

HO-CHUNK NATION COURT BULLETIN

July 2011 Issue



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Ethics Enforcement in the Ho-Chunk Nation Judiciary

The CONSTITUTION OF THE HO-CHUNK NATION grants the Ho-Chunk Nation Supreme Court the power to “establish written rules for the Judiciary, including qualifications to practice before the Ho-Chunk courts.” ART. VII, Sec. 7(b). Utilizing this authority, the Supreme Court adopted the *Wisconsin Rules of Professional Conduct. In re Adoption of Rules of Prof'l Conduct for Att'ys* (HCN S. Ct., Aug. 31, 1996). These rules apply to all attorneys and lay advocates practicing in the Ho-Chunk Nation’s courts. An electronic copy of these rules is available on the Ho-Chunk Nation Judiciary’s website at <http://www.ho-chunknation.com/?PageId=377>.

Ethics violations can be reported in a variety of ways. Violations observed by the Ho-Chunk Nation Trial Court can be addressed in the context of the relevant case through an *Order* forcing a party to act, or refrain from acting, in a specific manner. The Trial Court can also hold violators in contempt. However, the Supreme Court has assumed the role of the primary ethics enforcer for members of the Ho-Chunk Nation Bar Association. *Ho-Chunk Nation Rules of Judicial Ethics* Sec. 4-1, H. Therefore, if a Trial Court Judge observes an ethics violation, he/she may also file an ethics complaint with the Supreme Court. Parties can also report violations. To report a violation of the *Rules of Professional Conduct*, ethics violations forms are available from the Clerk of the Supreme Court, Mary Thunder. Her office is located at Wa Ehi Hoci, or she can be reached by telephone at 715-284-2722.

After an ethics complaint is filed, parties will have an opportunity to be heard by the Supreme Court. Attorneys or lay advocates found guilty of violating the *Rules of Professional Conduct* may be suspended from practicing in before the Ho-Chunk Nation Courts or disbarred from the Ho-Chunk Nation Bar Association completely. *Rules for Admission to Practice In the Courts of the Ho-Chunk Nation*, RULE X. Supreme Court ethics decisions are typically kept confidential between the parties. Currently, no ethics decisions are available to the public. Attorneys practicing in the Ho-Chunk Nation courts should be aware that they could also be held accountable in the state in which they are licensed for ethics violations committed in the Ho-Chunk Nation Courts.

The Ho-Chunk Nation judicial system, and many other tribal judicial systems, is unique in that lay advocates are essentially allowed to practice law. Currently, the Supreme Court has adopted the *Wisconsin Rules of Professional Conduct*. Unfortunately, these rules never use the term “lay advocate.” Although lay advocates must follow the *Rules of Professional Conduct*, some of the rules are confusing as they were clearly designed to apply to lawyers only. For example, IOTLA accounts do not exist for lay advocates as they cannot belong to the Wisconsin State Bar Association. Lay advocates must still strive to follow the *Rules of Professional Conduct* to the best of their ability. If a confusing ethical situation arises, the Trial Court employs two Staff Attorneys that may be of service. As always, the Staff Attorneys can be reached at 715-284-2722.



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES SUPREME COURT

United States v. Tohono O’Odham Nation, No. 09-846, 20 Indian L. Rep. 1010 (U.S. Sup. Ct., Apr. 26, 2011). The U.S. Supreme Court holds that pursuant to 28 U.S.C. § 1500, the U.S. Court of Federal Claims is without jurisdiction to hear a case in which there is substantial overlap in operative facts between the plaintiffs’ action in the U.S. District Court and the action before the Court of Federal Claims given that both actions allege that the United States holds the same assets in trust for the Nation’s benefit, and describe almost identical breaches of fiduciary duty.

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

Patchak v. Salazar et al., No. 09-5324, 38 Indian L. Rep. 2053 (D.C. Cir., Jan. 21, 2011). In an action challenging the Interior Secretary’s action taking land into trust for the Gun Lake Band for gaming purposes, the U.S. Court of Appeals for the District of Columbia Circuit reverses the judgment of the district court and remands for further proceedings, holding that the plaintiff has standing and that the terms of the Quiet Title Act do not cover the plaintiff’s suit and thus his action falls within the general waiver of sovereign immunity in section 702 of the Administrative Procedure Act.

UNITED STATES COURTS OF APPEALS, 9TH CIR.

Brown v. Hawaii et al., No. 10-15000, *unpublished*, 38 Indian L. Rep. 2057 (9th Cir., Mar. 25, 2011). In an action in which a former state employee alleged that the defendants violated the Native American Graves Protection & Repatriation Act by failing properly to inventory and care for Native Hawaiian human remains under its control, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court’s grant of summary judgment in favor of the defendants and agreed with the

district court that the plaintiff-appellant did not meet the requirements for permanent injunctive relief because he did not demonstrate that he faced immediate or irreparable injury.

Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California v. City of Los Angeles, No. 07-16727, 38 Indian L. Rep. 2058 (9th Cir., Mar. 14, 2011). In an action seeking the restoration to possession of lands previously acquired by the City of Los Angeles from the United States, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court’s dismissal of the action on the grounds that the United States is a required party that cannot be joined because the Indian Claims Commission Act provided the exclusive remedy for the plaintiff’s claim and because the plaintiff failed to present its claims to the Commission within the Act’s statute of limitations, the district court lacks jurisdiction over the plaintiff’s claim.

Wapato Heritage, L.L.C. v. United States et al., No. 09-36150, 38 Indian L. Rep. 2061 (9th Cir., Mar. 22, 2011). In an action involving the renewal of a lease agreement, the U.S. Court of Appeals for the Ninth Circuit held that the lease was not ambiguous and that the Bureau of Indian Affairs was not a lessor under the lease, and further held that the lessee’s predecessor-in-interest failed to provide the required notice to the landowners and thus did not effectively exercise the option to renew the lease.

Wapato Heritage, L.L.C. et al. v. Evans et al., Nos. 10-35237, 10-35288, and 10-35348, *unpublished*, 38 Indian L. Rep. 2064 (9th Cir., Mar. 31, 2011). The U.S. Court of Appeals for the Ninth Circuit affirmed the district court’s entry of summary judgment in favor of the defendant on the tortious interference claim and in favor of Wapato Heritage on the breach of contract claims, and held that the district court did not err in denying the defendant attorneys’ fees.



RECENT TRIAL COURT DECISIONS

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

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

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.

CHILD SUPPORT CASES

JULY 1, 2011

State of Wisconsin v. Brittany F. Wade, CS 11-28 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., July 1, 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 v. Amanda M. Hendricks n/k/a Amanda M. Allen, CS 11-03 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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.

Autumn Elm v. Gerald Cleveland, Jr., CS 11-35 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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.

Lana M. Scholo et al. v. Stacy Gordon, CS 11-07 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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. Jesse D. Smith, CS 11-31 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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 v. Allison M. Lowe, CS 11-34 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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.

Taylor J. Guion v. Jessica L. Stewart, CS 11-32 *Default Judgment (Enforcing Child Support)* (HCN Tr. Ct., July 1, 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. Bernard A. Mountain, CS 08-63 Order (Cease Child Support & Arrears Withholding) (HCN Tr. Ct., July 1, 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 from the respondent's per capita.

JULY 5, 2011

State of Wisconsin ex rel. v. Barbara R. Cleveland, CS 11-04 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 5, 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.

State of Wisconsin ex rel. v. Daniel J. Starnes, CS 10-42 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 5, 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.

JULY 6, 2011

Anthony Mark Dow v. Jodi Ann Waube, CS 07-52 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 6, 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.

State of Wisconsin ex rel. v. Truman H. Williams; Angela F. Long v. Truman H. Williams; and State of Wisconsin ex rel. v. Truman H. Williams, CS 07-69, 08-53, and 09-04, Order (Modifying Equitable Adjustment) (HCN Tr. Ct., July 6, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify the respondent's child support withholding in CS 07-69. 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.

State of Wisconsin ex rel. v. Charles Howard Davis, CS 11-25 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., July 6, 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.

JULY 7, 2011

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

The Court had to determine whether to grant the recent motion to modify the respondent's child support withholding in CS 05-26. 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.

Tara J. Hilsenhoff v. Neil B. Greengrass-Starr and State of Wisconsin ex rel. v. Neil B. Greengrass-Starr, CS 05-96 and 11-19 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., July 7, 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.

JULY 8, 2011

Jessica Hopkins v. Mitchell Smith; Dencie Akeen v. Mitchell Smith; and Tara L. Wolf v. Mitchell C. Smith, CS 04-33, 05-25, and 06-07 Order (Updating Arrearage Withholding) (HCN Tr. Ct., July 8, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

Nicky L. Woolhouse v. Domonic D. Bell and Kelli O'Connor v. Domonic D. Bell, CS 00-28 and 02-12 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., July 8, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motions to modify the respondent's child support withholdings. The respondent, however, failed to file a timely answer. Therefore, the Court granted the

modifications, and performed an equitable adjustment due to the respondent's serial payor status.

Tonya M. Hause v. Russius C. Blackhawk, CS 11-49 *Default Judgment (Enforcing Child Support – Per Capita)* (HCN Tr. Ct., July 8, 2011) (Rockman, A).

