

# HO-CHUNK NATION COURT BULLETIN

January 2011 Issue



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## IN MEMORY OF DEBRA C. GREENGRASS "GOLDEN WING" 1952 – 2011

by Chief Justice Mary Jo Hunter



Debra C. Greengrass, Associate Justice (July 12, 1995 - April 16, 2002)

Former Associate Justice Greengrass served the Ho-Chunk Nation as one of the first members of the Supreme Court. She was elected to two terms of office. As a former Milwaukee County Deputy Sheriff, Justice Greengrass had a deep respect for the law, which she combined with her love of her Ho-Chunk people to take time away from her family to work on the Court. She was deeply honored to be elected to the Court and spoke often about the need for a fair tribal judicial system. She invested considerable time and energy to drafting rules and creating procedures for the court system. During her tenure, the Court did not have a building so meetings were held in various locations. She made many trips from

her home in Milwaukee to participate in oral arguments and meetings for the Court. Her involvement in the establishment of the HCN Tribal Court system is appreciated. She will be missed by many.



## The Complexities of Criminal Jurisdiction in Tribal Court Part V: Court Appointed Counsel

This article is a continuation of a series dedicated to providing general background knowledge about criminal jurisdiction in the Ho-Chunk Nation Trial Court. On September 23, 2010, Police Chief Libke was sworn into office. As a result, there will be new criminal laws forthcoming as the Ho-Chunk Nation asserts greater sovereignty over criminal matters. Before these new laws are enacted, it is important to remember that there is a partial criminal system already in place. Currently, the CRIMES AGAINST HO-CHUNK NATION GOVERNMENT AND GOVERNMENT OFFICIALS ACT, 2 HCC § 16, is the only purely criminal statute enacted by the Legislature.<sup>1</sup> Crimes under this act have rarely been prosecuted, but several cases do exist.

Once criminal prosecutions increase, issues concerning Court appointed counsel will become more prevalent. The CONSTITUTION OF THE HO-CHUNK NATION acknowledges the right to counsel, but does not require the Court to provide defendants with an attorney if they cannot afford one. CONST., ART. X, § 1(6). However, to utilize the new sentencing maximums laid out in the Tribal Law & Order Act of 2010, the Court must appoint an attorney to indigent defendants at the expense of the tribe. 25 USCS § 1302 (c)(2). Even if the Court is not using the new sentencing maximums, the *Ho-Chunk Nation Rules of Criminal Procedure* state that “[i]f the defendant cannot afford counsel, the Court will appoint counsel for him.” HCN R. Crim. P. 205.5. These rules were adopted by the HCN Supreme Court in 2007. *In Adoption of Ho-Chunk Nation Rules of Criminal Procedure* (HCN S. Ct., June 2, 2007). Therefore, the Court must appoint attorneys to indigent defendants in all criminal cases free of charge, unless instructed otherwise by the HCN Supreme Court or a relevant statute.

Currently, the Court only appoints counsel in cases arising under the CHILDREN’S ACT. The Act states that “if necessary, the Court may designate or appoint an attorney or lay counselor to represent a parent, child, or guardian. CHILDREN’S ACT, § 3.24c. To be clear, this language does not create an absolute right to a Court appointed attorney. Typically, the Court requires a party to exhaust available resources before it will appoint counsel. *In the Interest of the Minor Children: D.S. et al.*, JV 10-12-16 (HCN Tr. Ct., May 24, 2010) at note 3.<sup>2</sup> This is usually accomplished by a showing that legal aid groups, such as Wisconsin Judicare, have declined to assist. *Id.*

Prior to appointing an attorney, the Court also requires parties to establish indigency. *Id.* at note 6. Indigency can be established through filing a *Statement of Income, Assets, Debts, and Living Expenses*. *Id.* In performing an evaluation of indigency, “the Court utilizes the income-eligibility standards adopted by Wisconsin Judicare.” *Id.* These income standards generally follow the 2008 Federal Poverty Guidelines, which take family size and annual income into consideration. <http://www.judicare.org/public/povertyguide.html>. Ho-Chunk tribal members and members of other federally recognized tribes should apply to Wisconsin Judicare even if their income is higher than the Federal Poverty Guidelines. *Id.* The Ho-Chunk Nation and other tribes have contracts with Wisconsin Judicare that make the guidelines much more flexible.

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<sup>1</sup> “[T]he temporary removal of a child in a child abuse context is ‘in aid of and closely related to criminal statutes.’” *Moore v. Sims*, 442 U.S. 415, 423 (1979). However, the Court’s juvenile caseload is regarded as civil in nature. HOCAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN’S ACT), 4 HCC § 3.24a.

<sup>2</sup> Juvenile cases are confidential and are not available on the Judiciary’s website. For information on how to receive a redacted copy of this decision, please call the HCN Trial Court at 715-284-2722.

The Court only appoints attorneys who are members of the Ho-Chunk Nation Bar. A list of current bar members is available on the Judiciary's website. When attorneys are admitted to the HCN Bar, they take an oath in which they "agree to accept appointments from the courts to represent low-income clients." *Ho-Chunk Nation Bar Association Attorney's Oath, HCN S. Ct Rules for Admission to Practice, Rule IX*. Attorneys who refuse to take court appointments absent just cause are subject to sanction by the HCN Supreme Court.

Although accepting appointments is not optional, the Court does its best not to be overly rigid. With regards to juvenile cases, the Court tries to find an attorney with experience in that area of law. The Court also takes into consideration the geographic location of the attorney and the potential client. Attorneys are generally given an opportunity to explain if they do not feel they can take a particular appointment. To the extent possible, the Court will seek to find a suitable replacement. Once an Attorney is appointed by the Court, that attorney has a duty to perform a conflicts check and notify the Court of any conflicts of interest that arise. The Court does pay a modest hourly wage to appointed attorneys. Those attorneys are also able to be reimbursed by the Court for certain expenses, but pay and reimbursements are capped.

With the criminal case load about to drastically increase, the HCN Legislature may see fit to set up alternative means of providing representation. The HCN Supreme Court may also decide to update the *Rules of Criminal Procedure*. This article is designed to give an overview of how Court appointments presently take place. Hopefully, it will give parties some guidance if the Legislature and Supreme Court decide not to make any changes, and better illustrate any changes they do decide to make.



## UPDATES FROM OUTSIDE JURISDICTIONS

### UNITED STATES COURTS OF APPEALS, 5<sup>TH</sup> CIR.

*A.A. et al. v. Needville Independent School District*, No. 09-20091, 37 Indian L. Rep. 2259 (5<sup>th</sup> Cir., July 9, 2010). The U.S. Court of Appeals for the Fifth Circuit affirmed the district court and held that a school district's requirement that a Native American child wear his long hair in a bun on top of his head or in a braid tucked into his shirt offended a sincere religious belief and is invalid under Texas law.

### UNITED STATES COURTS OF APPEALS, 8<sup>TH</sup> CIR.

*Gillette v. North Dakota Disciplinary Board Counsel*, No. 09-1598, 37 Indian L. Rep. 2269 (8<sup>th</sup> Cir., July 9, 2010). In an action seeking declaratory and injunctive relief to prevent the North Dakota Disciplinary Board from prosecuting a disciplinary action for alleged misconduct arising out of plaintiff-appellant's representation of American Indian clients in tribal court litigation, the U.S. Court of Appeals for the Eighth Circuit affirmed the district court's application of the abstention doctrine first announced in *Younger v. Harris*, 401 U.S. 37 (1971).

*Kakaygeesick v. Salazar et al.*, No 10-1109, unpublished, 37 Indian L. Rep. 2271 (8<sup>th</sup> Cir., Aug. 12, 2010). The U.S. Court of Appeals for the Eighth Circuit affirmed the district court's judgment, concluding that the November 2007 order of the Interior Board of Indian Appeals, which found that the appellant failed to exercise due diligence in pursuing a land claim, was not arbitrary, capricious, abuse of discretion, or otherwise inconsistent with the law.

### UNITED STATES COURTS OF APPEALS, 9<sup>TH</sup> CIR.

*Cachil Dehe Band of Wintun Indians of the Colusa Indian Community et al. v. California et al.*, No 09-16942, 37 Indian L. Rep. 2272 (9<sup>th</sup> Cir., Aug. 20, 2010). The U.S. Court of Appeals for the Ninth Circuit held that the extrinsic evidence submitted by the parties was inadmissible in an action challenging the number of licenses. The Court also held that the interpretation of the formula for the license pool pursuant to tribal-state compacts entered into with the State of California under the authority of the Indian Gaming Regulatory Act, concluding that under §§ 4.3.1 and 4.3.2(a)(1) of the compacts, the compacts authorize 40,201 licenses for distribution through the license draw process. The Court affirmed in part the grant of summary judgment to the appellee and the denied California's cross-motion for summary judgment. The Court further affirmed that the order of a license draw

open to all eligible compact tribes was within the district court's discretion.

*City of Vancouver v. Skibine et al.*, No 08-35954, unpublished, 37 Indian L. Rep. 2280 (9<sup>th</sup> Cir. Aug. 31, 2010). The U.S. Court of Appeals for the Ninth Circuit affirmed, for lack of standing, the district court's dismissal of the City of Vancouver's action challenging the National Indian Gaming Commission's approval of an amendment to a tribal gaming ordinance enacted by the Cowlitz Indian Tribe.

*Town Pump, Inc. v. LaPlante*, No 10-35090, unpublished, 37 Indian L. Rep. 2280 (9<sup>th</sup> Cir., Sep. 3, 2010). The U.S. Court of Appeals for the Ninth Circuit affirmed the district court's grant of summary judgment and permanent injunction of the appellant's further prosecution of claims against the appellees in the Blackfeet Tribal Court, applying the presumption against tribal court jurisdiction over nonmembers established in *Montana v. United States*, 450 U.S. 544 (1981).



## 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

### JANUARY 4, 2011

*Mabel I. Bellanger v. Andrea S. Littlewolf*, CS 10-57 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

### JANUARY 5, 2011

*State of Wisconsin, Dane County v. Skyler J. Shegonee*, CS 10-29 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Leah Kasanaha Cornelius v. Randal Cloud, State of Wisconsin ex rel. v. Randal Cloud, and Benita L. Moore v. Randal Cloud*, CS 01-13, 05-43, 10-58 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner and perform an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin v. Lynn O. St. Cyr.*, CS 10-52 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Michael Hale v. Melody Greengrass and State of Wisconsin v. Melody Greengrass*, CS 10-36, -39 Default Judgment

*(Enforcing Child Support & Equitable Adjustment)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to the foreign judgments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgments. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioners and perform an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin ex rel. v. Curtis D. Mallory, Jr.*, CS 10-50 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin v. Cynthia R. Hopinka*, CS 10-49 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Katrina M. Prochnow v. Amos N. Gauthier*, CS 10-53 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Monroe County Child Support Agency v. Cody Greyowl*, CS 10-56 *Order (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The petition was filed by the respondent so the Court assumed acquiescence of the parties. The Court granted recognition and enforcement of the foreign judgment.

*State of Wisconsin, Dane County v. Skyler J. Shegonee*, CS 10-29 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin, Dane County v. Skyler J. Shegonee*, CS 10-29 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Valee Sanache v. Barrin Sanache*, CS 10-54 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin v. Dennis Hopinka, Sr.*, CS 10-59 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Kateri T. DeFord v. Murton G. Greengrass*, CS 10-51 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely

respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **JANUARY 6, 2011**

*Laura Geshick v. Clayton Pemberton*, CS 01-33 Order (Reinstating Child Support Arrears) (HCN Tr. Ct., Jan. 6, 2011) (Matha, T).

The Court granted the motion requesting arrears be withheld from the respondent's per capita payments.

*Rikki L. White v. Collin W. Smith*, CS 09-15 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Jan. 6, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

*Washington County Community Services ex rel. v. Lawrence J. Hengel*, CS 00-47 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Jan. 6, 2011) (Matha, T).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*Angela Decorah v. Christopher Decorah*, CS 99-31 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Jan. 6, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

#### **JANUARY 7, 2011**

*State of Wisconsin v. Greg D. Henry*, CS 99-64 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court had to determine whether to terminate the respondent's child support obligations due to the child's emancipation. In accordance with the underlying court's state law, the Court terminated the respondent's current support obligation.

*County of Pine ex rel. v. Amber M. Downwind*, CS 10-05 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a

modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

*Hope B. Smith v. Kenneth Smith and State of Wisconsin v. Kenneth Smith*, CS 98-17, 06-47 Order (Cease Arrearage Withholding– Per Capita) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court ceased withholding arrears in CS 06-47 as they were paid in full.

*Lisa A. Banuelos v. Anthony M. Smith, Jr., Lola Smith v. Anthony Smith, and State of Wisconsin ex rel. v. Anthony M. Smith*, CS 01-05, 07-63, 09-05 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court previously issued an order terminating one of the respondent's child support obligations. The Court had to modify the remaining child support orders to reflect the change. Accordingly, the Court performed an equitable adjustment due the respondent's serial payor status.

*Beverly Skenandore v. Anthony Smith*, CS 05-69 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court had to determine whether to terminate the respondent's child support obligations due to a request by the state's child support agency. The Court terminated the respondent's current support obligation.

*Eau Claire County v. Forrest Downey, Sr.*, CS 05-33 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court had to determine whether to terminate the respondent's child support obligations due to a request by the state's child support agency. The Court terminated the respondent's current support obligation.

*State of Wisconsin ex rel. v. Forrest M. Downey, Sr. and Eau Claire County v. Forrest M. Downey, Sr.*, CS 05-26, 08-84 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court previously issued an order terminating one of the respondent's child support obligations. The Court had to modify the remaining child support orders to reflect the change. Accordingly, the Court performed an equitable adjustment due the respondent's serial payor status.

*Joy Rave v. Francis Rave, Sr.*, CS 02-19 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

#### **JANUARY 10, 2011**

*State of Wisconsin v. Anthony J. Tipton*, CS 10-34 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Jackson County Child Support Agency ex rel.*, CS 06-36 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

*Christine Armendariz v. Dana Armendariz and Blue Earth Co. ex rel.*, CS 05-46, 07-24 *Order (Equitable Adjustment Updating Arrears)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court previously enforced standing foreign child support orders against the respondent's per capita payments. The petitioner filed certified account statements updating arrears for one of the cases. The Court granted the motion and performed an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin, Jackson County v. Jennifer J. Dominguez*, CS 10-46 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Dasa Marie Pappas v. Wilfred H. Cloud, Cheyenne Powless v. Wilfred H. Cloud, and State of Wisconsin ex rel. v. Wilfred H. Cloud*, CS 01-29, 04-36, and 08-28 *Order (Modifying*

*Equitable Adjustment)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant a recent motion to modify for one of the cases. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Nela F. Stacy v. Alfreda O. Sky*, CS 05-07 *Order (Proof of High School Enrollment Filed – Wages)* (HCN Tr. Ct., Jan. 10, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*Tara J. Hilsenhoff v. Neil B. Greengrass-Starr*, CS 05-96 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

*State of Wisconsin v. Frederick Greendeer*, CV 97-44 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to update the amount of arrears owed by the respondent.

*Cynthia Tack v. Matthew Thundercloud and Nichi McDonald v. Matthew Thundercloud*, CV 97-74, CS 08-33 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to modify the amount of withholding from the respondent's per capita distribution.

#### **JANUARY 11, 2011**

*State of Wisconsin v. Sammy Lee Griner, Jr.*, CS 10-38 *Default Judgment (Enforcing Child Support Against Per Capita & Wages)* (HCN Tr. Ct., Jan. 11, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin ex rel. v. Geoffrey Lonetree and Jillian Ennis v. Geoffrey Lonetree*, CS 03-55, 09-68 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Jan. 11, 2011) (Matha, T).

The Court had to determine whether to grant a recent motion to modify for one of the cases. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Joey K. Whitewing v. Patricia A. Bird-Nicholas*, CS 10-43 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Jan. 11, 2011) (Rockman, A).

The Court had to determine whether to terminate the respondent's child support obligations due to a request by the respondent to have child support deducted from wages. The Court terminated the respondent's current support obligation from per capita.

*Joey K. Whitewing v. Patricia A. Bird-Nicholas*, CS 10-43 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Jan. 11, 2011) (Rockman, A).

The Court had to determine whether to grant the recent Motion to modify. The respondent afforded the petitioner notice of the filing. The petitioner, however, failed to timely answer. Therefore, the Court granted the modification.

*Roger D. Wallace v. Renea A. Perez*, CS 00-29 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Jan. 11, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*State of Wisconsin ex rel. v. Max P. Funmaker, Jr.*, CS 00-03 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Jan. 11, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

#### **JANUARY 13, 2011**

*State of Wisconsin ex rel. v. Lohman E. Cloud and State of Wisconsin ex rel. v. Lohman E. Cloud*, CS 00-19, 05-63 Order (Modifying Child Support & Arrears) (HCN Tr. Ct., Jan. 13, 2011) (Matha, T).

The Court had to modify the enforcement of a standing foreign child support order against the respondent's per capita payments. One of the minor children emancipated. The respondent's current child support obligation for that child terminated. Therefore, the Court performed a modification to reflect the change.

*State of Wisconsin ex rel. v. Jones R. Funmaker and State of Wisconsin ex rel. v. Jones R. Funmaker*, CS 06-14, -24 Order (Modifying Child Support) (HCN Tr. Ct., Jan. 13, 2011) (Matha, T).

The Court had to modify the enforcement of a standing foreign child support order against the respondent's per capita payments. One of the minor children emancipated. The respondent's current child support obligation for that child terminated. Therefore, the Court performed a modification to reflect the change.

*State of Wisconsin ex rel. v. Sabrina M. Eimer*, CS 10-60 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 13, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Rickey D. Wilson v. Deanna L. Hopinka*, CS 10-61 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Jan. 13, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Amy Hennings v. Jerome Cloud and State of Wisconsin ex rel. v. Jerome Cloud*, CV 97-118, -163 Order (Modifying Child Support & Arrears) (HCN Tr. Ct., Jan. 13, 2011) (Matha, T).

The Court had to modify the enforcement of a standing foreign child support order against the respondent's per capita payments. One of the minor children emancipated. The respondent's current child support obligation for that child terminated. Therefore, the Court performed a modification to reflect the change.

## JANUARY 14, 2011

*Melissa (Greyhair) Redbird v. Thomas Redbird III*, CS 03-57 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to determine whether to terminate the respondent's child support obligations due to a request by the respondent to have child support deducted from wages. The Court terminated the respondent's current support obligation from per capita.

*Melissa (Greyhair) Redbird v. Thomas Redbird III*, CS 03-57 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to determine whether to grant the recent Motion to modify. The respondent afforded the petitioner notice of the filing. The petitioner, however, failed to timely answer. Therefore, the Court granted the modification.

*Anna Kingswan v. Anthony Kingswan*, CS 05-78 Order (Arrearage Withholding Against Wages) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to enforce arrears against the respondent's wages.

*Heather Hartwig v. Steven Lincoln*, CS 09-66 Order (Enforcing Child Support) (HCN Tr. Ct., Jan. 14, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Debra F. Lozano v. Renea A. Perez*, CS 04-04 Order (Impounding Per Capita) (HCN Tr. Ct., Jan. 14, 2011) (Rockman, A).

The Court impounded a portion of the respondent's per capita payment.

*Lot L. Smith II v. Karen J. (Smith) Combs*, CV 97-33 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Jan. 14, 2011) (Rockman, A).

The Court had to determine whether to grant a recent Motion to modify. The respondent requested a modification in current child support withholding. Since the respondent filed the Motion, the Court assumed her acquiescence and granted recognition and enforcement of the modified foreign judgment.



## CIVIL GARNISHMENT CASES

### JANUARY 4, 2011

*Alliance Collection Agencies, Inc. v. Mary E. Combs*, CG 10-98 Order (Default Judgment) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Family Dentistry v. Melissa Kingswan*, CG 10-105 Order (Default Judgment) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Medical X-Ray Consultants, Ltd. v. Jeffrey Dayton*, CG 10-122 Order (Default Judgment) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Henry Greengrass*, CG 10-124 Order (Default Judgment) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Speedcash Loans v. Sara Dobbs*, CG 10-125 Order (Voluntary Dismissal) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

**JANUARY 7, 2011**

*Central Wisconsin Anesthesiology v. Brian K. Decorah*, CG 10-128 Order (Default Judgment) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Edwin F. Larrea*, CG 10-117 Order (Default Judgment) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Quick Cash Loans v. Brady Two Bears*, CG 10-118 Order (Default Judgment) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Tomah Memorial Hospital v. Daniel A. Krofta*, CG 10-127 Order (Default Judgment) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

**JANUARY 14, 2011**

*Gundersen Clinic, Ltd. v. Raye Anne Krpata-Ball*, CG 10-136 Order (Default Judgment) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond,

leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Raye Anne Krpata-Ball*, CG 10-135 Order (Default Judgment) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Gundersen Lutheran Medical Center. v. Raye Anne Krpata-Ball*, CG 10-137 Order (Default Judgment) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

**JANUARY 18, 2011**

*Krohn Clinic v. Melissa Marg*, CG 10-87 Order (Satisfaction of Judgment) (HCN Tr. Ct., Jan. 18, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that it had released the respondent as garnishee.

**JANUARY 20, 2011**

*Jeffrey M. Julian v. Melissa Thunder*, CG 08-82 Order (Requiring Corroborative Documentation) (HCN Tr. Ct., Jan. 20, 2011) (Matha, T).

The Court convened a hearing to assess any intervening change of circumstances. Neither party appeared at the hearing despite proper service. The Court required the respondent to submit documentation corroborating continued receipt of state assistance. Otherwise, the Court will enforce the foreign judgment against her wages.

**JANUARY 21, 2011**

*Discover Financial Services v. Louis W. Bieringer*, CG 10-95 Order (Default Judgment) (HCN Tr. Ct., Jan. 21, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond,

leading the Court to grant a default judgment in favor of the petitioner.

#### **JANUARY 26, 2011**

*Black River Memorial Hospital v. Tammy Elliot*, CG 10-106 Order (Modification of Judgment) (HCN Tr. Ct., Jan. 26, 2011) (Matha, T).

The respondent filed a post judgment motion requesting a modification of the amount of weekly withholding. The parties stipulated to a reduced weekly withholding amount.

#### **JANUARY 28, 2011**

*Black River Falls Memorial Hospital v. Anna Reichenbach*, CG 10-138 Order (Default Judgment) (HCN Tr. Ct., Jan. 28, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Belmont Credit, LLC v. Cutis W. White Eagle*, CG 11-12 Order (Voluntary Dismissal) (HCN Tr. Ct., Jan. 28, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Mile Bluff Clinic, LLP v. Peter M. Grossheim*, CG 10-59 Order (Satisfaction of Judgment) (HCN Tr. Ct., Jan. 28, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that it had released the respondent as garnishee.



## **CIVIL CASES**

#### **JANUARY 26, 2011**

*General Council Agency et al. v. Ho-Chunk Constitutional Task Force et al.*, CV 11-07 Order (Preliminary Injunction Hearing) (HCN Tr. Ct., Jan. 26, 2011) (Rockman, A).

The plaintiffs filed the *Complaint and Request for Preliminary Injunction and Permanent Injunction and Declaratory Relief*. The Court scheduled a *Preliminary Injunction Hearing* and ordered the defendants to respond to the plaintiffs' motion as soon as possible, or in the alternative, in person at the hearing.



## **ADMINISTRATIVE APPEALS**

#### **JANUARY 5, 2011**

*Alvane King v. MPC Food & Beverage Department et al.*, CV 10-53 Order (Re-Captioning Case & Granting Dismissal) (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court had to determine whether to grant the Ho-Chunk Nation GRB's *Motion to Dismiss*. The petitioner failed to provide the Court with a satisfactory justification as to why the established deadlines were disregarded, as an *Initial Brief* was not filed. Furthermore, the Court also had to determine whether to grant the October 27, 2010 *Notice & Motion to Re-Caption Case*. The Court granted both motions.

#### **JANUARY 18, 2011**

*Ho-Chunk Nation et al. v. Ho-Chunk Nation Grievance Review Board et al.*, CV 10-07 Amended Scheduling Order (HCN Tr. Ct., Jan. 18, 2011) (Rockman, A).

The Court amended the scheduling order in the instant case.



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

#### **JANUARY 5, 2011**

*In the Interest of Minor Child: E.T.S., DOB 01/28/99, by Rosalind K. Falcon v. HCN Office of Tribal Enrollment*, CV 10-70 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: S.M.S.W., DOB 05/12/94, by Leah K. Winneshiek v. HCN Office of Tribal Enrollment*, CV 10-63 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full 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.G., DOB 05/06/96, by Joni M. MacIntosh v. HCN Office of Tribal Enrollment*, CV 10-65 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full 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.S., DOB 12/07/01, by Laura Schwalbe v. HCN Office of Tribal Enrollment, CV 10-56 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full 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.O.L., DOB 09/18/98, by Angel J. Littlewolf v. HCN Office of Tribal Enrollment, CV 10-73 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full 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 Children: T.W.B., DOB 02/25/98, and A.B.B., DOB 02/25/96, by Kathleen K. Waukau v. HCN Office of Tribal Enrollment, CV 10-55 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full 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.B.T., DOB 07/24/98, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment, CV 10-34 Order (Demanding Accounting) (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: N.S., DOB 01/20/97, by Missy Elliot v. HCN Office of Tribal Enrollment, CV 10-62 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (Matha, T).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures, limited rental purposes, and clothing assistance. The petitioner failed to submit a full 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.E.A., DOB 12/09/94, by Jamie L. Funmaker v. HCN Office of Tribal Enrollment, CV 09-92 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 5, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

#### **JANUARY 7, 2011**

*In the Interest of Minor Children: B.Y., DOB 06/30/1992, and D.Y., DOB 09/02/1993, by Judith Youngthunder v. HCN Office of Tribal Enrollment, CV 09-43 Order (Fourth Motion Granted) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).*

The Court had to determine whether to grant the petitioner's request for an additional release of CTF monies to cover an unmet patient obligation for orthodontic procedures. The Court granted the petitioner's request.

*In the Interest of Adult CTF Beneficiary: Janet C. Trudel, DOB 09/03/86 v. HCN Office of Tribal Enrollment, CV 10-109 Order (Motion Granted) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request for a release of CTF monies to cover costs associated with obtaining a high school diploma. The Court granted the petitioner's request.

*In the Interest of Minor Children: M.F.P., DOB 07/25/2003, and P.A.P., DOB 06/03/2006, by Tracy Beversorf v. HCN Office of Tribal Enrollment, CV 10-97 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with dental care. The petitioner submitted an account charge activity statement, confirming the proper use of the funds. The Court accepted this accounting.

*In the Interest of Minor Children: T.G., DOB 02/09/1991, S.C., DOB 07/15/1993, and L.C., DOB 09/26/1994, by Shelley Thundercloud v. HCN Office of Tribal Enrollment, CV 10-30 Order (Demanding Accounting) (HCN Tr. Ct., Jan. 7, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to

provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: O.M.A., DOB 04/26/2001, by Rhonda Anderson v. HCN Office of Tribal Enrollment, CV 10-69 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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: M.R.F., DOB 01/25/1999, by Eileen Funmaker and HCN CFS v. HCN Office of Tribal Enrollment, CV 10-78 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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: X.D., DOB 09/17/1999, by Dawn Joy Funmaker v. HCN Office of Tribal Enrollment, CV 10-85 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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: W.C., DOB 10/11/1998, by Michelle Mountain v. HCN Office of Tribal Enrollment, CV 10-784 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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: B.M.F., DOB 12/15/1996, by Jill A. Pettibone v. HCN Office of Tribal Enrollment, CV 10-77 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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.G.D., DOB 05/31/1997, by Shelby Visintin v. HCN Office of Tribal Enrollment, CV 10-50 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 7, 2011) (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 a full 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: Zeke White-Hobson, DOB 06/28/1989 v. HCN Office of Tribal Enrollment, CV 10-114 Order (Motion Hearing) (HCN Tr. Ct., Jan. 7, 2011) (Matha, T).*

The Court scheduled a *Motion Hearing* to allow the respondent to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

#### **JANUARY 10, 2011**

*In the Interest of Minor Child: K.G., DOB 10/13/1998, by Clarissa Pettibone v. HCN Office of Tribal Enrollment, CV 08-10 Order (Show Cause) (HCN Tr. Ct., Jan. 10, 2011) (Rockman, A).*

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Adult CTF Beneficiary: Leon Blackcoon, DOB 07/29/1989 v. HCN Office of Tribal Enrollment, CV 10-29 Order (Requesting Accounting) (HCN Tr. Ct., Jan. 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with eye care. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: A.W., DOB 09/14/1997, by Angelina Waege v. HCN Office of Tribal Enrollment, CV 10-41 Order (Demanding Accounting) (HCN Tr. Ct., Jan. 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

**JANUARY 13, 2011**

*In the Interest of Minor Child: J.D.S., DOB 12/04/1993, by Angela Parker v. HCN Office of Tribal Enrollment, CV 10-08 Order (Demanding Accounting) (HCN Tr. Ct., Jan. 13, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

**JANUARY 19, 2011**

*In the Interest of Minor Child: T.G.D., DOB 05/31/1997, by Shelby Visintin v. HCN Office of Tribal Enrollment, CV 10-50 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 19, 2011) (Rockman, A).*

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

**JANUARY 20, 2011**

*In the Interest of Minor Child: S.R., DOB 06/23/1998, by Kristi Roth v. HCN Office of Tribal Enrollment, CV 11-02 Order (Petition Granted) (HCN Tr. Ct., Jan. 20, 2011) (Rockman, A).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

*In the Interest of Adult CTF Beneficiary: Matthew J. Greengrass, DOB 10/28/92 v. HCN Office of Tribal Enrollment, CV 10-101 Order (Partially Granting Petition) (HCN Tr. Ct., Jan. 20, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request to access CTF monies to satisfy general household and personal expenses. The Court partially granted the request.

