforcing Child Support-Arrears)*. The petitioner later filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the law.

Mary Martinson v. Mark S. Houghton, CS 98-43 *Order (Proof of High School Enrollment Filed)* (HCN Tr. Ct., Aug. 20, 2007). (Rockman, A).

The petitioner filed the required proof of high school enrollment. Therefore, the cessation of current child support shall go into effect upon the minor child's nineteenth (19th) birthday.

State of Wisconsin and Brenda L. Miller v. Lewis A. Frogg, CS 07-31 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Aug. 20, 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.

Desia M. Tallmadge v. Arthur E. Tallman, CS 07-46 *Order (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Aug. 20, 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.

State of Wisconsin/Ashland County and Kimberly Otto v. Lenny Cloud, CS 03-50 *Notice (Child Turning 18- Requiring Proof of Enrollment)* (HCN Tr. Ct., Aug. 20, 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 Thlema S. Garcia v. Esteban M. Blackhawk, Sr. and Rhonda Oas v. Esteban M. Blackhawk, CS 02-14-15, -45 *Order (Updating Arrears)* (HCN Tr. Ct., Aug. 20, 2007). (Matha, T).

The Court had previously issued an *Order (Updating Arrears)*. The petitioner in CS 02-14 later filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the law.

Josephine Shegonee v. Justin C. Decora and State of Wisconsin/Jackson Co. v. Jusin C. Decora, CS 03-06, 05-91 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 20, 2007, 2007). (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. Additionally, the Court performed an equitable adjustment due to the respondent's serial payor status.

AUGUST 21, 2007

State of Wisconsin v. Kric V. Pettibone, CS 05-44 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 21, 2007). (Matha, T).

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

AUGUST 22, 2007

Regina K. Baldwin v. Hunter D. Littlejohn and Virginia C. Murphy v. Hunter D. Littlejohn, Sr., CS 99-46, 03-72 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 22, 2007, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. Additionally, the Court performed an equitable adjustment due to the respondent's serial payor status.

Ronald K. Genske v. Ruth M. Genske, CS 01-09 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 22, 2007). (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.

AUGUST 23, 2007

Lot L. Smith, II v. Karen J. Smith, n/k/a Karen Combs, CV 97-33 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 23, 2007). (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.

State of Wisconsin v. Greg D. Henry, CS 99-64 *Order (Reinstating & Modifying Child Support)* (HCN Tr. Ct., Aug. 23, 2007). (Rockman, A).

The Court had to determine whether to grant petitioner's motion to reinstate and modify current child support, as there remains one child under eighteen (18) years of age. The respondent failed to respond within the specified timeframe. The Court granted petitioner's uncontested motion.

AUGUST 28, 2007

Mary Martinson v. Mark S. Houghton, CS 98-43 *Order (Erratum)* (HCN Tr. Ct., Aug. 28, 2007). (Rockman, A). The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

AUGUST 29, 2007

State of Wisconsin and Lena M. Snowball v. Alan L. Walker, CS 07-50 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Aug. 29, 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.

Jaclyn J. Carriaga v. Jordan L. Vidana, CS 07-47 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Aug. 29, 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 v. Kric V. Pettibone, CS 05-44 *Order (Modifying & Enforcing Child Support Against Wages)* (HCN Tr. Ct., Aug. 29, 2007). (Matha, T).

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

AUGUST 30, 2007

State of Wisconsin v. Kric V. Pettibone, CS 05-44 *Reissued Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Aug. 30, 2007). (Matha, T).

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

SEPTEMBER 14, 2007

State of Wisconsin v. Jackie E. Snow, CS 02-53 *Order (Erratum)* (HCN Tr. Ct., Sept. 14, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

SEPTEMBER 17, 2007

Patsy Prescott v. Travis Prescott, CS 04-31 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Sept. 17, 2007). (Matha, T).

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

Kelley L. Thundercloud v. Wallace P. Greendeer, CV 96-90 *Order (Ceasing Child Support Arrears Withholding)* (HCN Tr. Ct., Sept. 17, 2007). (Rockman, A).

The Court had to determine whether to cease child support withholding. The county child support agency requested a cessation within its motion, as the arrearage debt had been satisfied. The Court granted the motion and directed Treasury to cease withholding from the respondent's per capita distributions for arrears.

Nadine C. Decorah v. Ashley J. Decorah, CS 02-38 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Sept. 17, 2007). (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.

State of Wisconsin/Ashland County and Kimberly Otto v. Lenny Cloud, CS 03-50 Order (Updating Arrearage Withholding-Wages) (HCN Tr. Ct., Sept. 17, 2007). (Matha, T).

The Court had previously issued a *Notice (Child Turning 18- Requiring Proof of Enrollment)*. The petitioner later filed a motion to cease withholding from the respondent's wages for current child support. Furthermore, the petitioner filed a motion to amend arrears withholding with a certified account statement. The respondent failed to respond within the specified time frame. The Court ordered the Treasury Department to withhold an amount, in accordance with the underlying judgment.

SEPTEMBER 18, 2007

State of Wisconsin and Ashley Sturdevant v. Ansen B. Funmaker, CS 07-02 Order (Cessation of Withholding-Arrears) (HCN Tr. Ct., Sept. 18, 2007). (Matha, T).

The Court had to determine whether to cease child support withholding for arrears. The county child support agency requested a cessation within its motion, as the arrearage debt had been satisfied. The Court granted the motion and directed Treasury to cease withholding from the respondent's per capita distributions for arrears.

June Miller v. Larry Fanning and State of Wisconsin and Maureen Bighorn v. Larry Fanning, CS 98-71, 07-08 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 18, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support withholding. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. Additionally, the Court performed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin/Jackson Co. v. Brian S. LaMere and Sehoia E. Fleischman v. Brian S. LaMere, CS 03-02, -27 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 18, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support withholding. The respondent failed to respond

within the specified time frame. The Court granted petitioner's uncontested motion. Additionally, the Court performed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin/Shawano County v. Jeffrey Jay Rockman, CS 99-59 Order (Ceasing Current Child Support Withholding) (HCN Tr. Ct., Sept. 18, 2007). (Rockman, A).

The Court had to determine whether to cease child support withholding. The county child support agency requested a cessation within its motion. The Court granted the motion and directed Treasury to cease withholding from the respondent's per capita distributions.

State of Wisconsin/Sauk County and Susan C. Walczak v. Ferguson Funmaker and State of Wisconsin/Sauk County and Alice L. Bissonette v. Ferguson Funmaker, CS 99-07, 06-08 Order (Ceasing & Current Child Support) (HCN Tr. Ct., Sept. 18, 2007). (Matha, T).

The Court had to determine whether to cease child support withholding in CS 99-07. The county child support agency requested a cessation within its motion, stating that the child reached the age of majority. The Court granted the motion and directed Treasury to cease withholding from the respondent's per capita distributions for child support in CS 99-07. However, the Court directed Treasury to continue to withhold for CS 06-08.

State of Wisconsin and Richard J. Dakota v. Angela B. Wanatee, CV 97-126 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 18, 2007). (Matha, T).

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

SEPTEMBER 20, 2007

Robert M. Mobley v. Joyce M. St. Cyr and State of Wisconsin/Sauk County and Jennifer Stanley v. Robert M. Mobley and Joyce M. St. Cyr v. Robert M. Mobley, CS 99-37-38, 00-04 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 20, 2007). (Matha, T).

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

Court performed an equitable adjustment due to the respondent's serial payor status.

SEPTEMBER 26, 2007

State of Wisconsin/Jackson Co. v. Brian S. LaMere and Sehoya E. Fleischman v. Brian S. LaMere, CS 03-02, -27 *Reissued Order (Modifying & Enforcing Child Support-Wages & Per Capita)* (HCN Tr. Ct., Sept. 26, 2007). (Matha, T).

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

 **CIVIL GARNISHMENT CASES**

AUGUST 16, 2007

All American Plaza v. Amber Dowling, Angeline Dowling Greegrass and Lloyd G. WhiteEagle, CG 07-53-55 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 16, 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.

AUGUST 17, 2007

Unifund Group v. Lynn Schommer, CG 07-49 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Aug. 17, 2007). (Matha, T).

The Court granted the petitioner's counsel's request to appear by telephone at the *Fact-Finding Hearing*.

AUGUST 21, 2007

Black River Memorial v. Brian S. LaMere, CG 07-56 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 21, 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.

AUGUST 22, 2007

Guardian Credit Union v. Amanda J. Beder, CG 07-48 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 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.

AUGUST 28, 2007

Alliance Collection Agencies, Inc. v. Daniel S. Downing, CG 07-60 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 28, 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. Shirley J. Worth, CG 07-59 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 28, 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. Mathew R. Zabawa, CG 07-57 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 28, 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. Devin Kniprath, CG 07-58 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 28, 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.

AUGUST 30, 2007

Lemonweir Valley Telephone Company v. Nela F. Stacy, CG 07-47 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 30, 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.

SEPTEMBER 21, 2007

Guardian Credit Union v. Amanda J. Beder, CG 07-48 Order (Retention of Judgment) (HCN Tr. Ct., Sept. 21, 2007). (Matha, T).

The Court had to determine whether to reconsider its entry of default judgment against the respondent. The respondent improperly filed her responsive pleading and post-judgment motion, but the Court nonetheless afforded her a hearing. The Court anticipated that the respondent would corroborate her claimed exemption from the present garnishment. The respondent filed to attend the motion hearing, leading the Court to retain its judgment.

Creditor Recovery Service, LLC v. Jerry D. McCrossen, CG 07-61 Order (Default Judgment) (HCN Tr. Ct., Sept. 21, 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.

SEPTEMBER 25, 2007

NCO Att’y Network Servs. v. Hope B. Smith, CG 07-62 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Sept. 25, 2007). (Matha, T).

The Court granted the petitioner’s counsel’s request to appear by telephone at the *Fact-Finding Hearing*.

SEPTEMBER 26, 2007

Quick Cash Loans v. Darlene Walker, CG 07-65 Order (Default Judgment) (HCN Tr. Ct., Sept. 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.

SEPTEMBER 28, 2007

Homeowners Fin. Serv. v. Harry Terwall et al., CG 04-125 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sept. 28, 2007). (Matha, T).

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

 **CIVIL CASES**

AUGUST 08, 2007

Carol Garvin v. George Garvin, CV 01-27 Order (Granting Motion to Withdraw) (HCN Tr. Ct., Aug. 8, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner’s counsel’s unopposed request to withdraw as attorney of record. The Court granted the motion and shall continue to await a request for rescheduling of the matter.

 **ADMINISTRATIVE APPEALS**

AUGUST 06, 2007

Jeneile Luebke v. Patricia Boyles c/o HCN Health Dep’t, CV 06-70 Order (HCN Tr. Ct., Aug. 6, 2007). (Rockman, A).

The Court had to determine whether to direct the Ho-Chunk Nation Department of Personnel to adhere to the decision of the Grievance Review Board (hereinafter GRB). The plaintiff received a favorable decision at the GRB level; however the Department of Personnel has failed to remit the recommended pay differential. The Court remanded the decision to the GRB for a specific finding of monetary relief.

AUGUST 10, 2007

Gale S. White v. Jean Day, CV 07-54 Order (Granting Continuance) (HCN Tr. Ct., Aug. 10, 2007). (Matha, T).

The Court had to determine whether to grant the plaintiff’s motion. The plaintiff requested a continuance in the matter based upon general difficulty in adhering to the established timeframe due to her *pro se* status. The Court, within its discretion to grant continuances upon showing of good cause, granted the motion and continued the action to a different date.

 **CHILDREN’S TRUST FUND (CTF)**

AUGUST 07, 2007

In the Interest of Minor Child: M.L., DOB 03/03/94, by Christine Luke v. HCN Office of Tribal Enrollment, CV 07-25 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 7, 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.

AUGUST 09, 2007

In the Interest of Adult CTF Beneficiary: Marvel Jean Cloud v. HCN Office of Tribal Enrollment, CV 07-01 Order (Demanding Accounting) (HCN Tr. Ct., Aug. 9, 2007). (Rockman, A).

The Court previously released funds from the CTF accounts of the adult CTF beneficiary for costs associated with automobile repairs. 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.

AUGUST 15, 2007

In the Interest of Minor Child: T.K., DOB 06/06/90, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 07-07 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 15, 2007). (Matha, T).

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

In the Interest of Minor Child: N.L.R., DOB 01/18/99, by Ronald Rich v. HCN Office of Tribal Enrollment, CV 07-09 Order (Motion Granted) (HCN Tr. Ct., Aug. 15, 2007). (Matha, T).

The Court previously approved a CTF release for purposes of orthodontic care of the minor child. The petitioners filed a request for further release of CTF monies to cover an unmet patient obligation. The Court granted the motion.

AUGUST 16, 2007

In the Interest of Minor Children: M.W., DOB 12/16/93, et al., by Rita Wolf, CV 07-51 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 16, 2007). (Matha, T).

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

In the Interest of Minor Child: A.F.D., DOB 12/25/93, by Elizabeth Deer v. HCN Office of Tribal Enrollment, CV 07-14 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 16, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with orthodontic procedures and treatment. The

petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: M.L.P., DOB 05/21/95, and D.M.P., DOB 07/21/99, by Barbara Lowe v. HCN Office of Tribal Enrollment, CV 07-06 Order (Show Cause) (HCN Tr. Ct., Aug. 16, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the children for costs associated with emergency housing. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.

In the Interest of Minor Child: D.T.L., DOB 04/25/89, by Katherine Littlejohn v. HCN Office of Tribal Enrollment, CV 06-114 Order (Show Cause) (HCN Tr. Ct., Aug. 16, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the children for costs associated with securing legal counsel. The petitioner failed to comply with the most recent judicial directive requiring submission of an accounting. The Court shall convene a *Show Cause Hearing* to allow the petitioner to explain why the Court should not hold her in contempt of court.

AUGUST 21, 2007

In the Interest of Minor Child: M.B., DOB 09/18/98, by Sheyenne Lemieux v. HCN Office of Tribal Enrollment, CV 07-33 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 21, 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 Minor Child: C.J.W.K., DOB 11/29/95, by Annie R. Winneshiek v. HCN Office of Tribal Enrollment, CV 07-59 Order (Petition Granted) (HCN Tr. Ct., Aug. 21, 2007). (Rockman, A).

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

AUGUST 22, 2007

In the Interest of Minor Children: M.W., DOB 12/16/93; Z.W., DOB 07/28/91; Z.W., DOB 01/02/98; and S.W., DOB 11/15/99, by Rita Wolf v. HCN Office of Tribal Enrollment, CV 07-51 Order (Petition Granted) (HCN Tr. Ct., Aug. 22, 2007). (Rockman, A).

The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with orthodontic procedures and eye care. The Court granted the request.