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

Amanada Santa Clara v. Raleigh Decorah and Toni Emery v. Raleigh J. Decorah, CS 98-48 and 11-24 *Order (Petition Granted)* (HCN Tr. Ct., July 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 proper notice of the petitioner's filing. The respondent timely answered but failed to provide an enumerated defense. Therefore, the Court granted recognition and enforcement of the foreign judgment, and performed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin ex rel. v. Troy Joseph Soldier, CS 06-38 *Order (Motion Denied)* (HCN Tr. Ct., July 8, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner's motion requesting that outstanding receipt and disbursement fees be deducted from the respondent's per capita distribution. Since the Court utilizes the federal definition of child support, which does not include payments toward receipt and disbursement fees, the Court denied the petitioner's request.

La Crosse Co. Child Support Agency ex rel. v. Russell J. Mann and State of Wisconsin v. Russell J. Mann, CS 08-24 and 11-26 *Order (Enforcing Child Support & Equitable Adjustment)* (HCN Tr. Ct., July 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, and performed an equitable adjustment due to the respondent's serial payor status.

JULY 11, 2011

Christine Armendariz v. Dana Armendariz and Blue Earth Co. et al. v. Dana J. Armendariz, CS 05-46 and 07-24 *Order*

(Modifying Equitable Adjustment) (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify the respondent's child support withholding in CS 05-46. 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.

Roxanne (Doxtator) Looker v. Nathan Cloud, CS 01-01 *Order (Updating Case File Information)* (HCN Tr. Ct., July 11, 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.

State of Wisconsin/Jackson County v. Daryl Decora, CV 97-06 *Order (Cease Child Support Withholding – Per Capita)* (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court, *sua sponte*, terminated the child support withholding from the respondent's per capita, due to the child's emancipation. Neither party filed documentation indicating that the child was still enrolled in high school. Therefore, the Court ceased withholding child support from the respondent's per capita.

Josephine Shegonee v. Justin Decora and State of Wisconsin ex rel. v. Justin Decora, CS 03-06 and 05-91 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

State of Wisconsin v. Dennis Hopinka, Sr., CS 10-59 *Order (Modifying & Enforcing Child Support)* (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court had to determine whether to grant a recent motion to modify, and recognize a stipulation entered into by the parties in the foreign court. Accordingly, the Court granted recognition and enforcement of the motion to modify.

Ryen C. Knuth v. Nellie Blackdeer, CS 09-72 *Order (Updating Arrearage Withholding)* (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

Jackie Snow v. Calvin Jaramillo, CS 11-36 *Order (Enforcing Child Support)* (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. As the respondent filed the petition, the Court assumed the

acquiescence of the parties. Accordingly, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin v. Adam J. LeGarde, CS 04-11 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 11, 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.

Rebecca Abrego v. Javier P. Salas, CS 08-34 Order (Modifying & Enforcing Child Support Against Wages) (HCN Tr. Ct., July 11, 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.

Gina M. Snow v. Michael Smith Jr., CS 07-65 Order (Terminate Child Support Withholding – Wages) (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court terminated the child support order against the respondent's wages due to the minor child's pending emancipation and because the respondent was no longer employed with the Ho-Chunk Nation.

Crystal Lonetree v. Vincent R. Palasz and State of Wisconsin ex rel. v. Vincent Palasz, CS 99-74 and 04-41 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motion to modify the respondent's child support withholding in CS 99-74. 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.

JULY 12, 2011

State of Wisconsin et al. v. Caleb G. Funmaker, CS 11-44 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., July 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. Jordan E. Miller, CS 05-81 Order (Motion Denied) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner's motion requesting that outstanding child support interest be deducted from the respondent's per capita distribution. Since the Court utilizes the federal definition of child support, which does not include payments toward child support interest, the Court denied the petitioner's request.

Sonya Howard v. Jonathan Saylor, CS 11-27 Order (Requesting Documentation) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

After convening the matter for a Hearing, the Court ordered the petitioner to file additional documentation.

Olmstead Co., State of Minnesota ex rel. v. Roy C. Bartlett, CS 08-26 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 12, 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.

Michelle Lewis v. Roger B. Littlegeorge; Melanie Stacy v. Roger B. Littlegeorge; and Dawn D. Makes Strong Move v. Roger B. Littlegeorge, CV 97-91, CS 99-44, -63 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

The Court previously recognized four (4) foreign judgments against the respondent's per capita distribution for current child support and arrears. One (1) of the children has since emancipated. Therefore, the respondent's overall child support obligation has changed and the Court must perform an equitable adjustment to reflect the change to the respondent's serial payor status.

State of Wisconsin ex rel. v. Jayce R. Littlegeorge, CS 09-60 Order (Enforcing Arrearage Withholding) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

The Court entered an order enforcing arrears against the respondent's per capita distribution.

Kayla Giraud v. Randall Red Cloud, CS 02-50 Order (Cease Arrearage Withholding – Per Capita) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

The child support agency filed a motion indicating that the respondent's outstanding arrears have been paid in full. Therefore, the Court ceased withholding arrears from the respondent's per capita.

County of Pine ex rel. v. Amber M. Downwind, CS 10-05 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 12, 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.

Sawyer Co. Child Support Agency ex rel. v. Woody Bird Sr. and State of Wisconsin et al. v. Wood Bird, CS 08-46 and 11-09 Order (Equitable Adjustment) (HCN Tr. Ct., July 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, and performed an equitable adjustment due to the respondent's serial payor status.

Shirley A. Keezer v. Christopher J. Sweet, CS 09-14 Order (Modifying Child Support Against Per Capita & Wages) (HCN Tr. Ct., July 12, 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.

Mabel I. Bellanger v. Andrea S. Littlewolf, CS 10-57 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 12, 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.

Rachel Wallace v. Lewis A. Frogg, CS 02-40 Order (Updating Arrearage Withholding - Wages) (HCN Tr. Ct., July 12, 2011) (Rockman, A).

The Court updated the amount of arrears owed by the respondent.

JULY 13, 2011

Deanna Bedell Awonohopay v. Jay Awonohopay, CS 05-47 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., July 13, 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.

Michelle S. Rave v. Jeriah J. Rave, Sr., CS 09-07 Order (Granting Motion for Expedited Consideration) (HCN Tr. Ct., July 13, 2011) (Rockman, A).

The respondent filed a motion with expedited consideration, which satisfied the two (2) elements of the rule. Accordingly, the Court granted the respondent's request.

Michelle S. Rave v. Jeriah J. Rave, Sr., CS 09-07 Order (Impounding Per Capita) (HCN Tr. Ct., July 13, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's motion to impound his per capita distribution due to a change in the children's physical placement. As a matter of equity, the Court granted the respondent's motion.

JULY 14, 2011

Pauline Veith v. Henry J. Little Soldier, Jr. and State of Wisconsin et al. v. Henry J. Little Soldier and State of Wisconsin et al. v. Henry J. Little Soldier, CS 02-25, 07-10, and 11-29 Order (Enforcing Child Support, Equitable Adjustment, & Ceasing) (HCN Tr. Ct., July 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. The Court also ceased child support in CS 07-10 following a motion by the child support agency. The Court performed an equitable adjustment due to the respondent's serial payor status.

Barbara Ann Gromoff v. Gregory D. Gromhoff, CS 03-56 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

The Court previously recognized a foreign judgment for child support against the respondent. Pursuant to that order, withholding from the respondent's per capita for child support was to cease prior to the August 2011 per capita distribution. Accordingly, the Court ceased the respondent's child support obligation.

Anna Webb v. Nathaniel H. Long, Jr. and Misty Marie Long v. Nathaniel H. Long, Jr. and Teresa A. Lightfeather v. Nathaniel H. Long, Jr. and Kristina Defoe v. Nathaniel H. Long, Jr., CS 98-49, 02-03, 05-83, and 08-79 Order (Modifying Child

Support & Equitable Adjustment) (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The Court had to determine whether to grant the recent motions to modify the respondent's child support withholdings in CS 98-49 and 08-79. 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.

Destinee Link v. Jerry D. Jones and Carey A. Link v. Jerry D. Jones, Jr., CS 11-45-46 Order (*Enforcing Child Support & Equitable Adjustment*) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

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.

JULY 15, 2011

Veronica Delarosa v. Cyril Delarosa and Bernadette Prescott et al. v. Cyril Delarosa, CS 11-22, -41 Default Judgment (*Enforcing Child Support & Arrears*) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

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.

Kathleen Waukau v. Eldon Powless and Margaret King v. Eldon Powless and Rebecca Nunway v. Eldon Powless and State of Wisconsin ex rel. v. Eldon Powless and Eva Powless v. Eldon Powless, CV 96-93, CS 99-22-23, 03-65, and 08-07 Order (*Modifying Equitable Adjustment*) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The Court previously recognized five (5) foreign judgments against the respondent's per capita distribution for current child support and arrears. Two (2) of the recognized five (5) cases included orders for current child support. The child in CS 99-23 has since emancipated. Therefore, the respondent's overall child support obligation has changed and the Court must perform an equitable adjustment to reflect the change to the respondent's serial payor status.