*In the Interest of Minor Child: S.M.S.W., DOB 05/12/94, by Leah K. Winneshiek v. HCN Office of Tribal Enrollment, CV 10-63 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 20, 2011) (Matha, T).*

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

orthodontic procedures. The petitioner submitted an single patient ledger, confirming the proper use of the funds. The Court accepted this accounting.

**JANUARY 21, 2011**

*In the Interest of Minor Children: T.W.B., DOB 02/25/96, and A.B.B., DOB 05/29/98, by Kathleen K. Waukau v. HCN Office of Tribal Enrollment, CV 10-55 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 21, 2011) (Matha, T).*

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

**JANUARY 24, 2011**

*In the Interest of Minor Child: M.R.F., DOB 01/25/1999, by Eileen Funmaker and HCN CFS v. HCN Office of Tribal Enrollment, CV 10-78 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 24, 2011) (Rockman, A).*

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

**JANUARY 25, 2011**

*In the Interest of Minor Child: E.B.T., DOB 07/24/98, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment, CV 10-34 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 25, 2011) (Matha, T).*

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

*In the Interest of Minor Child: W.C., DOB 10/11/1998, by Michelle Mountain v. HCN Office of Tribal Enrollment, CV 10-84 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 25, 2011) (Rockman, A).*

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

**JANUARY 26, 2011**

*In the Interest of Adult CTF Beneficiary: Alicia J. Thomas, DOB 10/02/92 v. HCN Office of Tribal Enrollment, CV 10-110 Order (Dismissal without Prejudice) (HCN Tr. Ct., Jan. 26, 2011) (Rockman, A).*

The Court dismissed the instant case due to the petitioner's failure to attend the *Fact-Finding Hearing*.

#### **JANUARY 27, 2011**

*In the Interest of Minor Child: K.G., DOB 10/13/1998, by Clarissa Pettibone v. HCN Office of Tribal Enrollment, CV 08-10 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 27, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: B.M.F., DOB 12/15/1996, by Jill A. Pettibone v. HCN Office of Tribal Enrollment, CV 10-77 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 27, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: O.M.A., DOB 04/26/2001, by Rhonda Anderson v. HCN Office of Tribal Enrollment, CV 10-69 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 27, 2011) (Rockman, A).*

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

#### **JANUARY 28, 2011**

*In the Interest of Minor Child: L.S., DOB 12/07/01, by Laura Schwalbe v. HCN Office of Tribal Enrollment, CV 10-56 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 28, 2011) (Matha, T).*

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

*In the Interest of Minor Children: B.L., DOB 12/29/99; D.N., DOB 12/30/97; and J.R.N., DOB 07/18/95, by Sonia Roberts v. HCN Office of Tribal Enrollment, CV 11-04 Order (Petition Granted) (HCN Tr. Ct., Jan. 28, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor

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

### **CONTRACTS**

#### **JANUARY 6, 2011**

*Ho-Chunk Nation, Business Department v. Indiana Recycling & Renewable Fuels, LLC, CV 10-01 Order (Granting Summary Judgment) (HCN Tr. Ct., Jan. 6, 2011) (Matha, T).*

The Court had to determine whether to grant summary judgment against the defendant. The defendant noted its acquiescence to the plaintiffs' request. The Court granted the relief sought by the plaintiffs.

#### **JANUARY 14, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Granting Telephonic Appearance) (HCN Tr. Ct. Jan. 14, 2011) (Rockman, A).*

The Court granted plaintiff counsel's request to appear by telephone at the upcoming *Status Hearing*.

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Granting Telephonic Appearance) (HCN Tr. Ct. Jan. 14, 2011) (Rockman, A).*

The Court granted defendant counsel's request to appear by telephone at the upcoming *Status Hearing*.

### **ELECTION MATTERS**

**NO DECISIONS AT THIS TIME.**

### **EMPLOYMENT**

**NO DECISIONS AT THIS TIME.**

### **ENROLLMENT**

#### **JANUARY 20, 2011**

*Daria Powless v. HCN Enrollment Committee, CV 10-15 Order (Admitting Evidence and Affirming) (HCN Tr. Ct. Jan. 20, 2011) (Rockman, A).*

The Court had to determine whether the respondent properly authenticated the DNA test regarding the parentage of the petitioner. The Court finds the DNA test was properly authenticated. Therefore, the Court affirms the recommendations of the Ho-Chunk Nation Committee on Tribal Enrollment that the petitioner is a proper subject for removal from the Ho-Chunk Nation tribal membership roll for failure to satisfy the blood quantum requirements set out in the CONSTITUTION OF THE HO-CHUNK NATION, ART. II, § 1(b).

### **HOUSING**

## **JANUARY 28, 2011**

*Ho-Chunk Nation et al. v. Jenny Sickles*, CV 09-46 Order (Granting Summary Judgment) (HCN Tr. Ct. Jan. 28, 2011) (Rockman, A).

The Court had to determine whether to grant summary judgment in favor of the plaintiffs. The defendant failed to provide a response to the plaintiffs' Motion for Summary Judgment. The Court held that there was no genuine issue of material fact and that the plaintiffs were entitled to judgment as a matter of law. Therefore, the Court granted summary judgment in favor of the plaintiffs.



## **INCOMPETENT'S TRUST FUND (ITF)**

### **JANUARY 4, 2011**

*In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65, by Miriam K. Johnson v. HCN Office of Tribal Enrollment*, CV 00-83 Order (Motion Granted) (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court had to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the ITF account to purchase a television and stereo. The Court granted the release of funds to satisfy the request.

### **JANUARY 7, 2011**

*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., Jan. 7, 2011) (Rockman, A).

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

*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., Jan. 7, 2011) (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent to pay for costs associated with ongoing nursing home care and professional guardianship service fees. The petitioner submitted a series of invoices, confirming the proper use of the funds. The Court accepted this accounting.

### **JANUARY 19, 2011**

*In the Interest of Adult Incompetent: L.R., DOB 03/04/1956, by Maynard Rave, Sr. v. HCN Office of Tribal Enrollment*, CV 08-24 Order (Addressing Contempt) (HCN Tr. Ct., Jan. 19, 2011) (Rockman, A).

The guardian was able to provide accounting for all funds released to him for the adult incompetent. The Court recommended that a new guardian be appointed to the case.

### **JANUARY 24, 2011**

*In the Interest of Adult Incompetent: K.K.R., DOB 10/09/1968, by Linda Stone Winter v. HCN Office of Tribal Enrollment*, CV 09-10 Order (Accepting Accounting) (HCN Tr. Ct., Jan. 24, 2011) (Rockman, A).

The Court previously released funds from the ITF accounts of the adult incompetent to pay for costs associated with the ward's outstanding medical bills. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.



## **RECALL/REMOVAL**

**NO DECISIONS AT THIS TIME.**



## **DOMESTIC ABUSE**

**ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. ONE (1) ORDER WAS ISSUED FROM JANUARY 1, 2011 THROUGH JANUARY 31, 2011.**



## **FAMILY**



## **DIVORCE**

**NO DECISIONS AT THIS TIME.**



## **JUVENILE CASES**

### **JANUARY 4, 2011**

*In the Interest of Minor Children: B.A.T., DOB 09/11/94 and C.A.T., DOB 07/06/95, JV 05-12-13 Order (Notice of Termination)* (HCN Tr. Ct., Jan. 4, 2011) (Matha, T).

The Court notified the parties of its intent to terminate the existing temporary guardianship.

### **JANUARY 5, 2011**

*In the Interest of Minor Child: D.J.W., DOB 03/17/1994, JV 04-08 Order (Appointment of Guardian ad Litem)* (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A).

The Court appointed GAL Roxanne Whitegull to represent the interests of the minor child.

### **JANUARY 10, 2011**

*In the Interest of Minor Child: T.M., DOB 07/04/07, JV 10-17 Order (Maternal Reimbursement Obligation)* (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).

The Court had to determine whether to grant the CFS request to establish a maternal reimbursement obligation. The Court granted the request.

*In the Interest of Minor Child: T.M., DOB 07/04/07, JV 10-17 Order (Paternal Reimbursement Obligation) (HCN Tr. Ct., Jan. 10, 2011) (Matha, T).*

The Court had to determine whether to grant the CFS request to establish a paternal reimbursement obligation. The Court granted the request.

#### **JANUARY 13, 2011**

*In the Interest of Minor Children: D.D.W., DOB 12/16/1994; D.G.W., DOB 11/09/1995; and D.S.W., DOB 02/19/1998, JV 01-17, -19, -20 Order (Scheduling Revocation Hearing) (HCN Tr. Ct., Jan. 13, 2011) (Rockman, A).*

The Court scheduled the case for a *Revocation Hearing*.

#### **JANUARY 14, 2011**

*In the Interest of Minor Children: R.J.C., DOB 05/12/07, and D.M.C., DOB 04/22/08, JV 07-34, 08-13 Order (Modification of Maternal Child Support) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).*

The Court had to determine whether to grant the CFS request to modify the maternal reimbursement and child support obligations. The Court granted the request.

*In the Interest of Minor Children: J.C., DOB 06/10/04, and A.C., DOB 01/31/06, JV 07-04-05 Order (Paternal Reimbursement Obligation) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).*

The Court had to determine whether to grant the CFS request to establish a paternal reimbursement obligation. The Court granted the request.

*In the Interest of Minor Children: J.C., DOB 06/10/04, and A.C., DOB 01/31/06, JV 07-04-05 Order (Modification of Maternal Child Support) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).*

The Court had to determine whether to grant the CFS request to modify the maternal reimbursement and child support obligations. The Court granted the request.

*In the Interest of Minor Child: J.P.F., DOB 11/17/93, et al., JV 10-19-21 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 14, 2011) (Matha, T).*

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

#### **JANUARY 17, 2011**

*In the Interest of Minor Child: K.L.M., DOB 01/03/10, JV 10-01 Order (Entrance of Plea) (HCN Tr. Ct., Jan. 17, 2011) (Matha, T).*

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the parent of the minor child wished to contest the allegations. Accordingly, a *Trial* was scheduled for the parent.

*In the Interest of Minor Children: E.D., DOB 12/14/2000; O.A., DOB 09/18/2003; R.A., DOB 10/26/2006; and G.A., DOB 10/31/2008, JV 09-07-10, Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 17, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

*In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Status Hearing – Revocation of Consent Decree) (HCN Tr. Ct., Jan. 17, 2011) (Rockman, A).*

The Court held a hearing in order to reevaluate a case, resulting in the revocation of the consent decree and scheduling of a *Dispositional Hearing*.

#### **JANUARY 18, 2011**

*In the Interest of Minor Child: D.M.S., DOB 01/12/93, JV 04-18 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jan. 18, 2011) (Matha, T).*

The Court terminated jurisdiction over the instant case due to the emancipation of the minor child.

*In the Interest of Minor Child: C.L., DOB 01/28/1993, JV 097-08 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jan. 18, 2011) (Rockman, A).*

The Court terminated jurisdiction over the instant case due to the pending emancipation of the minor child.

*In the Interest of Minor Child: C.Y., DOB 01/18/1994, JV 05-32 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Jan. 18, 2011) (Rockman, A).*

The Court appointed GAL Roxanne Whitegull to represent the interests of the minor child.

#### **JANUARY 19, 2011**

*In the Interest of Minor Child: T.L.B., DOB 04/06/04, JV 07-41, Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 19, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor child.

#### **JANUARY 20, 2011**

*In the Interest of Minor Child: L.M.T., DOB 01/20/1993, JV 07-64 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jan. 20, 2011) (Rockman, A).*

The Court terminated jurisdiction over the instant case due to the emancipation of the minor child.

*In the Interest of Minor Children: A.B., DOB 07/29/1998; S.G., DOB 08/20/2003; K.G., DOB 01/14/2005; and K.G., DOB 11/20/2006, JV 10-05-08 Order (Expiration of the Consent Decree) (HCN Tr. Ct., Jan. 20, 2011) (Rockman, A).*

The Court adopted the recommendations of CFS and terminated jurisdiction and supervision of the instant case.

*In the Interest of Minor Children: B.A.T., DOB 09/11/94, and C.A.T., DOB 07/06/95, JV 10-05-12-13 Order (Termination of Guardianship & Cessation of Child Support) (HCN Tr. Ct., Jan. 20, 2011) (Matha, T).*

The Court terminated the temporary guardianship previously granted. Consequently, the Court also terminated any child support obligations.

#### **JANUARY 24, 2011**

*In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Dispositional Requirements) (HCN Tr. Ct., Jan. 24, 2011) (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 reunifying the family.

#### **JANUARY 25, 2011**

*In the Interest of Minor Children: J.P.F., DOB 11/17/93; R.L.P., DOB 07/13/97; and R.S.G., DOB 01/28/00, JV 10-19-21 Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 25, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

*In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Jan. 25, 2011) (Matha, T).*

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

#### **JANUARY 27, 2011**

*In the Interest of Minor Child: C.C.P., DOB 02/03/1993, JV 03-25 Order (Termination of Jurisdiction) (HCN Tr. Ct., Jan. 27, 2011) (Rockman, A).*

The Court terminated jurisdiction over the instant case due to the pending emancipation of the minor child.

#### **JANUARY 31, 2011**

*In the Interest of Minor Child: G.E.M., DOB 08/25/95, JV 03-08 Order (Child Protection Review Hearing) (HCN Tr. Ct., Jan. 31, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor child.



## **RECENT SUPREME COURT DECISIONS**

**NO DECISIONS AT THIS TIME.**



## **RECENT TRIAL COURT FILINGS**



### **CHILD SUPPORT CASES**

#### **JANUARY 20, 2011.**

*Terri Scheckpeper v. Shawn Poellinger, CS 11-01 (Matha, T).*

*State of Minnesota ex rel. v. Garrett Garvin, CS 11-02 (Matha, T).*

*State of Wisconsin ex rel. v. Amanda Hendricks aka Amanda Allen., CS 11-03 (Matha, T).*



### **CIVIL CASES**

#### **JANUARY 11, 2011**

*In the Interest of Adult CTF Beneficiary: Joanna Hill-Royball, DOB 12/15/1992 v. HCN Office of Tribal Enrollment, CV 11-01 (Rockman, A).*

#### **JANUARY 12, 2011**

*In the Interest of Minor Child: S.R., DOB 06/23/1998, by Kristi Roth v. HCN Office of Tribal Enrollment, CV 11-02 (Rockman, A).*

#### **JANUARY 17, 2011**

*In the Interest of Minor Children: G.J.W., DOB 08/11/97, and S.J.W., DOB 05/25/95, by Glen White v. HCN Office of Tribal Enrollment, CV 11-03 (Matha, T).*

**JANUARY 20, 2011**

*In the Interest of Minor Children: B.L., DOB 12/29/99, and D.N., DOB 12/30/95, by Sonia Roberts v. HCN Office of Tribal Enrollment, CV 11-04 (Matha, T).*

**JANUARY 25, 2011**

*In the Interest of Minor Child: M.V.S., DOB 11/17/1997, by Nicollette Smith v. HCN Office of Tribal Enrollment, CV 11-05 (Rockman, A).*

**JANUARY 26, 2011**

*In the Interest of Minor Child: K.M.L., DOB 04/09/1994, by Wehuh Cloud v. HCN Office of Tribal Enrollment, CV 11-06 (Rockman, A).*

*General Council Agency et al. v. HCN Constitutional Task Force et al., CV 11-07 (Rockman, A).*

**JANUARY 28, 2011**

*In the Interest of Adult CTF Beneficiary: Tasha L. Hand, DOB 08/07/1988 v. HCN Office of Tribal Enrollment, CV 11-08 (Rockman, A).*

**JANUARY 31, 2011**

*In the Interest of Minor Child: J.J.D., DOB 01/08/1998, by Joseph Decorah v. HCN Office of Tribal Enrollment, CV 11-09 (Rockman, A).*

 **CIVIL GARNISHMENT CASES**

**JANUARY 5, 2011**

*State Bank of Cazenovia v. Keith Anderson and Helaine Anderson, CG 11-01 (Matha, T).*

**JANUARY 6, 2011**

*Alliance Collection Agencies v. Jody R. Warner, CG 11-02 (Matha, T).*

*Alliance Collection Agencies v. Kathleen S. Radle, CG 11-03 (Matha, T).*

**JANUARY 11, 2011**

*Creditor Recovery Service v. Rita Blade, CG 11-04 (Matha, T).*

*Creditor Recovery Service v. Jennifer Jackson, CG 11-05 (Matha, T).*

*Black River Memorial Hospital v. Quintin Winneshiek, CG 11-06 (Matha, T).*

*Mile Bluff Clinic v. Julie Movis, CG 11-07 (Matha, T).*

**JANUARY 24, 2011**

*Asset Acceptance v. Theresa Stenson, CG 11-08 (Matha, T).*

*Alliance Collection Agencies v. Brian Mijal, CG 11-09 (Matha, T).*

*Capital One Bank v. Richard Caparelli, CG 11-10 (Matha, T).*

*Dane County Clerk of Court v. Craig Waldschmidt, CG 11-11 (Matha, T).*

*Belmont Credit v. Curtis Whiteeagle, CG 11-12 (Matha, T).*

**JANUARY 25, 2011**

*Progressive Insurance v. Becky Shaw, CG 11-13 (Matha, T).*

*NCO Attorney Network v. Tammy K. Leis, CG 11-14 (Matha, T).*

**JANUARY 27, 2011**

*Creative Finance, Inc. v. Don & Melody Cook, CG 11-15 (Matha, T).*

*Alliance Collection Agency v. Katie Kissane CG 11-16 (Matha, T).*

*Broadway Auto Credit v. Eric J. Howpetoss, CG 11-17 (Matha, T).*

 **JUVENILE CASES**

**NO CASES FILED AT THIS TIME.**

 **FAMILY CASES**

**NO CASES FILED AT THIS TIME.**

 **DOMESTIC VIOLENCE**

**ALL DOMESTIC ABUSES CASES SHALL REMAIN CONFIDENTIAL. ONE (1) CASE WAS FILED FROM JANUARY 1, 2011 THROUGH JANUARY 31, 2011.**



# RECENT SUPREME COURT FILINGS

NO CASES FILED 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  
Clerk of Court, Supreme Court– Mary Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Eugene Thundercloud  
Morgan Whiteeagle  
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 – Margaret Falcon  
Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

\* 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

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

### Court Fees

Copying .....	\$.10/page
Faxing .....	\$.25/page (sending & receiving)
CD of Hearings .....	\$12.50/CD
Deposition Videotape .....	\$10.00/tape
Certified Copies.....	\$.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

February 2011 Issue



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## In Memory of Eugene I. Thundercloud (Wakqjanigik) June 28, 1929 - March 1, 2011



Mr. Thundercloud represented the Thunder Clan on the Traditional Court from 2000, until his passing. He also served as language instructor at the judicial building from October 2007 until May 2010. In this role, Eugene patiently addressed questions from his students, and injected his characteristic brand of humor into each class. Despite suffering complications from diabetes, Eugene refused to use a wheelchair, preferring instead prosthesis and a cane. This daily display of willful determination typified his service to the Nation's Judicial Branch. He will certainly be missed.

# The Complexities of Criminal Jurisdiction in Tribal Court

## Part VI: Search and Seizures

This article is another segment in a series aimed at providing general background information concerning criminal jurisdiction in the Ho-Chunk Nation Trial Court. It will focus on the CONSTITUTION OF THE HO-CHUNK NATION's (hereinafter HCN CONSTITUTION) prohibition against "unreasonable search and seizures." ART. X, § 1(a)(2). As the CRIMES AGAINST HO-CHUNK NATION GOVERNMENT AND GOVERNMENT OFFICIALS ACT is the only purely criminal statute currently enacted by the Legislature, it is not surprising that search and seizure issues have never come before the Court in a criminal case. As the HCN Legislature passes more criminal statutes, claiming an unreasonable search and seizure as a defense will become more common. It may also be possible for the prohibition to arise in a civil context. Thus, it is helpful to have a basic understanding of such a defense and how it may be utilized in the Trial Court.

The U.S. Constitution does not apply to the federally recognized tribes. *Talton v. Mayes*, 163 U.S. 376, 384 (1896). Thus, Federal courts have consistently held that technically the *Fourth Amendment* does not apply to the conduct of tribal governments. *United States v. Becera-Garcia*, 397 F.3d 1167, 1171 (9th Cir. 2005). However, the Indian Civil Rights Act (hereinafter ICRA) states that "[no] Indian tribe in exercising powers of self-government shall . . . violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures." 25 U.S.C. § 1302(2). Federal courts have interpreted this mandate as imposing identical limitations on tribal governmental conduct as the *Fourth Amendment*. *Becera-Garcia*, 397 F.3d at 1171. Thus, Federal courts will analyze a search and seizure "under *Fourth Amendment* precedent already developed which produces the same result as an analysis under the ICRA." *United States v. High Wolf*, 2008 U.S. Dist. LEXIS 33555\*, 3 (D.S.D., April 23, 2008).

Federal case law on *Fourth Amendment* search and seizures is robust. There are numerous cases at every Federal court level dealing with a wide variety of fact patterns. It would be impossible to analyze the *Fourth Amendment* in its entirety in such a short article. However, it is important to have an understanding of the starting point. Two basic prerequisites must be met for the *Fourth Amendment's* protections to apply. First, the person must have "a subjective expectation of privacy" in whatever is being searched or seized by the government. *California v. Greenwood*, 486 U.S. 35, 39 (1988). Second, their expectation of privacy must be "objectively reasonable" according to the norms of society. *Id.* at 40. The objective reasonableness of a particular expectation of privacy is the subject of frequent debate. Anything a person knowingly exposes to the public is not the subject of *Fourth Amendment Protection*. *Id.* at 41.

The HCN Trial Court will not have to interpret search and seizure issues based on Federal case law alone. Such case law only articulates a minimum standard of protection, which if the Trial Court fails to uphold, it runs the risk of being overturned in Federal court.<sup>1</sup> It is possible that in the Trial Court, the protections against unreasonable search and seizures could be elevated. In determining what is considered a reasonable expectation of privacy, the Trial Court may take Ho-Chunk tradition and custom into consideration. The Legislature may also provide some input in relevant statutes.

As the police department is still in its organizational stages, it will likely be a while before search and seizure issues arise in a criminal context. However, such issues could still arise in a civil context involving government action. The U.S. Supreme Court acknowledges that the protections of the *Fourth Amendment* apply to government actions in civil contexts as well, including searches by government employers. *O'Connor v. Ortega*, 480 U.S. 709, 715 (1987); *New Jersey v. T. L. O.*, 469 U.S. 325, 334-335 (1985). The protections against unreasonable search and seizures mandated by the HCN CONSTITUTION do not explicitly require the

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<sup>1</sup> Defendants believing their detention violates the rules set out in the ICRA may petition a Federal court for a writ of habeas corpus. 25 USCS § 1303. A writ of habeas corpus is the only federal relief available under the Act. *Runs After v. United States*, 799 F.2d 347 (8th Cir. 1985).

government action to be in the context of a criminal matter. CONST., ART. X, § 1(a)(2). Therefore, the HCN Trial Court may interpret the protections as the U.S. Supreme Court has, and apply them in civil actions involving government action as well.

Search and seizure issues could arise out of alleged violations of the COMPUTER USAGE ACT. The ACT outlines a list of unacceptable uses of workplace computers. 6 HCC § 4.9. Violations of the ACT are subject to penalties. 6 HCC § 4.13. As the government is the employer in this instance, the act of punishing an employee would likely constitute a government action subject to the protections against unreasonable search and seizures. However, the ACT explicitly states that “[w]hile the Nation’s network administration desires to provide a reasonable level of privacy, employees should not expect any right to privacy when it comes to instant messages, e-mail messages, records or non-records.” 6 HCC § 4.7.d(2). This language does not necessarily give the government an absolute right to search employees’ computers. However, that language would likely factor into the Trial Court’s determination as to whether or not an employee’s expectation of privacy was objectively reasonable.



## MARK YOUR CALENDARS!

### 2011 Lay Advocacy Training: May 31, 2011 – June 3, 2011

The Ho-Chunk Nation Trial Court is offering a unique training opportunity to prepare individuals to represent people in tribal court. A lay advocate is trained to represent people in a variety of cases, but is not a licensed attorney. Interested individuals should contact the staff attorneys for the HCN Trial Court at (715) 284-2722 for more information, or go to <http://www.ho-chunknation.com/?PagelD=352> for a brochure and registration form.



#### UPDATES FROM OUTSIDE JURISDICTIONS

##### UNITED STATES COURTS OF APPEALS, 9<sup>TH</sup> CIR.

*Bank of America, N.A. v. Swanson et al.*, No 08-16146, unpublished, 37 Indian L. Rep. 2283 (9<sup>th</sup> Cir., Oct. 4, 2010). In an interpleader action to resolve a dispute between tribal factions as to which faction has the authority to use a bank account, the U.S. Court of Appeals for the Ninth Circuit concluded that the parties exhausted their tribal court remedies and affirmed the district court’s order recognizing the Minnesota Panel Order.

*Nisqually Indian Tribe v. Gregoire et al.*, No. 09-35725, 37 Indian L. Rep. 2284 (9<sup>th</sup> Cir., Oct. 4, 2010). The U.S. Court of Appeals for the Ninth Circuit affirmed the district court’s judgment, concluding that there was no private right of action under Public Law 100-153 or Public Law 100-435, which would enable the Nisqually Tribe to

bring an action to enforce the provisions of those laws; the Washington State tobacco contract legislation did not contain a private right of action, which would allow the Tribe to bring suit to enforce those laws; and that the addendum to the tobacco contract between Washington and the Squaxin Island Tribes did not constitute a breach of the Nisqually tobacco contract with the State.

##### UNITED STATES COURTS OF APPEALS, 10<sup>TH</sup> CIR.

*Oklahoma ex rel. and Edmonson et al. v. Tyson Foods, Inc. et al.*, No. 09-5134, 37 Indian L. Rep. 2288 (10<sup>th</sup> Cir., Sep. 21, 2010). In an action against a poultry producer for disposal of poultry waste in the Illinois River Watershed under the Comprehensive Environmental Response, Compensation, and Liability Act, and Oklahoma statutes, the U.S. Court of Appeals for the Tenth Circuit held that the district court did not abuse its discretion in denying as untimely the Cherokee Nation’s motion to intervene as of right.



## 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

NO DECISIONS AT THIS TIME.

### CIVIL GARNISHMENT CASES

#### FEBRUARY 1, 2011

*Sauk County Clerk of Courts v. Elaine A. Anderson*, CG 10-126 Order (Petition Granted) (HCN Tr. Ct., Feb. 1, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to two (2) foreign judgments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and the Court scheduled a hearing. The petitioner failed to attend. Nonetheless, the Court entered a judgment in favor of the petitioner.

#### FEBRUARY 9, 2011

*Alliance Collection Agencies, Inc. v. Kathleen S. Radle*, CG 11-03 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

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

*Alliance Collection Agencies, Inc. v. Mary E. Combs*, CG 10-98 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

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

*Alliance Collection Agencies, Inc. v. Mary E. Combs*, CG 10-132 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

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

#### FEBRUARY 11, 2011

*Alliance Collection Agencies, Inc. v. Quentin Winneshiek*, CG 11-06 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

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

*Gunderson Clinic, Ltd. v. Heather Green*, CG 10-142 Order (Default Judgment) (HCN Tr. Ct., Feb. 11, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### FEBRUARY 15, 2011

*Black River Memorial Hospital v. Lisa Servant a/k/a Stroller*, CG 10-134 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 15, 2011) (Matha, T).

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

*Rick Bauer v. Jamie Wallace*, CG 10-26 Order (Satisfaction of Judgment) (HCN Tr. Ct., Feb. 15, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent had satisfied the judgment.

#### FEBRUARY 22, 2011

*Black River Memorial Hospital v. Angela M. Marek*, CG 09-123 Order (Vacating Satisfaction of Judgment) (HCN Tr. Ct., Feb. 22, 2011) (Matha, T).