AUGUST 23, 2007

In the Interest of Minor Children: L.J.H., DOB 06/27/95, and B.A.C., DOB 10/14/98, by Nina Greengrass-Starr v. HCN Office of Tribal Enrollment, CV 07-56 Order (Dismissal without Prejudice) (HCN Tr. Ct., Aug. 23, 2007). (Rockman, A).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

In the Interest of Minor Child: O.E.H., DOB 04/14/92, by Rhonda Funmaker v. HCN Office of Tribal Enrollment, CV 07-57 Order (Dismissal without Prejudice) (HCN Tr. Ct., Aug. 23, 2007). (Matha, T).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

AUGUST 24, 2007

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

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

In the Interest of Minor Child: D.T.L., DOB 04/25/89, by Katherine Littlejohn v. HCN Office of Tribal Enrollment, CV 06-114 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 24, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with securing legal counsel. The petitioner submitted a business

correspondence, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: M.L.P., DOB 05/21/95, and D.M.P., DOB 07/21/99, by Barbara Lowe v. HCN Office of Tribal Enrollment, CV 07-06 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 24, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with emergency housing. The petitioner submitted a business correspondence, confirming proper use of the funds. The Court accepted this accounting.

AUGUST 28, 2007

In the Interest of Minor Children: J.J.N., DOB 06/23/88; J.D.N., DOB 08/27/91; and J.D.N., DOB 08/27/91, by Mary Frances Ness v. HCN Office of Tribal Enrollment, CV 05-17 Order (Acknowledging Receipt of Final Payment) (HCN Tr. Ct., Aug. 28, 2007). (Matha, T).

The Court previously found the petitioner in contempt of court, and imposed a reasonable sanction of reimbursing the CTF accounts. The petitioner submitted proof of the final reimbursement. The Court accepted this accounting.

In the Interest of Minor Child: C.F.R., DOB 09/22/99, by Thomas Redbird, III v. HCN Office of Tribal Enrollment, CV 07-07 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 28, 2007). (Rockman, A).

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

AUGUST 29, 2007

In the Interest of Adult CTF Beneficiary: Myra Jo Blackdeer, DOB 09/01/88 v. HCN Office of Tribal Enrollment, CV 07-58 Order (Requiring Further Documentation) (HCN Tr. Ct., Aug. 29, 2007). (Matha, T).

The Court convened a *Fact-Finding Hearing*, at which both parties made an entry of appearance. The Court required that the petitioner present a photocopy of a valid driver's license prior to entertaining the request for a vehicle purchase. Furthermore, the Court required the petitioner present proof of enrollment at Western Wisconsin Technical College prior to releasing rental monies.

AUGUST 30, 2007

In the Interest of Minor Child: E.T.R.B., DOB 11/19/04, by Yvette L. Brown v. HCN Office of Tribal Enrollment, CV 07-41 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 30, 2007). (Rockman, A).

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

SEPTEMBER 05, 2007

In the Interest of Minor Child: A.T.R., DOB 09/27/96, by Tina L. Boisen v. HCN Office of Tribal Enrollment, CV 07-69 Order (Petition Granted) (HCN Tr. Ct., Sept. 5, 2007). (Rockman, A).

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

In the Interest of Minor Child: B.A.C., DOB 09/24/01, by William Collins v. HCN Office of Tribal Enrollment, CV 07-49 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 5, 2007). (Matha, T).

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

SEPTEMBER 06, 2007

In the Interest of Adult CTF Beneficiary: Jason N. Hopinka v. HCN Office of Tribal Enrollment, CV 03-15 Order (Contempt) (HCN Tr. Ct., Sept. 6, 2007). (Rockman, A).

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

SEPTEMBER 10, 2007

In the Interest of Minor Child: S.E.B., DOB 01/05/90, by Rebecca Rodriguez v. HCN Office of Tribal Enrollment, CV 07-67 Order (Petition Granted) (HCN Tr. Ct., Sept. 10, 2007). (Matha, T).

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

In the Interest of Adult CTF Beneficiary: Myra Jo Blackdeer, DOB 09/01/88 v. HCN Office of Tribal Enrollment, CV 07-58 Order (Petition Granted) (HCN Tr. Ct., Sept. 10, 2007). (Matha, T).

The Court had to determine whether an adult can access her CTF account to secure funds to purchase an automobile and childcare items, and pay rent. The Court granted the release of monies for costs associated with rental assistance, as the petitioner is actively seeking her high school diploma.

SEPTEMBER 11, 2007

In the Interest of Adult CTF Beneficiary: Jason N. Hopinka v. HCN Office of Tribal Enrollment, CV 03-15 Order (Erratum) (HCN Tr. Ct., Sept. 11, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

SEPTEMBER 12, 2007

In the Interest of Adult CTF Beneficiary: Brandon R. Degler, DOB 09/07/88 v. HCN Office of Tribal Enrollment, CV 07-65 Order (Dismissal without Prejudice) (HCN Tr. Ct., Sept. 12, 2007). (Matha, T).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court sent the petitioner a *Notice of Hearing*. The petitioner failed to appear. The Court dismissed the case without prejudice.

SEPTEMBER 14, 2007

In the Interest of Minor Child: C.C.R., DOB 10/02/90, by Christian M. Roth v. HCN Office of Tribal Enrollment, CV 06-66 Order (Erratum) (HCN Tr. Ct., Sept. 14, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

SEPTEMBER 17, 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 (Accepting Accounting) (HCN Tr. Ct., Sept. 17, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with automobile repairs. The petitioner submitted a receipt, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: J.B.K., DOB 02/17/04, by Danielle R. Knak v. HCN Office of Tribal Enrollment, CV

07-66 *Order (Motion Granted)* (HCN Tr. Ct., Sept. 17, 2007). (Rockman, A).

The Court had to determine whether to grant the respondent's motion. The motion was accompanied by a *Notice and Motion for Expedited Consideration*. The respondent requested that the *Fact-Finding Hearing* be rescheduled due to a scheduling conflict. The respondent made good faith efforts to contact the petitioner. The Court, within its discretion to grant continuances upon showing of good cause, granted the motion and continued the action to a different date.

SEPTEMBER 18, 2007

In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment, CV 07-31 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 18, 2007). (Rockman, A).

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

In the Interest of Minor Child: T.E.B., DOB 12/26/90, by CFS v. HCN Office of Tribal Enrollment, CV 07-73 Order (Petition Granted) (HCN Tr. Ct., Sept. 18, 2007). (Rockman, A).

The Court had to determine whether a legal guardian can access its ward's CTF account to pay for costs associated with orthodontic procedures. The Court granted the request.

In the Interest of Minor Child: E.L., DOB 02/06/01, by Shannon Petersen v. HCN Office of Tribal Enrollment, CV 07-72 Order (Petition Granted in Part) (HCN Tr. Ct., Sept. 18, 2007). (Rockman, A).

The Court had to determine whether a parent can access his child's CTF account to pay for costs associated with orthodontic procedures and legal fees related to the payment of the orthodontic procedures. The Court granted the request with regards to procedures themselves, but denied the request for monies associated with legal fees.

SEPTEMBER 19, 2007

In the Interest of Minor Child: B.M., DOB 08/18/93, by Sheyenne Lemieux v. HCN Office of Tribal Enrollment, CV 07-33 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 19, 2007). (Rockman, A).

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

SEPTEMBER 26, 2007

In the Interest of Minor Child: E.C.L., DOB 04/13/93, by Valerie L. Lyons v. HCN Office of Tribal Enrollment, CV 06-111 Order (Motion Granted) (HCN Tr. Ct., Sept. 26, 2007). (Matha, T).

The Court previously released funds from the CTF account of the child for costs associated with orthodontic procedures. The petitioner submitted a request for a further release of CTF monies to cover an unmet patient obligation. The respondent filed a timely response to the motion, noting its acquiescence to the request. The Court granted the request.

CONTRACTS

SEPTEMBER 26, 2007

HCN and HCN Dep't of Business v. Leisa M. Moore, CV 06-90 Order (Permission to Reschedule) (HCN Tr. Ct., Sept. 26, 2007). (Matha, T).

The Court set a *Scheduling Conference* and delivered *Notice(s) of Hearing* to the parties. The defendant failed to appear at the *Scheduling Conference*. The Court granted the defendant three (3) weeks to reschedule the *Scheduling Conference*.

ELECTION MATTERS

SEPTEMBER 06, 2007

HCN and HCN Election Bd. v. Gerald Lee Cleveland, CV 07-36 Order (Rescinding Default Judgment) (HCN Tr. Ct., Sept. 6, 2007). (Rockman, A).

The Court had to determine whether to grant the relief requested by the defendant. The Court previously entered *Order (Default Judgment)*. The defendant filed a *Motion for Reconsideration* claiming to have timely sent his *Answer* to all parties. The Court granted the *Motion* and rescinded the *Order (Default Judgment)*.

SEPTEMBER 12, 2007

HCN and HCN Election Bd. v. Danielle Lewis, CV 07-35 Motion to Dismiss (HCN Tr. Ct., Sept. 12, 2007). (Rockman, A).

The Court had to determine whether to grant the plaintiff's motion for a voluntary dismissal. The Court granted the *Motion to Dismiss* with prejudice.

EMPLOYMENT

AUGUST 07, 2007

Joyce L. Warner v. HCN et al., CV 04-72 *Order Granting Motion for Continuance* (HCN Tr. Ct., Aug. 7, 2007). (Matha, T).

The Court had to determine whether to grant the plaintiff's motion. The plaintiff requested a continuance in the matter based upon the attorney for the plaintiff relocating to a different state and recently taking on the case. The Court, within its discretion to grant continuances upon showing of good cause, granted the motion and continued the action to a different date.

AUGUST 21, 2007

Marlene C. Cloud et al. v. HCN et al., CV 06-31 *Order (Granting Motion to Dismiss in Part)* (HCN Tr. Ct., Aug. 21, 2007). (Matha, T).

The Court had to determine whether to grant the defendants' motion to dismiss. The Court dismissed the causes of action against the governmental entities on the grounds of an asserted sovereign immunity from suit, thereby removing any claim for retroactive monetary damages. The Court, however, denied the dismissal request against the individually named defendants since the Court deems that it may grant equitable relief in certain employment cases regardless of whether a grievant proceeds through the administrative grievance structure. Namely, the employment cases that fall outside the realm of suspensions, terminations, discrimination, and/or harassment; the four areas that the EMPLOYMENT RELATIONS ACT requires a grievant to follow the administrative process, may be heard by the Court. The Court has been entrusted the power to hear cases and controversies by the Constitution. Thus, the Legislature may not deprive the Court of subject matter jurisdiction over equitable causes of action that do not fit into the administrative grievance structure.

SEPTEMBER 20, 2007

Joyce L. Warner v. HCN et al., CV 04-72 *Scheduling Order* (HCN Tr. Ct., Sept. 20, 2007). (Matha, T).

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

ENROLLMENT

NO DECISIONS AT THIS TIME.

HOUSING

AUGUST 23, 2007

HCN Hous. & Cmty. Dev. Agency v. Susanna Little Wolf, CV 06-97 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Aug. 23, 2007). (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.

INCOMPETENT'S TRUST FUND (ITF)

AUGUST 09, 2007

In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment, CV 04-22 *Order (Requiring Further Documentation)* (HCN Tr. Ct., Aug. 9, 2007). (Matha, T).

The Court convened a *Fact-Finding Hearing* for the purpose of considering a request for reimbursement of dwelling renovation expenses from the Incompetent's Trust Fund. The petitioner indicated that the incompetent member may spend one weekend a month at the former dwelling, which is now occupied by another family. The family submitted several receipts and invoices into evidence, but the Court requires an itemization of costs for refurbishing the bedroom of W.E.S., DOB 12/23/36.

AUGUST 16, 2007

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/66 v. HCN Office of Tribal Enrollment, CV 96-87 *Order (Requesting Accounting)* (HCN Tr. Ct., Aug. 16, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent for costs associated with a day services program, which includes vocational and educational training and communal integration. 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.

AUGUST 20, 2007

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., Aug. 20, 2007). (Rockman, A).

The Court previously released funds from the CTF account 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.

In the Interest of R.L., DOB 08/04/53, by Office of State Guardian/Michael Sierra v. HCN Office of Tribal Enrollment, CV 07-38 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 20, 2007). (Rockman, A).

The Court granted the petitioner's counsel's request to appear by telephone at the *Fact-Finding Hearing*.

AUGUST 28, 2007

In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara Meltesen v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 28, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with ongoing nursing home care and professional guardianship service fees. The petitioner submitted a series of receipts, confirming proper use of the funds. The Court accepted this accounting.

AUGUST 30, 2007

In the Interest of Adult Incompetent: A.F., DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, CV 97-79 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 30, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with remodeling the ward's bedroom and bathroom. The petitioner submitted a series of account statements, invoices, receipts, etc., confirming proper use of the funds. The Court accepted this accounting.

SEPTEMBER 04, 2007

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., Sept. 4, 2007). (Rockman, A).

The Court had to determine whether the permanent guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with respite care. The Court granted the request.

SEPTEMBER 05, 2007

In the Interest of Adult Incompetent: E.M.S., DOB 02/01/55, by Cecelia Sine v. HCN Office of Tribal

Enrollment, CV 03-27 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 5, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with updating her home, reimbursement to Residential Services for payments made on behalf of the ward, reimbursement of her living allowance, and disbursement of an ongoing living allowance. The petitioner submitted a series of account statements, invoices, receipts, etc., confirming proper use of the funds. The Court accepted this accounting.

SEPTEMBER 19, 2007

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/66 v. HCN Office of Tribal Enrollment, CV 96-87 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 19, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the child for costs associated with day services program, which includes vocational and educational training and communal integration. The petitioner submitted an account statement, confirming proper use of the funds. The Court accepted this accounting.

In the Interest of Adult Incompetent: L.L.L., DOB 09/18/48, by Bertha Lowe v. HCN Office of Tribal Enrollment, CV 06-108 Order (Requesting Accounting) (HCN Tr. Ct., Sept. 19, 2007). (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent 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 ordered that the petitioner submit the required accounting.

SEPTEMBER 24, 2007

In the Interest of Adult Incompetent: R.L., DOB 08/04/53, by Office of State Guardian, Michael Sierra v. HCN Office of Tribal Enrollment, CV 07-55 Order (Petition Granted) (HCN Tr. Ct., Sept. 24, 2007). (Matha, T).

The Court had to determine whether the legal guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with establishing a monthly allowance. The Court granted the request.

 **RECALL/REMOVAL**
NO DECISIONS AT THIS TIME.

DOMESTIC VIOLENCE

NO DECISIONS AT THIS TIME.

FAMILY

DIVORCE

AUGUST 07, 2007

In re the Marriage of: Jeremy P. Rockman and Carol Ann Roberts Rockman, FM 07-05 Final Judgment for Divorce (HCN Tr. Ct., Aug. 7, 2007). (Rockman, A).

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

AUGUST 15, 2007

In re the Marriage of: Mary A. Rosas and Jorge A. Rosas, FM 07-02 Final Judgment for Divorce (HCN Tr. Ct., Aug. 15, 2007). (Rockman, A).

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

JUVENILE CASES

AUGUST 07, 2007

In the Interest of Minor Children: N.L., DOB 10/09/97; N.L., DOB 01/19/99; and K.T.T., DOB 08/08/04, JV 07-15-17 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Aug. 7, 2007). (Matha, T).

The Court appointed a *Guardian ad litem* (hereinafter GAL) in this matter.

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 09/06/01; A.M., DO B 06/16/04; and A.M., DOB 03/14/06, JV 07-09-14 Order (Appointment of

Guardian ad litem) (HCN Tr. Ct., Aug. 7, 2007). (Matha, T).

The Court appointed a GAL in this matter.