Jessica Snake v. Steven Cleveland, CS 11-37 Default Judgment (*Enforcing Child Support*) (HCN Tr. Ct., July 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, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Megan B. Mass v. William L. Tech, CS 09-31 Order (*Suspend Child Support Withholding – Per Capita*) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The child support agency requested a suspension of the child support withholding from the respondent's per capita distribution. Therefore, the Court suspended withholding child support from the respondent's per capita.

CIVIL GARNISHMENT CASES

JULY 19, 2011

Gundersen Lutheran Medical Center v. Willa J. RedCloud, CG 07-89 Order (*Satisfaction of Judgment*) (HCN Tr. Ct., July 19, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

Alliance Collection Agencies v. Sheila WhiteEagle, CG 11-49 Order (*Default Judgment*) (HCN Tr. Ct., July 19, 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 & Gundersen Lutheran Medical Center v. Willa J. RedCloud, CG 10-139 Order (*Amended Petition Granted*) (HCN Tr. Ct., July 19, 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. Lisa Lockemy, CG 11-69 Order (Default Judgment) (HCN Tr. Ct., July 19, 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. Richard J. Caparelli, CG 10-86 Order (Satisfaction of Judgment) (HCN Tr. Ct., July 19, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

Black River Falls Memorial Hospital v. Robert L. & Terri Clemmerson, CG 10-16 Order (Satisfaction of Judgment) (HCN Tr. Ct., July 19, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the respondents are discharged from further liability.

JULY 20, 2011

Robert E. Smith et al. v. Heather Peterson et al., CG 10-14 Order (Vacating Satisfaction of Judgment) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

Upon request of the petitioner, the Court vacated the previous judgment and reinstated the garnishment against the respondent's wages.

Creative Finance, Inc. v. Andrea Beenken, CG 10-115 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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 to suspend withholding.

In the Matter of the Outstanding Obligations of: Rosemarie Bearfield, CG 11-65 Order (Cease Wage Withholding) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

Upon request of the petitioner, the Court ceased withholding from the respondent's wages.

Gundersen Clinic, Ltd. v. Cleo Littlegeorge, CG 10-115 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

Gundersen Lutheran Medical Center v. Dawnielle Gouge, CG 11-35 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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 to suspend withholding.

Gundersen Clinic, Ltd. v. Dawnielle Gouge, CG 11-36 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

Black River Family Dentistry v. Melissa Kingswan, CG 10-105 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

Black River Memorial Hospital v. Eleanor Decorah, CG 11-34 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

Gundersen Clinic, Ltd. v. David Turner, CG 10-112 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

Black River Memorial Hospital v. Melissa Marg, CG 10-109 Order (Granting Motion to Modify) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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.

JULY 21, 2011

Speed Cash Loans v. John Climer, CG 11-71 Order (Default Judgment) (HCN Tr. Ct., July 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.

Community Dental, LLC v. Terri Clemmerson, CG 11-76 Order (Default Judgment) (HCN Tr. Ct., July 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.

Har-Mur Excavating, LLC v. Rosemarie Bearfield, CG 11-75 Order (Default Judgment) (HCN Tr. Ct., July 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.



CIVIL CASES

JULY 21, 2011

Eileen Blackdeer v. Margaret Miner, CV 1-34 Order (Dismissal) (HCN Tr. Ct., July 21, 2011) (Rockman, A).

The petitioner requested a dismissal of the case, indicating that the parties had reached an agreement. The Court dismissed the case.



ADMINISTRATIVE APPEALS

JULY 8, 2011

Cheryl Brinegar v. Ho-Chunk Nation Department of Personnel, CV 10-81 Order (Dismissal) (HCN Tr. Ct., July 8, 2011) (Rockman, A).

The Court granted the respondent's request for oral arguments.

JULY 15, 2011

Ardith Snowball v. Ho-Chunk Gaming, Executive Management Jones "Notch" Funmaker, Michael Rynearson, CV 11-51 Scheduling Order (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.



CHILDREN'S TRUST FUND (CTF)

JULY 7, 2011

In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Elliot v. HCN Office of Tribal Enrollment, CV 10-62 Order (Addendum to Judgment) (HCN Tr. Ct., July 7, 2011) (Rockman, A).

In a previous judgment, the Court conditionally granted a release of CTF monies for purposes of reasonable moving expenses. The petitioner submitted billing, as requested. Accordingly, the Court released the additional funds.

In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Elliot v. HCN Office of Tribal Enrollment, CV 10-62 Order (Accepting Accounting) (HCN Tr. Ct., July 7, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with orthodontia and rental assistance. The petitioner submitted a single patient ledger and receipt, confirming the proper use of the funds. The Court accepted this accounting.

JULY 11, 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 Order (Petition Denied Without Prejudice) (HCN Tr. Ct., July 11, 2011) (Rockman, A).

The case concerned whether the parent could access monies on behalf of the minor child from the CTF account to pay for costs associated with private school tuition. The Court denied the request as the petitioner failed to satisfy the four-prong test.

JULY 12, 2011

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 (Motion Granted) (HCN Tr. Ct., July 12, 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 request for further release of CTF monies to cover additional unmet patient obligations. The Court granted the request.

JULY 13, 2011

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 Update) (HCN Tr. Ct., July 13, 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 requested that the petitioner submit the required 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 (Accepting Accounting) (HCN Tr. Ct., July 13, 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 patient ledger, confirming the proper use of the funds. The Court accepted this accounting and purged the petitioner's contempt sanction.

In the Interest of Minor Child: D.E.A., DOB 12/09/1994, by Jamie L. Funmaker v. HCN Office of Tribal Enrollment, CV 10-92 Order (Accepting Accounting) (HCN Tr. Ct., July 13, 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 patient ledger, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: B.Y., DOB 06/30/1993 and D.Y., DOB 09/02/1993, by Judith YoungThunder v. HCN Office of Tribal Enrollment, CV 09-43 Order (Requesting Accounting) (HCN Tr. Ct., July 13, 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: J.M.N.B., DOB 11/23/1998, by Bonnie Bird v. HCN Office of Tribal Enrollment, CV 11-26 Order (Requesting Accounting) (HCN Tr. Ct., July 13, 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.V.S., DOB 11/09/1997, by Nicolette Smith v. HCN Office of Tribal Enrollment, CV 11-05 Order (Accepting Accounting) (HCN Tr. Ct., July 13, 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, confirming the proper use of the funds. The Court accepted this accounting.

JULY 14, 2011

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 (Accepting Accounting) (HCN Tr. Ct., July 14, 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.

In the Interest of Minor Children: S.E.P., DOB 07/31/1996; G.P.P., DOB 09/29/1998; and D.K.P., DOB 01/01/2003, by Myra Pemberton v. HCN Office of Tribal Enrollment, CV 10-98 Order (Requesting Accounting) (HCN Tr. Ct., July 14, 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 full accountings confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accountings.

In the Interest of Adult CTF Beneficiary: Joanna Roybal, DOB 12/15/1992 v. HCN Office of Tribal Enrollment, CV 11-01 Order (Requesting Accounting) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with continuing and facilitating her high school education and receiving a copy of her birth certificate. The petitioner failed to submit full accountings confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accountings.

JULY 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 (*Requesting Accounting*) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with private school tuition. 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.R., DOB 06/23/1998, by Kristi Roth v. HCN Office of Tribal Enrollment, CV 11-02 Order (Accepting Accounting) (HCN Tr. Ct., July 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 a receipt, confirming the proper use of the funds. The Court accepted this accounting.

JULY 18, 2011

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 (Contempt) (HCN Tr. Ct., July 18, 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.

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 (Contempt) (HCN Tr. Ct., July 18, 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.

In the Interest of Minor Child: N.L., DOB 01/17/1999, by Nicole Ivy Riggie v. HCN Office of Tribal Enrollment, CV 11-39 Order (Conditional Dismissal) (HCN Tr. Ct., July 18, 2011) (Rockman, A).

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

JULY 19, 2011

In the Interest of Adult CTF Beneficiary: Shawntel L. Smith, DOB 01/03/1986 v. HCN Office of Tribal Enrollment, CV 09-73 Order (Accepting Accounting) (HCN Tr. Ct., July 19, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the adult beneficiary for costs associated with an outstanding electric bill. The petitioner submitted an accounting, confirming the proper use of the funds. The Court accepted this accounting.

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 (Dismissal without Prejudice) (HCN Tr. Ct., July 19, 2011) (Rockman, A).

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

JULY 20, 2011

In the Interest of Minor Child: D.S.T.W., DOB 09/14/2000, by Algje Wolters v. HCN Office of Tribal Enrollment, CV 11-50 Order (Petition Granted) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF accounts to pay for costs associated with orthodontic care. The Court granted a release of funds to satisfy the petitioner's request.

In the Interest of Minor Child: R.D.A., DOB 05/26/1998, by Sheri R. DeCora v. HCN Office of Tribal Enrollment, CV 11-46 Order (Petition Granted) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF accounts to pay for costs associated with orthodontic care. The Court granted a release of funds to satisfy the petitioner's request.

In the Interest of Minor Children: M.H.W., DOB 12/23/1994; 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 (Motion Granted) (HCN Tr. Ct., July 20, 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 request for further release of CTF monies to cover additional unmet patient obligations. The Court granted the request.