The Court previously acknowledged the petitioner's filing of proof of satisfaction of judgment. Subsequently, the petitioner asserted that the earlier filing was in error, and sought a vacation of the previous judgment. The

respondent was afforded proper service and the opportunity to object. The respondent failed to timely respond, and the Court entered a judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Katie L. Kissane*, CG 11-16 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 22, 2011) (Matha, T).

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

*Gunderson Clinic, Ltd. et al. v. Willa J. RedCloud*, CG 10-139 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 22, 2011) (Matha, T).

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

*Alliance Collection Agencies, Inc. v. Brian J. Mijak*, CG 11-09 Order (Voluntary Dismissal) (HCN Tr. Ct., Feb. 22, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

#### **FEBRUARY 23, 2011**

*Jeffrey M. Julian v. Melissa Thunder*, CG 08-82 Order (Reviving Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court held a hearing to determine whether the respondent still qualified for statutory exemption. The respondent failed to submit the requested documentation, therefore the Court revived the garnishment against the respondent's wages.

*Gunderson Lutheran Medical Center v. John Bleske*, CG 10-140 Order (Petition Granted) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and alleged a recognized exemption to the execution of the garnishment. The Court nonetheless granted the petitioner's requested relief.

*Black River Falls Memorial Hospital v. John Bleske*, CG 10-141 Order (Petition Granted) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign

judgment. The respondent filed a timely response, and alleged a recognized exemption to the execution of the garnishment. The Court nonetheless granted the petitioner's requested relief.

*Alliance Collection Agencies, Inc. v. Kathleen S. Radle*, CG 11-03 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

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

*NCO Attorney Network Services v. Tammy K. Leis n/k/a Herth*, CG 11-14 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creative Finance, Inc. v. Don and Melody Cook*, CG 11-15 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondents the opportunity to object to the recognition and enforcement of the foreign judgment. The respondents failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Broadway Auto Credit, Inc. v. Erica J. Hawpetoss*, CG 11-17 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Judy K. Warner*, CG 11-02 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond,

leading the Court to grant a default judgment in favor of the petitioner.

*Creditor Recovery Service, LLC, v. Rita Blade*, CG 11-04 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Dane County Clerk of Courts v. Craig A. Waldschmidt*, CG 11-11 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Capital One Bank v. Richard J. Caparelli*, CG 11-10 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creditor Recovery Service, LLC v. Jennifer Johnson*, CG 11-05 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Progressive Insurance Company v. Becky Shaw*, CG 11-13 Order (Default Judgment) (HCN Tr. Ct., Feb. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object

to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **FEBRUARY 28, 2011**

*Black River Memorial Hospital v. Quentin Winneshiek*, CG 11-06 Order (Petition Granted) (HCN Tr. Ct., Feb. 28, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and the petitioner subsequently noted its agreement with a reduced weekly withholding arrangement. The Court, therefore, granted the petitioner's requested relief.

*State Collection Services, Inc. v. Michael A. Koran*, CG 10-61 Order (Satisfaction of Judgment) (HCN Tr. Ct., Feb. 28, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent had been released from the current garnishment.

## **CIVIL CASES**

#### **FEBRUARY 2, 2011**

*Rita A. Gardner v. Tracy Littlejohn et al.*, CV 10-47 Order (Ruling on Dispositive Motions) (HCN Tr. Ct., Feb. 2, 2011) (Rockman, A).

The Court had to determine whether it had subject matter jurisdiction over this defamation action, and concluded that defamation existed under the customs and traditions of the Ho-Chunk Nation. The Court found that the plaintiff showed that she was not terminated from her employment for an inability to administer third party billing, and thus did not seek to have said termination overturned due to nepotism. Therefore, the Court found that the April 14, 2010 document penned by the "Nioxawani Political Activists," titled *Contract Employees: Shadowy Government*, defamed the plaintiff. Regarding the defamation action, there was no genuine issue of material fact in dispute for four (4) of the defendants. Nonetheless, three (3) of the defendants properly asserted a traditional privilege. One (1) defendant indicated that the privilege extended to her. Two (2) of the defendants did not assert any traditional privilege. However, regarding the defamation action, there was a genuine issue of material fact in dispute for three (3) of the defendants.

## **FEBRUARY 9, 2011**

*General Council Agency et al. v. Ho-Chunk Constitutional Task Force et al.*, CV 11-07 Order (Rescheduled Preliminary Injunction Hearing) (HCN Tr. Ct., Feb. 9, 2011) (Rockman, A).

The Court rescheduled the hearing due to plaintiffs' request that Attorney General Corbine and the HCN Department of Justice be precluded from representing the Nation.



## **ADMINISTRATIVE APPEALS**

### **FEBRUARY 7, 2011**

*Ho-Chunk Nation et al. v. HCN GRB et al.*, CV 10-07 Order (Dismissal) (HCN Tr. Ct., Feb. 7, 2011) (Rockman, A).

The plaintiffs filed a stipulation, indicating that the parties agreed to settle the case without proceeding to trial. The Court afforded the defendant an opportunity to respond. Having received no timely response, the Court dismissed the case and closed the file.

### **FEBRUARY 9, 2011**

*Ho-Chunk Nation et al. v. Ho-Chunk Nation Grievance Review Board et al.*, CV 10-28 Order (Granting Extension) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

The Court found good cause to grant the respondents' request to modify the scheduling directives.

*Lisa Nichols v. Ho-Chunk Casino, Hotel & Convention Center et al.*, CV 10-76 Order (Granting Motion to Intervene) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

The Court granted the GRB's motion to intervene and rescheduled the evidentiary hearing.

### **FEBRUARY 15, 2011**

*Duane Arendt v. Angela Ward et al.*, CV 10-83 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Feb. 15, 2011) (Matha, T).

The Court had to determine whether to grant the defendants' motion to dismiss. The plaintiff's request for monetary relief is barred by tribal sovereign immunity from suit, which cannot be circumvented under the guise of requested equitable remedies.

### **FEBRUARY 22, 2011**

*Daniel Topping v. Georgette Martin et al.*, CV 10-107 Scheduling Order (HCN Tr. Ct., Feb. 22, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.

*Cheryl Brinegar v. Ho-Chunk Nation Department of Personnel*, CV 10-81 Scheduling Order (HCN Tr. Ct., Feb. 22, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.



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

### **FEBRUARY 2, 2011**

*In the Interest of Minor Children: G.J.W., DOB 08/11/1997, and S.S.W., DOB 05/25/2000, by Glenn J. White v. HCN Office of Tribal Enrollment*, CV 11-03 Order (Motion Hearing) (HCN Tr. Ct., Feb. 2, 2011) (Matha, T).

The Court scheduled a *Motion Hearing* to allow the respondent to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

### **FEBRUARY 3, 2011**

*In the Interest of Adult CTF Beneficiary: Zeke White-Hobson, DOB 06/28/89 v. HCN Office of Tribal Enrollment*, CV 10-114 Order (Dismissal without Prejudice) (HCN Tr. Ct., Feb. 3, 2011) (Matha, T).

The Court dismissed the instant case due to the petitioner's failure to attend the *Fact-Finding Hearing*.

*In the Interest of Minor Children: M.H.W., DOB 12/23/1993; A.H.W., DOB 09/10/1996; and D.H.W., DOB 07/23/1998, by Kathy S. White v. HCN Office of Tribal Enrollment*, CV 10-10 Order (Partial Release of Contempt Fine) (HCN Tr. Ct., Feb. 3, 2011) (Rockman, A).

The Court had to determine whether to retain the entire contempt fine accrued in the instant case. The petitioner failed to submit an accounting prior to the date upon which the Court indicated that it would purge the fine. The petitioner instead submitted the accounting sixty-two days later. The Court, therefore, will require the payment of a diminished contempt fine in accordance with standing practice.

### **FEBRUARY 8, 2011**

*In the Interest of Minor Child: M.V.S., DOB 11/07/1997, by Nicolette Smith v. HCN Office of Tribal Enrollment*, CV 11-05 Order (Petition Granted) (HCN Tr. Ct., Feb. 8, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

### **FEBRUARY 9, 2011**

*In the Interest of Minor Child: C.O.L., DOB 09/18/98, by Angel J. Littlewolf v. HCN Office of Tribal Enrollment*, CV 10-73 Order (Accepting Accounting) (HCN Tr. Ct., Feb. 9, 2011) (Matha, T).

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

*In the Interest of Minor Child: J.J.D., DOB 01/08/98, by Joseph E. Decorah v. HCN Office of Tribal Enrollment, CV 11-09 Order (Petition Granted) (HCN Tr. Ct., Feb. 8, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

#### **FEBRUARY 16, 2011**

*In the Interest of Minor Child: C.W., DOB 06/08/07, by Amber Dowling v. HCN Office of Tribal Enrollment, CV 11-11 Order (Petition Granted) (HCN Tr. Ct., Feb. 16, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

#### **FEBRUARY 22, 2011**

*In the Interest of Minor Child: M.L.A., DOB 04/07/2002, by Yvette Alvarez v. HCN Office of Tribal Enrollment, CV 11-10 Order (Petition Granted) (HCN Tr. Ct., Feb. 22, 2011) (Rockman, A).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

#### **FEBRUARY 28, 2011**

*In the Interest of Adult CTF Beneficiary: Joanna Roybal, DOB 12/15/1992 v. HCN Office of Tribal Enrollment, CV 11-01 Order (Petition Granted) (HCN Tr. Ct., Feb. 28, 2011) (Rockman, A).*

The Court had to determine whether to grant the petitioner's request to access CTF monies for costs associated with continuing and facilitating her high school education and receiving a copy of her birth certificate. The Court granted the request.

### **CONTRACTS**

#### **FEBRUARY 1, 2011**

*HCN Department of Education et al. v. Tricia Zunker, CV 10-64 Order (Denying Motion for Recusal) (HCN Tr. Ct., Feb. 1, 2011) (Rockman, A).*

The Court had to determine whether to grant the defendant's *Motion for Recusal*. The Court concluded that mandatory grounds for recusal did not exist. The presiding judge disagreed with any intimation that she could not impartially fulfill her constitutional duties in the instant case. Therefore, the Court denied the defendant's motion.

#### **FEBRUARY 22, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Amended Scheduling Order (HCN Tr. Ct. Feb. 22, 2011) (Rockman, A).*

The Court issued an amended scheduling order in the instant case.

#### **FEBRUARY 28, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Denial of Motion for Expedited Consideration) (HCN Tr. Ct. Feb. 28, 2011) (Rockman, A).*

The Court denied the defendant's motion for expedited consideration due to their failure to satisfy the two (2) elements of the rule.

### **ELECTION MATTERS**

**NO DECISIONS AT THIS TIME.**

### **EMPLOYMENT**

**NO DECISIONS AT THIS TIME.**

### **ENROLLMENT**

**NO DECISIONS AT THIS TIME.**

### **HOUSING**

#### **FEBRUARY 4, 2011**

*Ho-Chunk Nation Housing & Community Development Agency et al. v. James Menore, CV 10-115 Eviction Order (Default Judgment) (HCN Tr. Ct. Feb. 4, 2011) (Rockman, A).*

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

*Ho-Chunk Nation Housing & Community Development Agency et al. v. James Menore, CV 10-115 Writ of Restitution (HCN Tr. Ct. Feb. 4, 2011) (Rockman, A).*

The Court entered an order to have the defendant removed from the rental unit.

### **INCOMPETENT'S TRUST FUND (ITF)**

#### **FEBRUARY 24, 2011**

*In the Interest of Decedent Member: L.W.P., DOB 05/11/43, by Attorney Priscilla R. Dorn Cutler v. HCN Office of Tribal Enrollment, CV 11-12 Order (Releasing Incompetent's Trust Fund to Estate) (HCN Tr. Ct., Feb. 24, 2011) (Matha, T).*

The Court had to determine whether to release the monies from a decedent tribal member's ITF to the estate. The Ho-Chunk Nation had deposited a substantial sum of money in the ITF account prior to the unfortunate passing of the tribal member. These monies remain in an irrevocable trust held by the Ho-Chunk Nation and administered by Fifth Third Bank in Grand Rapids, MI. The Court directed the release of the ITF to the court-appointed representative of the estate.

## RECALL/REMOVAL

NO DECISIONS AT THIS TIME.

## DOMESTIC ABUSE

ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. ONE (1) ORDER WAS ISSUED FROM FEBRUARY 1, 2011 THROUGH FEBRUARY 28, 2011.

## FAMILY

### DIVORCE

NO DECISIONS AT THIS TIME.

## JUVENILE CASES

### FEBRUARY 1, 2011

*In the Interest of Minor Children: K.B.M., DOB 10/29/1993; G.E.M., DOB 08/25/1995; A.D.M., DOB 04/25/1997; L.A.M., DOB 12/16/2000; and D.B.M., DOB 10/06/2007, JV 03-07-10, 07-45 Order (Releasing Impounds & Modifying Paternal Child Support)* (HCN Tr. Ct., Feb. 1, 2011) (Rockman, A). The Court had to determine whether modify a child support obligation for the father of the minor children. The Court modified the paternal child support obligation.

### FEBRUARY 4, 2011

*In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Child Protection Review Hearing)* (HCN Tr. Ct., Feb. 4, 2011) (Rockman, A). The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor child.

### FEBRUARY 7, 2011

*In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Status Hearing)* (HCN Tr. Ct., Feb. 7, 2011) (Rockman, A).

The Court entered the redacted order to aid the guardian in obtaining services for the minor child.

*In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Erratum)* (HCN Tr. Ct., Feb. 7, 2011) (Rockman, A).

The Court issued an erratum to correct a clerical mistake in a previous order.

### FEBRUARY 15, 2011

*In the Interest of Minor Child: M.C., DOB 06/13/93, JV 11-01 Order (Granting Emergency Temporary Legal/Physical Custody)* (HCN Tr. Ct., Feb. 15) (Matha, T).

The Court had to determine whether to grant emergency temporary physical and legal custody of the minor child. Determining it was in the child's best interests, the Court granted the *Petition*.

*In the Interest of Minor Child: M.C., DOB 06/14/93, JV 11-01 Capias Order* (HCN Tr. Ct., Feb. 15, 2011) (Matha, T).

The Court directed the appropriate county Sheriff's Office to assist HCN CFS in the retrieval of the minor child.

### FEBRUARY 22, 2011

*In the Interest of Minor Children: C.S.C., DOB 11/22/97; K.K.C., DOB 11/04/99; K.A.C., DOB 11/02/01; and C.C., DOB 01/16/08, JV 11-02-05 Order (Entrance of Plea)* (HCN Tr. Ct., Feb. 22, 2011) (Matha, T).

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the parents of the minor children wished to contest the allegations. Accordingly, a *Trial* was scheduled for the parents.

### FEBRUARY 24, 2011

*In the Interest of Minor Children: C.S.C., DOB 11/22/97; K.K.C., DOB 11/04/99; K.A.C., DOB 11/02/01; and C.C., DOB 01/16/08, JV 11-02-05 Order (Appointment of Guardian ad Litem)* (HCN Tr. Ct., Feb. 24, 2011) (Matha, T).

The Court appointed GAL Brenda Neff to represent the interests of the minor children.

### FEBRUARY 25, 2011

*In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Updated Reimbursement Obligation)* (HCN Tr. Ct., Feb. 25, 2011) (Rockman, A).

The Court had to determine an appropriate reimbursement scheme for the parents of the minor child. The Court entered a reimbursement obligation.

*In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Child Protection Review Hearing)* (HCN Tr. Ct., Feb. 25, 2011) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements

previously entered. The Court determined to maintain the status quo in relation to the minor child.

*In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Paternal Dispositional Requirements) (HCN Tr. Ct., Feb. 25, 2011) (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 reunifying the family.

*In the Interest of Minor Child: M.C., DOB 06/14/93 JV 11-01 Order (Dispositional Requirements) (HCN Tr. Ct., Feb. 25, 2011) (Matha, T).*

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the parents of the minor child did not wish to contest the allegations. At the *Hearing*, the parents and minor child voluntarily consented to the imposition of dispositional recommendations proposed by CFS. Dispositions were established with the hope of reunifying the family.



## RECENT SUPREME COURT DECISIONS

### FEBRUARY 3, 2011

*Leilani Jean Chamberlain v. Adam Hall, SU 10-03 Order on Decision (HCN S. Ct., Feb. 3, 2011) (Hunter, M).*

The Court held that the matter was incorrectly accepted for appeal, since the appeal was not a result of a final judgment from the trial court. Therefore, the Court denied the appeal, but stayed the issue pending final judgment from the trial court.



## RECENT TRIAL COURT FILINGS



### CHILD SUPPORT CASES

#### JANUARY 25, 2011

*State of Wisconsin ex rel. v. Barbara R. Cleveland, CS 11-04 (Rockman, A).*

*State of Wisconsin ex rel. v. Nathan L. Miller, CS 11-05 (Rockman, A).*

*State of Wisconsin ex rel. v. Joshua F. Smith, CS 11-06 (Rockman, A).*

### FEBRUARY 1, 2011

*Lana M. Schocko & Milwaukee County v. Stacy Gordon, CS 11-07 (Matha, T).*

### FEBRUARY 7, 2011

*Alyssa M. Larish v. James Kucharsk, CS 11-08 (Rockman, A).*

### FEBRUARY 16, 2011

*State of Wisconsin ex rel. v. Woody Bird, CS 11-09 (Matha, T).*

*Irma Otero v. Brian Ringer, CS 11-10 (Matha, T).*

*State of Wisconsin ex rel. v. Marc J. Eckart, CS 11-11 (Matha, T).*

*State of Wisconsin ex rel. v. Nathan L. Miller, CS 11-12 (Matha, T).*



### CIVIL CASES

#### FEBRUARY 7, 2011

*In the Interest of Minor Child: M.L.A., DOB 04/07/2002, by Yvette M. Alvarez v. HCN Office of Tribal Enrollment, CV 11-10 (Rockman, A).*

#### FEBRUARY 14, 2011

*In the Interest of Minor Child: C.W., DOB 06/08/2007, by Amber Dowling v. HCN Office of Tribal Enrollment, CV 11-11 (Matha, T).*

#### FEBRUARY 15, 2011

*In the Interest of Decedent Member: L.W.P., DOB 05/11/43, by Attorney Priscilla R. Dorn Cutler v. HCN Office of Tribal Enrollment, CV 11-12 (Matha, T).*

#### FEBRUARY 17, 2011

*Sandra Decorah v. HCN Election Board et al., CV 11-13 (Matha, T).*

#### FEBRUARY 18, 2011

*In the Interest of Minor Child: D.R.O., DOB 01/12/1996, by Victoria Ortiz v. HCN Office of Tribal Enrollment, CV 11-14 (Matha, T).*

**FEBRUARY 23, 2011**

*In the Interest of Minor Child: H.D.F., DOB 04/18/1995, by Aubrey McCauley-Loera v. HCN Office of Tribal Enrollment, CV 11-15 (Rockman, A).*

*Kristin Hernandez v. Vincent Hernandez, CV 11-16 (Rockman, A).*



## **CIVIL GARNISHMENT CASES**

**FEBRUARY 9, 2011**

*Jackson Electric Coop v. Scott S. Mahoney-Berasfern CG 11-18 (Matha, T).*

*Family & Children Center v. Robin Krause, CG 11-19 (Matha, T).*

*Creative Finance, Inc. v. Simone C. Greyhair, CG 11-20 (Matha, T).*

**FEBRUARY 16, 2011**

*University of Wisconsin v. Elaine A. Anderson, CG 11-21 (Matha, T).*



## **JUVENILE CASES**

**FEBRUARY 14, 2011**

*In the Interest of Minor Child: M.C., DOB 06/14/1993, JV 11-01 (Matha, T).*

**FEBRUARY 17, 2011**

*In the Interest of Minor Child: C.S.C., DOB 11/22/1997, JV 11-02 (Matha, T).*

*In the Interest of Minor Child: K.K.C., DOB 01/04/1999, JV 11-03 (Matha, T).*

*In the Interest of Minor Child: K.A.C., DOB 11/02/2001, JV 11-04 (Matha, T).*

*In the Interest of Minor Child: C.C., DOB 01/16/2009, JV 11-05 (Matha, T).*



## **FAMILY CASES**

**FEBRUARY 2, 2011**

*Virgil Smith v. Cynthia Cloud-Smith, FM 11-01 (Matha, T).*

**FEBRUARY 3, 2011**

*Jeremy Rockman v. Yaella Rockman, FM 11-02 (Matha, T).*

**FEBRUARY 22, 2011**

*Duncan Rave v. Donna J. Boswell, FM 11-03 (Rockman, A).*



## **DOMESTIC VIOLENCE**

**NO CASES FILED AT THIS TIME.**



## **RECENT SUPREME COURT FILINGS**

**NO CASES FILED 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  
Clerk of Court, Supreme Court– Mary Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Morgan Whiteeagle  
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 – Margaret Falcon  
Bailiff/Process Server – William Collins  
Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

\* 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

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

March 2011 Issue



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## The Complexities of Criminal Jurisdiction in Tribal Court Part VII: Tribal Law & Order Act § 221

This article is another segment in a series dedicated to providing general background information about criminal jurisdiction in the Ho-Chunk Nation Trial Court. A previous article addressed the Tribal Law and Order Act of 2010 (hereinafter Act), but dealt primarily with the new sentencing maximums available to tribal courts. This article will focus on Section 221 of the Act, which allows tribes to request the assumption of Federal concurrent criminal jurisdiction within tribal land. As the Act is relatively new, the long-term effects of Section 221 are difficult to predict. Such effects are also largely dependent on the decisions of the HCN Legislature.

Section 221 essentially allows tribes in Public Law 280 states, such as Wisconsin, to ask the Federal government to accept concurrent criminal jurisdiction over crimes articulated in the Major Crimes Act and the General Crimes Act. 111 P.L. 211, Sec. 221(a)(1). For example, a murder committed by a tribal member, against another tribal member, and on trust land, could then be prosecuted in Federal Court. There are several reasons why a tribe may wish to ask the Federal government to accept concurrent criminal jurisdiction. The tribe may have a particularly strained relationship with the State and/or local governments. Or, the tribe may also have a lack of judicial and law enforcement resources.

For every reason to ask the Federal government to step in, there is a reason to refrain from asking. The tribe may have a better relationship with the State and local government than it has with the

Federal government. Perhaps the tribe has significant judicial and law enforcement resources and does not want cases to be prosecuted so far from home. The balance between the positives and negatives of asking the Federal government to assume concurrent criminal jurisdiction will vary from tribe to tribe. The ultimate decision is a question of policy that is most properly left up to the Legislature.

Even if a tribe decides to proceed, the Federal government must consent to assuming concurrent jurisdiction. The Act states that the Attorney General of the U.S. must make the ultimate decision of whether or not to consent. *Id.* Currently, a proposed rule by the U.S. Department of Justice seeks to set up the procedures by which tribes can ask the Federal government to assume concurrent jurisdiction. 28 CFR Part 50, Docket No.

OAG 142; AG Order No. RIN 1105-1105-AB38. This rule is in the notice and comment stages, and has not yet been officially adopted. Therefore, the rule is subject to change.

The rule proposes that the chief executive(s) of a tribe shall submit requests in writing to the Director of the Office of Tribal Justice at the Department of Justice. *Id.* § 50.25 (b)(1), (2). The request needs to explain how the assumption of concurrent jurisdiction will improve public safety. *Id.* § 50.25 (b)(2). Once the request is received, the Office of Tribal Justice will consult with the requesting tribe. *Id.* The rule articulates many different factors in deciding whether or not to consent to assuming concurrent jurisdiction. Most of these factors focus on whether the assumption will benefit public safety, and upon the opinions of all interested parties. *Id.* § 50.25 (d). However, the State's consent is not required under the Act. 28 CFR Part 50, § 50.25 (a)(3).

It is important to note that even if the Federal government consents to assuming concurrent criminal jurisdiction, the tribe and the State will also have concurrent jurisdiction. 111 P.L. 211, Sec. 221(a)(1). Concurrent criminal jurisdiction between three sovereigns will certainly create a host of issues that the Act and the proposed rule do not presently address. Such issues could be relatively minor and easy to fix, or they could be substantial. At this point, analyzing specific issues would be speculative. However, it is important to know that they could arise, and discuss them throughout the request process.



## 2011 Guardian ad Litem Training July 13 – 15, 2011

The HOČAŁ NATION CHILDREN AND FAMILY ACT advises that the Trial Court “appoint a *Guardian Ad Litem* to protect the best interests of the child,” in juvenile cases. 4 HCC § 3.25a. Additionally, *Guardians Ad Litem* perform an instrumental and vital role in the Court's appointment of legal guardians under the new HOČAŁ THIRD PARTY GUARDIANSHIP ACT, 4HCC § 11.

The Court will host an on-site GAL training session on July 13-15, 2011, at Wa Ehi Hoci in Black River Falls. Wisconsin Judicare, Inc. will conduct the training, which is free to Ho-Chunk members and Nation employees.

## 2011 Lay Advocacy Training

The Ho-Chunk Nation Trial Court is offering a unique training opportunity to prepare individuals to represent people in tribal court. A **lay advocate** is trained to represent people in a variety of cases, but is not a licensed attorney.

Interested individuals are invited to contact the staff attorneys for the HCN Trial Court at (715) 284-2722 for more information or visit the web-site at: <http://www.ho-chunknation.com/?PagelD=352>.

Educational leave for HCN employees has been approved by the HCN Dept. of Personnel. Contact your immediate supervisor for approval.

The HCN Supreme Court is charged with admitting qualified individuals to the HCN Bar Association. Upon completion of this training, Lay Advocates shall be required to apply for admission to the bar on an individual basis

### Important Dates:

Educational Leave: April 29, 2011

Registration Deadline: May 2, 2011

Lay Advocacy Training May 31, 2011—June 3, 2011



Current guardians ad litem seeking to serve as a GAL for 2011-12 are required to attend under the *HCN Rules for Guardian Ad Litem* adopted by the Supreme Court, provided they received initial training prior to last year. The rules are available at <http://www.ho-chunknation.com/?PageId=123>.

Ho-Chunk employees may receive paid Educational Leave to attend the course. Please contact your immediate supervisor.

A Guardian Ad Litem serves as an independent advocate and informs the Court of a child's interests in child protection actions and guardianship matters.

The Ho-Chunk Nation Judiciary currently seeks conscientious, caring and dependable individuals to fill this important role. Guardians ad litem receive compensation for their services and reimbursement for accumulated expenses.

Information regarding service as a GAL is available from the Clerk of Court at (800) 434-4070 or (715) 284-2722.



## UPDATES FROM OUTSIDE JURISDICTIONS

### UNITED STATES COURTS OF APPEALS, D.C. CIR.

*Menominee Indian Tribe of Wisconsin v. United States et al.*, No. 09-5005, 37 Indian L. Rep 2297 (D.C. Cir., July 30, 2010). In an action for breach of contract, the U.S. Court of Appeals for the D.C. Circuit found that the district court incorrectly calculated the length of the plaintiff's delay, failed to consider the plaintiff's arguments that the delay was reasonable, and provided inadequate reasons for concluding that the delay prejudiced the government. The Court further held that the six-year limitations period in the Contracts Disputes Act was not jurisdictional in nature, the commencement of the class action did not toll the limitations period, and the limitations period was subject to equitable tolling, thereby reversing the district court's dismissal of the plaintiff's claims and remanding for determination of whether tolling is appropriate in the circumstances of the action.

### UNITED STATES COURTS OF APPEALS, 1<sup>ST</sup> CIR.

*Bingham et al. v. Massachusetts*, No. 09-2049, 37 Indian L. Rep. 2302 (1<sup>st</sup> Cir., July 30, 2010). The U.S. Court of Appeals for the First Circuit held that there was no jurisdiction to hear an action seeking just compensation and return of lands the plaintiffs claimed were granted in perpetuity to their ancestors because the plaintiffs failed to show any individual interest in the property rights

granted or a personal injury as a result of the challenged state actions.

### UNITED STATES COURTS OF APPEALS, 8<sup>TH</sup> CIR.

*United States v. Cook, II*, No 09-2323, 37 Indian L. Rep. 2305 (8<sup>th</sup> Cir., Aug. 3, 2010). The U.S. Court of Appeals for the Eighth Circuit affirmed the district court's judgment holding that the imposition of upward departure in sentencing based in part on the appellant's convictions in tribal court was not an abuse of discretion.

### UNITED STATES COURTS OF APPEALS, 9<sup>TH</sup> CIR.

*Aklak Native Community et al. v. U.S. Environmental Protection Agency et al.*, No 08-74827, 37 Indian L. Rep. 2306 (9<sup>th</sup> Cir., Nov. 4, 2010). The U.S. Court of Appeals for the Ninth Circuit denied a petition for review of the Environmental Protection Agency's approval of the State of Alaska's application to assume responsibility for administration of portions of the National Pollutant Discharge Elimination System, finding that the approval was not arbitrary or capricious, and that the transfer of the program to Alaska does not trigger a subsistence evaluation under the Alaska National Interest Lands Conservation Act.