AUGUST 09, 2007

In the Interest of Minor Child: D.J.B., DOB 09/21/99, JV 05-31 Order (Partial Termination of Jurisdiction) (HCN Tr. Ct., Aug. 9, 2007). (Matha, T).

The GAL reported substantial completion of the dispositional requirements, and recommended the Court terminate continuing jurisdiction over the instant matter. Children and Family Services (hereinafter CFS) and the Court concurred. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the HOČAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), § 3.16d, 40a.

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 (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 9, 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 determined to maintain the status quo.

In the Interest of Minor Children: D.J.W., DOB 03/17/94; V.H.W., DOB 07/27/95; A.P.W., DOB 10/28/91; and D.C.W., DOB 12/14/96, JV 04-08-11 Order (Appointing Emergency Legal Custodian) (HCN Tr. Ct., Aug. 9, 2007). (Matha, T).

The mother of the minor children filed a *Request for Revocation of Temporary Guardianship* and incorporated a motion for expedited consideration. Apparently, the temporary guardian is temporarily incapacitated, and consequently the minor children may lack a legal custodian. The Court cannot revoke a guardianship order without notice and a hearing. CHILDREN'S ACT, § 3.34a. The Court, based upon its broad authority to ensure the safety of the children within the hocak community, appointed CFS as emergency legal custodian. *Id.*, § 3.16a(1).

AUGUST 15, 2007

In the Interest of Minor Children: C.C.C., DOB 06/25/92, and A.K.C., DOB 11/23/90, 93-CU-04, -21 Order (Dismissal of Motion) (HCN Tr. Ct., Aug. 15, 2007). (Rockman, A).

The Court had to determine whether to grant the parents' request for a revocation of permanent guardianship. The Court convened a hearing in order

to provide the parents the opportunity to present their motion. The GAL reported concerns, resulting in a home study. A *Modification Hearing* was then scheduled, and rescheduled at the request of the mother. The mother failed to appear at the rescheduled *Modification Hearing*. The Court dismissed the motion.

AUGUST 16, 2007

In the Interest of Minor Children: R.A.R., DOB 07/30/95; R.G.R., DOB 02/10/99; and N.A.R., DOB 11/25/96, JV 07-23-25 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 16, 2007). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parents wished to contest the allegations contained in the *Child/Family Protection Petition* filed by CFS. The Court entered pleas of not guilty on behalf of the parents due to their failure to attend the proceeding. The Court accordingly scheduled a *Trial*.

AUGUST 21, 2007

In the Interest of Minor Child: J.M.D., DOB 03/29/96, JV 06-14 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 21, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Child Protection Review Hearing*.

AUGUST 22, 2007

In the Interest of Minor Children: D.J.W., DOB 03/17/94; V.H.W., DOB 07/27/95; A.P.W., DOB 10/28/91; and D.C.W., DOB 12/14/96, JV 04-08-11 Order (Rescinding Emergency Appointment) (HCN Tr. Ct., Aug. 22, 2007). (Matha, T).

The Court previously appointed CFS as emergency legal custodian. CHILDREN'S ACT, § 3.16a(1). The legal guardian voiced a desire to resume guardianship upon her release from the hospital. The Court removed the scheduled *Motion Hearing* from the Court calendar.

AUGUST 23, 2007

In the Interest of Minor Children: R.C.S., DOB 06/07/98; B.L.S., DOB 09/26/00; and A.M.M., DOB 11/01/02, JV 06-21-23 Order (Acceptance of Consent Decree Extension) (HCN Tr. Ct., Aug. 23, 2007). (Rockman, A).

The Court granted the parties' request of an extension of the consent decree.

In the Interest of Minor Child: D.R.W., DOB 08/12/04, JV 05-07 Order (Formal Trial) (HCN Tr. Ct., Aug. 23, 2007). (Rockman, A).

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

AUGUST 24, 2007

In the Interest of Minor Child: P.A.S., DOB 01/14/91, JV 98-07 Order (Granting Motion to Hold Child in Secure Custody) (HCN Tr. Ct., Aug. 24, 2007). (Rockman, A).

The Court granted CFS' request to hold the child in secure detention based upon a risk of flight capable of further endangering the health and/or welfare of minor child.

AUGUST 28, 2007

In the Interest of Minor Children: R.A.R., DOB 07/30/95, et al., JV 07-23-25 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 28, 2007). (Matha, T).

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

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 09/06/01; A.M., DO B 06/16/04; and A.M., DOB 03/14/06, JV 07-09-14 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 28, 2007). (Rockman, A).

The Court convened a *Plea Hearing* for the purpose of determining whether the parents wished to contest the allegations contained in the *Child/Family Protection Petition* filed by CFS. The parents entered a plea of not guilty after the Court advised the parents of their rights as set forth in the CHILDREN'S ACT, § 3.22d. The Court accordingly scheduled a *Trial*.

AUGUST 29, 2007

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

AUGUST 30, 2007

In the Interest of Minor Child: E.D.D., DOB 04/09/96, JV 02-13 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Aug. 30, 2007). (Rockman, A).

The Court had to determine whether to appoint a permanent 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: H.L.D., DOB 05/02/91, JV 02-15 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Aug. 30, 2007). (Rockman, A).

The Court had to determine whether to appoint a permanent 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.

AUGUST 31, 2007

In the Interest of Minor Child: P.A.S., DOB 01/14/91, JV 98-07 Order (Granting Motion to Hold Child in Secure Custody) (HCN Tr. Ct., Aug. 31, 2007). (Rockman, A).

The Court had to determine whether to grant the *Motion to Hold Children in Secure Detention*, citing an imminent risk of flight capable of further endangering the health and/or welfare of the child. The Court authorized physical placement of the minor child in a secured shelter facility, so that the minor child would receive appropriate treatment.

SEPTEMBER 06, 2007

In the Interest of Minor Child: L.M.P., DOB 05/12/90, JV 07-26 Order (Emancipation Study & Report) (HCN Tr. Ct., Sep. 6, 2007). (Matha, T).

The petitioner filed a *Petition for Emancipation* with the Court. As permitted by the CHILDREN'S ACT, § 3.16a, the Court pursuant to its broad authority hereby requests that the CFS prepare and submit an *Emancipation Study and Report* to the Court. The Court accordingly scheduled an *Emancipation Hearing*.

SEPTEMBER 07, 2007

In the Interest of Minor Children: N.L., DOB 10/09/97; N.L., DOB 01/19/99; and K.T.T., DOB 08/08/04, JV 07-15-17 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Sept. 7, 2007). (Rockman, A).

The Court had to determine whether to appoint a permanent 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.

SEPTEMBER 10, 2007

In the Interest of Minor Children: D.J.L., DOB 08/08/94, and N.R.W., DOB 03/10/91, JV 07-27-28 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Sept. 10, 2007). (Matha, T).

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

In the Interest of Minor Children: D.J.L., DOB 08/08/94, and N.R.W., DOB 03/10/91, JV 07-27-28 Order (Submission of Traditional Relatives List) (HCN Tr. Ct., Sept. 10, 2007). (Matha, T).

In accordance with the CHILDREN'S ACT, the Court requested CFS to prepare and submit a list of the minor children's traditional relatives.

SEPTEMBER 12, 2007

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

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. Dispositions were established with the hope of reunification of the family.

SEPTEMBER 13, 2007

In the Interest of Minor Children: R.A.R., DOB 07/30/95; R.G.R., DOB 02/10/99; and N.A.R., DOB 11/25/96, JV 07-23-25 Order (Formal Trial & Maternal Dispositional Requirements) (HCN Tr. Ct., Sept. 13, 2007). (Matha, T).

The Court convened a *Trial* for the purpose of determining whether the CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. CHILDREN'S ACT, § 3.24c. The father failed to attend the proceeding, but CFS still needed to satisfy its burden of proof. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*. Additionally, the mother subsequently pled guilty to the allegations contained in the *Petition*, and agreed to dispositional requirements.

SEPTEMBER 20, 2007

In the Interest of Minor Child: L.M.P., DOB 05/12/90, JV 07-26 Order (Voluntary Dismissal) (HCN Tr. Ct., Sep. 20, 2007). (Matha, T).

The petitioner filed a correspondence, indicating an intent to withdraw the petition. The Court dismissed the case without prejudice.

SEPTEMBER 25, 2007

In the Interest of Minor Child: M.E.D., DOB 10/11/93, JV 02-16 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Sept. 25, 2007). (Rockman, A).

The Court had to determine whether to appoint a permanent 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.



RECENT SUPREME COURT DECISIONS

AUGUST 31, 2007

Janet Funmaker v. Libby Fairchild, in her capacity Executive Director of HCN Dep’t as [sic] Personnel et al., HCN, SU 07-05 Decision (HCN S. Ct. Aug. 31, 2007).

The Supreme Court had to determine whether to uphold the Trial Court’s decision allowing the Grievance Review Board (hereinafter GRB) to grant monetary relief. The Court found that the GRB is an agency within an Executive Department that is delegated with legislative powers. As such, sovereign immunity does not apply. The Court further upheld the Trial Court’s decision that the GRB is not confined to limiting monetary relief to \$10,000.00. However, in this particular case, the relief may not exceed \$10,000.00 as per the *Joint Stipulation*. Affirmed and remanded.

SEPTEMBER 04, 2007

Forest Funmaker et al. v. Alvin Cloud, in his capacity as Chairperson for 2005 General Council et al., SU 07-06 Order (30 Day Extension) (HCN S. Ct., Sept. 4, 2007).

The Court granted itself an additional thirty (30) days to complete the opinion.

SEPTEMBER 13, 2007

Thomas Quimby v. HCN et al., SU 07-08 Order Denying Amended Appeal (HCN S. Ct., Sept. 13, 2007).

The Court previously denied the appellant’s *Notice of Appeal* as it restated the *Complaint* at the Trial Court rather than stating a basis for appeal. The Court again denies the appellant’s appeal, as he failed to set forth a short statement of the reason or grounds for appeal pursuant to the *Ho-Chunk Nation Rules of Appellate Procedure*, Rule 10(b).

SEPTEMBER 19, 2007

Mary Bernhardt v. HoCqk Construction et al., SU 07-01 Decision (HCN S. Ct., Sept. 19, 2007).

The Court had to determine whether to uphold the Trial Court’s decision, rendered by *Pro Tempore* Judge Vele. The Court reversed and remanded the matter for a hearing on the *Motion for Summary Judgment*, due to a lack of any findings of facts.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

AUGUST 03, 2007

Shawano County Child Support Agency v. Stacy Attocknie, CS 07-51 (Rockman, A).

Anthony Mark Dow v. Jodi Ann Waube, CS 07-52 (Rockman, A).

SEPTEMBER 04, 2007

State of Wisconsin v. Wesley A. Cloud, CS 07-53 (Matha, T).

State of Wisconsin/Tasha M. King v. Isaiah M. Funmaker, CS 07-54 (Matha, T).

Annabelle Hill v. Jamie Kakkak, CS 07-55 (Matha, T).

Theresa R. Penass v. Jeffrey J. Rockman, CS 07-56 (Rockman, A).

SEPTEMBER 07, 2007

Sara Dobbs v. George O. Stacy, CS 07-57 (Matha, T).

SEPTEMBER 14, 2007

Loretta L. Hopinkah v. Dean L. Hopinkah, CS 07-58 (Rockman, A).

Elissa Smith v. Salvador Casarez, CS 07-59 (Rockman, A).

SEPTEMBER 18, 2007

State of Wisconsin and Brandon M. Wallner v. Adrienne G. Lewis, CS 07-60 (Matha, T).

SEPTEMBER 21, 2007

Crystal Cleveland v. Edward C. Decorah, CS 07-61 (Matha, T).

SEPTEMBER 24, 2007

Bobbi Rae Gonzales v. Colin J. Wauqua, CS 07-62 (Rockman, A).

Lola Smith v. Anthony Smith, CS 07-63 (Matha, T).

SEPTEMBER 26, 2007

Jane Pamanet v. Jeffrey J. Rockman, CS 07-64 (Rockman, A).

Gina M. Snow v. Michael Smith, Jr., CS 07-65 (Rockman, A).

Jennifer M. Jones v. Lawrence E. Blackmon, CS 07-66 (Rockman, A).

 **CIVIL CASES**

AUGUST 01, 2007

In the Interest of Minor Child: G.N., DOB 02/27/00, by Julie Nakai v. HCN Office of Tribal Enrollment, CV 07-62 (Rockman, A).

In the Interest of Minor Child: V.D.C., DOB 12/30/95, by Rachael Caronongan v. HCN Office of Tribal Enrollment, CV 07-63 (Rockman, A).

AUGUST 03, 2007

HCN and HCN Dep't of Bus. v. Stuart Taylor Jr., CV 07-64 (Rockman, A).

AUGUST 06, 2007

In the Interest of Adult CTF Beneficiary: Brandon R. Deglar, DOB 09/07/88 v. HCN Office of Tribal Enrollment, CV 07-65 (Matha, T).

AUGUST 23, 2007

In the Interest of Minor Child: J.B.K., DOB 02/17/04, by Danielle Knak v. HCN Office of Tribal Enrollment, CV 07-66 (Matha, T).

In the Interest of Minor Children: S.B., DOB 01/05/90, and T.B., DOB 12/26/90, by Rebecca Rodriguez v. HCN Office of Tribal Enrollment, CV 07-67 (Matha, T).

AUGUST 24, 2007

In the Interest of Minor Children: G.H., DOB 08/08/00, and G.H., DOB 06/29/01, by Eleanor S. Decorah v. HCN Office of Tribal Enrollment, CV 07-68 (Matha, T).

AUGUST 28, 2007

In the Interest of Minor Child: A.R., DOB 09/27/96, by Tina L. Boisen v. HCN Office of Tribal Enrollment, CV 07-69 (Rockman, A).

AUGUST 29, 2007

HCN and HCN Dep't of Bus. v. Becky Walker, CV 07-70 (Rockman, A).

SEPTEMBER 04, 2007

In the Interest of Adult CTF Beneficiary: Amos N. Gauthier, DOB 05/18/85 v. HCN Office of Tribal Enrollment, CV 07-71 (Matha, T).

SEPTEMBER 11, 2007

In the Interest of Minor Child: E.L., DOB 02/06/01, by Sharron Petersen v. HCN Office of Tribal Enrollment, CV 07-72 (Rockman, A).

SEPTEMBER 12, 2007

In the Interest of Minor Child: T.E.B., DOB 12/26/90 v. HCN Office of Tribal Enrollment, CV 07-73 (Rockman, A).

SEPTEMBER 17, 2007

HCN Dep't of Labor v. Lionel Pettibone, CV 07-74 (Matha, T).

HCN Dep't of Labor v. Julia Hopinkah, CV 07-75 (Matha, T).

SEPTEMBER 19, 2007

HCN Dep't of Labor v. Rayce Pettibone, CV 07-76 (Matha, T).

HCN Dep't of Labor v. Sharon Pettibone, CV 07-77 (Matha, T).

HCN Dep't of Labor v. Brandon Cloud, CV 07-78 (Matha, T).



CIVIL GARNISHMENT CASES

AUGUST 03, 2007

Alliance Collection Agency, Inc. v. Mathew R. Zabawa, CG 07-57 (Matha, T).

Alliance Collection Agency, Inc. v. Kevin Kniprath, CG 07-58 (Matha, T).

Alliance Collection Agency, Inc. v. Shirley J. Worth, CG 07-59 (Matha, T).