In the Interest of Minor Child: T.B.T., DOB 11/04/1999, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment,

CV 11-49 Order (Petition Granted) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

The Court had to determine whether the parent could access monies from the minor child's CTF accounts to pay for costs associated with orthodontic care. The Court granted a release of funds to satisfy the petitioner's request.



CONTRACTS

NO DECISIONS AT THIS TIME



ELECTION MATTERS

NO DECISIONS AT THIS TIME.



ENROLLMENT

JULY 12, 2011

Henry Greencrow, Jr. v. Rita Gardner, Enrollment Officer, CV 11-33 Scheduling Order (HCN Tr. Ct. July 12, 2011) (Rockman, A).

The Court issued a scheduling order in the instant case.



HOUSING

JULY 22, 2011

Ho-Chunk Nation Department of Housing, Property Management Division & Ho-Chunk Nation v. Tracy Lonetree & Harry Lippitt, CV 11-43 Eviction Order (Default Judgment) (HCN Tr. Ct. July 22, 2011) (Rockman, A).

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

Ho-Chunk Nation Department of Housing, Property Management Division & Ho-Chunk Nation v. Tracy Lonetree & Harry Lippitt, CV 11-43 Writ of Restitution (HCN Tr. Ct. July 22, 2011) (Rockman, A).

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



INCOMPETENT'S TRUST FUND (ITF)

JULY 13, 2011

In the Interest of Adult Incompetent: M.B.J., DOB 12/01/1965, by Miriam K. Johnson v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-83 Order (Requesting Accounting) (HCN Tr. Ct., July 13, 2011) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with the purchase of a television and stereo. 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.

JULY 14, 2011

In the Interest of Decedent Member: L.L.L., DOB 09/18/1948, by Bertha Lowe v. Ho-Chunk Nation Office of Tribal Enrollment, CV 10-89 Order (Conditional Dismissal) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

The Court previously ordered the petitioner to file the required documentation. The petitioner has failed to provide the required documents in excess of six (6) months. Accordingly, the Court informed the parties of its intent to dismiss the instant action for inactivity.

JULY 15, 2011

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/1934, by Elethe H. Nichols v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The Court had to determine whether the permanent guardian could access monies on behalf of the adult incompetent member from the ITF account to pay for the annual residential LP gas costs. The Court granted release of the funds to satisfy the request of the guardian.

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/1960, by Jon B. Bahr v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-110 Order (Accepting Accounting) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

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

In the Interest of Adult Incompetent: K.K.R., DOB 10/09/1968, by Linda Stone Winter v. Ho-Chunk Nation Office of Tribal Enrollment, CV 09-10 Order (Accepting Accounting) (HCN Tr. Ct., July 15, 2011) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with 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. TWO (2) ORDERS WERE ISSUED FROM JULY 1, 2011 THROUGH JULY 31, 2011.



FAMILY



DIVORCE

NO DECISIONS AT THIS TIME.



JUVENILE CASES

JULY 14, 2011

In the Interest of Minor Child: M.L., DOB 01/08/2010, JV 11-14 Order (Appointment of Guardian ad litem) (HCN Tr. Ct., July 14, 2011) (Rockman, A).

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

JULY 20, 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 (Granting Telephonic Appearance) (HCN Tr. Ct., July 20, 2011) (Rockman, A).

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



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

JULY 6, 2011

Tonya M. Hause v. Russius C. Blackhawk, CS 11-49 (Rockman, A).



CIVIL CASES

JULY 6, 2011

In the Interest of Adult CTF Beneficiary: Sandra L. Ortiz, DOB 02/15/1992 v. HCN Office of Tribal Enrollment, CV 11-45 (Rockman, A).

JULY 11, 2011

In the Interest of Minor Child: R.D.A., DOB 05/26/1998, by Sheri Rae Decora v. HCN Office of Tribal Enrollment, CV 11-46 (Rockman, A).

In the Interest of Minor Child: A.R.B., DOB 01/26/1996, by Valerie Lindahl v. HCN Office of Tribal Enrollment, CV 11-47 (Rockman, A).

JULY 13, 2011

In the Interest of Minor Child: S.A.B., DOB 12/18/1995, by April LaMere-Bourdon v. HCN Office of Tribal Enrollment, CV 11-48 (Rockman, A).

JULY 14, 2011

In the Interest of Minor Child: T.B.T., DOB 11/04/1999, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment, CV 11-49 (Rockman, A).

In the Interest of Minor Child: D.S.T.W., DOB 09/14/2000, by Algie Wolters v. HCN Office of Tribal Enrollment, CV 11-50 (Rockman, A).

JULY 15, 2011

Ardith Snowball v. HCN Gaming – Baraboo, Executive Management Jones “Notch” Funmaker, Michael Rynearson, CV 11-51 (Rockman, A).

Stuart Blackdeer v. Brittney Ann Blackdeer, CV 11-52 (Rockman, A).

In the Interest of Minor Child: D.E.R., DOB 12/28/1997, by Kimberly Ramirez v. HCN Office of Tribal Enrollment, CV 11-53 (Rockman, A).

JULY 21, 2011

In the Interest of Minor Child: S.T.F., DOB 12/13/1995, by Kelly Terbasket v. HCN Office of Tribal Enrollment, CV 11-54 (Rockman, A).

In the Interest of Minor Child: C.S., DOB 08/06/1996, by Danielle Schonasky v. HCN Office of Tribal Enrollment, CV 11-55 (Rockman, A).

In the Interest of Adult CTF Beneficiary: Gy Rochester, DOB 08/19/1990 v. HCN Office of Tribal Enrollment, CV 11-56 (Rockman, A).

JULY 25, 2011

In the Interest of Minor Child: M.N.C., DOB 01/23/1999, by Sheri Crowley v. HCN Office of Tribal Enrollment, CV 11-57 (Rockman, A).

JULY 28, 2011

In the Interest of Adult Incompetent: J.C., DOB 09/06/1962, by Jackson County Guardianship Service, Inc. v. HCN Office of Tribal Enrollment, CV 11-58 (Rockman, A).

JULY 29, 2011

In the Interest of Minor Child: S.J.R., DOB 03/31/1999, by Steven J. Eades v. HCN Office of Tribal Enrollment, CV 11-59 (Rockman, A).

 **CIVIL GARNISHMENT CASES**

JULY 6, 2011

Speed Cash Loans v. Elizabeth Haller, CG 11-78 (Rockman, A).

JULY 11, 2011

Capital Travel Service v. Judith Whitehorse CG 11-79 (Rockman, A).

Gunderson Clinic v. Stormy Perry, CG 11-80 (Rockman, A).

Gunderson Lutheran Medical Center v. Peggy Perkins, CG 11-81 (Rockman, A).

JULY 21, 2011

Alliance Collection Agency v. Lena Walker, CG 11-82 (Rockman, A).

Discover Products v. Glen Schroder, CG 11-83 (Rockman, A).

JULY 25, 2011

Black River Memorial Hospital v. Joleen Sandoval, CG 11-84 (Rockman, A).

 **JUVENILE CASES**

JULY 14, 2011

In the Interest of Minor Child: J.C., DOB 12/02/1997, JV 11-11-15 (Rockman, A).

 **FAMILY CASES**

JULY 5, 2011

Celeste Goff v. Winfield Eagleman, FM11-04 (Rockman, A).

JULY 14, 2011

Reiss M. Blackhawk v. Jacquelin Blackhawk, FM11-05 (Rockman, A).

 **DOMESTIC VIOLENCE**

ONE (1) CASE WAS FILED BETWEEN JULY 1, 2011 – JULY 31, 2011.



RECENT SUPREME COURT FILINGS

NO FILINGS AT THIS TIME.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
Dennis Funmaker, Associate Justice
Todd R. Matha, 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

Complaint.....\$50.00

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

Court Fees

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

August 2011 Issue



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The Administrative Review Process: A Brief Overview and Standards of Review for the EMPLOYMENT RELATIONS ACT OF 2004

On December 9, 2004, the Legislature enacted the EMPLOYMENT RELATIONS ACT (hereinafter ERA), which became effective on January 31, 2005. The ERA superseded the PERSONNEL POLICIES AND PROCEDURES MANUAL. ERA, 6 HCC § 5.3a. The primary purpose of the new law was to “establish[] uniform employment practices throughout the Ho-Chunk Nation.” ERA, § 5.2. The most significant effect of the ERA was the creation and establishment of the Grievance Review Board (hereinafter GRB).

The GRB is a statutorily created administrative review agency authorized to hear specific employee grievances for both non-supervisory and supervisory employees.¹ *Id.*, § 5.34ab. In accordance with the ERA, employees may seek administrative review for alleged discrimination, harassment, and alleged violations regarding terminations and suspensions. *Id.*, §§ 5.33a, 5.34a(1). When an employee receives disciplinary action resulting in a termination or suspension, an employee must be notified of his right to file a grievance. *Id.*, § 5.34c. An employee has a right to grieve alleged wrongful disciplinary action to the GRB, but “must request a hearing within five (5) business days of the date the disciplinary action was taken.” *Id.*, § 5.34d.