*Pit River Tribe et al. v. U.S. Forest Service et al.*, No 09-15385, 37 Indian L. Rep. 2312 (9<sup>th</sup> Cir., Aug. 2, 2010). In an action challenging leasing procedures and approval of a geothermal power plant pursuant to the Geothermal Steam Act on federal land that has religious and cultural significance to the plaintiff tribe, the U.S. Court of Appeals for the Ninth Circuit, applying the principles of *Alsea Valley Alliance v. Dep't of Commerce*, 358 F.3d 1181,

1884 (9<sup>th</sup> Cir. 2004), held that the district court's entry of summary judgment and remand order did not constitute a final decision by the district court, and thus the appeals court did not have jurisdiction under 28 U.S.C. § 1291, and further held that the district court did not abuse its equitable powers in ordering that the original 1988 leases be treated as capable of extension, but remanded for a clarification that the 1998 extension did not take effect.

*United States et al. v. Alpine Land & Reservoir Co. et al.*, No 08-16767, unpublished, 37 Indian L. Rep. 2318 (9<sup>th</sup> Cir., July 1, 2010). In an action seeking review of the Nevada State Engineer's determination allocating groundwater rights in the Truckee River Basin, the U.S. Court of Appeals for the Ninth Circuit applied its opinion in *United States v. Orr Water Ditch Co.*, No. 07-17001, and concluded that the district court had subject matter jurisdiction over the action affecting the Pyramid Lake Paiute Tribe's decreed water rights, and thus vacated the district court's dismissal of the action for lack of jurisdiction and remanded.

*United States v. Gallaher, Jr.*, No. 09-30193, 37 Indian L. Rep. 2319 (9<sup>th</sup> Cir., June 2, 2010; as amended on den. of reh'g Oct. 6, 2010). The U.S. Court of Appeals for the Ninth Circuit amends its June 2, 2010 Order, slip opinion 7809, 608 F.3d 1109, 37 Indian L. Rep. 2216 (9<sup>th</sup> Cir. 2008), and denied the appellants' petition for a panel rehearing and his petition for a rehearing en banc, holding that first degree murder remained a capital offense regardless of whether capital punishment could be imposed, and further held that the defendant was subject to the unlimited federal statute of limitations for capital crimes even though he was not eligible for the death penalty.

*United States v. Redlightning*, No. 09-30122, 37 Indian L. Rep. 2322 (9<sup>th</sup> Cir., Oct. 25, 2010). The U.S. Court of Appeals for the Ninth Circuit affirmed the district court's conviction of the defendant-appellant for a murder committed on an Indian reservation.



## 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

### MARCH 7, 2011

*Michelle Stacy v. Zachary Thundercloud*, CS 01-24 Order (Reinstating & Modifying Child Support Against Wages) (HCN Tr. Ct., Mar. 7, 2011) (Rockman, A).

The Court had to determine whether to grant the recent *Motion* to modify. The child support agency requested a modification in current child support withholding. The respondent received proper notice of the filing, but failed to file a timely response. Accordingly, the Court granted recognition and enforcement of the modified foreign judgment.

*Alyssa M. Larish v. James Kucharski*, CS 11-08 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Mar. 7, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's petition to register a foreign child support order. As the respondent filed the petition, the Court assumed the acquiescence of the parties. The Court accordingly granted recognition and enforcement of the foreign judgment.

*Candy Villannueva v. Matthew Kurtz*, CS 10-41 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., Mar. 7, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's wages. Therefore, the Court ceased withholding child support from the respondent's wages.

*Megan B. Maas v. William L. Tech*, CS 09-31 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., Mar. 7, 2011) (Matha, T).

The child support agency requested a termination of the child support withholding from the respondent's wages. Therefore, the Court ceased withholding child support from the respondent's wages.

#### **MARCH 18, 2011**

*Carmelita Varela v. George Plamann*, CS 99-52 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Mar. 18, 2011) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*State of Wisconsin ex rel. v. Marc J. Eckart*, CS 11-11 Order (*Enforcing Arrears Against Wages*) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Irma Otero v. Brian Ringer*, CS 11-10 Order (*Enforcing Child Support Against Wages*) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Rebecca Rodriguez v. Garrett L. Banuelos*, CS 06-35 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*Susan Golz v. Marcus Kerby*, CS 08-20 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Mar. 18, 2011) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*State of Iowa et al. v. Marcus Sena*, CS 03-78 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*Heather Lee Mott v. Scott Hines*, CS 08-16 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*Candy Villanvera v. Matthew Kurtz*, CS 10-41 Order (*Reinstating Child Support & Arrears Against Wages*) (HCN Tr. Ct., Mar. 18, 2011) (Rockman, A).

The Court incorrectly issued a judgment having the effect of ceasing child support withholding from the respondent's wages. Accordingly, the Court reinstated the child support withholding from the respondent's wages.

#### **MARCH 30, 2011**

*State of Wisconsin ex rel. v. Zachary Thundercloud*, CV 97-39 Order (*Updating Arrears*) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court previously enforced standing foreign child support orders against the respondent's wages. The petitioner filed certified account statements updating arrears for one of the cases. The Court granted the motion.

*Susan Golz v. Marcus Kerby*, CS 08-20 Order (*Proof of High School Enrollment Filed*) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*Carmelita Varela v. George Plamann*, CS 99-52 Order (*Proof of High School Enrollment Filed*) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*Rochelle Decorah v. Vincent Cadotte*, CV 97-164 Order (*Proof of High School Enrollment Filed*) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*State of Minnesota et al. v. Garrett W. Garvin*, CS 11-02 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin et al. v. Barbara R. Cleveland*, CS 11-04 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **MARCH 31, 2011**

*Teri Schmeckpeper v. Shawn Poellinger*, CS 11-01 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Mar. 31, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin v. Joshua F. Smith*, CS 11-06 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Mar. 31, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

## **CIVIL GARNISHMENT CASES**

#### **MARCH 2, 2011**

*Mile Bluff Clinic, LLP v. Julie A. Mavis*, CG 11-07 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 2, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to two (2) foreign judgments.

The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **MARCH 4, 2011**

*Black River Memorial Hospital v. Lisa Servant n/k/a Peters*, CG 10-134 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 4, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Gundersen Lutheran Medical Center v. John Bleske*, CG 10-140 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Mar. 4, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent had paid the judgment in full.

*Black River Falls Memorial Hospital v. John Bleske*, CG 10-141 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Mar. 4, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent had paid the judgment in full.

#### **MARCH 8, 2011**

*Creative Finance, Inc. v. Simone Cloud*, CG 11-20 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Falls Memorial Hospital v. Rosalind Falcon*, CG 10-123 *Order (Default Judgment)* (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, but failed to provide a cognizable objection to the action. The Court granted the relief requested by the petitioner.

*Gundersen Clinic, Ltd. v. Rosalind Falcon*, CG 10-129 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Gundersen Clinic, Ltd. v. Glen Kasper*, CG 10-143 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. John Whitewing*, CG 10-144 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Family & Children's Center v. Robin A. Krause*, CG 11-19 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*John H. Betz, DDS v. Henry Greengrass*, CG 10-131 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond,

leading the Court to grant a default judgment in favor of the petitioner.

*Huesmann Law Office v. Henry Greengrass*, CG 10-130 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Dane County Clerk of Courts v. Daniel Pesek*, CG 10-133 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Jackson Electric Cooperative v. Scott S. Mahoney-Bernstein*, CG 11-18 Order (Default Judgment) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **MARCH 21, 2011**

*Alliance Collection Agencies v. Jacky A. Peterson*, CG 10-43 Order (Satisfaction of Judgment) (HCN Tr. Ct., Mar. 21, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the petitioner had relieved the respondent of any further obligation.

*In the Matter of the Outstanding Obligations of: Luis A. Olvera*, CG 11-44 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Mar. 21, 2011) (Matha, T).

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

enforced the foreign judgment out of due respect to its state counterpart.

*State Bank of Cazenovia v. Helaine K. Anderson*, CG 11-01 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Mar. 21, 2011) (Matha, T).

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

#### **MARCH 23, 2011**

*Speedcash Loans v. Jill A. Pettibone*, CG 11-26 Order (Default Judgment) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*University of Wisconsin Hospitals & Clinics v. Elaine A. Anderson*, CG 11-21 Order (Default Judgment) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Capital One Bank v. Charlee M. Hockenberry*, CG 11-25 Order (Default Judgment) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Midland Credit Management, Inc. v. Duane Georgeson*, CG 11-23 Order (Default Judgment) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Midland Credit Management, Inc. v. Mark T. Nickeas*, CG 11-22 Order (Default Judgment) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Katie L. Kissane*, CG 11-16 Order (Petition Granted) (HCN Tr. Ct., Mar. 23, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and alleged a recognized exemption to the execution of the garnishment. The Court nonetheless granted the relief requested by the petitioner.

#### **MARCH 30, 2011**

*Gundersen Lutheran Medical Center v. Luann Littlegeorge*, CG 11-32 Order (Default Judgment) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Gundersen Clinic, Ltd. v. Luann Littlegeorge*, CG 11-33 Order (Default Judgment) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Shelly A. Lamp*, CG 11-42 Order (Voluntary Dismissal) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Gundersen Lutheran Medical Center v. Joan Buckhannon*, CG 11-28 Order (Voluntary Dismissal) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Degen Berglund v. Joan Buckhannon*, CG 11-29 Order (Voluntary Dismissal) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Gundersen Clinic, Ltd. v. Joan Buckhannon*, CG 11-30 Order (Voluntary Dismissal) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Black River Memorial Hospital v. Joan Buckhannon*, CG 11-31 Order (Voluntary Dismissal) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a motion to dismiss. The Court dismissed the case without prejudice.

*Ford Motor Credit Company v. Gina L. WhiteEagle*, CG 11-27 Order (Requiring Amended Petition) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

The Court granted the petitioner forty-five (45) days to amend the petition to comply with Wisconsin law and the corresponding tribal procedural rule.

*State Bank of Cazenovia v. Helaine K. Anderson*, CG 11-01 Order (Petition Granted) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, but failed to provide a cognizable objection to the action. The Court granted the relief requested by the petitioner.



## CIVIL CASES

### MARCH 9, 2011

*Mary Stone v. Robin Stone*, CV 05-13 Order (Requiring Additional Information) (HCN Tr. Ct., Mar. 9, 2011) (Rockman, A).

The Court directed the parties to submit additional information regarding the case.

### MARCH 29, 2011

*General Council Agency et al. v. Ho-Chunk Constitutional Reform Task Force (HCRTF et al., CV 11-07 Order (Dismissal)* (HCN Tr. Ct., Mar. 29, 2011) (Rockman, A).

The parties filed a settlement agreement and voluntary dismissal. The Court dismissed the instant case and closed the file.



## ADMINISTRATIVE APPEALS

### MARCH 2, 2011

*Caroline R. Koukos v. Ho-Chunk Nation Department of Personnel*, CV 10-102 Order (Motion Hearing) (HCN Tr. Ct., Mar. 2, 2011) (Rockman, A).

The Court scheduled a *Motion Hearing* to allow the respondent to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

### MARCH 14, 2011

*Ho-Chunk Nation et al. v. Ho-Chunk Nation Grievance Review Board et al.*, CV 10-28 Order (Motion Hearing) (HCN Tr. Ct., Mar. 14, 2011) (Matha, T).

The Court scheduled a *Motion Hearing* to allow the respondents to argue the *Amended Motion to Dismiss*, and to provide the petitioners the opportunity to offer a response.

*Lisa Nichols v. Ho-Chunk Casino et al.*, CV 10-76 Order (Motion Hearing) (HCN Tr. Ct., Mar. 14, 2011) (Matha, T).

The Court scheduled a *Motion Hearing* to allow the respondents to argue the *Amended Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

### MARCH 29, 2011

*Ho-Chunk Nation et al. v. Nicole Koenig*, CV 10-37 Order (Addressing the Summary Judgment Motion Hearing & Requiring Further Briefing) (HCN Tr. Ct., Mar. 29, 2011) (Rockman, A).

The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there was no genuine issue as to material fact; however, the plaintiff's were not entitled to judgment as a matter of law.

### MARCH 31, 2011

*Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB et al. and Tonette Flick*, CV 10-28 Order (Recaptioning Case) (HCN Tr. Ct., Mar. 31, 2011) (Matha, T).

The Court recaptioned the case and granted Ms. Flick the status of an intervenor.

 **CHILDREN'S TRUST FUND (CTF)****MARCH 1, 2011**

*In the Interest of Minor Child: D.H.L., DOB 11/28/1998, by Francesca J. Bird v. HCN Office of Tribal Enrollment, CV 10-86 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 1, 2011) (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 a full 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: X.D., DOB 09/17/1999, by Dawn Joy Funmaker v. HCN Office of Tribal Enrollment, CV 10-85 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 1, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: C.C., DOB 06/29/1997, by Myra Cunneen v. HCN Office of Tribal Enrollment, CV 10-96 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 1, 2011) (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 a full 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.C., DOB 04/09/1994, by Wehuh Cloud v. HCN Office of Tribal Enrollment, CV 11-06 Order (Dismissal) (HCN Tr. Ct., Mar. 1, 2011) (Rockman, A).*

The Court dismissed the instant case due to the petitioner's failure to attend the *Fact-Finding Hearing*.

*In the Interest of Minor Child: J.D.S., DOB 12/04/1993, by Angela Parker v. HCN Office of Tribal Enrollment, CV 10-98 Order (Show Cause) (HCN Tr. Ct., Mar. 1, 2011) (Rockman, A).*

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Children: T.G., DOB 02/09/1991, S.C., DOB 07/15/1993, and L.C., DOB 09/26/1994, by Shelley Thundercloud v. HCN Office of Tribal Enrollment, CV 10-98 Order (Show Cause) (HCN Tr. Ct., Mar. 1, 2011) (Rockman, A).*

The Court had previously released funds from the minor children's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Child: L.S., DOB 11/08/1995, by Willis Crowder v. HCN Office of Tribal Enrollment, CV 10-95 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 1, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

**MARCH 2, 2011**

*In the Interest of Minor Child: C.W., DOB 06/08/07, by Amber Dowling v. HCN Office of Tribal Enrollment, CV 11-11 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 2, 2011) (Matha, T).*

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

**MARCH 4, 2011**

*In the Interest of Adult CTF Beneficiary: Janet C. Trudel, DOB 09/03/86 v. HCN Office of Tribal Enrollment, CV 10-109 Order (Motion Granted) (HCN Tr. Ct., Mar. 4, 2011) (Matha, T).*

The Court had to determine whether an adult could access her CTF account to satisfy ongoing rental payments while enrolled in a distance education institution. The Court granted the request.

**MARCH 9, 2011**

*In the Interest of Minor Child: H.P.F., DOB 04/18/1995, by Aubrey McCauley-Loera v. HCN Office of Tribal Enrollment, CV 11-15 Order (Motion Hearing) (HCN Tr. Ct., Mar. 9, 2011) (Rockman, A).*

The Court scheduled a *Motion Hearing* to allow the respondent to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

**MARCH 11, 2011**

*In the Interest of Minor Children: G.J.W., DOB 08/11/197, and S.S.W., DOB 05/25/00, by Glenn J. White v. HCN Office of Tribal Enrollment, CV 11-03 Order (Dismissal without Prejudice) (HCN Tr. Ct., Mar. 11, 2011) (Matha, T).*

The Court dismissed the instant case due to the petitioner's failure to attend the *Motion Hearing*.

**MARCH 14, 2011**

*In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment, CV 10-113 Order (Petition Granted) (HCN Tr. Ct., Mar. 14, 2011) (Matha, T).*

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

**MARCH 15, 2011**

*In the Interest of Minor Child: D.R.O., DOB 01/12/1996, by Victoria J. Ortiz v. HCN Office of Tribal Enrollment, CV 11-14 Order (Motion Hearing) (HCN Tr. Ct., Mar. 15, 2011) (Matha, T).*

The Court scheduled a *Motion Hearing* to allow the respondent to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

**MARCH 16, 2011**

*In the Interest of Minor Children: T.G., DOB 20/09/1991, S.C., DOB 07/15/1993, and L.C., DOB 09/26/1994, by Shelly Thundercloud v. HCN Office of Tribal Enrollment, CV 10-30 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 16, 2011) (Rockman, A).*

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

**MARCH 17, 2011**

*In the Interest of Minor Child: J.D.S., DOB 12/04/1993, by Angela Parker v. HCN Office of Tribal Enrollment, CV 10-08 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 17, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: L.S., DOB 11/08/1998, by Willis Crowder v. HCN Office of Tribal Enrollment, CV 10-95*

*Order (Accepting Accounting) (HCN Tr. Ct., Mar. 17, 2011) (Rockman, A).*

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

**MARCH 18, 2011**

*In the Interest of Minor Child: A.W., DOB 09/14/1997, by Angelina Waege v. HCN Office of Tribal Enrollment, CV 10-41 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 18, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: C.C., DOB 06/29/1997, by Myra Cunneen v. HCN Office of Tribal Enrollment, CV 10-96 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 18, 2011) (Rockman, A).*

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

**MARCH 21, 2011**

*In the Interest of Minor Children: M.F.P., DOB 07/25/2003, and P.A.P., DOB 06/03/2006, by Tracy Beversdorf v. HCN Office of Tribal Enrollment, CV 10-97 Order (Motion Granted) (HCN Tr. Ct., Mar. 21, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor children for costs associated with dental procedures. The petitioner submitted a request for further release of CTF monies to cover additional unmet patient obligations. The Court granted the request.

*In the Interest of Minor Child: D.H.L., DOB 11/28/1998, by Francesca J. Bird v. HCN Office of Tribal Enrollment, CV 10-86 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 21, 2011) (Rockman, A).*

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

**MARCH 30, 2011**

*In the Interest of Minor Child: D.E.A., DOB 12/09/1994, by Jamie L. Funmaker v. HCN Office of Tribal Enrollment, CV 09-92 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: A.W., DOB 09/14/1997, by Angelina Waege v. HCN Office of Tribal Enrollment, CV 10-41 Order (Dismissal Without Prejudice) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).*

The Court dismissed the instant case due to the petitioner's failure to attend the motion hearing.

*In the Interest of Minor Children: J.P., DOB 02/04/1997, and T.P., DOB 09/09/1998, by Dennis Prescott v. HCN Office of Tribal Enrollment, CV 10-93 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie A. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full 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 Children: D.W., DOB 11/09/1995, and D.W., DOB 02/19/1998 v. HCN Office of Tribal Enrollment, CV 10-92 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82*

*Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full 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.G., DOB 05/06/1996, by Joni M. McIntosh v. HCN Office of Tribal Enrollment, CV 10-65 Order (Demanding Accounting) (HCN Tr. Ct., Mar. 30, 2011) (Matha, T).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: R.P., DOB 03/06/2006, by Tracy Pecore v. HCN Office of Tribal Enrollment, CV 10-106 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full 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.F.M., DOB 01/13/1998, by Angela R. McCabe v. HCN Office of Tribal Enrollment, CV 10-8105 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: S.M., DOB 12/13/1995, by Lisa Lockemy, CFS Social Worker v. HCN Office of Tribal Enrollment, CV 10-88 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (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 a full 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.B.W., DOB 03/30/1994, by*

*Lanette R. Walker v. HCN Office of Tribal Enrollment*, CV 11-22 Order (Petition Granted) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the request.

*In the Interest of Minor Children: M.F.P., DOB 07/25/2003, and P.A.P., DOB 06/03/2006, by Tracy Beversdorf v. HCN Office of Tribal Enrollment*, CV 10-97 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children for costs associated with dental care. The petitioner submitted a patient ledger for both children, confirming the proper use of the funds. The Court accepted this accounting.

## CONTRACTS

**MARCH 14, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al.*, CV 10-54 Order (Denying Motion to Stay Civil Proceedings) (HCN Tr. Ct. Mar. 14, 2011) (Rockman, A).

The Court had to determine whether or not to grant the defendants' *Motion to Stay Civil Proceedings*. The defendants argued that issues in the instant civil matter significantly overlap with the issues of an ongoing criminal investigation by the Federal Bureau of Investigation and a grand jury. The defendants failed to provide sufficient documentation showing the scope and status of the Federal criminal investigation. Therefore, the Court denied the defendants' *Motion* without prejudice.

## ELECTION MATTERS

**MARCH 11, 2011**

*Sandra E. Decorah v. Ho-Chunk Nation Election Board et al.*, CV 11-13 Order (Motion Hearing) (HCN Tr. Ct. Mar. 11, 2011) (Matha, T).

The Court scheduled a *Motion Hearing* to allow the respondents to argue the *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

**MARCH 18, 2011**

*Betty J. Kingsley v. Ho-Chunk Nation Election Board et al.*, CV 11-21 Scheduling Order (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court issued a scheduling order for the instant case.

*Betty J. Kingsley v. Ho-Chunk Nation Election Board et al.*, CV 11-21 Order (Notification to Interested Individuals) (HCN Tr. Ct., Mar. 18, 2011) (Matha, T).

The Court, in its discretion, notified interested parties as to the filed election challenge.

**MARCH 24, 2011**

*Betty J. Kingsley v. Ho-Chunk Nation Election Board et al.*, CV 11-21 Order (Preliminary Determinations) (HCN Tr. Ct. Mar. 24, 2011) (Matha, T).

The Court had to address an election challenge to the March 8, 2011 General Primary Election. In an effort to focus the litigation, the Court convened a pre-trial hearing. The Court memorialized the actions taken in the order.

## EMPLOYMENT

**NO DECISIONS AT THIS TIME.**

## ENROLLMENT

**MARCH 11, 2011**

*Leilani Chamberlain v. Adam Hall*, CV 05-109 Order (Granting Telephonic Appearance) (HCN Tr. Ct. Mar. 11, 2011) (Matha, T).

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

**MARCH 24, 2011**

*Daria Powless v. HCN Enrollment Committee*, CV 10-15 Order (Addressing the Motion to Withdraw as Counsel) (HCN Tr. Ct. Mar. 24, 2011) (Rockman, A).

The Court had to determine whether to grant Attorney JoAnn Jones' *Motion to Withdraw as Counsel*. All substantive issues in the case were disposed of in the Court's previous decision. The sixty (60) calendar days allowed for filing an appeal also elapsed. The Court denied the motion due to mootness. The Court did not make a formal ruling on the merits of the motion. The Court did however, address the *Ho-Chunk Nation Rules of Professional Conduct* implicated by the Attorney's actions.

## HOUSING

**MARCH 8, 2011**

*Ho-Chunk Nation Home Ownership Program et al. v. Zachary D. Thundercloud*, CV 10-17 Judgment (Granting Relief in Part – Denying in Part) (HCN Tr. Ct. Mar. 8, 2011) (Rockman, A).

The Court had to determine whether to grant the plaintiffs' *Complaint* for damages arising under a foreclosure action. The Court found that Mr. Thundercloud was indebted to the HOP and the Ho-Chunk Nation, in the amount of \$132,062.29 for an outstanding mortgage and associated damages. The

Court, however, declined to enforce the debt against the defendant until such time as the property was resold.

#### **MARCH 30, 2011**

*Ho-Chunk Nation Housing & Community Development Agency et al. v. James Menore*, CV 10-115 Amended Writ of Restitution (HCN Tr. Ct. Mar. 30, 2011) (Rockman, A).

The Court entered an amended order to have the defendant removed from the rental unit.

*Ho-Chunk Nation Housing & Community Development Agency et al. v. James Menore*, CV 10-115 Amended Eviction Order (HCN Tr. Ct. Mar. 30, 2011) (Rockman, A).

The Court entered an amended order to have the defendant evicted from the rental unit.

#### **INCOMPETENT'S TRUST FUND (ITF)**

##### **MARCH 8, 2011**

*In the Interest of E.K.B.*, DOB 09/04/37, by Sid C. Lewis v. Ho-Chunk Nation Office of Tribal Enrollment, CV 11-17 Order (Dismissal) (HCN Tr. Ct., Mar. 8, 2011) (Matha, T).

Due to the untimely passing of the adult incompetent member, the petitioner could not maintain the cause of action. Therefore, the Court dismissed the instant case.

##### **MARCH 8, 2011**

*In the Interest of K.K.R.*, DOB 10/09/1968, by Linda Stone Winter v. Ho-Chunk Nation Office of Tribal Enrollment, CV 11-17 Order (Accepting Accounting) (HCN Tr. Ct., Mar. 21, 2011) (Rockman, A).

The Court previously released funds from the ITF account of the adult incompetent for costs associated with the ward's outstanding medical bills. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

##### **MARCH 28, 2011**

*In the Interest of Adult Incompetent: C.A.D.*, DOB 03/18/1980, by Frisk Decorah & Mary Houghton v. HCN Office of Tribal Enrollment, CV 98-38 Order (Motion Granted in Part, Reserved in Part) (HCN Tr. Ct., Mar. 28, 2011) (Rockman, A).

The Court had to determine whether the legal guardians could access monies on behalf of an adult incompetent member from the ITF account to pay for costs associated with a vehicle purchase, rent, personal allowance, entertainment-related expenses, and a bed. The Court granted the release of funds to satisfy the requests of the guardians, while reserving the vehicle request until the guardians could provide the appropriate documentation

and the Office of Tribal Enrollment had the opportunity to respond.

#### **MARCH 30, 2011**

*In the Interest of Adult Incompetent: D.H.*, DOB 07/10/1964, by Jamie Pastika, Pastika Guardianship v. HCN Office of Tribal Enrollment, CV 09-32 Order (Requesting Accounting) (HCN Tr. Ct., Mar. 30, 2011) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with the ward's past due balance for residential living. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

#### **RECALL/REMOVAL**

**NO DECISIONS AT THIS TIME.**

#### **DOMESTIC ABUSE**

**ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. ONE (1) ORDER WAS ISSUED FROM MARCH 1, 2011 THROUGH MARCH 31, 2011.**

#### **FAMILY**

#### **DIVORCE**

**NO DECISIONS AT THIS TIME.**

#### **JUVENILE CASES**

##### **MARCH 1, 2011**

*In the Interest of Minor Child: D.B.M.*, DOB 10/06/2006, JV 07-45 Order (Notice of Modification) (HCN Tr. Ct., Mar. 1, 2011) (Rockman, A).

The Court provided notice to the non-participating parties of the upcoming *Motion Hearing*.

*In the Interest of Minor Children: K.L.M.*, DOB 01/03/2010, and *M.M.M.*, DOB 12/18/2001, JV 10-01, 09-02 Order Permitting Counsel to Withdraw (HCN Tr. Ct., Mar. 1, 2011) (Matha, T).

The Court entered an order permitting counsel to withdraw representation of the parties from the instant case.

##### **MARCH 2, 2011**

*In the Interest of Minor Children: D.S.*, DOB 06/16/06; *V.S.*, DOB 07/31/07; *J.S.*, DOB 04/16/09; *J.S.*, DOB 05/04/10; and *J.S.*, DOB 05/04/10, JV 10-12-16 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 2, 2011) (Matha, T).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

*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; and C.L., DOB 05/30/01, JV 07-23-25, -54 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 2, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

#### **MARCH 10, 2011**

*In the Interest of Minor Child: A.C., DOB 10/07/2005, JV 08-05 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 10, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor child.

#### **MARCH 17, 2011**

*In the Interest of Minor Children: C.S.C., DOB 11/22/97; K.K.C., DOB 11/04/99; K.A.C., DOB 11/02/01; and C.C., DOB 01/16/08, JV 11-02-05 Order (Reversal of Pleas) (HCN Tr. Ct., Mar. 17, 2011) (Matha, T).*

The Court convened a *Trial* to determine whether CFS could prove the allegations within its petition by a preponderance of the evidence. At the *Trial*, the parents of the minor children voluntarily opted to reverse their pleas in order to claim no contest to the allegations. The Court according scheduled a *Dispositional Hearing*.

*In the Interest of Minor Child: A.C., DOB 10/07/2005, JV 08-05 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Mar. 17, 2011) (Rockman, A).*

The Court appointed GAL Brenda Neff to represent the interests of the minor children.

#### **MARCH 22, 2011**

*In the Interest of Minor Children: T.M., DOB 07/04/07, JV 10-17 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 22, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor child.

#### **MARCH 24, 2011**

*In the Interest of Minor Children: K.M., DOB 10/18/1993; S.M., DOB 12/13/1995; A.M., DOB 09/16/2001; A.M., DOB 06/15/2004; A.M., DOB 03/14/2006; and A.M., DOB 01/26/2010, JV 07-10-14, 10-09 Order (Child Protection Review Hearing) (HCN Tr. Ct., Mar. 24, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

#### **MARCH 25, 2011**

*In the Interest of Minor Children: D.D.W., DOB 12/16/1994; D.G.W., DOB 11/09/1995; and D.S.W., DOB 02/19/1998, JV 01-17, -19-20, Order (Notice of Revocation) (HCN Tr. Ct., Mar. 25, 2011) (Rockman, A).*

The Court convened a *Revocation Hearing* where it provided the participating parties notice of its intent to revoke the existing permanent guardianship and appoint a successor permanent guardian.