AUGUST 06, 2007

Alliance Collection Agency, Inc. v. Daniel S. Downing, CG 07-60 (Matha, T).

AUGUST 23, 2007

Creditor Recovery Service v. Jerry D. McCrossen, CG 07-61 (Matha, T).

AUGUST 29, 2007

NCO Attorney Network Services v. Hope B. Smith, CG 07-62 (Matha, T).

Quick Cash Loans v. Mary B. Locey, CG 07-63 (Matha, T).

SEPTEMBER 04, 2007

Quick Cash Loans v. Richard Walker, CG 07-64 (Matha, T).

SEPTEMBER 07, 2007

Quick Cash Loans v. Darlene Walker, CG 07-65 (Matha, T).

Capital One Bank v. Jerry D. McCrossen, CG 07-66 (Matha, T).

SEPTEMBER 12, 2007

HSBC Household v. Lois Thurber, CG 07-67 (Matha, T).

SEPTEMBER 14, 2007

Gundersen Clinic LTD v. David R. and Sheila Strait, CG 07-68 (Matha, T).

Jordan Chiropractic v. Barbara & Rodney Rave, CG 07-69 (Matha, T).

SEPTEMBER 18, 2007

UW Hospital and Clinics v. Gary M. Everly, CG 07-70 (Matha, T).

SEPTEMBER 19, 2007

Alliant Energy v. Tina L. Olsen, CG 07-71 (Matha, T).

Creditor Recovery Service v. David Rice, CG 07-72 (Matha, T).

Robert A. Klement DDS v. Roger Brockman, CG 07-73 (Matha, T).

SEPTEMBER 24, 2007

Quick Cash Loans v. Christine Brown, CG 07-74 (Matha, T).

Dr. Overman, Hegna, Reich & Wruck v. Francisco Rivas, Jr., CG 07-75 (Matha, T).



FAMILY CASES

NO FILINGS AT THIS TIME.



DOMESTIC VIOLENCE

NO FILINGS AT THIS TIME.



JUVENILE CASES

AUGUST 01, 2007

In the Interest of Baby Girl Doe, DOB 07/31/07, JV 07-22 (Rockman, A).

AUGUST 06, 2007

In the Interest of Minor Child: R.A.R., DOB 07/30/95, JV 07-23 (Matha, T).

In the Interest of Minor Child: R.G.R., DOB 02/10/95, JV 07-24 (Matha, T).

In the Interest of Minor Child: N.A.R., DOB 11/25/96, JV 07-25 (Matha, T).

SEPTEMBER 04, 2007

In the Interest of Minor Child: L.M.P., DOB 05/12/90, JV 07-26 (Matha, T).

SEPTEMBER 07, 2007

In the Interest of Minor Child: D.J.L., DOB 08/08/94, JV 07-27 (Rockman, A).

In the Interest of Minor Child: N.R.W., DOB 03/10/91, JV 07-28 (Rockman, A).

In the Interest of Minor Child: M.C., DOB 10/23/98, JV 07-29 (Matha, T).

In the Interest of Minor Child: M.C., DOB 07/01/97, JV 07-30 (Matha, T).

In the Interest of Minor Child: A.G.R., DOB 09/27/97, JV 07-31 (Matha, T).

In the Interest of Minor Child: D.T.S., DOB 04/01/92, JV 07-32 (Matha, T).

In the Interest of Minor Child: M.B.S., DOB 01/22/91, JV 07-33 (Matha, T).

RECENT SUPREME COURT FILINGS

AUGUST 28, 2007

Marlene Cloud et al. v. HCN et al., SU 07-12.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Mary K. Endthoff

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 – Natalie Stites
Staff Attorney – Nicole M. Homer

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

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

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

HCN Judiciary Fee Schedule

Filing Fees

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

Court Fees

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

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.

ELDER PROTECTION ACT, 4 HCC § 1.

EMPLOYMENT RELATIONS ACT, 6 HCC § 5.

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

HCN Supreme Court Case Law

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

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

HCN Trial Court Case Law

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

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

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

November/December 2007 Issue



Vol. 13, Nos. 11-12

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Ho-Chunk Nation Judiciary
W9598 Hwy 54 East
P.O. Box 70
Black River Falls, WI 54615
715.284.2722 (P)
800.434.4070 (Toll Free)
715.284.3136 (F)
<http://www.ho-chunknation.com/?PageId=28>

Hours of Operation:
Monday through Friday
8:00 a.m. – 4:30 p.m. (except holidays)

To Help or Not to Help: That is the Question Dealing with *Pro Se* Litigants

Friday, December 14, 2007

8:15 a.m. – noon



After another successful Law Day has come and gone, the Court has decided to provide the local legal community a second opportunity to earn Continuing Legal Education (CLE) credits. Participants will earn credits that will count towards the required three (3) hours of ethics CLEs needed every two (2) years in the state of Wisconsin. In light of the rise in *pro se* litigation across the country, the Court has determined that an ethics panel discussion focusing on the prevailing principles that guide courts and attorneys when dealing with the *pro se* litigant should prove beneficial to local attorneys. Specifically, the panel will focus on:

- Prevailing Principles that Guide *Pro Se* Interaction in State Court;
- Ho-Chunk Nation Supreme Court Precedent Guiding Interaction with *Pro Se* Litigants;
- How Should an Attorney Deal with a *Pro Se* Litigant; and
- How Should a Court Deal with a *Pro Se* Litigant.

For more information on the Ethics Panel, including a brochure with registration form, please contact Nicole M. Homer, Judicial Law Clerk, at (800) 434-4070 or (715) 284-2722 or visit <http://www.ho-chunknation.com/?PageId=352>.



12th Annual Law Day a Success!

The HCN Judiciary recently held its 12th Annual Law Day on October 11, 2007. Although this was the 12th year in which the Judiciary hosted the CLE event for members of the legal profession and the public, the success of Law Day has only recently blossomed. For the second year, Law Day was held in conjunction with the Wisconsin Tribal Judges Association, Inc. (WTJA) quarterly autumn meeting. With this new relationship, Law Day has seen an increased crowd and interest. The event has developed into a collaborative experience; a mechanism to share information, concepts, and ideas among Wisconsin tribal courts. In addition, the information is gathered and presented in a format that provides local legal professionals and litigants with the necessary tools and knowledge to litigate actions in the Ho-Chunk Nation Trial Court. This year's discussions included the following topics:

1. 2006-2007 TRIAL COURT UPDATE;
2. THE ADMINISTRATIVE STATE: JUDICIAL REVIEW OF AGENCY DECISIONS-STANDARDS OF REVIEW;
3. ENHANCING JUDICIAL INDEPENDENCE: CUTTING THE PROVERBIAL APRON STRINGS OR BURYING THE UMBILICAL CORD?; and
4. DEFINING & DISSECTING *ULTRA VIRES* CONDUCT.

We would like to thank the WTJA, HCN Trial Court Judges and Staff, and participants for helping make Law Day a continuing success.

If you are interested in receiving copies of the materials used and provided at Law Day, please send \$4.50¹ per set of materials to:

Ho-Chunk Nation Trial Court
Attn: Natalie Stites
P.O. Box 70
Black River Falls, WI 54615



¹ The Ho-Chunk Nation Trial Court charges \$0.10 per page for copies. The materials consist of 45 pages.



December's Practice Tip

Want to expand your client list, but don't know how? Consider publishing an advertisement for legal services in the HOÇAK WORAK NEWSLETTER. Submissions must be received by 4:30 p.m. on the first and third Wednesdays of every month.

HOÇAK WORAK NEWSLETTER
P.O. Box 667
Black River Falls, WI 54615
(715) 284-2388 (P)
(800) 472-3089 (Toll Free)
(715) 284-7852 (Fax)
wo-lduk@ho-chunk.com



Wa Ehi Hoci to Close for Christmas Holiday

On Monday, December 24, 2007, the Court will close at noon due to the Christmas holiday. The Court will not re-open until Wednesday, December 26, 2007. All pleadings or filings ordinarily due on December 24th or 25th may be filed on the next full business day, December 26, 2007.



Trial Court Bids Farewell to Judicial Law Clerk Nicole M. Homer

Ms. Homer has been with the HCN Trial Court since May 2006 after graduating from Loyola University School of Law. She is planning to stay in Western Wisconsin with the hopes of eventually opening her own practice. Ms. Homer's last day is December 31, 2007.

UPDATES FROM OUTSIDE COURTS

UNITED STATES SUPREME COURT

Petition for Certiorari Granted

- *Exxon v. Baker*, No. 07-219 (granted Oct. 29, 2007).

Petition for Certiorari Filed

- *Carciari v. Kempthorne*, No. 07-526 (filed Oct. 18, 2007).
- *Plains Commerce Bank v. Long Family Land and Cattle Company, Inc., et al.*, No. 07-411 (filed Sept. 21, 2007).
- *Houlton Band of Maliseet Indians v. Ryan*, No. 07-354 (filed Sept. 14, 2007).
- *Aroostook Band of Micmacs v. Ryan*, No. 07-357 (filed Sept. 14, 2007).
- *Jones v. Minnesota*, No. 07-412 (filed Aug. 13, 2007).

Petition for Certiorari Denied

- *Reber v. Utah*, No. 07-103 (denied Oct. 29, 2007).
- *Catawba Indian Tribe of South Carolina v. South Carolina*, No. 07-69 (denied Oct. 1, 2007).
- *Gros Ventre Tribe v. United States*, No. 06-1672 (denied Oct. 1, 2007).
- *Confederated Tribes and Bands of the Yakama Nation v. Confederated Tribes of the Colville Indian Reservation*, No. 06-1588 (denied Oct. 1, 2007).

UNITED STATES COURT OF APPEALS, 5TH CIRCUIT

Longoria v. Dretke, 2007 WL 3308856 (5th Cir. 2007). A prisoner brought a *pro se* action against prison officials, claiming his right to exercise his religion was denied when they denied him permission to grow his hair. The United States District Court for the Northern District of Texas dismissed the action. The prisoner appealed the decision. The Court of Appeals held that the prisoner abandoned any claim on appeal that his rights under the free exercise clause of the First Amendment were violated; that the prison's grooming policy did not violate the Religious Land Use and Institutionalized Persons Act (RLUIPA); and that the prison grooming policy did not violate equal protection. Affirmed.

LOUISIANA'S 3RD CIRCUIT COURT OF APPEAL

Meyer & Associates, Inc. v. Coushatta Tribe of Louisiana, 965 So.2d 930 (La. Ct. App. 2007). After disputes arose in execution of joint venture contracts between the Indian tribe and a general consulting engineering firm, which had contracted to provide professional services to the tribe in connection with a capital improvement program it had instituted, the tribe filed suit in its Tribal Court against the engineering firm. Subsequently, the firm filed suit in the trial court against tribe. The Fourteenth Judicial District Court, Parish of Calcasieu, ruled that the exhaustion of tribal remedies doctrine did not apply and denied the tribe's exception of lack of subject matter jurisdiction. The tribe filed a writ application, urging that the trial court erred in failing to stay this proceeding to allow the Tribal Court the first opportunity to determine whether it validly waived its sovereign immunity and in finding that the trial court had subject matter jurisdiction. The Court of Appeal held that the doctrine of exhaustion of tribal remedies applied, and therefore, the trial court proceedings would be stayed in order to allow the Tribal Court to determine whether the tribe waived its sovereign immunity. Writ granted.



RECENT TRIAL COURT 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), Family (FM), 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.

CHILD SUPPORT CASES

OCTOBER 02, 2007

State of Neb. on behalf of C.A.O. et al. v. Shane A. Oknewski, CS 05-39, 06-12, -18, 07-48-49 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Oct. 2, 2007). (Matha, T).

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

OCTOBER 03, 2007

Shawano Co. Child Support Agency v. Stacy Attocknie, CS 07-51 *Order (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Oct. 3, 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 Neb. on behalf of C.A.O. et al. v. Shane A. Oknewski, CS 05-39, 06-12, -18, 07-48-49 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Oct. 3, 2007). (Matha, T).

The Court granted the petitioner's counsel's request to appear by telephone at the *Fact-Finding Hearing*.

State of Wisconsin/Jackson Co. v. Michael Gromoff, CS 98-76 *Order (Releasing Impounded Per Capita and Terminating Child Support Withholding)* (HCN Tr. Ct., Oct. 3, 2007). (Matha, T).

The Court had to determine whether to terminate child support withholding and release the previously ordered impounded monies. The county provided a county court *Order* showing that the respondent was not the father of the minor child and directing child support withholding to cease. The Court accordingly terminated child support withholding and ordered the release of impounded monies.

State of Wisconsin v. Jaime A. Lopez, CS 07-41 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 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.

OCTOBER 04, 2007

Julia Goodbear v. Ted L. Brown and State of Wisconsin/Jackson Co. and Anna Brown v. Ted L. Brown, CS 98-20, 00-37 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 2007). (Rockman, A).

The Court had to determine whether to grant petitioner and respondent's motions to modify. The petitioner in CS 98-20 requested a termination of withholding for arrears, as they have been paid in full. The respondent requested a modification in child support withholding for arrears in CS 00-37. The Court accordingly granted the termination for

arrears in CS 98-20 and modified the arrearage withholding for CS 00-37.

State of Wisconsin/Tasha M. King v. Isaiah M. Funmaker, CS 07-54 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 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.

Anthony Mark Dow v. Jodi Ann Waube, CS 07-52 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 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.

Kristine H. Blackcoon v. Michael K. Blackcoon, CS 98-25 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

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

Eau Claire Co. Child Support Agency v. Harry I. Funmaker, CS 02-22 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

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

State of Wisconsin v. Wesley A. Cloud, CS 07-53 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Oct. 4, 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.

OCTOBER 05, 2007

State of Wisconsin/Jackson County v. Daniel V. WhiteEagle and Karla L. Wilcox v. Daniel V. WhiteEagle and State of Wisconsin/Jackson Co. v.

Daniel V. WhiteEagle, CS 98-66, 99-09, 01-07 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Tiffanyann M. Glodowski v. Daniel K. Houghton, Sr., CS 07-71 *Order (Enforcing Child Support)* (HCN Tr. Ct., Oct. 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 expressed his acquiescence to the request by his filing the *Petition*; therefore, the Court waived the normal service of process requirement. The Court granted recognition and enforcement of the foreign judgment.

Margaret R. Miner v. John F. Blackdeer, CS 07-70 *Order (Enforcing Child Support- Wages)* (HCN Tr. Ct., Oct. 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 expressed his acquiescence to the request by his filing the *Petition*; therefore, the Court waived the normal service of process requirement. The Court granted recognition and enforcement of the foreign judgment.

Margaret R. Miner v. John F. Blackdeer, CS 07-70 *Order (Enforcing Child Support- Per Capita)* (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita distribution. The respondent expressed his acquiescence to the request by his filing the *Petition*; therefore, the Court waived the normal service of process requirement. The Court granted recognition and enforcement of the foreign judgment.

OCTOBER 12, 2007

Michelle Lewis v. Dennis C. Lewis and Joy Lynn Rave v. Dennis C. Lewis, CS 01-36, 05-82 *Order (Erratum)* (HCN Tr. Ct., Oct. 12, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

State of Wisconsin/Jackson County and Anna Brown v. Ted L. Brown, CS 00-37 Order (Erratum) (HCN Tr. Ct., Oct. 12, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

Heather Lemieux v. Murton Greengrass, CS 98-05 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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 Lenora A. Smith v. Ruth Yellowthunder, CS 05-30 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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/Suzette Greengrass v. David A. WhiteEagle, CS 98-26 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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.