The ERA illustrates the required deadlines and hearing procedures for all acceptable grievances brought before the GRB. ERA, § 5.34e-g. Ultimately, the GRB’s role is to settle employment disputes between the employer and an employee resulting from discrimination, harassment, suspension, and termination. The GRB must hold a hearing, make findings of fact, and determine whether the employer violated the ERA based on those facts. *See*

¹ “Limited Term Employees are not regular employees eligible to use the Administrative Review Procedure to file formal grievances, except in matters pertaining to prohibited discrimination or harassment. Other complaints may be filed with the Grievance Review Board.” ERA, § 5.7o(6).

Janet Funmaker v. Tracy Thundercloud et al., SU 07-05 (HCN S. Ct., Aug. 31, 2007) at 9 (finding that the GRB “is the appropriate body to find facts.”). Based upon the evidence presented at the hearing, the GRB determines whether there has been a violation of the ERA, which is the employee’s burden; and if so, any appropriate statutory remedies. *Id.*, § 5.34g(7), h(2). Since the GRB deliberations are private and confidential, the GRB issues written decisions regarding the outcome of every grievance.

Upon receipt of a written decision, parties may seek judicial review of a GRB determination. *Id.*, § 5.35C. The appeal of an ERA grievance to the Trial Court is only available after exhaustion of the administrative review process. *Id.* The party wanting to appeal a GRB decision must file a *Petition for Administrative Review* with the Trial Court “within thirty (30) calendar days when the Board decision is served by mail.” *Id.*, § 5.35c(1). When appealing to the Trial Court, parties, on occasion, mistakenly present information to the Trial Court as if they are receiving a whole new trial.

When the requesting judicial review of a GRB decision, the filing party must explain how the GRB decision was arbitrary and capricious, not how the employer violated the ERA. “The Trial Court may only set aside or modify a Board decision if it was arbitrary and capricious.” *Id.*, § 5.35e. The Trial Court has adopted a two-tiered analysis to determine whether the GRB decision is arbitrary and capricious. Specifically, the Trial Court determines whether the GRB decision is supported by substantial evidence and whether it is arbitrary and capricious. Under this analysis, the Court first determines whether there is substantial evidence and then whether that evidence supports the GRB’s decision. If the evidence does not support the decision, then the Court must find the GRB decision is arbitrary and capricious. The subsequent paragraphs explain each step more in depth. In one of its recent decisions the Supreme Court affirmed the Trial Courts application of this standard of review. Specifically, “[t]he Supreme Court recognize[d] that when reviewing administrative decisions, the Trial Court plays the role of an appellate court and is not charged with finding facts.” *Kerry Funmaker v. HCN GRB et al.*, SU 09-04 (HCN S. Ct., Mar. 29, 2010) at 4.

The ERA attempts to limit the appellate role “to set[ting] aside or modify[ing] a Board decision if it was arbitrary and capricious.” ERA, § 5.35e. The Trial Court may only set aside an agency action as contrary to law when the agency clearly acts outside the parameters of its legislatively delegated authority. See *Willard LoneTree v. Larry Garvin, in his official capacity as Executive Dir. of HCN Heritage Pres.*, SU 07-04 (HCN S. Ct., Oct. 6, 2007) at 4 (noting appellate agreement with this premise).

Therefore, when a party files a *Petition for Administrative Review* of a GRB decision, the Trial Court takes on the role of an appellate court and therefore, cannot make independent findings of fact, unless constitutional questions of due process are raised. Where the petitioner raised concerns regarding the sufficiency of due process, as required by the ERA, the Trial Court does not apply the arbitrary and capricious standard, but proceeds independently to determine whether the employee received “*meaningful* opportunity to be heard before their property can be taken away.” *Id.*



16th Annual Ho-Chunk Nation Judiciary Law Day

Law Day is a community education effort for the Ho-Chunk Nation & the general public. It also serves as FREE continuing legal education for the HCN Bar Association & others in the legal profession. Everyone is welcome!

Thursday, Oct. 6, 2011

12:45 p.m. – 5:00 p.m.

Judicial Review of Administrative Adjudication

9:15 Annual Golf Outing at Skyline Golf Course in Black River Falls

12:45 – 1:00 Introduction

1:00 – 1:25 How to File Administrative Reviews

1:30 – 1:55 Standards of Review

2:10 – 3:00 Case Updates

3:10 – 4:00 Tradition & Custom, Constitutions, Statutes and Administrative Review

4:10 – 5:00 Panel Discussion

5:15 Dinner

Tentative Social Dance to follow (until dusk)

- Law Day is held concurrently with the annual meeting of the Wisconsin Tribal Judges Association, Inc.
- C. L. E. Credits will be available to Wisconsin and Minnesota Attorneys.
- Presenters: Attorney Bill Gardner, Attorney Heidi Drobnick, Attorney Rebecca Maki & Attorney Zachary H. Atherton-Ely
- Call the Ho-Chunk Nation Courthouse, *Wa Ehi Hoci*, at (800) 434-4070, for more information.



UPDATES FROM OUTSIDE JURISDICTIONS

DISTRICT OF COLUMBIA CIRCUIT

Amador County, California v. Salazar, et al., No. 10-5240, 38 Indian L. Rep. 2067 (D.C. Cir., May 6, 2011). The U.S. Court of Appeals for the District of Columbia Circuit affirms the district court's finding that the appellant has

standing but reverses the district court's dismissal of an action challenging a tribal-state gaming compact that took effect upon the passage of the Indian Gaming Regulatory Act's 45-day period in which the Interior Secretary could approve or disapprove the compact or take no action and allow the compact to take effect, because the appellant seeks to assess property taxes on the lands that were found to be "Indian lands" within the meaning of the Act, and holds that the Secretary's inaction is reviewable

under the Administrative Procedure Act and remands for further proceedings.

SECOND CIRCUIT

Citizens Against Casino Gambling in Erie County, et al. v. Hogen, et al., No. 10-2132-cv, *unpublished*, 38 Indian L. Rep. 2071 (2d Cir., Mar. 28, 2011). The United States Court of Appeals for the Second Circuit concludes that the district court's denial of the Seneca Nation's motion for permissive intervention was not an abuse of discretion finding that the Nation's limited purported waiver of immunity has the potential to inject collateral issues to the litigation and prejudice the parties.

EIGHTH CIRCUIT

United States v. Jacobs, No. 10-2705, 38 Indian L. Rep. 2072 (8th Cir., May 2, 2011). The U.S. Court of Appeals for the Eighth Circuit affirms the appellant's conviction, rejecting his assertion that the Fort Laramie Treaty deprives the district court of subject matter jurisdiction.

NINTH CIRCUIT

Karuk Tribe of California v. U.S. Forest Service, et al., No. 10-2050, 38 Indian L. Rep. 2073 (9th Cir., Apr. 7, 2011). The U.S. Court of Appeals for the Ninth Circuit holds that the U.S. Forest Service District Ranger's decision that a proposed mining operation may proceed according to the miner's Notice of Intent (NOI) and will not require a Plan of Operation does not constitute "agency action" as that term is defined under the Endangered Species Act (ESA) and thus affirms the district court's denial of summary judgment on the Karuk Tribe's ESA challenge to the NOI process.

TENTH CIRCUIT

Laughter, et al. v. Gallup Indian Medical Center, et al., No. 10-2050, *unpublished*, 38 Indian L. Rep. 2087 (10th Cir., Apr. 7, 2011). The United States Court of Appeals for the Tenth Circuit affirms the district court's dismissal of a complaint alleging discrimination under Title VII of the Civil Rights Act of 1964 for failure to exhaust administrative remedies.

Nielson v. Ketchum, et al., et al., Nos. 09-4113 and 09-4129, 38 Indian L. Rep. 2090 (10th Cir., Apr. 5, 2011). The United States Court of Appeals for the Tenth Circuit finds that the Cherokee Nation Citizenship Act that provides for a 240-day temporary citizenship of any newborn child who is a direct descendant of an original enrollee of the Cherokee Nation does not bring and Indian Child within the definition of an "Indian child"

under the Indian Child Welfare Act, and thus concludes that C.D.K. was not an "Indian child" at the time of the adoption proceeding, and that the Act's procedural safeguards do not apply to the relinquishment hearing and adoption proceedings, and reverses the district court's order invalidating the mother's relinquishment of parental rights.

United States v. Wilgus, No. 09-4046, 38 Indian L. Rep. 2093 (10th Cir., Mar. 29, 2011). Reversing the district court, the U.S. Court of Appeals for the Tenth Circuit holds that the United States' current system for issuing eagle feather possession permits and enforcing the Bald and Golden Eagle Act is the least restrictive means of advancing the governments compelling interests in preserving the cultural practices of federally-recognized tribes, and thus does not violate the Religious Freedom Restoration Act.

United States v. Yelloweagle, No. 09-1247, 38 Indian L. Rep. 2102 (10th Cir., May 2, 2011). The U.S. Court of Appeals for the Tenth Circuit affirms the appellant's conviction and rejects his challenge to the sex offender registration requirement finding that if the registration requirement is presumed to be constitutional, then the criminal provision for failing to register is valid under the Necessary and Proper Clause of the U.S. Constitution.