*In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Requesting Documentation) (HCN Tr. Ct., Mar. 25, 2011) (Rockman, A).*

The Court ordered the mother to submit the documentation previously requested by the Court.

#### **MARCH 29, 2011**

*In the Interest of Minor Child: M.C., DOB 10/07/2005, JV 11-01 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., Mar. 17, 2011) (Rockman, A).*

The Court appointed GAL Brenda Neff to represent the interests of the minor children.



## **RECENT SUPREME COURT DECISIONS**

**NO DECISIONS AT THIS TIME.**



## RECENT TRIAL COURT FILINGS



### CHILD SUPPORT CASES

**MARCH 10, 2011**

*Marcella Redbird v. Michael A. Greengrass*, CS 11-13 (Rockman, A).

*State of Wisconsin ex rel. v. Melissa Kingswan*, CS 11-14 (Rockman, A).

**MARCH 17, 2011**

*State of Wisconsin v. Marlin Redcloud*, CS 11-15 (Matha, T).

**MARCH 23, 2011**

*State of Wisconsin v. Benjamin J. Gleichauf*, CS 11-16 (Rockman, A).

*State of Wisconsin v. Mitchell N. Link*, CS 11-17 (Rockman, A).

*State of Wisconsin v. David W. Liethen*, CS 11-18 (Rockman, A).

**MARCH 28, 2011**

*State of Wisconsin v. Neil B. Greengrass-Starr*, CS 11-19 (Matha, T).

**MARCH 31, 2011**

*State of Wisconsin et al. v. Dion J. Thompson*, CS 11-20 (Matha, T).



### CIVIL CASES

**MARCH 1, 2011**

*In the Interest of Adult Beneficiary: E.K.B., DOB 09/04/1937, by Sid Lewis v. HCN Office of Tribal Enrollment*, CV 11-17 (Matha, T).

**MARCH 7, 2011**

*Betty White v. Faye Greengrass*, CV 11-18 (Rockman, A).

**MARCH 8, 2011**

*Clarissa Gordon v. HCN Office of Tribal Enrollment*, CV 11-19 (Rockman, A).

*Joseph A. Bauer v. HCN Casino/Hotel and HCN Dep't of Business*, CV 11-20 (Rockman, A).

**MARCH 22, 2011**

*In the Interest of Minor Child: D.B.W., DOB 03/30/1994, by Glenn White v. HCN Office of Tribal Enrollment*, CV 11-22 (Rockman, A).

**MARCH 24, 2011**

*Betty Kingsley v. Ho-Chunk Nation Election Board et al.*, CV 11-21 (Matha, T).

*In the Interest of Minor Child: J.M.S., DOB 09/23/2005, by Shelby Visintin v. HCN Office of Tribal Enrollment*, CV 11-23 (Rockman, A).

*In the Interest of Minor Children: J.A.D., DOB 06/14/1993, and B.C.D., DOB 04/25/1998, by Nadine C. Bauley v. HCN Office of Tribal Enrollment*, CV 11-24 (Rockman, A).

**MARCH 25, 2011**

*In the Interest of Minor Child: J.M.T., DOB 04/08/1997, by Juanita Faye Tracy v. HCN Office of Tribal Enrollment*, CV 11-25 (Rockman, A).

*In the Interest of Minor Child: J.M.N., DOB 11/23/1998, by Bonnie Bird v. HCN Office of Tribal Enrollment*, CV 11-26 (Rockman, A).

*In the Interest of Minor Child: K.D.W., DOB 02/04/1994, by Kimberly Waukau v. HCN Office of Tribal Enrollment*, CV 11-27 (Rockman, A).



### CIVIL GARNISHMENT CASES

**MARCH 1, 2011**

*Midland Credit Management v. Mark T. Nicheas*, CG 11-22 (Matha, T).

*Midland Credit Management v. Duane Georgeson*, CG 11-23 (Matha, T).

*Midland Credit Management v. Lani Blackcoon*, CG 11-24 (Matha, T).

*Capital One Bank v. Chelsea Hockenberry*, CG 11-25 (Matha, T).

*Speedcash Loans v. Jill Pettibone*, CG 11-26 (Matha, T).

*Ford Motor Credit v. Gina L. WhiteEagle*, CG 11-27 (Matha, T).

*Gundersen Lutheran Medical Center v. Joan Buckhannon*, CG 11-28 (Matha, T).

*Degen Berglend v. Joan Buckhannon*, CG 11-29 (Matha, T).

*Gundersen Clinic Ltd. v. Joan Buckhannon*, CG 11-30 (Matha, T).

*Black River Falls Memorial Hospital v. Joan Buckhannon*, CG 11-31 (Matha, T).

*Gundersen Lutheran Medical Center v. LuAnn Littlegeorge*, CG 11-32 (Matha, T).

*Gundersen Clinic Ltd. v. LuAnn Littlegeorge*, CG 11-33 (Matha, T).

*Black River Falls Memorial Hospital v. Eleanor S. Decorah*, CG 11-34 (Matha, T).

*Gundersen Lutheran Medical Center v. Dawnielle Gouge*, CG 11-35

*Gundersen Clinic Ltd. v. Dawnielle Gouge*, CG 11-36 (Matha, T).

*Black River Falls Memorial Hospital v. Amber Dowling*, CG 11-37 (Matha, T).

**MARCH 7, 2011**

*Creditor Recovery Service v. Tia L. Bognowski*, CG 11-38 (Matha, T).

*Creditor Recovery Service v. Lenny W. Cloud*, CG 11-39 (Matha, T).

**MARCH 9, 2011**

*Alliance Collection Agencies v. Lanette Walker*, CG 11-40 (Matha, T).

**MARCH 16, 2011**

*Black River Falls Memorial Hospital v. Virgil Pettibone, Jr.*, CG 11-41 (Matha, T).

*Black River Falls Memorial Hospital v. Shelly Lamp*, CG 11-42 (Matha, T).

*Black River Falls Memorial Hospital v. Leslie Rave*, CG 11-43 (Matha, T).

**MARCH 21, 2011**

*Jackson County v. Luis A. Olvera*, CG 11-44 (Matha, T).

 **JUVENILE CASES**  
NO CASES FILED AT THIS TIME.

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

 **DOMESTIC VIOLENCE**

**TWO (2) CASES WERE FILED BETWEEN MARCH 1, 2011 – MARCH 31, 2011.**



**RECENT SUPREME COURT FILINGS**

**MARCH 3, 2011**

*Alvane King v. MPC Food & Beverage et al.*, SU 11-01 (Funmaker, D).



**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 Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Morgan Whiteeagle  
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 – Margaret Falcon  
Bailiff/Process Server – William Collins

Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

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)*

\* 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

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

# HO-CHUNK NATION COURT BULLETIN

April 2011 Issue



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## Information Regarding Access to the Children's Trust Fund (CTF) Part I: Education

In these tough economic times, more and more parents have questions about accessing their child's CTF. This series of articles is designed to provide information to about such a release. This particular article is an edited excerpt from a memorandum written by former Chief Trial Court Judge Todd R. Matha explaining the process of releasing CTF money for private schooling. More articles on this topic will be forthcoming.

To begin, a parent/guardian (the "petitioner") must file a completed *Petition for Release of Per Capita Distribution*, which may be accessed on the judicial website. Thereafter, the Court typically enters a *Summons* on the same day and directs it, along with the filing, to the Department of Justice ("DOJ"), legal counsel of the Office of Tribal Enrollment (the "respondent"). See *HCN R. Civ. P. 5(A)(2), 27(B)*. The *Summons* informs respondent's counsel that it must answer the *Petition* within a period of twenty (20) calendar days. See *HCN R. Civ. P. 6(A)*. The DOJ typically requests that the Court convene a *Fact-Finding Hearing* in factually complicated cases, and the Court generally schedules the *Hearing* to occur within five (5) to thirty (30) calendar days, depending upon the urgency of the request and availability of the parties. While the Court can convene a *Fact-Finding Hearing* within a relatively short period of time following receipt of an *Answer*, the Court cannot diminish the responsive timeframe. See *HCN R. Civ. P. 19(C)* (permitting expedited consideration of a motion, but not an initial pleading, e.g., a petition). Following the *Hearing*, the Court has a period of three (3) months to render a decision, but the Court rarely needs the entire

timeframe to perform its duty. See *In the Matter of Timely Issuance of Decisions*, Admin. Rule SU 05-01 (HCN S. Ct., Apr. 9, 2005).

At the *Fact-Finding Hearing*, the Court must determine whether the petitioner has satisfied the statutory standard for securing a release of CTF monies. PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8c. A component part of the standard requires the petitioner to demonstrate that "the needs of [the minor] are not being met from other Tribal funds or other state or federal public entitlement programs." *Id.* (emphasis added). Consequently, a petitioner seeking CTF monies for private schooling purposes must establish that available

public schooling does not meet the minor's educational needs. A failure to do so will result in a denial of the request. *See, e.g., In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment*, CV 07-62 (HCN Tr. Ct., Nov. 9, 2007) at 6-7, 9-10 (holding that the petitioner could not simply claim the existence of unidentified studies purportedly indicting a state's poor elementary educational system). In the referenced case, the Court noted that "casting unsubstantiated aspersions at a public institution should not suffice for the purpose of having a minor satisfy educational costs." *Lonetree*, CV 06-26 at 11.

The Court must presume that the educational needs of a minor are reasonably being met by means of a free state resource. For example, in the State of Wisconsin, "[t]he legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years." WIS. CONST. art. X, § 3. The petitioner, therefore, must effectively demonstrate otherwise through testimony and documentary evidence. The Court will not release CTF monies based upon an educational preference as opposed to an educational need. *See, e.g., In the Interest of Minor Children: Z.T.E., DOB 12/18/01, et al. by David Espinoza v. HCN Office of Tribal Enrollment*, CV 08-30-31 (HCN Tr. Ct., Aug. 26, 2008) at 6, 9-10 (preferring the Montessori approach toward learning). However, the Court has granted a few private schooling requests. The Court granted a request for attendance at St. John's Northwestern Military Academy in Delafield, WI, since the minor child had been expelled from public school and could not return to a state academic institution. *In the Interest of Minor Child: B.K.W.B., DOB 02/10/91, by Cara Lee Murphy v. HCN Office of Tribal Enrollment*, CV 06-67 (HCN Tr. Ct., Jan. 19, 2006) at 6-7, 10-11 (finding an absence of an available state educational resource).

On the other end of the spectrum, the Court sanctioned the use of CTF monies for private school expenses at Interlochen Arts Academy in Interlochen, MI, because the minor child had demonstrated an extraordinary musical aptitude. The minor child could not receive the level of musical instruction commensurate with the minor's skills and talents within a public school setting. In essence, the petitioner exhausted the available state entitlement because the public school proved lacking in its ability to prepare the minor for future obtainable ambitions. *In the Interest of Minor Child: K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment*, CV 05-66 (HCN Tr. Ct., Nov. 9, 2005) at 5-6, 9-10.

In those instances where the Court has granted requests, it has always required a parental contribution. *WhiteEagle*, CV 07-07 at 7, 12; *WhiteEagle*, CV 06-30 at 8, 12; *Murphy*, CV 06-67 at 7, 11-12; *WhiteEagle*, CV 05-73 at 8; *Lonetree*, CV 05-66 at 6. The Court maintains, "[a]s a general proposition, [that] a child should not bear the cost of providing his or her elementary or high school education." *Nakai*, CV 07-62 at 10. Furthermore, the Court has stressed that a "parent must fulfill [his or] her inherent obligation to provide for the basic necessities of [a] minor child." *Murphy*, CV 06-67 at 11.

A decision to seek access to a minor's CTF account should represent a decision of last resort. The Court remains open to all manner of requests and will adjudge each independently on the basis of the presented facts and circumstances, with a mind toward sustaining a consistent body of case law. Specifically, in regards to private schooling requests, the Court must insist upon timely filing of petitions. The Court has encountered several occasions where the minor child has already enrolled in private school prior to receiving a judicially sanctioned release of CTF monies. In one such instance, the Court "express[ed] a word of caution regarding preemptively committing CTF monies absent judicial approval." *WhiteEagle*, CV 07-07 at 12. The Court continued: "The petitioner accepts a substantial risk by contractually obligating funds that may not be forthcoming, and the Court instructs the petitioner to refrain from such a practice in the future." *Id.*

As a final note, the Court has granted CTF monies for private tutoring and instruction for children demonstrating significant difficulty in public school. *See, e.g., In the Interest of Minor Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment*, CV 07-23 (HCN Tr. Ct., June 29,

2007). The Court approved the minor child's participation in a four-month program conducted by Sylvan Learning Systems, Inc. The public school did not offer an on-site tutoring program, and the minor already attended tutoring sessions offered by the Nation. The minor child could not receive the same degree of personalized school instruction due to being elevated out of a Special Education curriculum. *Id.* at 5-7, 10.



## REMEMBER

### 2011 *Guardian ad Litem* Training July 13 – 15, 2011

The HOČAK NATION CHILDREN AND FAMILY ACT advises that the Trial Court “appoint a *Guardian Ad Litem* to protect the best interests of the child,” in juvenile cases. 4 HCC § 3.25a. Additionally, *Guardians Ad Litem* perform an instrumental and vital role in the Court's appointment of legal guardians under the new HOČAK THIRD PARTY GUARDIANSHIP ACT, 4HCC § 11.

The Court will host an on-site GAL training session on July 13-15, 2011, at Wa Ehi Hoci in Black River Falls. Wisconsin Judicare, Inc. will conduct the training, which is free to Ho-Chunk members and Nation employees.

Current *Guardians ad litem* seeking to serve as a GAL for 2011-12 are required to attend under the *HCN Rules for Guardian Ad Litem* adopted by the Supreme Court, provided they received initial training prior to last year. The rules are available at <http://www.ho-chunknation.com/?PagelD=123>.

Ho-Chunk employees may receive paid Educational Leave to attend the course. Please contact your immediate supervisor.

A *Guardian Ad Litem* serves as an independent advocate and informs the Court of a child's interests in child protection actions and guardianship matters.

The Ho-Chunk Nation Judiciary currently seeks conscientious, caring and dependable individuals to fill this important role. *Guardians ad litem* receive compensation for their services and reimbursement for accumulated expenses.

Information regarding service as a GAL is available from the Clerk of Court at (800) 434-4070 or (715) 284-2722.

## REMEMBER 2011 Lay Advocacy Training

The Ho-Chunk Nation Trial Court is offering a unique training opportunity to prepare individuals to represent people in tribal court. A **lay advocate** is trained to represent people in a variety of cases, but is not a licensed attorney.

Interested individuals are invited to contact the staff attorneys for the HCN Trial Court at (715) 284-2722 for more information or visit the web-site at: <http://www.ho-chunknation.com/?PagelD=352>.

Educational leave for HCN employees has been approved by the HCN Dept. of Personnel. Contact your immediate supervisor for approval.

The HCN Supreme Court is charged with admitting qualified individuals to the HCN Bar Association. Upon completion of this training, Lay Advocates shall be required to apply for admission to the bar on an individual basis

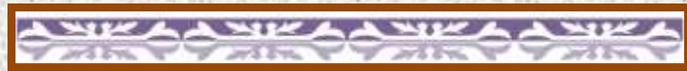
### Important Dates:

Educational Leave: April 29, 2011

Registration Deadline: May 2, 2011

Lay Advocacy Training May 31, 2011—June 3, 2011





## UPDATES FROM OUTSIDE JURISDICTIONS

### UNITED STATES COURTS OF APPEALS, 8<sup>TH</sup> CIR.

*Hart v. United States*, No. 10-1604, 38 Indian L. Rep. 2001 (8<sup>th</sup> Cir., Jan. 11, 2011). The U.S. Court of Appeals for the Eighth Circuit affirmed the district court's dismissal of a wrongful death action for lack of subject matter jurisdiction. The district court held that the discretionary function exemption to the Federal Tort Claims Act's general waiver of sovereign immunity barred the appellant's claims asserted against the United States that a Bureau of Indian Affairs law enforcement officer failed adequately to supervise, secure, and detain the appellant's son. After the appellant's son's arrest for federal crimes, the son committed suicide.

### UNITED STATES COURTS OF APPEALS, 9<sup>TH</sup> CIR.

*Lyon v. Gila River Indian Community*, Nos. 08-15570 and 08-15712, 38 Indian L. Rep. 2001 (9<sup>th</sup> Cir., Nov. 24, 2010). In an action over the rights of access to and occupation of a parcel of land surrounded by Indian reservation land, the U.S. Court of Appeals for the Ninth Circuit held that: (1) the United States is not an indispensable party to the action; (2) the district court properly implied an easement in the federal government's grant of section 16 to Arizona and that easement was not disturbed by the subsequent expansion of the Gila River Indian Reservation; (3) the implied easement Arizona obtained in 1877 was effectively conveyed to each subsequent purchaser; (4) Gila River Indian Community's aboriginal title was extinguished in 1877; (5) the appellee failed to show that Arizona established two roads of access as public highways crossing public land; and (6) the district court erred in refusing to take judicial notice of the official action of the Bureau of Indian Affairs determining that one of the roads is not an Indian reservation road (IRR) and in applying laches to conclude that a section of one of the roads is an IRR; and remanded to the district court for further consideration of whether the road is an IRR.

### UNITED STATES COURTS OF APPEALS, 10<sup>TH</sup> CIR.

*Breakthrough Management Group, Inc. v. Chukchansi Gold Casino & Resort et al.*, Nos. 08-1298, 08-1305, and 08-1317, 38 Indian L. Rep. 2010 (10<sup>th</sup> Cir., Dec. 27, 2010). Finding that tribal business entities have sufficiently close relationship with the Picayune Rancheria of the Chukchansi Indians, the U.S. Court of Appeals for the

Tenth Circuit held that the Chukchansi Economic Development Authority, the Chukchansi Gold Casino and Ryan Stanley were protected from suit by tribal sovereign immunity, and thus reversed the district court's ruling and remanded to the district court for a determination of whether the entities waived their immunity from suit through licensing agreements with the plaintiff, and denied the plaintiff's cross-appeal for lack of jurisdiction.

*United States v. Saupitty*, No. 09-6186, unpublished, 38 Indian L. Rep. 2021 (10<sup>th</sup> Cir., Oct. 13, 2010). The U.S. Court of Appeals for the Tenth Circuit affirmed the appellant's conviction on thirty-three counts of embezzlement from an Indian tribal organization in violation of 18 U.S.C. § 1163.

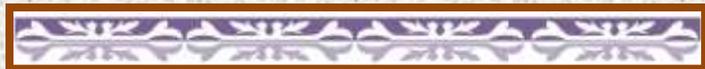
*United States v. Warrior*, No. 09-6057, unpublished, 38 Indian L. Rep. 2023 (10<sup>th</sup> Cir., Nov. 10, 2010). The U.S. Court of Appeals for the Tenth Circuit concluded that the district court did not err in refusing to raise defendant's base offense level by only 3 levels based on a finding of mere bodily injury.

### UNITED STATES COURTS OF APPEALS, 11<sup>TH</sup> CIR.

*Tsosie v. Garrett et al.*, No 09-16439, unpublished, 38 Indian L. Rep. 2024 (11<sup>th</sup> Cir., Nov. 29, 2010). Because the plaintiff failed to allege any physical injuries, mental, or emotional injuries related to physical injuries from the defendants' failure to notify him of threats from other inmates, the U.S. Court of Appeals for the Eleventh Circuit concluded that the district court did not err in dismissing with prejudice the plaintiff's complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(i), as well as the plaintiff's claims under the Eighth and Fifth Amendments, or under the Indian Civil Rights Act, the Navajo Treaty of 1868, or 8 U.S.C. § 1401(b).

### UNITED STATES COURTS OF APPEALS, FED. CIR.

*Navajo Nation v. United States*, No. 2010-5036, 38 Indian L. Rep. 2025 (Fed. Cir., Jan. 10, 2011). The U.S. Court of Appeals for the Federal Circuit concluded that the Navajo Nation's claims for damages for a Fifth Amendment taking of its right to develop land granted to it by the United States in 1934 is barred by a six-year statute of limitations in 28 U.S.C. § 2501, and thus vacated the judgment of the U.S. Court of Federal Claims and remanded with instructions to dismiss the action for lack of jurisdiction.



## 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

#### APRIL 11, 2011

*State of Wisconsin v. Marlin Redcloud*, CS 11-15 *Default Judgment (Enforcing Arrears)* (HCN Tr. Ct., Apr. 11, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign order for outstanding arrears against the respondent's per capita payments. The party received proper notice, but failed to respond. The Court accordingly granted recognition and enforcement of the foreign judgment.

#### APRIL 12, 2011

*Oneida Nation of Wisconsin v. Michael S. Smith*, CS 08-81 *Order (Updating Case File Information)* (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The Court updated the foreign court case number to reflect the transfer of the case from the state to the Oneida Nation.

*Valee Sanache v. Barrin Sanache*, CS 10-54 *Order (Updating Arrears)* (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

*State of Wisconsin et al. v. Merlin Crow*, CS 00-53 *Order (Updating Arrears)* (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

*State of Wisconsin v. Benjamin J. Gleichauf*, CS 11-16 *Default Judgment (Enforcing Child Support with Arrears)* (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin ex rel. v. Kric V. Pettibone*, CS 05-44 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

*Joseph Holmes v. Elizabeth Eades*, CS 10-26 *Order (Updating Arrears)* (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

*Sonia R. Roberts v. William S. Buchanan*, CS 09-38 *Order (Cease Child Support Withholding – Per Capita)* (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's per capita, due to the child's emancipation. Therefore, the Court ceased withholding child support from the respondent's per capita.

*Tara Gabl v. Jesse Snowball*, CS 04-58 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

*State of Wisconsin ex rel. v. Carly Craven*, CS 09-50 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a

modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment.

*State of Wisconsin et al. v. Brandan J. Cloud, Sr.*, CS 07-88 Order (Modifying & Enforcing Child Support & Ceasing Arrears) (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment. Additionally, the Court ceased arrears withholding since the outstanding obligation was paid in full.

*State of Iowa et al. v. Marcus Sena*, CS 03-78 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

*State of Wisconsin ex rel. v. Timothy C. Scott*, CS 10-15 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's wages. Therefore, the Court ceased withholding child support from the respondent's wages.

*Michelle Stacy v. Zachary Thundercloud*, CS 01-24 Order (Reinstating Child Support Withholding Against Per Capita) (HCN Tr. Ct., Apr. 12, 2011) (Rockman, A).

The child support agency requested a reinstatement of the respondent's child support obligations. Therefore, the Court reinstated the child support withholding from the respondent's per capita.

*State of Wisconsin et al. v. Brian S. LaMere*, CS 03-20 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).

The child support agency requested a termination of the child support withholding from the respondent's wages. Therefore, the Court ceased withholding child support from the respondent's wages.

#### **APRIL 13, 2011**

*Katherine Nicholson v. Carl Steen-Wilson*, CS 10-27 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Apr. 13, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

*State of Wisconsin v. Mitchell N. Link*, CS 11-17 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Apr. 13, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin ex rel. v. Benjamin J. Gleichauf and State of Wisconsin v. Benjamin J. Gleichauf*, CS 08-40, 11-16 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Apr. 13, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Nela F. Stacy v. Gregory Harrison*, CS 05-66 Order (Reinstating Child Support) (HCN Tr. Ct., Apr. 13, 2011) (Rockman, A).

In December, the Court issued its last judgment having the effect of ceasing child support due to the parties failure to timely file proof of the child's high school enrollment. Subsequently, the child support agency filed the appropriate documentation, which the Court accepted as proof of high school enrollment. Therefore, the Court reinstated the child support withholding from the respondent's per capita.

*State of Wisconsin et al. v. Leah L. Fiske f/k/a Leah L. Topping and State of Wisconsin et al. v. Leah L. Fiske*, CS 99-05, 03-68 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., Apr. 13, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin v. Melissa J. Kingswan*, CS 11-14 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., Apr. 13, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin ex rel. v. Ted L. Brown; State of Wisconsin ex rel. v. Ted L. Brown*, CS 00-37, 10-20 *Order (Modifying Equitable Adjustment)* (HCN Tr. Ct., Apr. 13, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification to suspend current child support and arrears withholding in one (1) of the cases. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Sheila Doucette v. Scott Hindes; Jadie A. Whittier v. Scott Hindes; Heather Lee Mott v. Scott Hindes*, CV 97-132, CS 04-47, 08-16, *Order (Modifying Equitable Adjustment)* (HCN Tr. Ct., Apr. 13, 2011) (Matha, T).

The minor child in one (1) of the cases reached the age of majority. Thus, the respondent's current child support obligation for that case terminated. Due to the respondent's serial payor status, the Court accordingly had to modify the equitable adjustment to reflect the change.

#### **APRIL 14, 2011**

*Leah K. Cornelius v. Randal Cloud*, CS 01-13 *Order (Updating Case File Information)* (HCN Tr. Ct., Apr. 14, 2011) (Matha, T).

The Court updated the foreign court case number to reflect the transfer of the case from the state to the Oneida Nation.

*State of Wisconsin ex rel. v. Mitchell RedCloud and Cynthia Moblely v. Mitchell RedCloud*, CS 02-33, 03-42 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

*Dawn Burket v. Lawrence J. Hengel and Washington County Community Services ex rel. v. Lawrence J. Hengel*, CS 99-41,

00-47 *Order (Modifying Equitable Adjustment)* (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current child support withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Carla R.L. Cornish aka Meeks v. Luther A. Dixon II*, CS 99-11 *Order (Cease Child Support Withholding – Per Capita)* (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's per capita. Therefore, the Court ceased withholding child support from the respondent's per capita.

*Carla R.L. Cornish aka Meeks v. Luther A. Dixon II; Nicolette Smith v. Luther A. Dixon II; State of Iowa ex rel. v. Luther A. Dixon II*, CS 99-11-12, 00-12 *Order (Modifying Equitable Adjustment & Arrears Withholding)* (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

One (1) of the respondent's current child support obligations ceased. Due to the respondent's serial payor status, the Court accordingly had to modify the equitable adjustment to reflect the change.

*Dawn Young v. Dion Thompson; Stefanie Oilschlager v. Dion Thompson; Terri L. Thompson v. Dion Thompson; Katherine A. Stojak v. Dion Thompson; Marie D. Clark v. Dion Thompson*, CV 96-86, CS 98-62, 06-59-60, 11-20 *Default Judgment (Equitable Adjustment)* (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner and performed an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin v. Frederick Greendeer; State of Wisconsin et al. v. Frederick Greendeer*, CV 97-44, CS 99-75 *Order (Modifying & Enforcing Arrears)* (HCN Tr. Ct., Apr. 14, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current arrearage withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and

enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Dasa Marie Pappas v. Wilfred H. Cloud; Cheyenne Powless v. Wilfred H. Cloud; State of Wisconsin ex rel. v. Wilfred H. Cloud*, CS 01-29, 04-36, 08-28 Order (Modifying & Enforcing Arrears) (HCN Tr. Ct., Apr. 14, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current arrearage withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*State of Wisconsin v. David W. Liethen*, CS 11-18 Default Judgment (Enforcing Child Support Against Wages) (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Patrick K. Collins v. Claire R. Billie*, CS 10-18 Order (Granting Motion for Expedited Consideration & Impounding Per Capita) (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The respondent filed a motion requesting that the Court impound her per capita, until the petitioner could respond to a previous filing ceasing the respondent's child support obligation. The Court granted the motion.

*Mary J. Sams v. Daniel J. Sams*, CS 09-65 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

*Kristine H. Blackcoon v. Michael K. Blackcoon*, CS 98-25 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Apr. 14, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

#### **APRIL 15, 2011**

*Roger D. Wallace v. Renea A. Perez; State of Wisconsin ex rel. v. Renea A. Perez*, CS 00-29, 04-04 Order (Modifying

*Equitable Adjustment & Updating File Information*) (HCN Tr. Ct., Apr. 15, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current arrearage withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Regina K. Baldwin v. Hunter D. Littlejohn; Virginia C. Murphy v. Hunter D. Littlejohn Sr.; Bethany Littlejohn v. Hunter D. Littlejohn*, CS 99-46, 03-72, 10-55 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Apr. 15, 2011) (Matha, T).

The Court had to determine whether to grant the recent motion to modify. The petitioner requested a modification in current arrearage withholding. The respondent received proper notice, but failed to timely respond. Therefore, the Court granted recognition and enforcement of the modified foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Patricia Houghton v. Dixon Funmaker and State of Wisconsin ex rel. v. Dixon Funmaker and State of Wisconsin ex rel. v. Dixon Funmaker*, CS 98-68, 01-22, 09-49 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Apr. 15, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

*Candice Solesby v. Kevin B. Funmaker*, CS 98-07 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Apr. 15, 2011) (Matha, T).

The Court updated the amount of arrears owed by the respondent.

*Penny Brunette v. Merlin Crow*, CS 00-53 Order (Updating Case File Information) (HCN Tr. Ct., Apr. 15, 2011) (Matha, T).