Debra Peters v. Curtis J. Pidgeon, CS 03-73 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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.

Roxanne E. Doxtator, n/k/a Looker v. Nathan R. Cloud, CS 01-01 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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/Stephanie M. Antone v. Kevin B. Funmaker, CS 03-83 Notice (Child Turning 18- Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 12, 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.

OCTOBER 15, 2007

Jill M. Hartlev v. Wendland O. White, CS 04-24 Order (Updating Arrearage Withholding & Releasing Impounded Monies) (HCN Tr. Ct., Oct. 15, 2007). (Rockman, A).

The Court previously impounded the respondent's per capita distribution until the parties confirmed the proper withholding amount by a specified date. No such confirmation was provided. The Court ordered the Treasury Department to release the impounded monies to the respondent. The child support agency subsequently filed an updated foreign judgment seeking withholding for arrears. The Court granted recognition and enforcement of the foreign judgment.

Angela Maria Regalia v. Roger Lee Houghton, Jr. and Jessica A. Ysquierdo v. Roger L. Houshton, Jr., CS 01-19, 06-32 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 15, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

State of NE and Melissa Stevens v. Shane A. Oknewski and State of NE and Liberty J. Greening v. Shane A. Oknewski and State of NE and Brett M. Oknewski v. Shane A. Oknewski and State of NE and Shane A. Oknewski, Jr. v. Shane A. Oknewski, CS 05-39, 06-12, -18, 07-48, -49 Order (Equitable Adjustment) (HCN Tr. Ct., Oct. 15, 2007). (Matha, T).

The Court had to determine whether to enforce two (2) additional standing foreign child support orders against the respondent's per capita payments. The Court afforded the respondent the opportunity to respond to the petitioners' submissions as noted in the Summons. The respondent responded in a timely manner, and the Court consequently held a *Fact-Finding Hearing*. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

OCTOBER 16, 2007

Sheila Doucette v. Scott Hindes and Jadie A. Whittier v. Scott Hindes, CV 97-132 and CS 04-47 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Lisa A. Banuelos v. Anthony M. Smith, Jr. and Beverly Skenandore v. Anthony Smith and Lola Smith v. Anthony Smith, CS 01-05, 05-69, 07-63 *Order (Equitable Adjustment)* (HCN Tr. Ct., Oct. 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 file a timely answer. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

State of Wisconsin v. Jaime A. Lopez, CS 07-41 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (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.

State of Wisconsin/Sauk Co., and Danielle R. Knak v. Jason E. King and Dencie L. Akeen v. Jason E. King, CS 5-03, -05 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (Matha, T).

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

time frame. The Court granted petitioner's uncontested motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin/Juneau County, on behalf of Chastity Miller v. Arnold R. Decorah and State of Wisconsin/Jackson County, on behalf of Veronica Rosas v. Arnold R. Decorah, CS 99-15, 00-32 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (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. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Samantha Casarez v. Edward C. Decorah and Crystal J. Cleveland v. Edward C. Decorah, CS 06-53-54 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., Oct. 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 file a timely answer. The Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment.

Barbara Funmaker v. John L. Whitewater and Lillian L. Harrison v. John L. Whitewater, CV 97-148, CS 06-27 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (Matha, T).

The Court had to determine whether to grant petitioner's motion to modify current child support. The respondent failed to respond within the specified time frame. The Court granted petitioner's uncontested motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Elissa Smith v. Salvador Casarez, CS 07-59 *Default Judgment (Enforcing Child Support Arrears)* (HCN Tr. Ct., Oct. 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.

Michelle Lewis v. Roger B. Littlegeorge and Melanie R. Stacy v. Roger B. Littlegeorge and Felicia J. Helgeson v. Roger B. Littlegeorge and Dawn Makes Strong Move v. Roger B. Littlegeorge, CV 97-91, CS 99-44, -57, -63 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (Rockman, A).

The Court had to determine whether to grant respondent's motion to modify current child support withholding. The Court granted respondent's motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Loretta L. Hopinka v. Dean L. Hopinka, CS 07-58 *Default Judgment (Enforcing Child Support Arrears)* (HCN Tr. Ct., Oct. 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.

Wilma Thompson v. Joy Thompson, CS 04-35 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (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.

Johnathan C. Finch v. Allyson L. Finch, CS 05-27 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (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.

Autumn White v. Guillermo Ortiz, CS 06-50 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 16, 2007). (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.

Michelle Klein-n/k/a Michelle Brito-Calixto v. Albert J. Cleveland, CS 07-26 *Order (Modifying & Enforcing*

Child Support) (HCN Tr. Ct., Oct. 16, 2007). (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.

Sara Dobbs v. George O. Stacy, CS 07-57 *Order (Enforcing Child Support)* (HCN Tr. Ct., Oct. 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 withholding in writing, by and through his attorney, however explained that he would prefer child support to be withheld from his per capita distributions as he was no longer employed by the Nation. The Court granted recognition and enforcement of the foreign judgment, as well as the respondent's request.

OCTOBER 17, 2007

Outagamie County and Dallas Pekarek v. Julie Rockman, CS 07-12 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2007). (Matha, T).

The Court had to determine whether to grant respondent's motion to modify current child support withholding. The Court granted respondent's motion.

Melanie Stacy n/k/a Twobears v. Harrison Funmaker and State of Wisconsin/Sauk County and Bethel J. St. Cyr v. Harrison Funmaker, CV 96-48 and CS 06-13 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 17, 2007). (Matha, T).

The Court had to determine whether to grant respondent's motion to modify current child support withholding. The Court granted respondent's motion. The Court additionally performed an equitable adjustment due to the respondent's serial payor status.

Melanie Stacy v. Harrison J. Funmaker, CV 96-48 *Order (Reinstating Child Support Withholding from Wages)* (HCN Tr. Ct., Oct. 17, 2007). (Matha, T).

The Court had to determine whether to grant respondent's motion to reinstate child support withholding. The Court granted respondent's motion.

OCTOBER 22, 2007

Michelle Klein-n/k/a Michelle Brito-Calixto v. Albert J. Cleveland, CS 07-26 *Reissued Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Oct. 22, 2007). (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.

NOVEMBER 01, 2007

Forest Co. Potawatomi Tribal Court v. Terry Reany, CS 07-75 *Order (Enforcing Child Support - Wages)* (HCN Tr. Ct., Nov. 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 to the request for relief due to his filing a timely *Answer*. The Court granted recognition and enforcement of the foreign judgment

NOVEMBER 02, 2007

State of Wisconsin/Suzette Greengrass v. David A. WhiteEagle, CS 98-26 *Order (Modifying Child Support & Impounding Per Capita)* (HCN Tr. Ct., Nov. 2, 2007). (Matha, T).

The Court had to determine whether to modify the current child support withholding based upon the failure of the parties to submit proof of high school enrollment. The Court modified the future withholdings based upon Wisconsin law, and impounded the excess monies until the state of Wisconsin provided an order stating otherwise.

NOVEMBER 06, 2007

Outagamie County and Dallas Pekarek v. Julie Rockman, CS 07-12 *Order (Erratum)* (HCN Tr. Ct., Oct. 17, 2007). (Matha, T).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

NOVEMBER 07, 2007

Collette A. Guy v. John S. Cloud and State of Wisconsin et al. v. John S. Cloud, CV 97-08, CS 98-34 *Order (Ceasing & Enforcing Child Support)* (HCN Tr. Ct., Nov. 7, 2007). (Matha, T).

The Court took the opportunity to reiterate that current child support in CV 97-08 should cease, with all previously ordered withholdings continuing as ordered.

NOVEMBER 15, 2007

Roger Wallace v. Renea Perez and Debra F. Lozano v. Renea Perez, CS 00-29, 04-04 *Order (Updating Payment Address)* (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

The Court updated the payment address.

Michelle Klein-Brito v. Albert Cleveland, CS 07-26 *Order (Updating Payment Address)* (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

The Court updated the payment address.

NOVEMBER 16, 2007

Theresa Roseann Chingwa v. Robert Ulysses Yellowbank, CS 07-72 *Order (Enforcing Child Support)* (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita distribution. The respondent expressed his acquiescence to the request by filing a timely *Answer*. Therefore, the Court waived the normal service of process requirement. The Court granted recognition and enforcement of the foreign judgment.

NOVEMBER 26, 2007

Kentwon Lee Dixon v. Johna L. Fisher, CS 03-29 *Order (Ceasing & Enforcing Child Support- Per Capita & Wages)* (HCN Tr. Ct., Nov. 26, 2007). (Rockman, A).

The Court had to determine whether to grant the petitioner and respondent's motion to cease current child support withholding. The Court ordered the cessation of current support withholding, and the modification of arrearage withholding.

NOVEMBER 28, 2007

April V. Bourdon v. Max P. Funmaker, Jr. and State of Wisconsin-Sauk Co. and Audrey L. Goodbear v. Max P. Funmaker Jr. and State of Wisconsin- Juneau Co. and Audrey L. Goodbear v. Max P. Funmaker, Jr., CS 98-12, 99-28, 00-03 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Nov. 28, 2007). (Matha, T).

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

 **CIVIL GARNISHMENT CASES****OCTOBER 08, 2007**

Gundersen Clinic, LTD v. David R. and Sheila Strait, CG 07-68, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 8, 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.

Jordan Chiropractic v. Barbara and Rodney Rave, CG 07-69, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 8, 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.

OCTOBER 09, 2007

Tomah Memorial Hospital v. Rose A. Lemke, CG 07-50, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 9, 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.

Alliant Energy v. Tina L. Olsen, CG 07-51, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 9, 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.

OCTOBER 15, 2007

HSBC Household WI-2484 v. Lois Thurber, CG 07-67, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

Creditor Recovery Service, LLC v. Roger Brockman, CG 07-73, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

Creditor Recovery Service, LLC v. David Rice, CG 07-72, *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

OCTOBER 23, 2007

Quick Cash Loans v. Christine Brown, CG 07-74 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

University of Wisconsin Hospital & Clinics v. Gary M. Everly, CG 07-70 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

State Collection Service, Inc., v. Clifton Jones, CG 07-76 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

Creditor Recovery Service, LLC v. Chad L. Lowell, CG 07-52 *Order (Default Judgment)* (HCN Tr. Ct., Oct. 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.

Drs. Overman, Hegna, Reich & Wruck v. Francisco Rivas, Jr., CG 07-75 Order (Default Judgment) (HCN Tr. Ct., Oct. 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.

Zwicker & Associates, pc (wi)-4856 v. Diana E. Kaun, CG 07-80 Order (Voluntary Dismissal) (HCN Tr. Ct., Oct. 23, 2007). (Matha, T).

The Court had to determine whether to dismiss the action. The petitioner filed a request to dismiss prior to the responsive pleading deadline. The Court accordingly dismisses the case without prejudice.

OCTOBER 29, 2007

Alliance Collection Agencies, Inc. v. Amber Malone, CG 07-82 Order (Suspension of Activity) (HCN Tr. Ct., Oct. 29, 2007). (Matha, T).

The Court suspended case file activity based upon the discontinuation of employment by the respondent. The petitioner may file a motion to resume activity if the respondent subsequently resumes employment.

OCTOBER 29, 2007

Creditor Recovery Service, LLC v. Amber Malone, CG 07-78 Order (Suspension of Activity) (HCN Tr. Ct., Oct. 29, 2007). (Matha, T).

The Court suspended case file activity based upon the discontinuation of employment by the respondent. The petitioner may file a motion to resume activity if the respondent subsequently resumes employment.

NOVEMBER 02, 2007

Creditor Recovery Service, LLC v. Victoria A. Lowe, CG 07-51 Order (Default Judgment) (HCN Tr. Ct., Nov. 2, 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.

NOVEMBER 07, 2007

Check & Cash, LLC v. Melissa Dockerty, CG 07-77 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 7, 2007). (Matha, T).

The Court granted the petitioner's agent to appear by telephone at the *Fact-Finding Hearing*.

Alliance Collection Agencies, Inc. v. Donna R. Pabst, CG 07-81 Order (Default Judgment) (HCN Tr. Ct., Nov. 7, 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. Jeffrey Dayton, CG 07-83 Order (Default Judgment) (HCN Tr. Ct., Nov. 7, 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.

NOVEMBER 16, 2007

Capital One Bank v. Jerry D. McCrossen, CG 07-66 Order (Default Judgment) (HCN Tr. Ct., Nov. 16, 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.

NOVEMBER 19, 2007

Greater La Crosse Radiological v. Duane W. Kling, Jr., CG 07-85 Order (Default Judgment) (HCN Tr. Ct., Nov. 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.

NOVEMBER 20, 2007

NCO Attorney Network Services v. Hope B. Smith, CG 07-62 Order (Petition Granted) (HCN Tr. Ct., Nov. 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 provided a timely response, but failed to provide a cognizable objection to the action. The Court granted the petitioner's request for relief.

NOVEMBER 21, 2007

Alliant Energy v. Tina L. Olsen, CG 07-71 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Nov. 21, 2007). (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.

NOVEMBER 30, 2007

Alliance Collection Agencies v. Keith D. Smith, CG 07-87 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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. Mary B. Locey, CG 07-63 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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.

Drs. Overman, Hegna, Reich & Wruck v. Michael Prescott, CG 07-93 *Order (Voluntary Dismissal)* (HCN Tr. Ct., Nov. 30, 2007). (Matha, T).

The Court had to determine whether to dismiss the cause of action. The petitioner filed an initial pleading. However, prior to the responsive pleading deadline, the petitioner filed a *Satisfaction of Judgment*. The Court accordingly dismisses the case without prejudice.

Alliance Collection Agencies v. Sonia L. Smedbron, CG 07-88 *Order (Default Judgment)* (HCN Tr. Ct., Nov. 30, 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.

Check and Cash, LLC v. Melissa Dockerty, CG 07-77 *Order (Petition Granted)* (HCN Tr. Ct., Nov. 30, 2007). (Matha, T).

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

The respondent provided a timely response, and alleged a recognized exemption to execution of the garnishment. The Court nonetheless granted the petitioner's request for relief since the respondent could not substantiate indigency.

 **CIVIL CASES**

NOVEMBER 01, 2007

Timothy G. Whiteagle v. Wade Blackdeer, Dist. II Rep., former Vice-President, and Presently President Pro Tempore for the HCN; *Marlene Gamroth*, Legislative Secretary for the HCN; *William Boulware*; *Sharyn Whiterabbit*; *Randall Langer*; *Timothy Brent*; and *Landmark Investments, LLC*, CV 07-24 *Order (Requiring Discovery Response)* (HCN Tr. Ct., Nov. 1, 2007). (Matha, T).

The Court previously entered the *Scheduling Order* that established the applicable discovery timelines. The plaintiff failed to offer a timely response to two (2) of the timely exchanged *Request for Production of Documents* and *First Set of Non-Uniform Interrogatories*. The Court ordered the plaintiff to respond by a specified date. Failure to respond may result in the imposition of attorney's fees, costs, and/or other sanctions.