FEDERAL CIRCUIT

San Carlos Apache Tribe v. United States, No. 2010-5102, 38 Indian L. Rep. 2108 (Fed. Cir., Apr. 25, 2011). The United States Court of Appeals for the Federal Circuit affirms the United States Court of Federal Claims' dismissal, for lack of jurisdiction, of the San Carlos Apache Tribe's claim for monetary damages against the United States for an alleged breach of fiduciary duty relating to water rights in the Gila River.

EASTERN DISTRICT OF WISCONSIN

Oneida Tribe of Indians of Wisconsin v. Village of Hobart, No. 10-C-137, 38 Indian L. Rep. 3131 (E.D. Wis., Apr. 18, 2011). In an action in which the Oneida Tribe of Indians of Wisconsin seeks declaratory and injunctive relief precluding the Village of Hobart from assessing a utility fee for land in the Village owned by the United States and held in trust for the Tribe, the U.S. District Court for the Eastern District of Wisconsin holds that because the Village has no authority to impose fees on trust lands, the United States has not waived its sovereign immunity under section 313 of the Clean Water Act, and concludes that because there is no final agency action to review, the Administrative Procedure Act does not provide a cause

of action and grants the motion to dismiss the third-party complaint.



RECENT TRIAL COURT DECISIONS

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

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

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

AUGUST 8, 2011

Michelle S. Rave v. Jeriah J. Rave, Sr., CS 09-07 Order (Releasing Per Capita Impound in Part, Enforcing Arrears in Part, & Continuing to Impound Wages) (HCN Tr. Ct., Aug. 8, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's recent Motion to impound his per capita distribution. The Court partially granted the respondent's request as some arrears statements were properly certified by the originating court and others were not properly certified.

AUGUST 22, 2011

Danny Redfearn v. Susan Redfearn, CS 08-12 and *State of Wisconsin ex rel. v. Susan Redfearn*, CS 09-54 Reissued Order: Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Aug. 22, 2011) (Rockman, A). The Court had to determine whether to enforce a standing foreign child support order against the

respondent's per capita payments. The Court afforded the respondent 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 recognition and enforcement of the foreign judgment. The Court performed an equitable adjustment due to the respondent's serial payor status.



CIVIL GARNISHMENT CASES

JULY 22, 2011

Wells Fargo Bank NA v. Kelly J. Russell, CG 11-47 Order (Petition Granted) (HCN Tr. Ct., July 22, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to provide a cognizable objection to the action. Therefore, the Court granted the relief requested by the petitioner.

JULY 25, 2011

Black River Self Storage v. Luann Littlegeorge, CG 11-74 Order (Default Judgment) (HCN Tr. Ct., July 25, 2011) (Rockman, A).

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

JULY 26, 2011

Alliance Collection Agencies, Inc. v. Kandi M. Laatsch, CG 11-56 Order (Ceasing Withholding) (HCN Tr. Ct., July 26, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the respondent was relieved on any further obligation.

Gary Lawry v. Georgette Jackson, CG 10-88 Order (Satisfaction of Judgment) (HCN Tr. Ct., July 26, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

AUGUST 3, 2011

Midland Credit Mgmt., Inc. v. Geraldine R. Riley, CG 11-73 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 3, 2011) (Rockman, A).

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

Dane County Clerk of Courts v. Megan L. Zacharias, CG 11-57 Order (Default Judgment) (HCN Tr. Ct., Aug. 3, 2011) (Rockman, A).

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

AUGUST 9, 2011

Capital One Bank v. Richard J. Caparelli, CG 11-10 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 9, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

Robert E. Smith et al. v. Heather Peterson et al., CG 10-14 Reissued Order (Vacating Satisfaction of Judgment) (HCN Tr. Ct., Aug. 9, 2011) (Rockman, A).

The Court issued this *Erratum Order* pursuant to the *Ho-Chunk Nation Rules of Civil Procedure*, Rule 58(D). The petitioner filed a satisfaction of judgment with the Court, but later indicated that the filing was in error. The respondent failed to respond to the petitioner's motion, thereby denoting her acquiescence to the request. Therefore, the Court vacated the satisfaction of judgment.

AUGUST 15, 2011

Creative Finance, Inc. v. Don and Melody Cook, CG 11-15 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

Speedcash Loans v. Peggy Perkins, CG 11-70 Order (Default Judgment) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

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

Gunderson Clinic, Ltd. v. Stormy M. Perry, CG 11-80 Order (Default Judgment) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

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

Alliance Collection Agencies, Inc. v. Lena M. Walker, CG 11-82 Order (Default Judgment) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

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

Discover Products Inc. v. Glen E. Schroeder, CG 11-83 Order (Default Judgment) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

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

In the Matter of the Outstanding Obligations of: Autumn S. Whiteagle, CG 11-86 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Aug. 15, 2011) (Rockman, A).

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

AUGUST 19, 2011

Creative Finance, Inc. v. Timothy Dick, CG 11-54 Order (Granting Motion to Modify) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The petitioner indicated that the respondent had initiated bankruptcy proceedings and therefore asked the Court to suspend the case. Therefore, the Court ordered that wage withholding cease until further notice from the Court.

Alliance Collection Agencies v. Sheila WhiteEagle, CG 11-49 Order (Default Judgment) (HCN Tr. Ct., Aug. 19, 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 & Gundersen Lutheran Medical Center v. Willa J. RedCloud, CG 10-139 Order (Amended Petition Granted) (HCN Tr. Ct., Aug. 19, 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. Lisa Lockemy, CG 11-69 Order (Default Judgment) (HCN Tr. Ct., Aug. 19, 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. Richard J. Caparelli, CG 10-86 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the underlying judgment was paid in full.

Black River Falls Memorial Hospital v. Robert L. & Terri Clemmerson, CG 10-16 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The Court closed the file as the petitioner submitted a filing indicating that the respondents are discharged from further liability.

Creditor Recovery, LLC v. Mitchell J. RedCloud, Jr., CG 09-102 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The Court previously required that the petitioner file proof that the foreign judgment had been revived through applicable Wisconsin procedures. The petitioner never filed any such proof. Therefore, the Court informed the parties that it would dismiss the action due to case inactivity in excess of six (6) months unless the petitioner can demonstrate good cause to the contrary.

Value Auto Mart, Inc./Value Finance v. Gerald A. Carroll, Jr., CG 10-50 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The Court previously required that the petitioner file proof that the foreign judgment had been revived through applicable Wisconsin procedures. The petitioner never

filed any such proof. Therefore, the Court informed the parties that it would dismiss the action due to case inactivity in excess of six (6) months unless the petitioner can demonstrate good cause to the contrary.

AUGUST 25, 2011

Kwik Trip v. Terry L. Snake, CG 11-68 Order (Default Judgment) (HCN Tr. Ct., Aug. 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.

Speedcash Loan v. Elizabeth Haller, CG 11-78 Order (Default Judgment) (HCN Tr. Ct., Aug. 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.

Speedcash Loans v. Ray Dawson, CG 11-72 Order (Default Judgment) (HCN Tr. Ct., Aug. 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.

Credit Acceptance v. Joseph D. Gist, Jr., CG 11-85 Order (Default Judgment) (HCN Tr. Ct., Aug. 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.

 **CIVIL CASES****AUGUST 3, 2011**

Ho-Chunk Nation and HCN Department of Labor v. Michael Sheahan, CV 09-99 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 3, 2011) (Rockman, A).

The Court closed the file as the plaintiff submitted a filing indicating that the underlying judgment was paid in full.

AUGUST 18, 2011

Kristen Hernandez v. Vincent Hernandez, CV 11-16 Order (Status Hearing) (HCN Tr. Ct., Aug. 18, 2011) (Rockman, A).

The Court had to determine whether it had subject matter jurisdiction over the cause of action. The Traditional Court confirmed that stealing existed under tradition and custom and was frowned upon and dealt with. Consequently, by virtue of tradition and custom, the Court held it had subject matter jurisdiction over the causes of action arising out of the alleged stealing.

 **ADMINISTRATIVE APPEALS****AUGUST 9, 2011**

Ho-Chunk Nation v. Masu Ska alk/a John Greendeer, Erica Cloud, Ralph Babcock, Amy Kirby, Lynne Trainor and John Kozlowics, all in their official capacity and Tonette Flick, CV 10-28 Order (Granting Stay) (HCN Tr. Ct., Aug. 9, 2011) (Rockman, A).

The Court granted the mutually requested stay of the proceedings.

AUGUST 31, 2011

Sandra Sliwicki v. HCN Enrollment Committee, CV 11-63 Scheduling Order (HCN Tr. Ct., Aug. 31, 2011) (Rockman, A).

The Court issued a scheduling order for the instant case.

 **CHILDREN'S TRUST FUND (CTF)****JULY 22, 2011**

In the Interest of Minor Child: S.A.B., DOB 12/18/1995, by *April LaMere-Bourdon v. HCN Office of Tribal Enrollment*, CV 11-48 Order (Petition Granted) (HCN Tr. Ct., July 22, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

JULY 26, 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 (Accepting Accounting) (HCN Tr. Ct., July 26, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor child for costs associated with private school tuition. The petitioner submitted an *Edgewood High School of the Sacred Heart Invoice*. The Court accepted the accounting.