The Court updated the foreign court case number to reflect the transfer of the case from the state to the Oneida Nation.

#### **APRIL 18, 2011**

*County of Anoka ex rel. v. Craig S. Moyer*, CS 09-10 Order (Reinstating Child Support) (HCN Tr. Ct., Apr. 18, 2011) (Matha, T).

The child support agency requested a reinstatement of the respondent's child support obligations. Therefore, the

Court reinstated the child support withholding from the respondent's per capita.

*Menominee Tribe of Wisconsin v. Lillian A. Harrison*, CS 09-33 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Apr. 18, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's per capita. Therefore, the Court ceased withholding child support from the respondent's per capita.

*Menominee Tribe of Wisconsin v. Lillian A. Harrison*; *Menominee Tribe of Wisconsin v. Lillian A. Harrison*; *Menominee Tribe of Wisconsin v. Lillian A. Harrison*, CS 09-33-35 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., Apr. 18, 2011) (Rockman, A).

Due to the termination of child support for one (1) of the cases, the Court had to modify the child support withholding for the remaining two (2) judgments and outstanding arrears. The Court modified the equitable adjustment to reflect the changes in the respondent's child support obligations.

#### **APRIL 19, 2011**

*State of Wisconsin v. Melissa J. Kingswan*, CS 11-14 Order (Erratum) (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).

The Court issued an erratum to correct a clerical mistake in the previous order.

*Marcella Redbird v. Michael A. Greengrass*, CS 11-13 Order (Erratum) (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).

The Court issued an erratum to correct a clerical mistake in the previous order.

*State of Wisconsin v. Mitchell N. Link*, CS 11-17 Order (Erratum) (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).

The Court issued an erratum to correct a clerical mistake in the previous order.

*Dawn Burket v. Lawrence J. Hengel and Washington County Community Services ex rel. v. Lawrence J. Hengel*, CS 11-14 Order (Erratum) (HCN Tr. Ct., Apr. 19, 2011) (Matha, T).

On April 14, 2011, the Court issued an order in the instant case, and now reissues the order to address clerical mistake and modify the equitable adjustment.

#### **APRIL 28, 2011**

*Michelle Rave v. Jeriah J. Rave, Sr.*, CS 09-07 Order (Denial of Motion for Expedited Consideration) (HCN Tr. Ct., Apr. 28, 2011) (Rockman, A).

The respondent filed a motion with expedited consideration to impound child support payments against his wages. The Court denied the motion for expedited

consideration because the respondent failed to satisfy the two (2) elements of the rule. The Court scheduled a motion hearing.

*Patrick K. Collins v. Claire R. Billie*, CS 10-18 Order (Ceasing Current Child Support, Ceasing Arrears, & Releasing Impound) (HCN Tr. Ct., Apr. 28, 2011) (Rockman, A).

The respondent filed a foreign court order verifying the cessation of current child support and arrearage obligations. Accordingly, the Court ceased withholding from the respondent's per capita.

## **CIVIL GARNISHMENT CASES**

#### **APRIL 11, 2011**

*Alliance Collection Agencies, Inc. v. Kenneth J. Jardine*, CG 09-107 Order (Granting Motion to Modify) (HCN Tr. Ct., Apr. 11, 2011) (Matha, T).

The Court had to determine whether to grant the petitioner's motion to modify. The respondent failed to timely respond to the motion, therefore the Court granted the motion.

*National Quick Cash v. Rebecca Pidgeon*, CG 10-35 Order (Satisfaction of Judgment) (HCN Tr. Ct., Apr. 11, 2011) (Matha, T).

The Court closed the file as the petitioner had indicated that the petitioner had relieved the respondent of any further obligation.

#### **APRIL 13, 2011**

*Jeffrey M. Julian v. Melissa Thunder*, CG 08-82 Order (Denying Post-Judgment Motion) (HCN Tr. Ct., Apr. 13, 2011) (Matha, T).

The Court denied the respondent's post-judgment motion for a new hearing.

#### **APRIL 20, 2011**

*Alliance Collection Agencies, Inc. v. Lanette Walker*, CG 11-40 Order (Default Judgment) (HCN Tr. Ct., Apr. 20, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creative Finance, Inc. v. Don & Melody Cook*, CG 11-15 Order (Suspending Judgment) (HCN Tr. Ct., Apr. 20, 2011) (Matha, T).

The Court suspended the garnishment against the respondents for one (1) month, upon stipulation of the parties.

*Ford Motor Credit Company v. Gina L. WhiteEagle*, CG 11-27 Order (Dismissal without Prejudice) (HCN Tr. Ct., Apr. 20, 2011) (Matha, T).

In a previous decision the Court ordered the petitioner file an amended petition. Rather than file the amended petition, the petitioner filed a request to dismiss. Accordingly, the Court dismissed the instant case.

*Robert E. Smith et al. v. Heather L. Peterson et al.*, CG 10-14 Order (Satisfaction of Judgment) (HCN Tr. Ct., Apr. 20, 2011) (Matha, T).

The respondent filed correspondence, in compliance with HCN R. Civ. P. indicating that the respondent had fully satisfied the judgment.

#### **APRIL 28, 2011**

*Black River Falls Memorial Hospital v. Winonah S. Folkers*, CG 10-104 Order (Default Judgment) (HCN Tr. Ct., Apr. 28, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creditor Recovery Service, LLC v. Tia L. Bagnowski*, CG 11-38 Order (Default Judgment) (HCN Tr. Ct., Apr. 28, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creditor Recovery Service, LLC v. Lenny W. Cloud*, CG 11-39 Order (Default Judgment) (HCN Tr. Ct., Apr. 28, 2011) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Valued Services of Wisconsin, LLC v. Trevor Littlesoldier*, CG 11-45 Order (Voluntary Dismissal) (HCN Tr. Ct., Apr. 28, 2011) (Matha, T).

Prior to the responsive pleading deadline, the petitioner filed a request to dismiss the instant case. Accordingly, the Court dismissed the instant action without prejudice.

*In the Matter of the Outstanding Obligations of: Amanda L. Amborn*, CG 11-52 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Apr. 28, 2011) (Matha, T).

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

## **CIVIL CASES**

#### **APRIL 15, 2011**

*Rita A. Gardner v. Tracy Littlejohn et al.* CV 10-47 Order Denying Motion) (HCN Tr. Ct., Apr. 15, 2011) (Rockman, A).

The Court had to determine whether or not to grant the defendants' Motion for Amendment to or Relief from Judgment or Order & Reconsideration & Request to Re-Open Discovery and the Plaintiff's Motion to Amend Judgment. The defendants' Motion for Reconsideration was denied as the Court did not issue a formal Order on such a motion within thirty (30) days of its filing. The Court did not find justification to grant any of the remaining motions. Therefore, the remaining motions were denied.

## **ADMINISTRATIVE APPEALS**

#### **APRIL 11, 2011**

*Kyle M. Funmaker v. Department of Treasury et al.*, CV 10-12 Order (Affirming) (HCN Tr. Ct., Apr. 11, 2011) (Matha, T).

The Court had to determine whether to uphold the decision of the Grievance Review Board. The Court affirmed the agency decision due to the presence of substantial evidence for support of the decision.

#### **APRIL 19, 2011**

*Joseph A. Bauer v. Ho-Chunk Casino Hotel & Convention Center et al.*, CV 11-20 Order (Motion Hearing) (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).

The Court scheduled a Motion Hearing to allow the respondents to argue the Amended Motion to Dismiss, and to provide the petitioners the opportunity to offer a response.

*Cheryl Brinegar v. Ho-Chunk Nation Department of Personnel, CV 10-81 Order (Granting Motion for Expedited Consideration to Modify Scheduling Order)* (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).

The Court granted the respondent's motion due to a stipulation between the parties.

## CHILDREN'S TRUST FUND (CTF)

### APRIL 1, 2011

*In the Interest of Adult CTF Beneficiary: Janet C. Trudel, DOB 09/03/1986 v. HCN Office of Tribal Enrollment, CV 10-109 Order (Partially Granting Petition)* (HCN Tr. Ct., Apr. 1, 2011) (Matha, T).

The Court had to determine whether an adult could access her CTF account to purchase clothing, personal care, and household items for herself or her minor child. The Court granted a partial release of funds to satisfy the petitioners clothing request. The Court denied the petitioner's request for personal clothing and general household items.

*In the Interest of Minor Child: B.R., DOB 03/17/1997, by Candace Ringham v. HCN Office of Tribal Enrollment, CV 10-108 Order (Requesting Accounting)* (HCN Tr. Ct., Apr. 1, 2011) (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 a full 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: I.C.P., DOB 06/04/1994, by Lori A. Pettibone, v. HCN Office of Tribal Enrollment, CV 10-103 Order (Requesting Accounting)* (HCN Tr. Ct., Apr. 1, 2011) (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 a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

*In the Interest of Minor Child: A.H.A., DOB 10/18/1995, by Alana T. DeCora-Ayesh v. HCN Office of Tribal Enrollment, CV 10-104 Order (Requesting Accounting)* (HCN Tr. Ct., Apr. 1, 2011) (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 a full 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: B.R.A., DOB 09/01/1993, by Georgianna Funmaker v. HCN Office of Tribal Enrollment, CV 10-112 Order (Requesting Accounting)* (HCN Tr. Ct., Apr. 1, 2011) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with dental procedures. The petitioner failed to submit a full 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 Children: J.A.D., DOB 06/14/1996, and B.C.D., DOB 04/25/1998, by Nadine C. Bailey v. HCN Office of Tribal Enrollment, CV 11-24 Order (Petition Granted)* (HCN Tr. Ct., Apr. 1, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor children's CTF accounts to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Child: J.M.S., DOB 09/23/2005, by Shelby Visintin v. HCN Office of Tribal Enrollment, CV 11-23 Order (Petition Granted)* (HCN Tr. Ct., Apr. 1, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with dental procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Child: J.M.N.B., DOB 11/23/1998, by Bonnie Bird v. HCN Office of Tribal Enrollment, CV 11-26 Order (Petition Granted)* (HCN Tr. Ct., Apr. 1, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Child: D.R.O., DOB 01/12/96, by Victoria J. Ortiz v. HCN Office of Tribal Enrollment, CV 11-14 Order (Dismissal without Prejudice)* (HCN Tr. Ct., Apr. 1, 2011) (Matha, T).

The Court dismissed the instant case due to the petitioner's failure to attend the *Motion Hearing*.

**APRIL 4, 2011**

*In the Interest of Minor Child: J.B.K., DOB 02/17/2004, by Danielle Knak v. HCN Office of Tribal Enrollment, CV 08-42 Order (Maintaining Quarterly Disbursement) (HCN Tr. Ct., Apr. 4, 2011) (Rockman, A).*

The case concerns whether a parent can continue to access monies on behalf of her minor child, to provide for the minor's ongoing needs due to the child's autism. The Court granted an ongoing release of funds to satisfy the request, which will be reviewed annually, in order to address the extensive needs of the minor child due to a developmental disability.

**APRIL 11, 2011**

*In the Interest of Minor Child: E.J.B., DOB 05/19/99, by Myra Jo Price v. HCN Office of Tribal Enrollment, CV 11-11 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 11, 2011) (Matha, T).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with a professional tutoring program. The petitioner submitted an account history, confirming the proper use of the funds. The Court accepted this accounting.

**APRIL 15, 2011**

*In the Interest of Minor Child: M.R.W., DOB 04/05/1995, by Miriam Whiteagle v. HCN Office of Tribal Enrollment, CV 10-111 Order (Granting Petition In Part) (HCN Tr. Ct., Apr. 15, 2011) (Rockman, A).*

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with private school tuition. The Court only partially granted the request due to the petitioner's failure to demonstrate exhaustion of an available state entitlement.

**APRIL 21, 2011**

*In the Interest of Minor Child: B.R.A., DOB 09/01/1993, by Georgianna Funmaker v. HCN Office of Tribal Enrollment, CV 10-112 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 21, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: J.M.T., DOB 04/08/1997, by Juanita Faye Tracy v. HCN Office of Tribal Enrollment, CV 11-25 Order (Motion Hearing) (HCN Tr. Ct., Apr. 21, 2011) (Rockman, A).*

The Court scheduled the instant case for a motion hearing to provide the petitioner the opportunity to offer a response to the respondent's motion to dismiss.

*In the Interest of Minor Child: A.H.A., DOB 10/18/1996, by Alana T. DeCora-Ayesh v. HCN Office of Tribal Enrollment, CV 10-104 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 21, 2011) (Rockman, A).*

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

**APRIL 23, 2011**

*In the Interest of Minor Child: I.C.P., DOB 06/04/1994, by Lori A. Pettibone v. HCN Office of Tribal Enrollment, CV 10-103 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 23, 2011) (Rockman, A).*

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

**APRIL 29, 2011**

*In the Interest of Minor Child: D.B.W., DOB 03/30/1994, by Lanette R. Walker v. HCN Office of Tribal Enrollment, CV 11-22 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 29, 2011) (Rockman, A).*

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

**CONTRACTS**

**NO DECISIONS AT THIS TIME.**

**ELECTION MATTERS****APRIL 29, 2011**

*Sandra E. Decorah v. Ho-Chunk Nation Election Board et al., CV 11-13 Order (Dismissal) (HCN Tr. Ct. Apr. 29, 2011) (Matha, T).*

The Court previously scheduled a *Motion Hearing* to allow the defendants to argue the *Motion to Dismiss*, and to provide the plaintiff the opportunity to offer a response. Despite proper service, the plaintiff failed to appear at the *Hearing*. Accordingly the Court dismissed the instant action.

 **ENROLLMENT**

NO DECISIONS AT THIS TIME.

 **INCOMPETENT'S TRUST FUND (ITF)**

**APRIL 1, 2011**

*In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara Meltesen v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 1, 2011) (Rockman, A).*

The Court previously released funds from the ITF account of the adult incompetent to pay costs associated with ongoing nursing home care and professional guardianship service fees. The petitioner submitted a series of invoices, confirming the proper use of the funds. The Court accepted this accounting.

**APRIL 19, 2011**

*In the Interest of Adult Incompetent: K.S.B., DOB 02/19/60, by Jon B. Bahr v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-110 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 19, 2011) (Rockman, A).*

The Court previously released funds from the ITF account of the adult incompetent to pay costs associated with ongoing guardianship services. The petitioner submitted a payment history statement, confirming the proper use of the funds. The Court accepted this accounting.

**APRIL 21, 2011**

*In the Interest of Adult Incompetent: D.H., DOB 07/10/1964, by Jamie Pastika, Pastika Guardianship v. Ho-Chunk Nation Office of Tribal Enrollment, CV 09-32 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 21, 2011) (Rockman, A).*

The Court previously released funds from the ITF account of the adult incompetent to pay the ward's past due balance for residential living. The petitioner submitted a general ledger and account statements, confirming the proper use of the funds. The Court accepted this accounting.

**APRIL 22, 2011**

*In the Interest of Adult Incompetent: D.H., DOB 07/10/1964, by Jamie Pastika, Pastika Guardianship v. Ho-Chunk Nation Office of Tribal Enrollment, CV 09-32 Order (Accepting Accounting) (HCN Tr. Ct., Apr. 22, 2011) (Rockman, A).*

The Court had to determine whether the legal guardians could access monies on behalf of an adult incompetent member from the ITF account to pay for costs associated the ward's outstanding debt to the State of Wisconsin Department of Child and Families. The Court granted the release of funds to satisfy the request of the guardian.

 **RECALL/REMOVAL**

NO DECISIONS AT THIS TIME.

 **DOMESTIC ABUSE**

FOUR (4) ORDERS WERE ISSUED FROM APRIL 1, 2011 THROUGH APRIL 30, 2011.

 **FAMILY** **DIVORCE**

NO DECISIONS AT THIS TIME.

 **JUVENILE CASES**

**APRIL 1, 2011**

*In the Interest of Minor Children: C.S.C., DOB 11/22/97; K.K.C., DOB 11/04/99; K.A.C., DOB 11/02/01; and C.C., DOB 01/16/08, JV 11-02-05 Order (Dispositional Requirements) (HCN Tr. Ct., Apr. 1, 2011) (Matha, T).*

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations. The Court entered dispositional requirements in the hopes that they will successfully unify the family.

**APRIL 12, 2011**

*In the Interest of Minor Child: J.P.F., DOB 11/17/1993, JV 10-19 Order (Status Hearing) (HCN Tr. Ct., Apr. 12, 2011) (Matha, T).*

The Court convened a status hearing in order to assess the mother's progress in the case.

**APRIL 13, 2011**

*In the Interest of Minor Children: J.C., DOB 06/10/04; and A.C., DOB 01/31/06, JV 07-04-05 Order (Child Protection Review Hearing) (HCN Tr. Ct., Apr. 13, 2011) (Matha, T).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

**APRIL 14, 2011**

*In the Interest of Minor Children: K.B.M., DOB 10/29/93; G.E.M., DOB 08/25/95; A.D.M., DOB 04/25/97; L.A.M., DOB 12/16/00; and D.B.M., DOB 10/06/07, JV 03-07-10, 07-45 Order (Impounding Per Capita) (HCN Tr. Ct., Apr. 14, 2011) (Rockman, A).*

The Court ordered a portion of the father's per capita impounded until the amount of court ordered child support could be reviewed.

**APRIL 22, 2011**

*In the Interest of Minor Child: K.L.M., DOB 01/03/2010, JV 10-01 Order (Conditional Termination of Jurisdiction) (HCN Tr. Ct., Apr. 22, 2011) (Matha, T).*

The Court terminated jurisdiction over the instant action contingent upon the satisfaction of a specific condition.

**APRIL 28, 2011**

*In the Interest of Minor Children: L.L.T., DOB 06/23/1996, and R.R.T., DOB 03/16/1994, JV 07-62-63 Order (Child Protection Review Hearing) (HCN Tr. Ct., Apr. 28, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

**APRIL 29, 2011**

*In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Maternal Child Protection Review Hearing) (HCN Tr. Ct., Apr. 29, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo, while addressing the request for additional dispositional requirements in relation to the minor children.

**RECENT SUPREME COURT DECISIONS**

NO DECISIONS AT THIS TIME.

**RECENT TRIAL COURT FILINGS****CHILD SUPPORT CASES****APRIL 12, 2011**

*Kristin WhiteEagle v. Donovan Scheurich, CS 11-21 (Matha, T).*

**APRIL 13, 2011**

*Veronica Delarosa v. Cyril Delarosa, CS 11-22 (Matha, T).*

*Toni Emery v. Raleigh J. Decorah, CS 11-24 (Matha, T).*

*State of Wisconsin v. Charles H. Davis, CS 11-25 (Matha, T).*

**APRIL 14, 2011**

*Casha L. Cloud v. Rodney E. Twinn, CS 11-23 (Matha, T).*

*State of Wisconsin v. Russell J. Mann, CS 11-26 (Matha, T).*

**APRIL 19, 2011**

*Sonya Howard v. Jonathan Saylor, CS 11-27 (Rockman, A).*

**APRIL 21, 2011**

*NaKeysai L. Collier v. Brittany F. Wade, CS 11-28 (Rockman, A).*

*Lori Ann Littlesoldier v. Henry Littlesoldier, CS 11-29 (Rockman, A).*

*Menominee Tribe of Wisconsin v. Kevin Conant, CS 11-30 (Rockman, A).*

**CIVIL CASES****APRIL 11, 2011**

*In the Interest of Adult CTF Beneficiary: Joan Frank, DOB 03/27/1990 v. HCN Office of Tribal Enrollment, CV 11-31 (Rockman, A).*

**CIVIL GARNISHMENT CASES****APRIL 7, 2011**

*Check Advance v. Trevor Littlesoldier, CG 11-45 (Matha, T).*

**APRIL 15, 2011**

*Alliance Collection Agencies, Inc. v. David Rice, CG 11-46 (Matha, T).*

*Wells Fargo Bank v. Kelly J. Russell, CG 11-47 (Matha, T).*

*Alliance Collection Agencies, Inc. v. Missy Jean Redcloud, CG 11-48 (Matha, T).*

*Alliance Collection Agencies, Inc. v. Sheila L. WhiteEagle, CG 11-49 (Matha, T).*

**APRIL 21, 2011**

*Credit Management Control, Inc. v. Matthew L. Thundercloud, CG 11-50 (Matha, T).*

*Capital One Bank v. Ronald J. Hamilton, Jr.*, CG 11-51 (Matha, T).

**APRIL 27, 2011**

*State of Wisconsin v. Amanda L. Amborn*, CG 11-52 (Matha, T).

*Credit Recovery Services v. Mark L. Aflager*, CG 11-53 (Matha, T).



**JUVENILE CASES**

**APRIL 18, 2011**

*In the Interest of Minor Child: J.G.S., DOB 08/29/1993*, JV 11-06 (Rockman, A).

*In the Interest of Minor Children: J.B.R., DOB 08/03/1994; and J.S.R., DOB 05/09/1996*, JV 11-07-08 (Rockman, A).

*In the Interest of Minor Children: E.J.R., DOB 02/08/200; and N.R., DOB 12/17/2001*, JV 11-09-10 (Rockman, A).



**FAMILY CASES**

**NO CASES FILED AT THIS TIME.**



**DOMESTIC VIOLENCE**

**TWO (2) CASES WERE FILED BETWEEN APRIL 1, 2011 – APRIL 30, 2011.**



**RECENT SUPREME COURT FILINGS**

**APRIL 26, 2011**

*Rita Gardner v. Tracy Littlejohn et al.*, SU 11-02 (Hunter, M.).



**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 Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Morgan Whiteeagle  
Clayton Winneshiek

**Trial Court** –Amanda L. Rockman, Interim Chief Judge  
Clerk of Court, Trial Court – Marcella Cloud  
Assistant Clerk of Court, Trial Court – Selina Joshua  
Assistant Clerk of Court, Trial Court – Margaret Falcon  
Bailiff/Process Server – William Collins  
Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

\* 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

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

Court Fees

Copying .....	\$0.10/page
Faxing .....	\$.025/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

May 2011 Issue



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## Information Regarding Access to the Children's Trust Fund (CTF) Part II: Automobiles

This is the second article in a series dedicated to providing information about accessing a child's CTF. Occasionally, a parent or legal guardian will petition the Court to release a portion of the CTF to purchase a vehicle where it would benefit the welfare of the child. For example, a child may need a wheelchair accessible van. As always, the PER CAPITA DISTRIBUTION ORDINANCE and the basic petitioning process described in the previous article apply. However, satisfying the four-part test to release CTF money for automobile expenses is unique in several aspects.

The petitioner must make an initial showing before the Court will deliberate on the four-part test. *In the Interest of Minor Child: S.S. by Sharon A. Porter v. HCN Office of Tribal Enrollment*, CV 99-76 (HCN Tr. Ct., Dec. 27, 1999) at 6. The petitioner must submit the following documentation: (1) evidence of unreliable or inadequate transportation; (2) a copy of a valid Driver's License; (3) the model, make, and year of the vehicle; (4) an odometer reading; (5) a sales quotation, including registration, fees, and taxes; (6) the Vehicle Identification Number (VIN); (7) photographs of the vehicle; (8) the vehicle's Kelly Blue Book value; and (9) an auto insurance quotation meeting the state's minimum liability standards. The requested purchase must also represent "a commercially reliable vehicle, *i.e.*, less than six (6) years old with an odometer reading of less than 75,000 miles." *In the Interest of Minor Child: A.F., by Alona Bush v. HCN Office of Tribal Enrollment*, CV 05-83 (HCN Tr. Ct., Jan. 25, 2006) at 7.

Once the petitioner has provided the above information, the Court will move on to the four-part test derived from the language appearing in the PER CAPITA ORDINANCE. First, the Court will only grant a release of the CTF money if the vehicle will be for the benefit of the child's health, education, or welfare. *Id.* at 8. Second, the benefit must represent a necessity, and not a want or desire. *Id.* These two prongs are interrelated and are often analyzed together. Probably the most common example of a sufficient health and welfare necessity is where the child has a severe physical or mental medical condition and needs handicap accessible and reliable transportation. *Id.* at 10.

Even though an automobile may benefit a child's welfare, the benefit is not automatically considered to be a necessity. For example, the Court found that having a car would benefit a teenager's welfare as it would allow her to obtain a part-time job and attend after-school functions. *In the Interest of Minor Child: D.D. by Laurie Dorwin v. HCN Office of Tribal Enrollment*, CV 08-41 (HCN Tr. Ct., Dec. 16, 2008) at 10. However, the Court also found that absent some special need, the use of a car to travel to a part-time job and attend after school functions represented a desire; not a necessity. *Id.* Therefore, the Court denied the release of CTF money in this instance for failing to satisfy the second prong of the four-part test. *Id.*; see also *In the Interest of Minor Child: S.G., DOB 10/16/1992, by Doran & Linda Goodbear v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 09-94 (HCN Tr. Ct., Apr. 12, 2010) at 11.

The third prong of the four-part test requires the parent or guardian to demonstrate a special financial need. *In the Interest of Minor Child: A.F.*, CV 05-83 at 8. A financial need is frequently established by a showing that the family income is below the poverty guidelines, or some other financial hardship. *Id.* at 10. In cases where the petitioning parents are unemployed, the Court often requests an explanation as to why they are unemployed and evidence of attempting to gain employment. *In the Interest of Minor Child: A.J.F. by Alona Bush v. HCN Office of Tribal Enrollment*, CV 10-94 (HCN Tr. Ct., Dec. 21, 2010) at 3. The Court does not wish to deprive a child of a necessary benefit to his/her welfare. However, the Court will not elevate a child to the status of provider as a consequence of regrettable choices made by the parent. *In the Interest of Minor Child: V.D.C. by Debra Crowe v. HCN Office of Tribal Enrollment*, CV 00-25 (HCN Tr. Ct., Apr. 6, 2001) at 13-14.

The fourth prong of the four-part test requires the parent or guardian to provide evidence of exhaustion of tribal funds and public entitlement programs. *In the Interest of Minor Child: A.F.*, CV 05-83 at 8. The exhaustion requirement does not seem to be as complex for requests concerning automobiles. Indeed, there are relatively few public programs that assist with cars. However, petitioners requesting a release of CTF money for an automobile must still satisfy this requirement.



## Participants of the 2011 Lay Advocacy Training



A Lay Advocate is a person without law degree, who provides substitute representation, in lieu of an attorney. Lay Advocates serve a vital role in the Ho-Chunk Nation judicial system, as many lay advocates work for tribal members who would not otherwise be able to afford legal services. Many tribal members do not qualify for Wisconsin Judicare, yet they cannot afford an attorney on their own; lay advocates help fill this void. Tribal

members with lay advocates may have a higher level of legal representation than one would get by representing themselves. In an effort to expand the number of Lay Advocates available to the Nation, the Trial Court provides the community with a bi-annual Lay Advocacy Training.

On May 31, 2011, seven (7) tribal members and employees embarked on their training as Lay Advocates. The Lay Advocate Training consisted of four (4) days of rigorous workshops that were designed to give the participants the bedrock foundation of legal scholarship needed to effectively advocate for tribal members. Lay advocates must pay close attention to detail, have excellent communication skills, and a general knowledge of the matter that they are charged with handling, as their main duties include representing clients in legal matters by communicating all aspects of the case with them, educating them about their rights and preparing legal documents.

Each participant was required to attend class from 8:15 a.m. to 4:30 p.m. each day of the training. The curriculum was as follows:

**Day 1**

Basic Legal Concepts

- Intro to Criminal Jurisdiction
- Intro to Election Challenges

Components of a Pleading (i.e., Complaint, Petition)  
Jurisdiction  
Relief Requested

Ho-Chunk Nation Constitution & Selected Laws

Alternative Initial Filing: Writ of Mandamus

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**Day 2**

Responses

- Immunities
- Other Defenses

Motions: Requests to the Court  
Motion to Dismiss  
Motion for Summary Judgment

Motion for Preliminary Injunction  
Motion for Reconsideration

Legal Research & Writing

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**Day 3**  
Evidence

Professional Responsibility & Ethical Duties

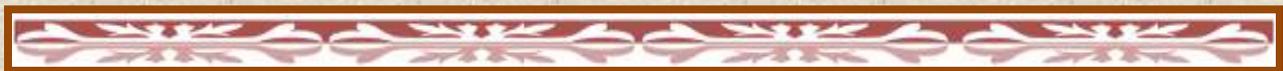
Appeals

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**Day 4** for the participants was probably the most nerve racking yet rewarding day of the training. In a culmination of the training, each prospective advocate participated in a mock trial. For many it was their first attempt at such an endeavor.

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The Court would like to thank all those who participated and wish all the new Lay Advocates luck in their new potential vocation.



**REMEMBER**

**2011 *Guardian ad Litem* Training July 13 – 15, 2011**

The HOCAK NATION CHILDREN AND FAMILY ACT advises that the Trial Court “appoint a *Guardian Ad Litem* to protect the best interests of the child,” in juvenile cases. 4 HCC § 3.25a. Additionally, *Guardians Ad Litem*

perform an instrumental and vital role in the Court's appointment of legal guardians under the new HOČAK THIRD PARTY GUARDIANSHIP ACT, 4HCC § 11.