NOVEMBER 01, 2007

Timothy G. Whiteagle v. Wade Blackdeer, Dist. II Rep., former Vice-President, and Presently President Pro Tempore for the HCN; *et al.*, CV 07-24 *Amended Scheduling Order* (HCN Tr. Ct., Nov. 19, 2007). (Matha, T).

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

 **ADMINISTRATIVE APPEALS**

OCTOBER 04, 2007

Robert Gerhartz v. HCN Gaming Comm'n, CV 05-104 *Order* (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court remanded the decision to the HCN Gaming Commission to reconsider its decision consistent with the ruling of the HCN Supreme Court. The Supreme Court found that the Trial Court did not err in ruling that the Gaming Commission should have applied GAMING ORDINANCE 1803(b) and not 1203(b). The Supreme Court went on to say that the Trial Court did however err in failing to find that the petitioner violated the Internal Control Manual (hereinafter ICM). At the Trial Court level the Gaming Commission made no argument that the ICM

represented “rules promulgated pursuant to th[e Gaming] Ordinance, as provided in Chapter 18.” GAMING ORDINANCE, § 1212. As the Court surmised, the only rules referenced in Chapter 18 are the *Commission’s Rules of Procedure and Practice. Order (Final J.)* at 17 (citing GAMING ORDINANCE, § 1801(e)). Therefore, the Trial Court concluded that “the respondent failed to provide this Court with any evidence of a violation that it could punish by the suspension of a gaming license.” *Id.* The Supreme Court failed to scrutinize Chapter 18 for language impliedly referring to the ICM. Instead, the Supreme Court focuses merely on contemporaneous dates of adoption and other inferences to reach the decision that the ICM should be considered a rule promulgated pursuant to the GAMING ORDINANCE. Regardless, the Supreme Court directed the Trial Court to remand the decision to the Gaming Commission allowing them a second opportunity to utilize the correct law. The Court remanded the decision.

OCTOBER 19, 2007

Steve Garvin, Exec. Manager of Majestic Pines Casino v. Jan Rousey, CV 07-39 Order (HCN Tr. Ct., Oct. 19, 2007). (Matha, T).

The Court had to determine whether to uphold the decision of the Grievance Review Board (hereinafter GRB). The petitioner urged the Court to abandon the deferential review of the GRB decision by asserting that the GRB had exceeded its statutory authority by substituting its own judgment for that of the supervisor. The petitioner concedes that the authority of the GRB is broad, but says that it is ambiguous. Without statutory clarification by the HCN Legislature, the Court shall not deprive the GRB of its discretion to review and permissibly rectify inappropriate supervisory decisions. “[I]t is not the Court’s job to essentially rewrite legislation by interpreting the law so broadly as to change its meaning.” *Robert Gerhartz v. HCN Gaming Comm’n*, SU 06-06 (HCN S. Ct., July 3, 2007) at 5. The petitioner also stated that the GRB ignored the supervisor’s attempt to employ progressive discipline. However, the GRB did recognize the prior disciplinary action, but determined that the action was unreasonable for the type of violation that was committed. The GRB’s decision was neither lacking substantial evidence nor arbitrary and capricious. The Court declined the petitioner’s invitation to abandon employing a deferential standard of review and accordingly affirmed the agency decision.

NOVEMBER 09, 2007

Becky Free v. HIRC, CV 07-43 Order (*Affirming HIRC Decision & Order*) (HCN Tr. Ct., Nov. 9, 2007). (Rockman, A).

The Court had to determine whether to uphold the adjudicative decision of the Ho-Chunk Insurance Review Commission (hereinafter HIRC). The petitioner failed to prove that the HIRC *Decision & Order* was contrary to the applicable standards of review. The agency had sent all notices of hearing and correspondences to the petitioner’s attorney, although the HIRC ESTABLISHMENT ACT specifies that service is to be on the claimant. The attorney failed to appear at an agency hearing, and thus the agency dismissed the action. The Court utilized the United States Supreme Court opinion in *Skidmore v. Swift & Co.* to reach the decision that the respondent’s interpretation of the word “claimant” was reasonable. Although an agency’s statutory interpretation is not controlling upon courts, a court may decide to give deference to such a decision. The weight accorded to an interpretation will depend upon the thoroughness evident in the agency’s consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all other factors which give the decision power to persuade. Neither party disputed that the attorney had the authority to appear on behalf of the petitioner. Based upon the numerous mailings to the attorney, with no objection to this procedure by the claimant or her attorney, the agency has appeared to adopt a reasonable practice of sending correspondences to the claimant’s attorney. The Court thus affirmed the HIRC decision.

NOVEMBER 14, 2007

Sharon L. Williams v. HIRC, CV 07-43 Order (*Reversing & Remanding*) (HCN Tr. Ct., Nov. 14, 2007). (Matha, T).

The Court had to determine whether to uphold the adjudicative decision of the HIRC. Initially, the respondent reduced the petitioner’s disability benefits after finding the petitioner’s cigarette smoking contributed to 75% of the loss of function in the petitioner’s left arm. However, there was no evidence in the record illustrating a causative relationship between smoking and the petitioner’s condition. No medical testimony or documentation supported the claim of causation, thus rendering the calculation of 75% illogical. This initial decision constitutes an arbitrary and capricious action and lacks substantial evidence to support its conclusion.

The respondent later decided that the petitioner had a psychological impairment that led to the condition. Again, the administrative record was devoid of any evidence proving that the petitioner's condition could develop from a psychological impairment. Furthermore, there was no evidence in the record that proved that the petitioner had a "psychological overlay syndrome" as argued by the respondent. The Court accordingly held that the respondent's decision constituted an arbitrary and capricious action and lacked substantial evidence to support its retention.

NOVEMBER 16, 2007

Janet Funmaker v. Libby Fairchild, in her capacity as Exec. Dir. of HCN Dep't of Pers. et al., CV 06-61 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 16, 2007). (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.

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

OCTOBER 04, 2007

In the Interest of Minor Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment, CV 07-25 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with professional tutoring. 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: April Webster, DOB 08/30/04 v. HCN Office of Tribal Enrollment, CV 05-107 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court suspended future releases for housing assistance from the beneficiary's CTF due to the petitioner's failure to submit the required documentation. The Court shall dismiss the action without prejudice due to inactivity in excess of six (6) months, unless the petitioner demonstrates good cause to the contrary in writing within a month from the issuance of the decision.

OCTOBER 05, 2007

In the Interest of Minor Child: M.L., DOB 03/03/94, by Christine Luke v. HCN Office of Tribal Enrollment, CV

07-25 Order (Demanding Accounting) (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the adult CTF beneficiary 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: K.M.B., DOB 09/27/96, by Heidi M. Bird v. HCN Office of Tribal Enrollment, CV 07-50 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 5, 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 Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment, CV 07-22 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 5, 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.

OCTOBER 22, 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 (Accepting Accounting and Dismissing Contempt) (HCN Tr. Ct., Oct. 22, 2007). (Rockman, A).

The Court previously released funds from the CTF account of the adult CTF beneficiary for costs associated with his criminal defense and the underlying offense. The petitioner submitted a final accounting, confirming proper use of the funds. The Court accepted this accounting and dismisses the *Order (Contempt)*.

OCTOBER 24, 2007

In the Interest of Minor Child: K.M.B., DOB 09/27/96, by Heidi M. Bird v. HCN Office of Tribal Enrollment, CV

07-50 *Order (Accepting Accounting)* (HCN Tr. Ct., Oct. 24, 2007). (Matha, T).

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

In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 07-26 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 24, 2007). (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with an automobile repair. 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: L.B., DOB 05/04/99, by Carly Lincoln v. HCN Office of Tribal Enrollment, CV 07-33 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 24, 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.

NOVEMBER 09, 2007

In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment, CV 07-62 Order (Partially Granting Petition) (HCN Tr. Ct., Nov. 9, 2007). (Rockman, A).

The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with orthodontic procedures and private school tuition. The Court partially granted the request; granting monies for orthodontic procedures and denying monies for private school tuition.

In the Interest of Minor Child: V.D.C., DOB 12/30/95, by Rachael L. Caronongan v. HCN Office of Tribal Enrollment, CV 07-63 Order (Partially Granting Petition) (HCN Tr. Ct., Nov. 9, 2007). (Rockman, A).

The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with orthodontic procedures and private school tuition. The Court partially granted the

request; granting monies for orthodontic procedures and denying monies for private school tuition.

NOVEMBER 13, 2007

In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment, CV 07-62 Order (Erratum) (HCN Tr. Ct., Nov. 13, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

In the Interest of Minor Child: V.D.C., DOB 12/30/95, by Rachael L. Caronongan v. HCN Office of Tribal Enrollment, CV 07-63 Order (Erratum) (HCN Tr. Ct., Nov. 13, 2007). (Rockman, A).

The Court entered an *Erratum Order* to correct a clerical mistake made in the previous *Order*.

NOVEMBER 15, 2007

In the Interest of Minor Child: J.B.K., DOB 02/17/04, by Danielle R. Knak v. HCN Office of Tribal Enrollment, CV 07-66 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

The Court convened a *Fact-Finding Hearing* to consider the merit of the *Petition for Release of Per Capita Distribution*. The Court found that the petition did not properly identify the concrete financial needs of J.B.K. The petitioner agreed to re-submit another petition with more specific information. The Court dismissed the action without prejudice.

In the Interest of Minor Child: S.K.B., DOB 12/29/92, by Helene M. Bean v. HCN Office of Tribal Enrollment, CV 07-83 Order (Petition Granted) (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

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

NOVEMBER 16, 2007

In the Interest of Adult CTF Beneficiary: Amos N. Gauthier, DOB 05/18/85 v. HCN Office of Tribal Enrollment, CV 07-71 Order (Partially Granting Requests) (HCN Tr. Ct., Nov. 16, 2007). (Matha, T).

The Court had to determine whether an adult can access his CTF account to pay for costs associated with criminal and civil fines, a personal loan for a vehicle, birthing expenses, high school tuition, and personal loans for a worthless check reimbursement. The Court partially granted the request; granting monies for birthing costs and high school tuition.

NOVEMBER 19, 2007

In the Interest of Minor Child: T.A.P., DOB 10/06/90, by Pauline Ward v. HCN Office of Tribal Enrollment, CV 07-81 Order (Petition Granted) (HCN Tr. Ct., Nov. 19, 2007). (Matha, T).

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

NOVEMBER 20, 2007

In the Interest of Minor Child: S.A.W., DOB 03/17/94, by Stacy A. Byerlay v. HCN Office of Tribal Enrollment, CV 07-86 Order (Petition Granted) (HCN Tr. Ct., Nov. 20, 2007). (Rockman, A).

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

NOVEMBER 27, 2007

In the Interest of Minor Child: L.A.L., DOB 01/15/89, by Levi A. Lincoln, Sr. v. HCN Office of Tribal Enrollment, CV 06-110 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 27, 2007). (Matha, T).

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

NOVEMBER 29, 2007

In the Interest of Minor Child: C.J.W.K., DOB 11/29/95, by Annie R. Winneshiek v. HCN Office of Tribal Enrollment, CV 07-59 Order (Requesting Accounting) (HCN Tr. Ct., Oct. 29, 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.

 **CONTRACTS**

OCTOBER 15, 2007

HCN and HCN Dep't of Labor v. Lionel Pettibone, CV 07-74 Order (Default Judgment) (HCN Tr. Ct., Oct. 15, 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.

NOVEMBER 19, 2007

HCN and HCN Dep't of Labor v. Sharon Pettibone, CV 07-77 Order (Voluntary Dismissal) (HCN Tr. Ct., Nov. 19, 2007). (Matha, T).

The Court had to determine whether to dismiss the cause of action. The plaintiffs filed an initial pleading. However, prior to effecting service the plaintiffs further filed a *Satisfaction of Judgment*. The Court never entered either an interim or final judgment in the instant case. Therefore, the Court treated the *Satisfaction of Judgment* as a request to dismiss, and accordingly dismissed the case without prejudice.

NOVEMBER 20, 2007

HCN and HCN Dep't of Bus. v. Shanna Harrison, CV 07-61 Order (Default Judgment) (HCN Tr. Ct., Nov. 20, 2007). (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.

HCN and HCN Dep't of Bus. v. Stuart Taylor, Jr., CV 07-64 Order (Default Judgment) (HCN Tr. Ct., Nov. 20, 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.

HCN and HCN Dep't of Bus. v. Becky Walker, CV 07-70 Order (Default Judgment) (HCN Tr. Ct., Nov. 20, 2007). (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.

 **ELECTION MATTERS****OCTOBER 23, 2007**

Timothy G. Whiteagle v. HCN Legislature, and, as individuals, Elliot Garvin, Clarence Pettibone, Douglas Greengrass, Roberta Decorah, Lawrence Walker, Jr. Daniel Brown, Ona Garvin, Alvin Cloud, Kathyleen Lone-Tree Whiterabbit, Greg Littlejohn, Scott Sussman, Sheila Corbine and Wilfrid Cleveland, CV 07-84 Order (Requiring Filing of Initial Pleading) (HCN Tr. Ct., Oct. 23, 2007). (Matha, T).

The plaintiff filed a *Motion for Preliminary Injunction Enjoining the Ho-Chunk Nation Legislature from Entering into Contracts that Are Signed by Wilfred [sic] Cleveland and Enjoining Wilfred [sic] Cleveland, the Pseudo-President of the Ho-Chunk Nation from Attempting to Delegate His Wrongfully Assumed Signature Authority* prior to filing an initial pleading. A plaintiff may only present a motion to the Court in conjunction with or following the filling of a pleading. *HCN R. Civ. P., Rule 19(B)*. Therefore, the Court refrained from processing or considering the *Motion* until the plaintiff rectified the deficiency.

NOVEMBER 03, 2007

Timothy G. Whiteagle v. HCN Legislature et al., CV 07-84 Order (Preliminary Injunction Hearing) (HCN Tr. Ct., Nov. 3, 2007). (Matha, T).

The plaintiff filed a *Motion for Preliminary Injunction Enjoining the Ho-Chunk Nation Legislature from Entering into Contracts that Are Signed by Wilfred [sic] Cleveland and Enjoining Wilfred [sic] Cleveland, the Pseudo-President of the Ho-Chunk Nation from Attempting to Delegate His Wrongfully Assumed Signature Authority* prior to filing an initial pleading. Because a plaintiff may only present a motion to the Court in conjunction with or following the filling of a pleading the Court refrained from processing or considering the *Motion* until the plaintiff rectified the deficiency. The plaintiff later informed the Court that his *Complaint* and this *Motion* were not two (2) separate cases as previously stated, but meant to be one. Therefore, the Court consolidated the two (2) cases and scheduled a *Preliminary Injunction Hearing*.

NOVEMBER 27, 2007

Timothy G. Whiteagle v. HCN Legislature et al., CV 07-84 Scheduling Order (HCN Tr. Ct., Nov. 27, 2007). (Matha, T).

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

 **EMPLOYMENT****NO DECISIONS AT THIS TIME.** **ENROLLMENT****NO DECISIONS AT THIS TIME.** **HOUSING****NOVEMBER 19, 2007**

HCN Property Management v. Carina Bachand, CV 06-17 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 19, 2007). (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.

 **INCOMPETENT'S TRUST FUND (ITF)****OCTOBER 08, 2007**

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 (Accepting Accounting) (HCN Tr. Ct., Oct. 8, 2007). (Rockman, A).