AUGUST 3, 2011

In the Interest of Minor Child: C.S., DOB 08/06/1996, by *Danielle Schonasky v. HCN Office of Tribal Enrollment*, CV 11-55 Order (Petition Granted) (HCN Tr. Ct., Aug. 03, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with dental care. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Child: D.E.R., DOB 12/28/1997, by *Kimberly Ramirez v. HCN Office of Tribal Enrollment*, CV 11-53 Order (Petition Granted) (HCN Tr. Ct., Aug. 03, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Child: 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 (Accepting Accounting) (HCN Tr. Ct., Aug. 3, 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 *Single Family Ledger*. The Court accepted the accounting.

In the Interest of Adult CTF Beneficiary: Devon Crowshoe, DOB 02/05/1992 v. HCN Office of Tribal Enrollment, CV 11-42 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 03, 2011) (Rockman, A).

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

In the Interest of Minor Child: S.T.F., DOB 12/13/1995, by Kelly Terbasket v. HCN Office of Tribal Enrollment, CV 11-54 Order (Motion Hearing) (HCN Tr. Ct., Aug. 03, 2011) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to grant the respondent the ability to argue its *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

AUGUST 4, 2011

In the Interest of Adult CTF Beneficiary: Tashellah S. King v. HCN Office of Tribal Enrollment, CV 11-38 Order (Petition Granted) (HCN Tr. Ct., Aug. 04, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access her Children's Trust Fund to pay for outstanding and future rental payments. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

AUGUST 9, 2011

In the Interest of Minor Children: S.E.P., DOB 07/31/1996, G.P.P., DOB 09/29/1998, and D.K.P., DOB 01/01/2003, by Myra Pemberton v. HCN Office of Tribal Enrollment, CV 10-98 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 9, 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 an *Account Charge Activity Detail*. The Court accepted the accounting.

In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 9, 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*. The Court accepted the accounting.

In the Interest of Adult CTF Beneficiary: Tashellah S. King v. HCN Office of Tribal Enrollment, CV 11-38 Order (Erratum) (HCN Tr. Ct., Aug. 9, 2011) (Rockman, A).

The Court issued an erratum pursuant to the *Ho-Chunk Nation Rules of Civil Procedure*, Rule 58(D) to correct a clerical mistake.

AUGUST 10, 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 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 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 accounting to demonstrate that the funds were expended as required. Therefore, the Court requested 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 (Requesting Accounting) (HCN Tr. Ct., Aug. 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 accounting to demonstrate that the funds were expended as required. Therefore, the Court requested accounting.

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 (Requesting Accounting) (HCN Tr. Ct., Aug. 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 failed to submit accounting to demonstrate that the funds were expended as required. Therefore, the Court requested accounting.

In the Interest of Minor Child: M.N.C., DOB 01/23/1999, by Sherie L. Crowley v. HCN Office of Tribal Enrollment, CV 11-57 Order (Petition Granted) (HCN Tr. Ct., Aug. 10, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Child: S.J.R., DOB 03/31/1999, by Steven J. Eades v. HCN Office of Tribal Enrollment, CV 11-59 Order (Petition Granted) (HCN Tr. Ct., Aug. 10, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

In the Interest of Adult CTF Beneficiary: Cici BigJohn, DOB 03/05/1988 v. HCN Office of Tribal Enrollment, CV 11-61

Order (Petition Granted) (HCN Tr. Ct., Aug. 10, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access her Adult CTF to pay for costs associated with dental care. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the petitioner's request. The Court granted the release of funds to the petitioner.

AUGUST 11, 2011

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 (Show Cause) (HCN Tr. Ct., Aug. 11, 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 accounting to demonstrate that the funds were expended as required. The Court sent two (2) reminders to the petitioner requesting the necessary accounting. The petitioner still has not submitted accounting. Therefore, the Court shall hold a *Show Cause Hearing* to allow the petitioner an opportunity to explain why the Court should not hold him in contempt of court.

In the Interest of Minor Child: S.B., DOB 12/20/1997, by Daryll Bird, Sr. v. HCN Office of Tribal Enrollment, CV 11-64 Order (Motion Hearing) (HCN Tr. Ct., Aug. 11, 2011) (Rockman, A).

The Court, in its discretion, determined to convene a hearing to grant the respondent the ability to argue its *Motion to Dismiss*, and to provide the petitioner the opportunity to offer a response.

AUGUST 12, 2011

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 (Requesting Accounting) (HCN Tr. Ct., Aug. 12, 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 accounting to demonstrate that the funds were expended as required. Therefore, the Court requested accounting.

In the Interest of Minor Children: S.K.D., DOB 9/19/1997 and M.P.D., DOB 03/29/1999, by Cynthia A. Decorah v. HCN Office of Tribal Enrollment, CV 11-28 Order (Accepting Accounting) (HCN Tr. Ct., Aug. 12, 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

Statement for the minor children. The Court accepted the accounting.

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 (Requesting Accounting) (HCN Tr. Ct., Aug. 12, 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 accounting to demonstrate that the funds were expended as required. Therefore, the Court requested accounting.

In the Interest of Minor Child: C.L.S., DOB 12/17/2000, by Bethel J. St. Cyr v. HCN Office of Tribal Enrollment, CV 11-62 Order (Petition Granted) (HCN Tr. Ct., Aug. 12, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic care. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the petitioner's request. The Court granted the release of funds to the petitioner.

AUGUST 15, 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 (Accepting Accounting) (HCN Tr. Ct., Aug. 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 a *Single Patient Ledger*. The Court accepted the accounting.

AUGUST 17, 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 Order (Petition Granted) (HCN Tr. Ct., Aug. 17, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

AUGUST 18, 2011

In the Interest of Adult CTF Beneficiary: George R. Snake, DOB 10/20/1987 v. HCN Office of Tribal Enrollment, CV 11-44 Order (Conditional Dismissal) (HCN Tr. Ct., Aug. 18, 2011) (Rockman, A).

The Court conditionally dismissed the case without prejudice due to the petitioner's failure to appear at the *Fact-Finding Hearing*.

AUGUST 19, 2011

In the Interest of Minor Child: R.A.T., DOB 04/18/1999, by Jaime R. Kaquatosh v. HCN Office of Tribal Enrollment, CV 11-66 Order (Petition Granted) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The petitioner requested access to the minor child's CTF to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Child: C.Y., DOB 10/13/2006, D.Y., DOB 05/10/2008, and A.Y., DOB 12/02/1998, by Jamie Youngthunder-Smith v. HCN Office of Tribal Enrollment, CV 11-65 Order (Petition Granted) (HCN Tr. Ct., Aug. 19, 2011) (Rockman, A).

The petitioner requested access to the minor children's CTFs to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

AUGUST 23, 2011

In the Interest of Minor Child: S.T.F., DOB 12/13/1995, by Kelly Terbasket v. HCN Office of Tribal Enrollment, CV 11-54 Order (Conditional Dismissal) (HCN Tr. Ct., Aug. 23, 2011) (Rockman, A).

The Court conditionally dismissed the case without prejudice due to the petitioner's failure to appear at the *Fact-Finding Hearing*.

AUGUST 25, 2011

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 (Demanding Accounting) (HCN Tr. Ct., Aug. 25, 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 accounting to demonstrate that the funds were expended as required. Therefore, the Court demanded accounting.

CONTRACTS

JULY 27, 2011

Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin, Inc., CV 10-54 Order (Extending Temporary

Stay of Proceedings) (HCN Tr. Ct. July 27, 2011) (Rockman, A).

The parties informed the Court of their agreement to extend the temporary stay in the matter. Accordingly, the Court extended the temporary stay and scheduled a *Status Hearing* for August 31, 2011.

AUGUST 1, 2011

HCN Department of Education, Josie P. WhiteEagle Scholarship & Selection Committee, and the Ho-Chunk Nation v. Tricia Zunker, CV 10-64 Order (Requesting Information) (HCN Tr. Ct. Aug. 1, 2011) (Rockman, A).

The defendant indicated on the record that she applied for a legal position within the Ho-Chunk Nation. The Court requested that the defendant inform the Court which position she applied for in order to determine whether a conflict of interest exists.

AUGUST 3, 2011

HCN Department of Education, Josie P. WhiteEagle Scholarship & Selection Committee, and the Ho-Chunk Nation v. Tricia Zunker, CV 10-64 Order (Sua Sponte Recusal) (HCN Tr. Ct. Aug. 3, 2011) (Rockman, A).

The defendant applied to become the Chief Judge of the Ho-Chunk Nation Trial Court; a position which would make the defendant the presiding judge's supervisor. The presiding judge also applied to this position. Therefore, the presiding judge recused herself to avoid the appearance of impropriety and to preserve and uphold the integrity of the Court.

AUGUST 3, 2011

HCN Department of Education, Josie P. WhiteEagle Scholarship & Selection Committee, and the Ho-Chunk Nation v. Tricia Zunker, CV 10-64 Order (Pro Tempore Appointment) (HCN Tr. Ct. Aug. 3, 2011) (Rockman, A).

The presiding judge recused herself. Therefore, the proceeding was temporarily stayed until the Ho-Chunk Nation Legislature appointed a judge pro tempore.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

ENROLLMENT

NO DECISIONS AT THIS TIME.

HOUSING

NO DECISIONS AT THIS TIME.