The Court will host an on-site GAL training session on July 13-15, 2011, at Wa Ehi Hoci in Black River Falls. Wisconsin Judicare, Inc. will conduct the training, which is free to Ho-Chunk members and Nation employees.

Current *Guardians ad litem* seeking to serve as a GAL for 2011-12 are required to attend under the *HCN Rules for Guardian Ad Litem* adopted by the Supreme Court, provided they received initial training prior to last year. The rules are available at <http://www.ho-chunknation.com/?PageId=123>.

Ho-Chunk employees may receive paid Educational Leave to attend the course. Please contact your immediate supervisor.

A *Guardian Ad Litem* serves as an independent advocate and informs the Court of a child's interests in child protection actions and guardianship matters.

The Ho-Chunk Nation Judiciary currently seeks conscientious, caring and dependable individuals to fill this important role. *Guardians ad litem* receive compensation for their services and reimbursement for accumulated expenses.

Information regarding service as a GAL is available from the Clerk of Court at (800) 434-4070 or (715) 284-2722.



## UPDATES FROM OUTSIDE JURISDICTIONS

### UNITED STATES COURTS OF APPEALS, D.C. CIR.

*El Paso Natural Gas Company v. United State et. al.*, Nos. 10-5080 and 10-5090, 30 Indian L. Rep. 2031 (D.C. Cir., Jan. 28, 2011). The U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court's declination of a petition to review the Department of Energy's refusal to remediate two uranium mining sites pursuant to the Uranium Mill Tailings Remediation and Control Act. The decision was based on a section of the Act which provides that the Secretary's designations made and priorities established shall be final and not subject to judicial review.

*Hoopa Valley Tribe v. Federal Energy Regulatory Commission*, No. 09-1134, 38 Indian L. Rep. 2033 (D.C. Cir., Dec. 28, 2010). The U.S. Court of Appeals for the District of Columbia Circuit denied the Hoopa Valley Tribe's petition for review of the Federal Energy Regulatory Commission's refusal to grant the Tribe's request that the Commission impose conditions on PacificCorp's annual licenses so as to preserve the Klamath River's trout fishery.

### UNITED STATES COURTS OF APPEALS, 4<sup>TH</sup> CIR.

*United States v. Bird, Jr.*, No. 09-4806, unpublished, 38 Indian L. Rep. 2035 (4<sup>th</sup> Cir., Jan. 31, 2011). In a criminal action in which the defendant was convicted of five offenses relating to a shooting on the reservation of the Easter Band of Cherokee, the U.S. Court of Appeals for the Fourth Circuit affirmed the convictions and sentences of the appellant.

### UNITED STATES COURTS OF APPEALS, 7<sup>TH</sup> CIR.

*Grigsby v. LaHood*, No. 10-1072, 38 Indian L. Rep. 7<sup>th</sup> Cir., Dec. 6, 2010). The U.S. Court of Appeals for the Seventh Circuit affirmed the district court's grant of summary judgment in favor of the Federal Aviation Administration on the grounds that the appellant was not qualified for the vacant positions and thus failed to establish a prima facie case of employment discrimination in violation of Title VII of the Civil Rights Act against the Department of Transportation.

### UNITED STATES COURTS OF APPEALS, 10<sup>TH</sup> CIR.

*Nanomantube v. Kickapoo Tribe in Kansas et al.*, No. 09-3347, 38 Indian L. Rep. 2040 (10<sup>th</sup> Cir., Jan. 31, 2011). The U.S. Court of Appeals for the Tenth Circuit affirmed the district court's dismissal of the appellant's Title VII complaint for lack of jurisdiction, finding that the

Kickapoo Tribe's sovereign immunity has neither been abrogated by Congress nor waived by the Tribe.

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

*Black River Memorial Hospital v. Gina Whiteeagle*, CG 10-49 Order (Satisfaction of Judgment) (HCN Tr. Ct., May 12, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

#### **MAY 25, 2011**

*Black River Falls Memorial Hospital v. Amber Dowling*, CG 11-37 Order (Default Judgment) (HCN Tr. Ct., May 25, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **MAY 27, 2011**

*Black River Falls Memorial Hospital v. Virgil S. Pettibone*, CG 11-41 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Falls Memorial Hospital v. Eleanor S. Decorah*, CG 11-34 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Gundersen Clinic, LTD v. Dawnielle Gouge*, CG 11-36 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign



## **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**

#### **MAY 11, 2011**

*Michelle Rave v. Jeriah J. Rave, Sr.*, CS 09-07 Order (Impounding Wages) (HCN Tr. Ct., May 11, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's motion to impound his wages due to a change in the children's physical placement. As a matter of equity, the Court granted the respondent's uncontested motion.



### **CIVIL GARNISHMENT CASES**

#### **MAY 12, 2011**

*Gundersen Clinic, LTD v. James Rochester*, CG 10-52 Order (Satisfaction of Judgment) (HCN Tr. Ct., May 12, 2011) (Rockman, A).

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

*Gundersen Lutheran Medical Center v. Dawnielle Gouge*, CG 11-35 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Missy Jean Redcloud*, CG 11-48 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Capital One Bank v. Ronald J. Hamilton, Jr.*, CG 11-51 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creditor Recovery Service, LLC v. Mark L. Pflager*, CG 11-53 Order (Default Judgment) (HCN Tr. Ct., May 27, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

## CIVIL CASES

**MAY 5, 2011**

*Betty White v. Faye Greengrass*, CV 11-18 Order (Final Judgment) (HCN Tr. Ct., May 5, 2011) (Rockman, A).

The Court had to determine whether the respondent violated the Ho-Chunk Nation Elder Protection Act. The petitioner accused the respondent of elder exploitation, and presented clear and convincing evidence of such cause of action. The Court afforded the petitioner relief in the form of restitution.

*Ho-Chunk Nation et al. v. Eliza Green & Cleland Goodbear*, CV 10-38 Order (Dismissal) (HCN Tr. Ct., May 11, 2011) (Rockman, A).

The petitioner filed a motion to dismiss the instant action. The Court granted the request.

## ADMINISTRATIVE APPEALS

**MAY 11, 2011**

*Ho-Chunk Nation et al. v. Ho-Chunk Nation Grievance Review Board et al.*, CV 10-28 Order (Granting Motion for Extension of Time) (HCN Tr. Ct., May 11, 2011) (Rockman, A).

The petitioner requested that the filing deadline be extended. The Court granted the request.

**MAY 17, 2011**

*Andrew Thundercloud v. Richard Mann*, CV 10-87 Order (Dismissal) (HCN Tr. Ct., May 17, 2011) (Rockman, A).

The Court dismissed the instant case due to the request by the petitioner.

*Sarina Quarderer v. Ho-Chunk Casino et al.*, CV 10-33 Order (Affirming) (HCN Tr. Ct., May 17, 2011) (Rockman, A).

The Court had to determine whether to uphold the decision of the GRB. The Court found that the petitioner's due process rights were not violated, and thus affirmed the agency decision due to the presence of substantial evidence to support the decision.

**MAY 19, 2011**

*Jeffery Harrison v. Brian Decorah et al.*, CV 11-35 Scheduling Order (HCN Tr. Ct., May 19, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.

*Ho-Chunk Nation et al. v. Ho-Chunk Nation Grievance Review Board et al.*, CV 10-28 Scheduling Order (HCN Tr. Ct., May 19, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.

## CHILDREN'S TRUST FUND (CTF)

**MAY 2, 2011**

*In the Interest of Adult CTF Beneficiary: Clarissa Gordon, DOB 11/05/1991 v. HCN Office of Tribal Enrollment*, CV 11-19 Order (Granting Petition in Part) (HCN Tr. Ct., May 2, 2011) (Rockman, A).

The Court had to determine whether an adult could access her CTF account to satisfy ongoing rental payments, a distance education institution payment, infant needs, computer and accessories, and phone/internet access on behalf of herself and her minor child. The Court granted a release of funds to satisfy the petitioner's rental and tuition requests. The Court denied the petitioner's request for a computer and accessories, phone/internet access, and infant needs.

**MAY 10, 2011**

*In the Interest of Minor Child: J.M.S., DOB 09/23/2005, by Shelby Visintin v. HCN Office of Tribal Enrollment, CV 11-23 Order (Accepting Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: M.G.D., DOB 05/10/2003, by Melissa Marie Grant v. HCN Office of Tribal Enrollment, CV 11-29 Order (Petition Granted) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Children: T.W., DOB 09/19/1997 and N.W., DOB 06/23/1995, by Angelina Hindsley v. HCN Office of Tribal Enrollment, CV 11-30 Order (Petition Granted) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court had to determine whether the parent could access monies from the minor children's CTF account to pay for costs associated with dental care. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Children: D.W., DOB 11/09/1995 and D.W., DOB 02/19/1998, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-92 Order (Demanding Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor children for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Children: J.P., DOB 02/04/1997 and T.P., DOB 09/09/1998, by Dennis Prescott v. HCN Office of*

*Tribal Enrollment, CV 10-93 Order (Accepting Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie A. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Demanding Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: C.F.M., DOB 01/13/1998, by Angela R. McCabe v. HCN Office of Tribal Enrollment, CV 10-105 Order (Demanding Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: B.R., DOB 03/17/1997, by Candace Ringham v. HCN Office of Tribal Enrollment, CV 10-108 Order (Demanding Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Elliott v. HCN Office of Tribal Enrollment, CV 10-62 Order (Demanding Accounting) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures, limited rental and clothing assistance. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82*

*Order (Demanding Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: K.D.W., DOB 02/04/1994, by Kimberly Waukau v. HCN Office of Tribal Enrollment, CV 11-27 Order (Motion Hearing)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to allow the respondent the ability to argue their motion, and to provide the petitioner the opportunity to offer a response.

*In the Interest of Minor Child: S.R., DOB 06/23/1998, by Kristi Roth v. HCN Office of Tribal Enrollment, CV 11-02 Order (Requesting Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full 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 Children: B.L., DOB 12/29/1999; D.N., DOB 12/30/1997; and J.R.N., DOB 07/18/1995, by Sonia Roberts v. HCN Office of Tribal Enrollment, CV 11-04 Order (Requesting Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children for costs associated with orthodontic procedures. The petitioner failed to submit a full 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: M.V.S., DOB 11/07/1997, by Nicolette Smith v. HCN Office of Tribal Enrollment, CV 11-05 Order (Requesting Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

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

*In the Interest of Minor Child: J.J.D., DOB 01/08/1998, by Joseph E. Decorah v. HCN Office of Tribal Enrollment, CV 11-*

*09 Order (Requesting Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full 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: M.L.A., DOB 04/07/2002, by Yvette Alvaraez v. HCN Office of Tribal Enrollment, CV 11-10 Order (Accepting Accounting)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

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

*In the Interest of Minor Child: C.W., DOB 06/08/2007, by Amber Dowling v. HCN Office of Tribal Enrollment, CV 11-11 Order (Motion Granted)* (HCN Tr. Ct., May 10, 2011) (Rockman, A).

The Court previously released funds from the minor's CTF account for dental care. The petitioner requested an additional release of CTF monies to cover an additional unmet patient obligation. The Court granted the request.

#### **MAY 11, 2011**

*In the Interest of Minor Child: H.P.F., DOB 04/18/1995, by Aubrey McCauley-Loera v. HCN Office of Tribal Enrollment, CV 11-15 Order (Petition Denied)* (HCN Tr. Ct., May 11, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor children's CTF account to pay for costs associated with an outstanding debt associated with professional tutoring services. The Court denied the petitioner's request due to a failure to show how the requested funds satisfy the four-prong test.

#### **MAY 12, 2011**

*In the Interest of Minor Child: R.C.S., DOB 06/07/1998, by Martin Falcon v. HCN Office of Tribal Enrollment, CV 11-32 Order (Petition Granted)* (HCN Tr. Ct., May 12, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Child: D.F., DOB 09/26/1996, by Tara Blackcoon v. HCN Office of Tribal Enrollment, CV 10-91*

*Order (Petition Granted)* (HCN Tr. Ct., May 12, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

#### **MAY 16, 2011**

*In the Interest of Minor Child: C.G., DOB 05/06/1996, by Joni M. McIntosh v. HCN Office of Tribal Enrollment, CV 10-65 Order (Show Cause)* (HCN Tr. Ct., May 16, 2011) (Rockman, A).

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Child: X.D., DOB 09/17/1999, by Dawn Joy Funmaker v. HCN Office of Tribal Enrollment, CV 10-85 Order (Show Cause)* (HCN Tr. Ct., May 16, 2011) (Rockman, A).

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Child: D.E.A., DOB 12/09/1994, by Jamie L. Funmaker v. HCN Office of Tribal Enrollment, CV 09-92 Order (Show Cause)* (HCN Tr. Ct., May 16, 2011) (Rockman, A).

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

#### **MAY 17, 2011**

*In the Interest of Adult CTF Beneficiary: Shawntel Smith, DOB 01/03/1983 v. HCN Office of Tribal Enrollment, CV 09-73 Order (Requesting Accounting)* (HCN Tr. Ct., May 17, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the petitioner for costs associated with an outstanding electric bill. The petitioner failed to submit a

full 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: Leon Blackcoon, DOB 07/29/1989 v. HCN Office of Tribal Enrollment, CV 10-82 Order (Demanding Accounting)* (HCN Tr. Ct., May 17, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the petitioner for costs associated with eye care. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

#### **MAY 17, 2011**

*In the Interest of Minor Children: M.H.W., DOB 12/23/1993; A.H.W., DOB 09/10/1996; and D.W.H., DOB 07/23/1998, by Kathy S. White v. HCN Office of Tribal Enrollment, CV 10-10 Order (Requesting Update)* (HCN Tr. Ct., May 17, 2011) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children to pay for costs associated with orthodontic procedures. The petitioner previously submitted an accounting, showing that the disbursed funds were not expended and the treatment had not begun. The Court cannot grant any further releases from the CTF accounts until the release funds are expended.

### **CONTRACTS**

#### **MAY 17, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order* (HCN Tr. Ct. May 17, 2011) (Rockman, A).

The Court granted a stipulation made between the parties to temporarily stay the proceedings.

### **ELECTION MATTERS**

**NO DECISIONS AT THIS TIME.**

### **ENROLLMENT**

**NO DECISIONS AT THIS TIME.**

### **INCOMPETENT'S TRUST FUND (ITF)**

#### **MAY 12, 2011**

*In the Interest of Adult Incompetent: C.A.D., DOB 03/18/1980, by Frisk Decorah & Mary Houghton v. Ho-Chunk Nation Office of Tribal Enrollment, CV 98-38 Order (Motion Granted)* (HCN Tr. Ct., May 12, 2011) (Rockman, A).

The Court had to determine whether the guardians could access ITF monies on behalf of an adult member to pay

for the purchase of a vehicle. The Court granted the release of funds to satisfy the request of the guardians.

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

 **DOMESTIC ABUSE**  
NO DECISIONS AT THIS TIME.

 **FAMILY**  
 **DIVORCE**  
NO DECISIONS AT THIS TIME.

 **JUVENILE CASES**

**MAY 2, 2011**

*In the Interest of Minor Child: D.B.M., DOB 10/06/2006, JV 07-45 Order (Motion Granted) (HCN Tr. Ct., May 2, 2011) (Rockman, A).*

The Court had to determine whether to convert a temporary guardianship of the person of the minor child to a permanent guardianship. After careful weighing of all the presented evidence, the Court deemed the appointment in the child's best interests.

**MAY 4, 2011**

*In the Interest of Minor Children: D.D.W., DOB 12/16/1994; D.G.W., DOB 11/09/1995; and D.S.W., DOB 02/19/1998, JV 01-17, -19-20 Order (Revocation of Guardianship & Appointment of Successor Permanent Guardian) (HCN Tr. Ct., May 4, 2011) (Rockman, A).*

The Court had to determine whether to grant the guardian's motion to revoke guardianship and appoint a successor guardian. After careful weighing of all the presented evidence, the Court deemed the successor appointment in the children's best interests.

**MAY 10, 2011**

*In the Interest of Minor Child: K.M., DOB 04/09/1993, JV 98-15 Order (Termination of Jurisdiction) (HCN Tr. Ct., May 10, 2011) (Rockman, A).*

The Court terminated jurisdiction over the instant action due to the minor child's emancipation.

**MAY 11, 2011**

*In the Interest of Minor Children: K.M., DOB 10/18/1993; S.M., DOB 12/13/1995; A.M., DOB 09/16/2001; A.M., DOB 06/15/2004; A.M., DOB 03/14/2006; and A.M., DOB 01/26/2010, JV 07-10-14, 10-09 Order (Modifying*

*Dispositional Requirements) (HCN Tr. Ct., May 11, 2011) (Rockman, A).*

The Court had to determine whether to modify the dispositional order as requested by CFS. The Court granted the modification in furtherance of the best interests of the minor children and in the absence of any objection from the parties.

**MAY 12, 2011**

*In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Capias Hearing) (HCN Tr. Ct., May 12, 2011) (Rockman, A).*

The Court granted CFS discretion to determine physical placement of the minor child.

*In the Interest of Minor Child: A.B., DOB 07/25/1994, JV 01-07 Order (Child Protection Review Hearing) (HCN Tr. Ct., May 12, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

*In the Interest of Minor Children: K.B.M., DOB 10/29/1993; G.E.M., DOB 08/25/1995; A.D.M., DOB 04/25/1997; L.A.M., DOB 12/16/2000; and D.B.M., DOB 10/06/2007, JV 03-07-10, 07-45, 10-25 Order (Releasing Impound & Maintaining Paternal Child Support) (HCN Tr. Ct., May 12, 2011) (Rockman, A).*

The Court had to determine whether to modify the child support obligations for the father of the minor children. The Court determined that the father had a responsibility to support his children, and maintained the financial obligation.

**MAY 17, 2011**

*In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Capias Order) (HCN Tr. Ct., May 17, 2011) (Rockman, A).*

The Court authorized physical placement of the minor child in La Crosse Juvenile Detention Center.

**MAY 20, 2011**

*In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Capias Hearing) (HCN Tr. Ct., May 20, 2011) (Rockman, A).*

The Court granted CFS discretion to determine physical placement of the minor child.

**MAY 24, 2011**

*In the Interest of Minor Children: K.B.M., DOB 10/29/1993; G.E.M., DOB 08/25/1995; A.D.M., DOB 04/25/1997; L.A.M.,*

DOB 12/16/2000; and D.B.M., DOB 10/06/2007, JV 03-07-10, 07-45, 10-25 Reissued Order (Releasing Impound & Maintaining Paternal Child Support) (HCN Tr. Ct., May 24, 2011) (Rockman, A).

The Court reissued the previous order to correct a clerical error.

**MAY 26, 2011**

*In the Interest of Minor Children: J.G.S., DOB 08/29/1993; J.B.R., DOB 08/03/1994; J.S.R., DOB 05/09/1996; E.J.R., DOB 02/08/2000; and N.R., DOB 12/17/2001, JV 11-06-10 Order (Default Judgment & Entrance of Plea) (HCN Tr. Ct., May 26, 2011) (Rockman, A).*

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the mother of the minor children failed to attend the hearing, prompting the Court to enter a default judgment against her. The father of the youngest two (2) children claimed no contest to the allegations. The father of the oldest two (2) children also claimed no contest to the allegations. The grandmother and custodian of the minor children claimed no contest. The father of the middle child and the uncle/custodian of minor children, failed to appear. Accordingly, a *Status Hearing* was scheduled for the non-appearing parties and a *Default Intervention Plan/Dispositional Hearing* was scheduled for the remaining parties.



**RECENT SUPREME COURT DECISIONS**

NO DECISIONS AT THIS TIME.



**RECENT TRIAL COURT FILINGS**

 **CHILD SUPPORT CASES**

**MAY 9, 2011**

*State of Wisconsin ex rel. v. Jesse D. Smith, CS 11-31 (Rockman, A).*

*Taylor J. Guion v. Jessica L. Taylor, CS 11-32 (Rockman, A).*

*Eau Claire County Child Support Agency ex rel. v. Jacob A. Deno, CS 11-33 (Rockman, A).*

*State of Wisconsin ex rel. v. Allison M. Lowe, CS 11-34 (Rockman, A).*

**MAY 11, 2011**

*Autumn Elm v. Gerald Cleveland, Jr., CS 11-35 (Rockman, A).*

**MAY 17, 2011**

*Jackie Snow v. Calvin Jarmillo, CS 11-36 (Rockman, A).*

**MAY 18, 2011**

*Jessica Snake v. Steven Cleveland, CS 11-37 (Rockman, A).*

**MAY 25, 2011**

*Dawn Funmaker v. Christopher Decorah, CS 11-38 (Rockman, A).*

*Jessica Thuy v. Brandon K. Owen, CS 11-39 (Rockman, A).*

 **CIVIL CASES**

**MAY 5, 2011**

*In the Interest of Minor Child: R.C.S., DOB 06/07/1998, by Martin Falcon v. HCN Office of Tribal Enrollment, CV 11-32 (Rockman, A).*

*Henry GreenCrow v. Rita Gardner, Office of Tribal Enrollment, CV 11-33 (Rockman, A).*

*Eileen Blackdeer v. Margaret Miner, CV 11-34 (Rockman, A).*

**MAY 19, 2011**

*Jeffrey Harrison v. Brian Decorah et al., CV 11-35 (Rockman, A).*

**MAY 23, 2011**

*In the Interest of Minor Child: S.B.D.Y., DOB 06/12/1997, by Jenny Blackdeer v. HCN Office of Tribal Enrollment, CV 11-36 (Rockman, A).*

**MAY 25, 2011**

*In the Interest of Minor Child: M.A.K., DOB 12/10/1998, by Melissa Khlap v. HCN Office of Tribal Enrollment, CV 11-37 (Rockman, A).*

 **CIVIL GARNISHMENT CASES**

**MAY 5, 2011**

*Creative Finance, Inc. v. Timothy Dick, CG 11-54 (Rockman, A).*

**MAY 6, 2011**

*Creative Finance, Inc. v. Sara WhiteEagle*, CG 11-55  
(Rockman, A).

**MAY 9, 2011**

*Marshfield Clinic v. Kandi Latsch*, CG 11-56 (Rockman, A).

**MAY 17, 2011**

*Dane County Clerk of Court v. Megan L. Zacharias*, CG 11-57 (Rockman, A).

*Alliance Collection Agency v. Jason W. Frost*, CG 11-58  
(Rockman, A).

**MAY 18, 2011**

*Midland Credit Management v. Frank Borvansky, Jr.*, CG 11-59 (Rockman, A).

**MAY 24, 2011**

*Jordan Chiropractic v. Jamie Wallace*, CG 11-60 (Rockman, A).

*Black River Memorial Hospital v. Kenneth Mitch*, CG 11-61  
(Rockman, A).



**JUVENILE CASES**

**MAY 3, 2011**

*In the Interest of Minor Children: M.C., DOB 01/09/1996; J.C., DOB 07/16/2003; and C.C., DOB 01/25/2006*, JV 11-11-13  
(Rockman, A).



**FAMILY CASES**

**NO CASES FILED AT THIS TIME.**



**DOMESTIC VIOLENCE**

**NO CASES FILED AT THIS TIME.**



**RECENT SUPREME COURT FILINGS**

**NO CASES FILED 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  
Clerk of Court, Supreme Court– Mary Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Morgan Whiteagle  
Clayton Winneshiek

**Trial Court** –Amanda L. Rockman, Interim Chief Judge  
Clerk of Court, Trial Court – Marcella Cloud  
Assistant Clerk of Court, Trial Court – Selina Joshua  
Assistant Clerk of Court, Trial Court – Margaret Falcon  
Bailiff/Process Server – William Collins  
Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

\* 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

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

June 2011 Issue



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## Information Regarding Access to the Children's Trust Fund (CTF) Part III: Adult CTFs

This is the third article in a series dedicated to providing information about accessing CTF accounts. According to the PER CAPITA DISTRIBUTION ORDINANCE, competent children can receive the balance of their CTF when they turn eighteen (18) and present their high school diploma to the Department of Enrollment, or turn twenty-five (25). 2 HCC § 12.8.b. A HSED, GED or similar substitute is not equivalent to a high school diploma and will not be accepted. *Id.* Tribal members who have reached the age of eighteen (18) but have not graduated from high school may petition the Trial Court for a release of CTF money.

The Court applies the same four-part test for Adult CTF release requests as it does for minor CTF release requests. *See In the Interest of Adult CTF Beneficiary: Joanna Roybal, DOB 12/15/1992 v. HCN Office of Tribal Enrollment, CV 11-01 (HCN Tr. Ct., Feb. 28, 2011).* First, the Court may only grant a release for the benefit of a beneficiary's health, education, or welfare. *In the Interest of Minor Child(ren): V.D.C., DOB 10/03/84, et al., by Debra Crowe v. HCN Office of Tribal Enrollment, CV 00-25 (HCN Tr. Ct., Apr. 6, 2001) at 7.* Second, any such benefit must represent a necessity, and not a want or desire. *Id.* Third, the petitioner must demonstrate special financial need. *Id.* Finally, the petitioner must provide evidence of exhaustion of tribal funds and public entitlement programs. *Id.* at 8. However, a request for an Adult CTF release is different in several aspects.

The Legislature enacted the graduation requirement in response to an actual and/or perceived drop in the graduation rate of Ho-Chunk youth. *See Marvel J. Cloud v. HCN Office of Tribal Enrollment, CV 01-34 (HCN Tr. Ct., July 10, 2001) at 9.* In doing so, the Legislature directed that the CTF monies "shall be held on

the same terms and conditions applied during the Member-beneficiary's minority." PER CAPITA ORDINANCE, § 12.8b(1) (emphasis added). Importantly, the Legislature did not require identical treatment in regards to the occasional release of such funds. The Court still applies the four-part test, but more strictly. Essentially, "the Court must not undermine [the] intent [of the graduation requirement] by unduly approving releases from the CTF of adult members who have failed to attain a high school diploma. Otherwise, the Court would strip the legislation of its only inducement, i.e., no high school diploma, no CTF." *In the Interest of Adult CTF Beneficiary: Renata White, DOB 02/27/81 v. HCN Office of Tribal Enrollment, CV 01-75 (HCN Tr. Ct., Oct. 16, 2001) at 10.*

The Court frequently grants releases from Adult CTFs for costs associated with obtaining a high school diploma. See *In the Interest of Adult CTF Beneficiary: Amber S. Kruse, DOB 03/06/83 v. HCN Office of Tribal Enrollment*, CV 06-05 (HCN Tr. Ct., Feb. 6, 2006). Prior to petitioning for a release associated with high school tuition, the petitioner should check with the Ho-Chunk Nation Office of Enrollment and/or Education to make sure the proposed program has been preapproved. The Court often grants releases for tuition for the American School, but the petitioner should still double-check to make sure their program is still acceptable. *Roybal* at 10.

The Court occasionally receives requests to access an Adult CTF for rent and basic utilities. In order to give effect to the HCN Legislature's decision to include a diploma requirement, the Court only grants rental assistance in limited circumstances. See *In the Interest of Adult CTF Beneficiary: Kasha Irene Newsom, DOB 08/21/1991 v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 09-78 (HCN Tr. Ct., Jan. 22, 2010) at 8. For example, the Court granted a release from the Adult CTF where the beneficiary had minor children and demonstrated a specific financial need. See *In the Interest of Adult CTF Beneficiary: Shawntel L. Smith, DOB 01/03/1986 v. HCN Office of Tribal Enrollment*, CV 09-73 (HCN Tr. Ct., Nov. 24, 2009). The Court released Adult CTF funds to a beneficiary without minor children due to the destruction of his residence by a fire. See *In the Interest of Adult CTF Beneficiary: Joseph R. Hammer, DOB 09/02/82 v. HCN Office of Tribal Enrollment*, CV 06-84 (HCN Tr. Ct., Dec. 28, 2006). The Court also released Adult CTF funds where the beneficiary would have essentially been left homeless. See *Roybal*. In every instance where the Court granted a release of the Adult CTF for rental assistance the petitioners were required to enroll and complete a high school diploma program. *Newsom* at 8-9. As a condition of the release, the Court required progress reports regarding achievement of the diploma. *Id.*

There are numerous other reasons that a petitioner may request a release from their Adult CTF. Each request will be treated on a case by cases basis, but the basic process remains the same. The request must satisfy the established four-part test. In order to give effect to the PER CAPITA DISTRIBUTION ORDINANCE's high school diploma requirement, the four-part test will be applied more strictly than for a request for a release from a minor's CTF. The Court also frequently requires the petitioner to enroll in an approved high school diploma program as a condition to the release of the Adult CTF.



## Welcome Associate Justice Todd R. Matha



By Mille Lacs Band of Ojibwe

On April 30, 2011, after twelve (12) years of service, Chief Judge Todd R. Matha left the Ho-Chunk Nation Trial Court and was appointed as Solicitor General for the Mille Lacs Band of Lake Superior Ojibwe Indians. Subsequently, on July 6, 2011, former Chief Judge Todd R. Matha was sworn in as the new Supreme Court Associate Justice. The Ho-Chunk Nation Trial Court staff would like to wish Justice Matha the best of luck!