The Court previously released funds from the ITF account of the adult incompetent for costs associated with property taxes and outstanding debts owed to various vendors. The DOJ submitted a series of receipts from various vendors. The copies of the checks confirm proper use of the funds. The Court accepted this accounting.

NOVEMBER 20, 2007

In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara Meltesen v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 20, 2007). (Rockman, A).

The Court previously released funds from the ITF account of the adult incompetent for costs associated with ongoing nursing home care and professional guardianship service fees. The petitioner submitted the final receipts in a series of receipts. The receipts confirm proper use of the funds. The Court accepted this accounting.

 **RECALL/REMOVAL****NO DECISIONS AT THIS TIME.** **DOMESTIC VIOLENCE****NO DECISIONS AT THIS TIME.**

 **JUVENILE CASES****OCTOBER 02, 2007**

In the Interest of Minor Children: A.C.S., DOB 04/04/89; P.M.S., DOB 01/14/91; and P.A.S., DOB 01/14/91, JV 98-05-07, CS 05-95 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 2, 2007). (Rockman, A).

The Court had to determine whether to modify the mother's previously established child support obligation. The Court accordingly modified the obligation.

OCTOBER 03, 2007

In the Interest of Minor Children: J.C., DOB 04/10/04; A.C., DOB 01/31/06, JV 07-04-05 Capias Order (HCN Tr. Ct., Oct. 3, 2007). (Matha, T).

The Court granted Children & Family Services' (hereinafter CFS) *Motion for Writ of Capias* based upon the legal authority to ensure safety of children within the Hocak community. HOCAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), § 3.16a(1).

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., Oct. 3, 2007). (Rockman, A).

The Court conducted a *Child Protection Review Hearing/Status Hearing*. The Court had to assess the extent of compliance with the dispositional order. The Court determined to schedule a *Revocation Hearing*.

In the Interest of Minor Children: D.J.L., DOB 08/08/94 and N.R.W., DOB 03/10/91, JV 07-27-28 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 3, 2007). (Matha, T).

The Court appointed a *Guardian ad litem* (hereinafter GAL) in this matter.

In the Interest of Minor Child: A.C., DOB 09/18/02, JV 07-08 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 3, 2007). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 04, 2007

In the Interest of Minor Children: R.A.R., DOB 07/30/95; R.G.R., DOB 02/10/99; N.A.R., DOB 11/25/96, JV 07-23-25 Order (Paternal Dispositional Requirements) (HCN Tr. Ct., Oct. 4, 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. Dispositions were established with the hope of reunification of the family.

In the Interest of Minor Children: R.A.R., DOB 07/30/95; R.G.R., DOB 02/10/99; N.A.R., DOB 11/25/96, JV 07-23-25 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Children: M.C., Jr., DOB 10/23/98 and M.L.C., DOB 07/01/97, JV 07-29-30 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: Baby Girl Doe, DOB 07/31/07, JV 07-22 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 4, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

In the Interest of Minor Children: A.G.R., DOB 09/27/99; D.T.S., DOB 04/01/92; M.B.S., DOB 01/22/91, JV 07-31-33 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 4, 2007). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 05, 2007

In the Interest of Minor Children: J.C., DOB 04/10/04 and A.C., DOB 01/31/06, JV 07-04-05 Order (Child Protection Review Hearing) (HCN Tr. Ct., Oct. 5, 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 determined to maintain the status quo.

In the Interest of Minor Child: S.D.T., DOB 01/18/94, JV 07-06 Order (Child Protection Review Hearing) (HCN Tr. Ct., Oct. 5, 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 determined to maintain the status quo.

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Submission of Best Interests Assessment) (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The petitioner filed a *Motion to Modify*, seeking permanent guardianship, with the Court. In accordance with the CHILDREN'S ACT, § 3.4a(2)(e), the Court requested CFS to prepare and submit a best interests assessment to the Court.

In the Interest of Minor Child: S.J.R., DOB 03/31/99, JV 00-01 Order (Submission of Best Interests Assessment) (HCN Tr. Ct., Oct. 5, 2007). (Matha, T).

The petitioners filed a *Motion to Modify*, seeking permanent guardianship, with the Court. In accordance with the CHILDREN'S ACT, § 3.4a(2)(e), the Court requested CFS to prepare and submit a best interests assessment to the Court.

OCTOBER 09, 2007

In the Interest of Minor Children: J.B., Jr., DOB 11/27/95 and A.B., DOB 07/25/94, JV 01-06-07 Order (Requesting Guardian Ad Litem Opinion) (HCN Tr. Ct., Oct. 9, 2007). (Rockman, A).

The Court requested the submission of a *Guardian ad Litem Report*.

OCTOBER 18, 2007

In the Interest of Minor Children: D.J.L., et al., JV 07-27-28 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 18, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Guardianship Hearing*.

In the Interest of Minor Children: A.G.R., et al., JV 07-31-33 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 18, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Guardianship Hearing*.

OCTOBER 19, 2007

In the Interest of Minor Children: J.C., DOB 04/10/04 and A.C., DOB 01/31/06, JV 07-04-05 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 19, 2007). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 22, 2007

In the Interest of Minor Child: N.R.Y., DOB 07/06/91, JV 05-34 Order (Child Protection Review Hearing) (HCN Tr. Ct., Oct. 22, 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 determined to maintain the status quo.

OCTOBER 23, 2007

In the Interest of Minor Child: R.C., DOB 05/12/07, JV 07-34 Order (Entrance of Plea) (HCN Tr. Ct., Oct. 23, 2007). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the parents wished to contest the allegations contained in the *Child/Family Protection Petition* filed by CFS. The parents entered pleas of not guilty after the Court advised the parents of their rights as set forth in the CHILDREN'S ACT, 4 HCC § 3.22d. The Court accordingly scheduled a *Trial*.

In the Interest of Minor Children: L.B.C., DOB 03/14/97; M.R.C., DOB 10/11/99; C.J.K., DOB 02/08/04; C.H.K., DOB 06/20/05; A.E.M., DOB 07/24/07, JV 07-18-21, -36 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Oct. 23, 2007). (Matha, T).

The Court appointed a GAL in this matter.

OCTOBER 24, 2007

In the Interest of Minor Children: D.J.L., DOB 08/08/94 and N.R.W., DOB 03/10/91, JV 07-27-28 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Oct. 24, 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 Children: M.C., DOB 10/23/98 and M.L.C., DOB 07/01/97, JV 07-29-30 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Oct. 24, 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: S.L.C., DOB 08/28/89, JV 05-09 Order (Termination of Jurisdiction) (HCN Tr. Ct., Oct. 24, 2007). (Rockman, A).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d.

In the Interest of Minor Children: S.M., DOB 11/18/92; K.M., DOB 10/18/93; S.M., DOB 12/13/95; A.M., DOB 09/06/01; A.M., DOB 06/16/04; and A.M., DOB 03/14/06, JV 07-09-14 Order (Formal Trial) (HCN Tr. Ct., Oct. 24, 2007). (Rockman, A).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. CFS must file a *Petition* in the event a party either violates the terms of a consent decree or fails to satisfy the terms prior to the expiration of the consent decree. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

In the Interest of Minor Children: L.D.C., DOB 03/14/97; M.R.C., DOB 10/11/99; C.J.K., DOB 02/08/04; C.H.K., DOB 06/20/05, JV 07-18-21 Order (Entrance of Plea) (HCN Tr. Ct., Oct. 24, 2007). (Matha, T).

The Court convened a *Plea Hearing* for the purpose of determining whether the mother wished to contest the allegations contained in the *Child/Family Protection Petition* filed by CFS. The mother entered a plea of not guilty after the Court advised the parent of her rights as set forth in the CHILDREN'S ACT, 4 HCC § 3.22d. The Court accordingly scheduled a *Trial*.

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 06-29-32 Order (Case Closure) (HCN Tr. Ct., Oct. 24, 2007). (Matha, T).

The Court previously dismissed the underlying action and conferred "Consent Decree" status upon the case files. If a violation occurs or the parties fail to satisfy the terms prior to its expiration, CFS may opt to file a new *Child/Family Protection Petition*, with new case numbers to be assigned by the Court. Since such a *Petition* was filed, the Court accordingly closes the consent decree designated files.

OCTOBER 25, 2007

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Denial of Motion) (HCN Tr. Ct., Oct. 25, 2007). (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion* to hold a hearing later that day. The *Motion* was accompanied by a motion for expedited consideration. The petitioner failed to demonstrate what efforts he had made to resolve the issue with the opposing party. The Court denied the *Motion*.

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 09/06/01; A.M., DOB 06/16/04; and A.M., DOB 03/14/06, JV 06-33-38 Order (Case Closure) (HCN Tr. Ct., Oct. 25, 2007). (Rockman, A).

The Court previously dismissed the underlying action and conferred "Consent Decree" status upon the case files. If a violation occurs or the parties fail to satisfy the terms prior to its expiration, CFS may opt to file a new *Child/Family Protection Petition*, with new case numbers to be assigned by the Court. Since such a *Petition* was filed, the Court accordingly closes the consent decree designated files.

NOVEMBER 07, 2007

In the Interest of Minor Children: T.L.B., DOB 04/06/04 and T.K.W., DOB 10/16/07, JV 07-41-42 Order (Initial Emergency Hearing) (HCN Tr. Ct., Nov. 7, 2007). (Matha, T).

The Court convened the *Initial Emergency Hearing* to discuss the legal and procedural status of the instant action with the parties, to notify the parties of their need to attend a *Plea Hearing*, and to advise the parties of their rights. The Court emphasized that it will conduct the civil proceedings in an informal manner and encourages liberal participation. Additionally, the Court notified the parties of the ability to request continuances for good cause.

NOVEMBER 14, 2007

In the Interest of Minor Child: J.G., DOB 10/09/90, JV 07-35 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 14, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Guardianship Hearing*.

NOVEMBER 15, 2007

In the Interest of Minor Child: D.B.M., DOB 10/06/06, JV 07-45 Order (Conditional Acceptance of Transfer) (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

The Court had to determine whether to conditionally accept transfer of a State of Nevada children's case in which the minor child, either enrolled or eligible for enrollment with the Ho-Chunk Nation, is subject to foster care placement. Upon reviewing the *Pre-Transfer Report*, the Court, absent good cause to the contrary, accepted transfer of the action.

In the Interest of Minor Child: T.E.B., DOB 12/26/90, JV 06-17 Order (Child Protection Review Hearing) (HCN Tr. Ct., Nov. 15, 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 determined to maintain the status quo.

In the Interest of Minor Child: B.G.D., DOB 07/31/07, JV 07-22 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Nov. 15, 2007). (Rockman, A).

The Court had to determine whether to appoint a permanent 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.

NOVEMBER 16, 2007

In the Interest of Minor Child: L.K.B., DOB 09/27/89, JV 05-06 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 16, 2007). (Rockman, A).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d.

In the Interest of Minor Children: S.C., DOB 03/04/91 and A.H., DOB 07/03/06, JV 07-03, -07 Order (Formal Trial) (HCN Tr. Ct., Nov. 16, 2007). (Rockman, A).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. The mother of the minor child is also a minor. She did not dispute the allegations contained within the *Petition*. CFS needed to satisfy its burden of proof. CFS demonstrated that it could establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

In the Interest of Minor Child: J.S.R., DOB 05/09/96, JV 07-38 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 16, 2007). (Rockman, A).

The Court granted the party's request to appear by telephone at the *Guardianship Hearing*.

NOVEMBER 20, 2007

In the Interest of Minor Child: J.G., DOB 10/09/90, JV 07-35 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 20, 2007). (Matha, T).

The Court granted the party's request to appear by telephone at the *Guardianship Hearing*.

NOVEMBER 27, 2007

In the Interest of Minor Child: I.H.S., 95-CU-04 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 27, 2007). (Matha, T).

The minor child has obtained the age of majority. Thus, the Court terminated its jurisdiction over and supervision of the instant case in accordance with the CHILDREN'S ACT, § 3.16d.

In the Interest of Minor Child: S.J.R., DOB 03/31/99, JV 00-01 Order (Motion Granted) (HCN Tr. Ct., Nov. 27, 2007). (Matha, T).

The Court had to determine whether to convert a temporary guardianship of the person of minor child to a permanent guardianship pursuant to the CHILDREN'S ACT, 4 HCC § 3. After a careful weighing of all the presented evidence, the Court deems such an appointment within the minor child's best interests.

In the Interest of Minor Child: H.H., DOB 05/27/96, JV 07-40 Order (Requiring Amended Petition) (HCN Tr. Ct., Nov. 27, 2007). (Matha, T).

CFS filed a *Child/Family Protection Petition* accompanied by a *Motion for Emergency Temporary Custody*. The *Petition* fails to indicate how the minor child was being harmed by the legal guardians. Additionally, the *Petition* failed to set forth arguments associated with a violation of federal law as asserted in the original *Motion* that was previously denied by the Court for failure to provide an initial pleading first. The Court accordingly requests the filing of an *Amended Child/Family Protection Petition* addressing the need for protection based upon the current placement and a separate pleading indicating a violation of federal law.

NOVEMBER 28, 2007

In the Interest of Minor Child: R.C., DOB 05/12/07, JV 07-34 Order (Formal Trial) (HCN Tr. Ct., Nov. 28, 2007). (Matha, T).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its *Child/Family Protection Petition* by a preponderance of the evidence. The father of the minor child failed to attend the proceeding, but CFS still needed to satisfy

its burden of proof. The mother of the child subsequently pled guilty to the allegations contained in the *Petition*, thereby eliminating the need to hold a *Trial*. Otherwise, CFS demonstrated that it could partially establish the elements of the *Petition*, leading the Court to schedule a *Dispositional Hearing*.

NOVEMBER 29, 2007

In the Interest of Minor Children: J.G.S., DOB 08/29/93; J.S.R., DOB 05/09/96; J.B.R., DOB 08/03/94, JV 07-37-39 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Nov. 29, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: E.I.V., DOB 11/22/07, JV 07-52 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Nov. 29, 2007). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Children: L.H.C., DOB 03/05/01 and M.K., DOB 03/10/05, JV 07-43-44 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Nov. 29, 2007). (Rockman, A).

The Court appointed a GAL in this matter.

In the Interest of Minor Children: E.L., DOB 10/11/96 and R.G., DOB 04/21/03, JV 07-46-47 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Nov. 29, 2007). (Matha, T).

The Court appointed a GAL in this matter.

In the Interest of Minor Child: T.J.B., DOB 05/30/06, JV 06-15 Order (Motion Granted) (HCN Tr. Ct., Nov. 29, 2007). (Matha, T).

The Court had to determine whether to convert a temporary guardianship of the person of minor child to a permanent guardianship pursuant to the CHILDREN'S ACT, 4 HCC § 3. After a careful weighing of all the presented evidence, the Court deems such an appointment within the minor child's best interests.

NOVEMBER 30, 2007

In the Interest of Minor Child: J.G., DOB 10/09/90, JV 07-35 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Nov. 30, 2007). (Matha, T).

The Court had to determine whether to appoint a permanent 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.



RECENT SUPREME COURT DECISIONS

OCTOBER 01, 2007

Willard Lonetree v. Larry Garvin, SU 07-04 Notice of Extension (HCN S. Ct., Oct. 1, 2007) (Hunter, MJ).

The Court granted itself an additional thirty (30) days to complete the opinion.

OCTOBER 17, 2007

Forest Funmaker et al. v. Alvin Cloud et al., SU 07-06 Decision (HCN S. Ct., Oct. 17, 2007) (Butterfield, M., *Pro Tempore*).

The Supreme Court had to determine whether to overturn the Trial Court's decision granting 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 grant of summary judgment permitted former President George Lewis to retain his seat following the attempt to recall him from office. The Supreme Court determined that the case was moot because the Court could not give meaningful relief, namely the recall of former President Lewis. Since the initiation of this action, President Lewis has already been removed and a new President has been elected during the most recent General Election. Although the Court recognizes the possibility that another Chair of the General Council could again impose a rule regarding what constitutes a majority vote to pass a resolution subsequent to the vote, it also recognizes that it must treat actions of the General Council as a co-equal branch of government. Thus, the Court cannot replace the procedural rules of how a General Council is to be run with its own understanding of such rules. A future Chair can consult with an expert in Roberts Rules of Order and/or announce what will be needed for a measure to pass prior to a vote. Additionally, the General Council can adopt procedural rules at the beginning of a General Council Meeting that set forth what is needed for a resolution to pass. Therefore, the Court determined that such procedural actions are not likely to be repeated and capable of evading review. The case was dismissed as moot.

OCTOBER 24, 2007

Marlene C. Cloud et al. v. HCN et al., SU 07-12 *Order Denying Appeal* (HCN S. Ct., Oct. 24, 2007) (Greendeer-Lee, J).

The appellants filed an interlocutory appeal. The Supreme Court determined that the Trial Court did not enter a final decision, find facts, or make conclusions of law. The Court held that the case is therefore not ripe for appellate review, and thus denied the interlocutory appeal.

NOVEMBER 15, 2007

Thomas Quimby v. HCN et al., SU 07-08 *Order Denying Second Appeal* (HCN S. Ct., Nov. 15, 2007) (Funmaker, D).

The Court previously denied the appellant's *Notice of Appeal* as it restated the *Complaint* at the Trial Court rather than stating a basis for appeal. The Court again denies the appellant's second amended appeal, as he failed to set forth how the Trial Court erred in rendering its judgment.

NOVEMBER 19, 2007

HCN Treasury Dep't et al. v. Corvettes on the Isthmus and Brian Newlun, SU 07-03 *Decision* (HCN S. Ct., Nov. 19, 2007) (Butterfield, M., *Pro Tempore*).

The Supreme Court had to determine whether to overturn the Trial Court's decision to dismiss the action because there was no properly delegated authority to enter into the contract by the agents of the appellant and therefore there was no subject matter jurisdiction for the Court to exercise. The Supreme Court agreed with the Trial Court stating that "there is no signed contract in evidence, no proof of properly delegated authority to sign contracts to the Ho-Chunk Hotel and Convention manager, no statute of frauds, no uniform commercial code to apply and a dearth of evidence of custom and tradition to apply in the absence of positive statutory law." The Supreme Court thus upheld the decision of the Trial Court.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

OCTOBER 01, 2007

In re the Paternity of RAT Jr./State of WI/ Elisa F. Kosbab v. Roger Thundercloud, CS 07-67 (Matha, T).

OCTOBER 01, 2007

State of Wisconsin/Amanda S. Jardine v. Kiel S. Roy, CS 07-68 (Matha, T).

OCTOBER 01, 2007

State of Wisconsin/ Clariss J. Funmaker v. Truman H. Williams Jr., CS 07-69 (Matha, T).

OCTOBER 04, 2007

Margaret R. Miner v. John F. Blackdeer, CS 07-70 (Matha, T).

OCTOBER 04, 2007

Tiffanyann M. Glodowski v. Daniel K. Houghton, Sr., CS 07-71 (Matha, T).

OCTOBER 10, 2007

Theresa Roseann Chingwa v. Robert Ulysses Yellowbank, CS 07-72 (Rockman, A).

OCTOBER 10, 2007

State of Wisconsin v. Barbara A. Lewis, CS 07-73 (Matha, T).

OCTOBER 15, 2007

State of WI/Myra Jo Blackdeer v. Andrew J. Munden, CS 07-74 (Matha, T).

OCTOBER 15, 2007

Forest Co Potawatomi Tribal Court v. Terry Reany, CS 07-75 (Matha, T).

OCTOBER 17, 2007

State of WI/Dana L. Hallisy v. Jerry D. Jones, Jr., CS 07-76 (Matha, T).

OCTOBER 19, 2007

State of WI/Jessica Ritter v. Jason Amerson, CS 07-77 (Matha, T).

OCTOBER 19, 2007

Monica Cloud v. John Cloud, CS 07-78 (Matha, T).

OCTOBER 19, 2007

Angela Marie (Hoffman) Parker v. Clinton Coy Sitze, CS 07-79 (Matha, T).

NOVEMBER 05, 2007

State of WI/Wood Co. & Tammie J. Lamb v. Bryan J. Ringer, CS 07-80 (Rockman, A).

NOVEMBER 07, 2007

Stacey L. Spry v. Levi A. Lincoln, CS 07-81 (Rockman, A).

NOVEMBER 14, 2007

Robin A. Vowell v. Joshua D. Whitedog, CS 07-82 (Matha, T).

NOVEMBER 14, 2007

Jennifer J. Whitedog v. Julius P. Whitedog, CS 07-83 (Matha, T).

NOVEMBER 27, 2007

Dawn Bell v. Donnie Schaitel, CS 07-84 (Rockman, A).

 **CIVIL CASES**

OCTOBER 02, 2007

HCN & HCN Home Ownership Program v. Estate of Amy Mallory, CV 07-79 (Matha, T).

OCTOBER 02, 2007

HCN & HCN Home Ownership Program v. Terrance & Brenda Johnson, CV 07-80 (Matha, T).

OCTOBER 17, 2007

In the Interest of Minor Child: T.A.P., DOB: 10/06/1990 v. HCN Office of Tribal Enrollment, CV 07-81 (Matha, T).

OCTOBER 22, 2007

Timothy G. Whiteagle v. General Council Agency and Wilfred Cleveland, CV 07-82 (Matha, T).

OCTOBER 22, 2007

In the Interest of Minor Child S.K.B. DOB: 12/29/1992 v. HCN Office of Tribal Enrollment, CV 07-83 (Rockman, A).

OCTOBER 23, 2007

Timothy G. Whiteagle v. HCN Legislature et al., CV-07-084 (Matha, T).

OCTOBER 26, 2007

In the Interest of Minor Child: S.A.W., DOB: 3/17/94 v. HCN Office of Tribal Enrollment, CV 07-86 (Rockman, A).

OCTOBER 29, 2007

In the Interest of Adult CTF Beneficiary: Alvis C. Winters, Sr. v. HCN Office of Tribal Enrollment, CV 07-87 (Matha, T).

OCTOBER 29, 2007

HCN & HCN Dept of Business v. Marlon White Eagle, CV 07-88 (Matha, T).

NOVEMBER 05, 2007

In the Interest of Minor Child: K.R.F., DOB: 6/8/92 v. HCN Office of Tribal Enrollment, CV 07-89 (Rockman, A).

NOVEMBER 09, 2007

In the Interest of Minor Child: N.M., DOB: 8/13/93 v. HCN Office of Tribal Enrollment, CV 07-85 (Rockman, A).

NOVEMBER 09, 2007

In the Interest of Minor Child: P.M.K., DOB: 4/22/96 v. HCN Office of Tribal Enrollment, CV 07-90 (Rockman, A).

NOVEMBER 13, 2007

In the Interest of Minor Child: C.Y.B., DOB 05/04/92 v. HCN Office of Tribal Enrollment, CV 07-91 (Matha, T).

NOVEMBER 19, 2007

In the Interest of Minor Child: S.B., DOB 01/05/90 and B.B., DOB 05/01/93 v. HCN Office of Tribal Enrollment, CV 07-93 (Rockman, A).

NOVEMBER 20, 2007

In the Interest of Minor Child: E.M.H., DOB 07/08/97 v. HCN Office of Tribal Enrollment, CV 07-92 (Rockman, A).

NOVEMBER 30, 2007

In the Interest of Minor Child: E.D.G., DOB 05/30/90, v. HCN Office of Tribal Enrollment, CV 07-94 (Matha, T).

NOVEMBER 30, 2007

In the Interest of Minor Child: S.R., DOB 09/15/91 v. HCN Office of Tribal Enrollment, CV 07-95 (Matha, T).



CIVIL GARNISHMENT CASES

OCTOBER 02, 2007

State Collection Service, Inc. v. Clifton Jones, CG 07-76 (Matha, T).

OCTOBER 10, 2007

Check and Cash, LLC v. Melissa Dockerty, CG 07-77 (Matha, T).

OCTOBER 10, 2007

Creditor Recovery Service, LLC v. Amber Malone, CG 07-78 (Matha, T).

OCTOBER 10, 2007

Marquette County EMS Department v. Janice M. Bowen, CG 07-79 (Matha, T).

OCTOBER 16, 2007

Zwicker & Associates v. Diana E. Kaun, CG 07-80 (Matha, T).

OCTOBER 16, 2007

Alliance Collection Agencies Inc. v. Donna R. Pabst, CG 07-81 (Matha, T).

OCTOBER 16, 2007

Alliance Collection Agencies Inc. v. Amber Malone, CG 07-82 (Matha, T).

OCTOBER 18, 2007

Alliance Collection Agencies Inc. v. Jeffrey Dayton, CG 07-83 (Matha, T).

OCTOBER 26, 2007

Creditor Recovery Service, LLC v. Crystal E. Chalepah, CG 07-84 (Matha, T).

OCTOBER 26, 2007

Greater La Crosse Radiological v. Duane W. Kling, Jr., CG 07-85 (Matha, T).

OCTOBER 31, 2007

Capital One Bank v. Cheryl Kivlin, CG 07-86 (Matha, T).

NOVEMBER 06, 2007

Alliance Collection Agencies, Inc. v. Keith D. Smith, CG 07-87 (Matha, T).

NOVEMBER 06, 2007

Alliance Collection Agencies, Inc. v. Sonia L. Smedbron, CG 07-88 (Matha, T).

NOVEMBER 09, 2007

Gundersen Lutheran Medical Center v. Willa J. RedCloud, CG 07-89 (Matha, T).

NOVEMBER 09, 2007

Gundersen Clinic, LTD v. Tony L. & Joann Redbird, CG 07-90 (Matha, T).

NOVEMBER 15, 2007

Greater La Crosse Radiological v. Brian S. LaMere, CG 07-91 (Matha, T).

NOVEMBER 16, 2007

Creditor Recovery Service, LLC v. Benjamin D. Rucinski, CG 07-92 (Matha, T).

NOVEMBER 26, 2007

Drs. Overman, Hegna, Reich & Wruck v. Michael Prescott, CG 07-93 (Matha, T).

NOVEMBER 28, 2007

Gregg Shimanski Realty, Inc. v. Bonnie Schulte, CG 07-94 (Matha, T).

NOVEMBER 28, 2007

Quick Cash Loans v. Melissa Johnson, CG 07-95 (Matha, T).

NOVEMBER 28, 2007

Creditor Recovery Service, LLC v. David Rice, CG 07-96 (Matha, T).



FAMILY CASES

NOVEMBER 20, 2007

Lori Ann Pidgeon v. Curtis Pidgeon, FM 07-06 (Rockman, A).

NOVEMBER 26, 2007

Adrianne G. Lewis v. Liviu Cojocar, FM 07-07 (Matha, T).



DOMESTIC VIOLENCE

NO FILINGS AT THIS TIME.



JUVENILE CASES

OCTOBER 06, 2007

In the Interest of Minor Child R.C., DOB 5/12/2007, JV 07-34 (Matha, T).

OCTOBER 17, 2007

In the Interest of Minor Child: J.G., DOB: 10/09/90, JV 07-35 (Matha, T).

OCTOBER 23, 2007

In the Interest of Minor Child: A.M.E.M., DOB 07/24/07, JV 07-36 (Matha, T).

OCTOBER 26, 2007

In the Interest of Minor Child: J.G.S., DOB: 8/29/93, JV 07-37 (Rockman, A).

OCTOBER 26, 2007

In the Interest of Minor Child: J.S.R., DOB 05/09/96, JV 07-38 (Rockman, A).

OCTOBER 26, 2007

In the Interest of Minor Child: J.B.R., DOB 08/03/94, JV 07-39 (Rockman, A).

OCTOBER 31, 2007

In the Interest of Minor Child: H.H., DOB 05/27/96, JV 07-40 (Matha, T).

NOVEMBER 02, 2007

In the Interest of Minor Child: T.J.B., DOB 04/06/04, JV 07-41 (Matha, T).

NOVEMBER 02, 2007

In the Interest of Minor Child: T.K.W., DOB 10/16/07, JV 07-42 (Matha, T).

NOVEMBER 09, 2007

In the Interest of Minor Child: L.H.C., DOB 03/05/01, JV 07-43 (Rockman, A).

NOVEMBER 09, 2007

In the Interest of Minor Child: M.K., DOB 03/10/05, JV 07-44 (Rockman, A).

NOVEMBER 14, 2007

In the Interest of Minor Child: D.B.M., DOB 10/06/07, JV 07-45 (Rockman, A).

NOVEMBER 21, 2007

In the Interest of Minor Child: E.L., DOB 10/11/96, JV 07-46 (Rockman, A).

NOVEMBER 21, 2007

In the Interest of Minor Child: R.G., DOB 04/21/03, JV 07-47 (Rockman, A).

NOVEMBER 26, 2007

In the Interest of Minor Child: K.R.D., DOB 09/09/92, JV 07-48 (Matha, T).

NOVEMBER 26, 2007

In the Interest of Minor Child: T.J.D., DOB 12/23/96, JV 07-49 (Matha, T).

NOVEMBER 26, 2007

In the Interest of Minor Child: E.E.D., DOB 04/12/97, JV 07-50 (Matha, T).

NOVEMBER 26, 2007

In the Interest of Minor Child: A.B.L.D., DOB 07/03/99, JV 07-51 (Matha, T).

NOVEMBER 28, 2007

In the Interest of Minor Child: E.I.V., DOB 11/22/07, JV 07-52 (Matha, T).

NOVEMBER 28, 2007

In the Interest of Minor Child: J.C., DOB 08/01/92, JV 07-53 (Matha, T).

NOVEMBER 28, 2007

In the Interest of Minor Child C.L., DOB 05/30/01, JV 07-54 (Matha, T).

RECENT SUPREME COURT FILINGS

NOVEMBER 27, 2007

Forrest Funmaker et al. v. Alvin Cloud, in his capacity as Chairperson for 2005 General Council, et al., SU 07-06.

NOVEMBER 27, 2007

Ona Garvin, District IV Legislature v. HCN Election Board et al., SU 07-07.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Mary K. Endthoff

Traditional Court – Earl Blackdeer

Donald Blackhawk

Dennis Funmaker

Cecil Garvin

Jim Greendeer

Douglas Greengrass

Richard Mann

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 – vacant

Administrative Assistant – Rosalie Kakkak

Bailiff – Margaret Wilkerson

Staff Attorney – Natalie Stites

Staff Attorney – Nicole M. Homer

* 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)