## UPDATES FROM OUTSIDE JURISDICTIONS

### UNITED STATES COURTS OF APPEALS, 8<sup>TH</sup> CIR.

*United States v. Schrader*, No. 10-2706, unpublished, 38 Indian L. Rep. 2043 (8<sup>th</sup> Cir. Feb. 28, 2011). The U.S. Court of Appeals for the Eighth Circuit holds that the district court did not lack jurisdiction over a criminal offense, rejecting the appellant’s assertion that the government failed to comply with the “bad men” provision of the Fort Laramie Treaty of 1868, and finding that the treaty imposes an obligation on the tribe to “deliver up the wrong-does to the United States” upon proof and notice to the tribe.

### UNITED STATES COURTS OF APPEALS, 9<sup>TH</sup> CIR.

*United States et al. v. Orr Water Ditch Co., et al.*, No. 07-17001, 38 Indian L. Rep. 2043 (9<sup>th</sup> Cir., Apr. 7, 2010). Reversing and remanding the district court’s dismissal for lack of subject matter jurisdiction, the U.S. Court of Appeals for the Ninth Circuit held that the Orr Ditch Decree forbids groundwater allocations that adversely affect the Pyramid Lake Paiute Tribe’s decreed rights to water flows in the Truckee River and that the district court had subject matter jurisdiction to hear the Tribe’s appeal from the State Engineer’s ruling to the extent that it alleges that the allocation of groundwater rights adversely affects the Tribe’s decreed water rights under Claims No. 1 and 2.

### UNITED STATES COURTS OF APPEALS, 11<sup>TH</sup> CIR.

*Hollywood Mobile Estates Limited v. Cypress et al.*, No. 10-10304, unpublished, 30 Indian L. Rep. 2047 (11<sup>th</sup> Cir., Feb. 24, 2011). The U.S. Court of Appeals for the Eleventh Circuit affirms the district court’s conclusion that the plaintiff’s request for the return of collected rents is barred by sovereign immunity, but reverses the district court’s dismissal of the plaintiff’s second claim requesting an injunction restoring it to possession of premises leased from the Seminole Tribe of Florida, holding that the claim is not barred by sovereign immunity.

### UNITED STATES COURTS OF APPEALS, FED. CIR.

*Arctic Slope Native Association, Ltd. v. Sebelius*, No. 2010-1013, 38 Indian L. Rep. 2049 (Fed. Cir., Dec. 15, 2010). The U.S. Court of Appeals for the Federal Circuit concluded that the Arctic Slope Native association is not entitled to payment of its shortfall for fiscal years 1999

and 2000 under the Indian Self-Determination and Education Assistance Act, finding that the contractor was expressly warned of the risk that funding would be inadequate and thus there could be no breach resulting from the Secretary’s alleged failure to request adequate funding.



## 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

#### JUNE 8, 2011

*Menominee Tribe of Wisconsin v. Kevin M. Conant*, CS 11-30 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., June 8, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### JUNE 10, 2011

*Felicia J. Helegeson v. Roger B. Littlegeorge*, CS 99-57 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., June 10, 2011) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

*Angela Decorah v. Christopher Decorah*, CS 99-31 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., June 10, 2011) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

### **JUNE 13, 2011**

*State of Wisconsin et al. v. Lee D. Jevens*, CS 03-71 Order (Terminate Child Support Withholding - Wages) (HCN Tr. Ct., June 13, 2011) (Rockman, A).

The Court terminated the wage withholding due to the minor child's impending emancipation and since the respondent is no longer employed with the Nation.

### **JUNE 29, 2011**

*Francesca J. Bird v. Patricia A. Nicholas and Joey K. Whitewing v. Patricia A. Bird-Nicholas*, CS 07-85, 10-43 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., June 29, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify the respondent's child support withholding. The respondent, however, failed to file a timely answer. Therefore, the Court granted the modification, and performed an equitable adjustment due to the respondent's serial payor status.

*Joey K. Whitewing v. Patricia A. Bird-Nicholas*, CS 10-43 Order (Cease Child Support Withholding - Wages) (HCN Tr. Ct., June 29, 2011) (Rockman, A).

The petitioner requested a modification of the child support withholding from the respondent's wages to her per capita. Therefore, the Court ceased withholding child support from the respondent's wages.

*State of Wisconsin et al. v. Maria N. Blackhawk*, CS 11-40 Default Judgment (Enforcing Child Support Against Per Capita & Wages) (HCN Tr. Ct., June 29, 2011).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Menominee Tribe of Wisconsin v. Kevin M. Conant*, CS 11-30 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., June 29, 2011) (Rockman, A).

The child support agency requested a suspension of the child support withholding from the respondent's wages. Therefore, the Court ceased withholding child support from the respondent's wages.

### **JUNE 30, 2011**

*Maryla Day v. Patrick Day*, CS 03-75 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The child support agency requested a termination of the child support withholding from the respondent's per capita. Therefore, the Court ceased withholding child support from the respondent's per capita.

*State of Wisconsin v. Nathan L. Miller and State of Wisconsin et al. v. Nathan L. Miller*, CS 11-05, -12 Default Judgment (Enforcing Child Support & Equitable Adjustment) (HCN Tr. Ct., June 30, 2011).

The Court had to determine whether to grant full faith and credit and/or comity to two (2) foreign judgments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgments. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioners and performed an equitable adjustment due to the respondent's serial payor status.

*Mary J. Sams v. Daniel L. Sams*, CS 09-65 Order (Suspend Child Support Withholding – Per Capita) (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The child support agency requested a suspension of the child support withholding from the respondent's per capita for the summer months, due to the minor child's placement with the respondent. Therefore, the Court temporarily suspended withholding child support from the respondent's per capita.

*Jacqueline R. Miller v. Donovan P. Scheurich, Jr., and Kristin WhiteEagle v. Donovan Scheurich, Jr.*, CS 07-28, 11-21 Reissued Order: Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., June 30, 2011).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment and performed an equitable adjustment due to the respondent's serial payor status.

*Casha L. Cloud v. Rodney E. Twinn, Jr.*, CS 11-23 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Eau Claire Co. & State of Wisconsin v. Jacob A. Deno*, CS 11-33 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*State of Wisconsin and Dana L. Hillisy v. Jerry D. Jones, Jr.*, CS 07-76 *Order (Cease Child Support Withholding – Per Capita)* (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The child support agency requested a termination of the child support and arrears withholding from the respondent's per capita. Therefore, the Court ceased withholding child support and arrears from the respondent's per capita.

*State of Wisconsin ex rel. v. Curtis D. Mallory, Jr.*, CS 10-50 *Order (Cease Child Support & Arrears Withholding – Per Capita)* (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The child support agency requested a termination of the child support and arrears withholding from the respondent's per capita. Therefore, the Court ceased withholding child support and arrears from the respondent's per capita.

*Melissa McGill v. Paul Smith*, CV 96-62 *Order (Cease Arrears Withholding – Per Capita)* (HCN Tr. Ct., June 30, 2011) (Rockman, A).

The child support agency requested a termination of the arrears withholding from the respondent's per capita. Therefore, the Court ceased withholding arrears from the respondent's per capita.

 **CIVIL GARNISHMENT CASES**  
JUNE 15, 2011

*Creative Finance, Inc. v. Timothy Dick*, CG 11-54 *Order (Default Judgment)* (HCN Tr. Ct., June 15, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Credit Management Control, Inc., Agent for Sauk County v. Matthew L. Thundercloud*, CG 11-50 *Order (Default Judgment)* (HCN Tr. Ct., June 15, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Creative Finance, Inc. v. Sara WhiteEagle*, CG 11-55 *Order (Default Judgment)* (HCN Tr. Ct., June 15, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

**JUNE 21, 2011**

*Asset Acceptance LLC v. Theresa Stenson*, CG 11-08 *Order (Default Judgment)* (HCN Tr. Ct., June 21, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Midland Credit Management, Inc. v. Lani Blackdeer*, CG 11-24 *Order (Default Judgment)* (HCN Tr. Ct., June 21, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond,

leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Leslie Rave*, CG 11-43 Order (Default Judgment) (HCN Tr. Ct., June 21, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*In the Matter of the Outstanding Obligations of: Rosemarie Bearfield*, CG 11-65 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., June 21, 2011) (Rockman, A).

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

#### **JUNE 22, 2011**

*Black River Memorial Hospital v. Kenneth Mitch*, CG 11-61 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Jordan Chiropractic v. Jamie Wallace*, CG 11-60 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. David Rice*, CG 11-46 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

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

Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*In the Matter of the Outstanding Obligations of: Richard Szarfinski, III*, CG 11-66 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., June 21, 2011) (Rockman, A).

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

*Midland Credit Management, Inc. v. Frank Borvansky, Jr.*, CG 11-59 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Kandi M. Laatsch*, CG 11-56 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Jason W. Frost*, CG 11-58 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Black River Memorial Hospital v. Cynthia Cloud Smith*, CG 11-62 Order (Default Judgment) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

#### **JUNE 23, 2011**

*Black River Memorial Hospital v. Mary Knight*, CG 11-64 Order (Default Judgment) (HCN Tr. Ct., June 23, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

*Alliance Collection Agencies, Inc. v. Kathleen S. Radle*, CG 11-03 Order (Default Judgment) (HCN Tr. Ct., June 23, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and alleged a recognized exemption to execution of the garnishment. The Court nonetheless granted the requested relief of the petitioner, but delayed its execution.



## **CIVIL CASES**

#### **JUNE 20, 2011**

*Ho-Chunk Nation et al. v. Nicole Koenig*, CV 10-37 Order (Granting Summary Judgment) (HCN Tr. Ct., June 20, 2011) (Rockman, A).

The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there was no genuine issues as to material fact and that the plaintiffs were entitled to judgment as a matter of law.



## **ADMINISTRATIVE APPEALS**

#### **JUNE 21, 2011**

*Caroline R. Koukos v. Ho-Chunk Nation Dep't of Personnel*, CV 10-102 Order (Dismissal) (HCN Tr. Ct., June 21, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's motion to dismiss. The petitioner failed to

timely file the *Petition for Administrative Review* as required by the ERA. Accordingly, the Court granted the motion.

#### **JUNE 22, 2011**

*Daniel Topping v. Georgette Mart & HCN Food & Beverage and HCN GRB*, CV 10-107 Order (Granting Motion to Dismiss) (HCN Tr. Ct., June 22, 2011) (Rockman, A).

The Court had to determine whether to grant the intervenor's motion to dismiss. The petitioner failed to timely file the *Petition for Administrative Review* as required by the ERA. Accordingly, the Court granted the motion.

#### **JUNE 23, 2011**

*Jeffery Harrison v. Brian Decorah & Ho-Chunk Gaming – Nekoosa*, CV 11-35 (Granting Motion for Extension of Time) (HCN Tr. Ct., June 23, 2011) (Rockman, A).

The respondent requested an extension of time to file a response brief. Since there was no objection from the petitioner and request was reasonable, the Court granted the request.



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

#### **JUNE 8, 2011**

*In the Interest of Minor Child: S.B.Y., DOB 04/12/1997, by Jenny Blackdeer v. HCN Office of Tribal Enrollment*, CV 11-36 Order (Motion Hearing) (HCN Tr. Ct., June 8, 2011) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to allow the respondent the ability to argue their motion, and to provide the petitioner the opportunity to offer a response.

#### **JUNE 15, 2011**

*In the Interest of Minor Children: D.W., DOB 11/09/1995, and D.W., DOB 02/19/1998, by Victoria Blackcoon v. HCN Office of Tribal Enrollment*, CV 10-92 Order (Accepting Accounting) (HCN Tr. Ct., June 15, 2011) (Rockman, A).

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

*In the Interest of Minor Children: M.C.C., DOB 07/07/1994, and L.J.C., DOB 06/01/1998, by Vanessa Carriaga v. HCN Office of Tribal Enrollment*, CV 11-40 Order (Petition Granted) (HCN Tr. Ct., June 15, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor children's CTF accounts to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82 Order (Partially Accepting Accounting, Requiring Additional Accounting) (HCN Tr. Ct., June 15, 2011) (Rockman, A).*

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontic procedures. The petitioner submitted an account ledger from one of the vendors. However, the Court has not received an accounting regarding the disbursement of funds to the other vendor. The Court accepted the accounting for the one vendor, but ordered the petitioner to submit the additional required accounting.

#### **JUNE 21, 2011**

*In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82 Order (Accepting Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: X.D., DOB 09/17/1999, by Dawn Joy Funmaker v. HCN Office of Tribal Enrollment, CV 10-85 Order (Accepting Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: S.R., DOB 06/23/1998, by Kristi Roth v. HCN Office of Tribal Enrollment, CV 11-02 Order (Demanding Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Children: B.L., DOB 12/29/1999; D.N., DOB 12/30/1997; and J.R.N., DOB 07/18/1995, by Sonia Roberts v. HCN Office of Tribal Enrollment, CV 11-04 Order (Accepting Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

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

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

*In the Interest of Minor Child: G.N., DOB 02/25/2000, by Julie Nakai v. HCN Office of Tribal Enrollment, CV 10-113 Order (Requesting Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: J.J.D., DOB 01/08/1998, by Joseph E. Decorah v. HCN Office of Tribal Enrollment, CV 11-09 Order (Demanding Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: M.V.S., DOB 11/07/1997, by Nicolette Smith v. HCN Office of Tribal Enrollment, CV 11-05 Order (Demanding Accounting) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

*In the Interest of Minor Child: C.F.M., DOB 01/13/1998, by Angela R. McCabe v. HCN Office of Tribal Enrollment, CV 10-105 Order (Show Cause) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie A. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Show Cause) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2)

accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

*In the Interest of Minor Child: B.R., DOB 03/17/1997, by Candace Ringham v. HCN Office of Tribal Enrollment, CV 10-108 Order (Show Cause) (HCN Tr. Ct., June 21, 2011) (Rockman, A).*

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

#### **JUNE 22, 2011**

*In the Interest of Minor Child: N.M.M., DOB 12/06/1997, by Deanna Greendeer v. HCN Office of Tribal Enrollment, CV 11-41 Order (Petition Granted) (HCN Tr. Ct., June 22, 2011) (Rockman, A).*

The Court had to determine whether the parent could access monies from the minor child's CTF account to pay for costs associated with orthodontic procedures. The Court granted a release of funds to satisfy the petitioner's request.

*In the Interest of Minor Children: J.A.D., DOB 06/14/1996 and B.C.D., 04/25/1998, by Nadine C. Bailey v. HCN Office of Tribal Enrollment, CV 11-24 Order (Accepting Accounting) (HCN Tr. Ct., June 22, 2011) (Rockman, A).*

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

*In the Interest of Minor Child: C.G., DOB 05/06/1996, by Joni MacIntosh v. HCN Office of Tribal Enrollment, CV 10-65 Order (Contempt) (HCN Tr. Ct., June 22, 2011) (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, therefore, held the petitioner in contempt and imposed a reasonable remedial sanction.

#### **JUNE 23, 2011**

*In the Interest of Minor Child: N.L., DOB 01/17/1999, by Nicole I. Riggle v. HCN Office of Tribal Enrollment, CV 11-39*

*Order (Motion Hearing) (HCN Tr. Ct., June 23, 2011) (Rockman, A).*

The Court, in its discretion, determined to convene a hearing so as to allow the respondent the ability to argue their motion, and to provide the petitioner the opportunity to offer a response.

#### **JUNE 28, 2011**

*In the Interest of Adult CTF Beneficiary: Joan M. Frank, DOB 03/27/1990 v. HCN Office of Tribal Enrollment, CV 11-31 Order (Granting Petition in Part & Requesting Further Information) (HCN Tr. Ct., June 28, 2011) (Rockman, A).*

The Court had to determine whether the adult member could access monies from her CTF account to pay for costs associated with purchasing an automobile and tuition for obtaining a high school diploma. The Court requested additional information regarding the proposed school and released funds for the purchase of an automobile.

#### **JUNE 29, 2011**

*In the Interest of Adult CTF Beneficiary: Tasha Hand, DOB 08/07/1988 v. HCN Office of Tribal Enrollment, CV 11-08 Order (Petition Denied) (HCN Tr. Ct., June 29, 2011) (Rockman, A).*

The Court had to determine whether the adult member could access monies from her CTF account to pay for costs associated with an automobile, by paying off the existing principal and interest on an existing car loan. The Court denied the request, due to the petitioner's failure to establish the necessary preliminary evidentiary showing.

### **CONTRACTS**

#### **JUNE 23, 2011**

*Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Extending Temporary Stay of Proceedings) (HCN Tr. Ct. June 23, 2011) (Rockman, A).*

The Court granted a stipulation made between the parties to extend the temporary stay in the matter.

### **ELECTION MATTERS**

**NO DECISIONS AT THIS TIME.**

### **ENROLLMENT**

#### **JUNE 29, 2011**

*Leilani Jean Chamberlain v. Adam Hall, Enrollment Officer of the Ho-Chunk Nation, CV 05-109 Order (Granting Motion for Leave to Withdraw) (HCN Tr. Ct. June 29, 2011) (Rockman, A).*

The Court granted the request by plaintiff's counsel to withdraw the firm from representation in the case due to the attorney's change in employment.



## **INCOMPETENT'S TRUST FUND (ITF)**

**JUNE 23, 2011**

*In the Interest of Adult Incompetent: H.C., DOB 01/31/1931, by Barbara Meltesen v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., June 23, 2011) (Rockman, A).*

The Court previously released funds from the ITF account of the adult member for costs associated with ongoing nursing home care and professional guardianship services. The petitioner submitted a series of invoices, confirming the proper use of the funds. The Court accepted this accounting.

**JUNE 24, 2011**

*In the Interest of Adult Incompetent: T.M.A., DOB 05/13/1986, by Pamela Anderson v. Ho-Chunk Nation Office of Tribal Enrollment, CV 09-36 Order (Requesting Accounting) (HCN Tr. Ct., June 24, 2011) (Rockman, A).*

The Court previously released funds from the ITF account of the adult member for costs associated with dental procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.



## **RECALL/REMOVAL**

**NO DECISIONS AT THIS TIME.**



## **DOMESTIC ABUSE**

**NO DECISIONS AT THIS TIME.**



## **FAMILY**



## **DIVORCE**

**JUNE 21, 2011**

*In re the Marriage of: Jeremy P. Rockman and Idella Kate Hill-Rockman, FM 11-02 Order (Dismissal) (HCN Tr. Ct. June 21, 2011) (Rockman, A).*

The Court dismissed the instant case without prejudice, due to the parties' failure to attend the *Initial Hearing*.



## **JUVENILE CASES**

**JUNE 7, 2011**

*In the Interest of Minor Child: S.M., DOB 12/13/1995, JV 07-11 Order (Capias Order) (HCN Tr. Ct., June 7, 2011) (Rockman, A).*

The Court authorized the appropriate Sheriff's Office to assist in the retrieval of the minor child.

*In the Interest of Minor Children: M.C., DOB 01/09/1996; J.C., DOB 07/16/2003; and C.C., DOB 01/26/2006, JV 11-11-13 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., June 7, 2011) (Rockman, A).*

The Court appointed GAL Roxanne Whitegull to represent the interests of the minor children.

**JUNE 8, 2011**

*In the Interest of Minor Child: S.W., DOB 06/26/1993, JV 96-04 Order (Termination of Jurisdiction) (HCN Tr. Ct., June 8, 2011) (Rockman, A).*

The Court terminated jurisdiction in the instant case due to the emancipation of the child.

**JUNE 9, 2011**

*In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Capias Order) (HCN Tr. Ct., June 9, 2011) (Rockman, A).*

The Court authorized the appropriate Sheriff's Office to assist in the retrieval of the minor child.

**JUNE 14, 2011**

*In the Interest of Minor Child: A.S., DOB 09/14/2008, JV 08-31 Order (Name Change) (HCN Tr. Ct., June 14, 2011) (Rockman, A).*

The Court had to determine whether to permit the name change of a minor child. The permanent guardians filed a motion requesting to change the surname of the minor child. The guardians asserted that such action comports with the *hocqk* tradition and custom as evidenced by a formal correspondence from the HCN Traditional Court. In the absence of any objection, the Court granted the request.

*In the Interest of Minor Children: E.D., DOB 12/14/2000; O.A., DOB 09/18/2003; R.A., DOB 10/26/2006; and G.A., DOB 10/31/2008, JV 09-07-10 Order (Child Protection Review Hearing) (HCN Tr. Ct., June 14, 2011) (Rockman, A).*

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo in relation to the minor children.

**JUNE 15, 2011**

*In the Interest of Minor Child: M.C., DOB 06/14/1993, JV 11-01 Order (Termination of Jurisdiction) (HCN Tr. Ct., June 15, 2011) (Rockman, A).*

The Court terminated jurisdiction in the instant case due to the emancipation of the child.



**JUNE 16, 2011**

*In the Interest of Minor Child: S.M., DOB 12/13/1995, JV 07-11 Order (Capias Hearing)* (HCN Tr. Ct., June 16, 2011) (Rockman, A).

The Court granted CFS discretion to determine physical placement of the minor child.

*In the Interest of Minor Child: S.M., DOB 12/13/1995, JV 07-11 Order (Capias Order Extension)* (HCN Tr. Ct., June 16, 2011) (Rockman, A).

The Court authorized an extension of the physical placement of the minor child in a secured shelter facility.

**JUNE 23, 2011**

*In the Interest of Minor Children: J.G.S., DOB 08/29/1993; J.B.S., DOB 08/03/1994; J.S.R., DOB 05/09/1996; E.J.R., DOB 02/08/2000; and N.R., DOB 12/17/2001, JV 11-06-10 Order (Appointment of Guardian ad litem)* (HCN Tr. Ct., June 23, 2011) (Rockman, A).

The Court appointed GAL Helen Harden to represent the interests of the minor children.

**JUNE 28, 2011**

*In the Interest of Minor Child: M.L., DOB 01/08/2010, JV 11-14 Order (Submission of Guardianship Report)* (HCN Tr. Ct., June 28, 2011) (Rockman, A).

The Court issued an order requesting that the GAL prepare and submit a timely report to the Court.

**JUNE 29, 2011**

*In the Interest of Minor Child: C.Y., DOB 01/18/1994, JV 05-32 Order (Revocation of Guardianship & Appointment of Successor Permanent Guardian)* (HCN Tr. Ct., June 29, 2011) (Rockman, A).

The Court had to determine whether to grant the guardian's motion to revoke guardianship and appoint a successor guardian. After careful weighing of all the presented evidence, the Court deemed the successor appointment in the children's best interests.



**RECENT SUPREME COURT DECISIONS**

NO DECISIONS AT THIS TIME.

**RECENT TRIAL COURT FILINGS**

 **CHILD SUPPORT CASES**

**JUNE 2, 2011**

*State of Wisconsin et al. v. Maria N. Blackhawk*, CS 11-40 (Rockman, A).

**JUNE 9, 2011**

*Bernadette Prescott v. Cyril Delarosa*, CS 11-41 (Rockman, A).

*State of Wisconsin et al. v. William T. Greendeer*, CS 11-42 (Rockman, A).

**JUNE 14, 2011**

*Tasha King v. Kric Pettibone*, CS 11-43 (Rockman, A).

**JUNE 20, 2011**

*Nivy Funmaker v. Caleb Funmaker*, CS 11-44 (Rockman, A).

*Destinee R. Link v. Jerry D. Jones, Jr.*, CS 11-45 (Rockman, A).

**JUNE 21, 2011**

*Carey A. Link v. Jerry D. Jones, Jr.*, CS 11-46 (Rockman, A).

**JUNE 27, 2011**

*State of Wisconsin v. Jewel L. Houghton*, CS 11-47 (Rockman, A).

**JUNE 30, 2011**

*State of Wisconsin v. Manda White Thunder*, CS 11-48 (Rockman, A).

 **CIVIL CASES**

**JUNE 3, 2011**

*In the Interest of Adult CTF Beneficiary: Tashellah S. King, DOB 10/21/1987 v. HCN Office of Tribal Enrollment*, CV 11-38 (Rockman, A).

**JUNE 7, 2011**

*In the Interest of Minor Child: N.L., DOB 01/17/1999, by Nicole Riggle v. HCN Office of Tribal Enrollment*, CV 11-39 (Rockman, A).

**JUNE 9, 2011**

*In the Interest of Minor Children: M.C.C., DOB 07/07/1994 and L.J.C., DOB 06/01/1998, by Vanessa Carriaga v. HCN Office of Tribal Enrollment, CV 11-40 (Rockman, A).*

**JUNE 14, 2011**

*In the Interest of Minor Child: N.M.M., DOB 12/06/1997, by Deanna Greendeer v. HCN Office of Tribal Enrollment, CV 11-41 (Rockman, A).*

**JUNE 24, 2011**

*In the Interest of Adult CTF Beneficiary: Devon Lee Crowshoe, DOB 02/05/1992 v. HCN Office of Tribal Enrollment, CV 11-42 (Rockman, A).*

*Ho-Chunk Nation Dep't. of Housing Property Mgmt. v. Tracy Lonetree, Harry Lippitt, CV 11-43 (Rockman, A).*

**JUNE 27, 2011**

*In the Interest of Adult CTF Beneficiary: George R. Snake, DOB 10/20/1987 v. HCN Office of Tribal Enrollment, CV 11-44 (Rockman, A).*

 **CIVIL GARNISHMENT CASES**

**MARCH 27, 2011**

*Community Dental v. Terri Clemmerson, CG 11-76 (Rockman, A).*

**JUNE 2, 2011**

*Black River Memorial Hospital v. Cynthia Cloud-Smith, CG 11-62 (Rockman, A).*

*Black River Memorial Hospital v. Terry Morgan, CG 11-63 (Rockman, A).*

*Black River Memorial Hospital v. Mary Knight, CG 11-64 (Rockman, A).*

**JUNE 7, 2011**

*State of Wisconsin v. Rosemarie Bearfield, CG 11-65 (Rockman, A).*

**JUNE 14, 2011**

*State of Wisconsin v. Richard Szarfinski, III, CG 11-66 (Rockman, A).*

**JUNE 16, 2011**

*All American Plaza v. Woodrow White, CG 11-67 (Rockman, A).*

*Kwik Trip v. Terry L. Snake, CG 11-68 (Rockman, A).*

*Black River Memorial Hospital v. Lisa Lockemy, CG 11-69 (Rockman, A).*

**JUNE 23, 2011**

*Speed Cash Loans v. Peggy Perkins, CG 11-70 (Rockman, A).*

*Speed Cash Loans v. John Climer, CG 11-71 (Rockman, A).*

*Speed Cash Loans v. Ray Dawson, CG 11-72 (Rockman, A).*

**JUNE 24, 2011**

*Midland Funding v. Geraldine R. Riley, CG 11-73 (Rockman, A).*

*Warren Loveland v. LuAnn Littlegeorge, CG 11-74 (Rockman, A).*

**JUNE 27, 2011**

*Har-Mur Excavating v. Rosemarie Bearfield, CG 11-75 (Rockman, A).*

**JUNE 30, 2011**

*Gundersen Clinic v. Sommer D. Steenbrick, CG 11-77 (Rockman, A).*

 **JUVENILE CASES**

**JUNE 28, 2011**

*In the Interest of Minor Child: M.L., DOB 01/18/2010, JV 11-11-14 (Rockman, A).*

 **FAMILY CASES**

**NO CASES FILED AT THIS TIME.**

 **DOMESTIC VIOLENCE**

**ONE (1) CASE WAS FILED BETWEEN JUNE 1, 2011 – JUNE 30, 2011.**



**RECENT SUPREME COURT FILINGS**

**JUNE 3, 2011**

*Jeriah J. Rave, Sr. v. Michelle S. Rave, SU 11-03 (Greendeer-Lee, J).*

**JUNE 10, 2011**

*Kyle M. Funmaker v. Dep't of Treasury, Katherine Young and Lori Meinking, SU 11-04 (Funmaker, D).*



**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 Thunder

**Traditional Court** – Earl Blackdeer  
Wayne Falcon  
Dennis Funmaker  
Cecil Garvin  
Conroy Greendeer  
Roy Greengrass  
Thomas Hopinkah  
Richard Mann  
Desmond Mike  
Preston Thompson, Jr.  
Morgan Whiteagle  
Clayton Winneshiek

**Trial Court** –Amanda L. Rockman, Interim Chief Judge  
Clerk of Court, Trial Court – Marcella Cloud  
Assistant Clerk of Court, Trial Court – Selina Joshua  
Assistant Clerk of Court, Trial Court – Margaret Falcon  
Bailiff/Process Server – William Collins  
Administrative Assistant – Rosalie Kakkak  
Law Clerk/Staff Attorney – Rebecca Maki  
Law Clerk/Staff Attorney – Zach Atherton-Ely

\* 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

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