INCOMPETENT'S TRUST FUND (ITF)

JULY 27, 2011

In the Interest of: R.G., DOB 10/08/1962 by Nina Ritzinger, LE Phillips Development v. HCN Office of Tribal Enrollment, CV 96-49 Order (Motion Granted) (HCN Tr. Ct., July 27, 2011) (Rockman, A).

The Court needed to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund to establish a monthly allowance. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a release of funds to satisfy the request.

AUGUST 22, 2011

In the Interest of Ward: G.O.L.F., DOB 03/01/1993, by Mary Fletcher v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-102 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 22, 2011) (Rockman, A).

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

RECALL/REMOVAL

NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE

ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. FOUR (4) ORDERS WERE ISSUED FROM AUGUST 1, 2011 THROUGH AUGUST 31, 2011.

FAMILY

DIVORCE

NO DECISIONS AT THIS TIME.

JUVENILE CASES

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. FIFTEEN (15) ORDERS WERE ISSUED FROM AUGUST 1, 2011 THROUGH AUGUST 31, 2011.



RECENT SUPREME COURT DECISIONS

Alvane King v. Majestic Pines Casino Food & Beverage Department and Georgette Martin, SU 11-01 (HCN S. Ct., Aug. 25, 2011) (Rockman, A).

The Supreme Court needed to determine whether the Trial Court appropriately exercised its discretion when it dismissed the appellant's administrative appeal. The appellant had failed to file a timely initial brief as required by a scheduling order directive, which corresponded with a procedural rule. The Trial Court opted to dismiss. The Supreme Court reversed the lower court decision due to its rigid application of a discretionary rule.



RECENT TRIAL COURT FILINGS

CHILD SUPPORT CASES

AUGUST 2, 2011

Micole Holzappel v. Christopher Holzappel, CS 11-50 (Rockman, A).

AUGUST 15, 2011

State of Wisconsin v. Jaime A. Lopez, CS 11-51 (Rockman, A).

AUGUST 16, 2011

State of Wisconsin v. Broc LaMere, CS 11-52 (Rockman, A).

CIVIL CASES

AUGUST 1, 2011

In the Interest of: C.T.W., DOB 01/22/1994, by Stacy Whiteagle v. HCN Office of Tribal Enrollment, CV 11-60 (Rockman, A).

In the Interest of: CiCi BigJohn v. HCN Office of Tribal Enrollment, CV 11-61 (Rockman, A).

AUGUST 4, 2011

In the Interest of Minor Child: C.L.S., by Bethel St. Cyr v. HCN Office of Tribal Enrollment, CV 11-62 (Rockman, A).

AUGUST 5, 2011

Sandra L. Sliwicki v. HCN Office of Tribal Enrollment, CV 11-63 (Rockman, A).

AUGUST 8, 2011

In the Interest of Minor Child: S.B., DOB 12/20/1997, by Daryll Bird Sr. v. HCN Office of Tribal Enrollment, CV 11-64 (Rockman, A).

AUGUST 15, 2011

In the Interest of: C.YT., DOB 10/13/2006, D.YT., DOB 05/10/2008, and A.YT., DOB 12/02/1998, by Jamie Youngthunder-Smith v. HCN Office of Tribal Enrollment, CV 11-65 (Rockman, A).

In the Interest of: R.A.T., DOB 04/18/1999, by Jamie Kaquatosh v. HCN Office of Tribal Enrollment, CV 11-66 (Rockman, A).

AUGUST 16, 2011

Jordon Funmaker v. HCN Office of Tribal Enrollment, CV 11-67 (Rockman, A).

AUGUST 17, 2011

Lynn St. Cyr v. HCN Office of Tribal Enrollment, CV 11-68 (Rockman, A).

 **CIVIL GARNISHMENT CASES**

AUGUST 2, 2011

Credit Acceptance v. Joseph D. Gist, Jr., CG 11-85 (Rockman, A).

AUGUST 8, 2011

Sauk Co. v. Autumn White Eagle, CG 11-86 (Rockman, A).

Marshfield Clinic v. Jody K. Warner, CG 11-87 (Rockman, A).

Riverview Hospital v. Dawn A. Getzloff, CG 11-88 (Rockman, A).

AUGUST 15, 2011

Alliance Collection Agency v. Marie Wulf, CG 11-89 (Rockman, A).

Gunderson Medical Center v. James Rochester, CG 11-90 (Rockman, A).

AUGUST 17, 2011

Creative Finance v. Paulette Mathewson, CG 11-91 (Rockman, A).

Dairy Land Insurance v. Sheila Pagel, CG 11-92 (Rockman, A).

AUGUST 18, 2011

Capital One Bank v. Richard Caparelli, CG 11-93 (Rockman, A).

AUGUST 22, 2011

Madison Family Dental v. Craig Waldshmidt, CG 11-94 (Rockman, A).

Sauk Co. Clerk of Court v. Kim Stebbins, CG 11-95 (Rockman, A).

Alliance Collection Agency v. Donna R. Pabst, CG 11-96 (Rockman, A).

AUGUST 24, 2011

One Main Financial v. Jane Rochester, CG 11-97 (Rockman, A).

AUGUST 30, 2011

Alliance Collection Agencies v. Jesse J. Stainlowski, CG 11-98 (Rockman, A).

H.E. Stark Agency v. Leonard Tebeau, CG 11-99 (Rockman, A).

 **JUVENILE CASES**

ALL JUVENILE CASES SHALL REMAIN CONFIDENTIAL. ONE (1) CASE WAS FILED FROM AUGUST 1, 2011 THROUGH AUGUST 31, 2011.

 **FAMILY CASES**

NO CASES FILED AT THIS TIME

 **DOMESTIC VIOLENCE**

NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

AUGUST 22, 2011

Daniel Topping v. Georgette Martin, and Ho-Chunk Nation Food & Beverage, SU 11-05.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
Dennis Funmaker, Associate Justice
Todd R. Matha, 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

Complaint.....\$50.00
Petition for Release of Per Capita Distribution (Children’s Trust Fund).....\$50.00

Motion to Appear Pro Hac Vice.....\$35.00
Appellate Filing
Fee.....\$50.00
Petition to Register and Enforce Foreign
Judgment/Order.....\$20.00
Marriage License
Fee.....\$50.00

Court Fees

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

Legal Citation Forms

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

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

Ho-Chunk Nation Code
Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law
Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department, Inc., SU 96-21 (HCN S. Ct. Aug. 14, 1996).

HCN Trial Court Case Law
Case Name, Case Number, (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure
HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

September 2011 Issue



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REPRESENTATION IN THE HO-CHUNK NATION COURTS

When people first appear in the Ho-Chunk Nation Trial Court, they often inquire as to what types of legal representation are available. The Trial Court staff is always happy to provide this information. However, this article is aimed at informing the public about their representation options before they must appear in Court so they can have the time to carefully decide which option would work best for them. The following representation options are listed in no particular order and the Court will not officially comment as to their desirability. People should also be aware that this list is not exclusive.

Option 1 – Parties to a case may choose to hire an attorney admitted to the Ho-Chunk Nation Bar Association. To be admitted to the HCN Bar Association attorneys must be licensed to practice law in at least one state and be in good standing. A list of attorneys admitted to practice law is posted on the Judiciary’s website at <http://www.ho-chunknation.com/?PageId=88>. This list will be updated shortly.

Option 2 – A party may also hire an attorney not admitted to the HCN Bar Association. Information on how to join the HCN Bar Association is available at <http://www.ho-chunknation.com/?PageId=377>. Non-admitted attorneys may also ask the Court to allow them to represent their client

pro hac vice. These requests are dealt with on a case-by-case basis. If the request is granted, the attorney will only be able to represent their client in that specific case. The basic form for the *Motion to Appear Pro Hac Vice* is located at <http://www.ho-chunknation.com/?PageId=90>. The filing fee for this motion is \$35.00.

Option 3 - Wisconsin Judicare, Inc. might be able to provide legal representation to parties who cannot afford an attorney. Wisconsin Judicare is a non-profit law firm dedicated to providing equal

access to justice. If a party meets certain income requirements, Wisconsin Judicare may be able to provide free legal representation in *civil cases only*. Be sure to mention if you are a Ho-Chunk Nation tribal member as the income requirements are different. Wisconsin Judicare's toll free number is 1-800-472-1638. Wisconsin Judicare's website is <http://www.judicare.org/> Representation applications are also available at the Ho-Chunk Nation Trial Court.

Option 4 – In child protection actions the Court may appoint an attorney to a parent if Wisconsin Judicare refuses to represent the parent *and* the parent articulates a financial hardship. The appointment is a matter of judicial discretion. The Court always appoints attorneys who are admitted to the HCN Bar Association.

Option 5 – A party may also choose to obtain legal representation by one of the lay advocates admitted to the HCN Bar Association. To be admitted to the HCN Bar Association lay advocates must provide proof of satisfactorily completing a course sponsored by or certified by the Wisconsin Tribal Judges Association. The Ho-Chunk Nation Trial Court holds a certified lay advocate training course every other year. Lay advocates are not licensed to practice law in State or Federal Court. Lay advocates do not need to have a law degree. A list of lay advocates admitted to the HCN Bar Association is posted on the Judiciary's website at <http://www.ho-chunknation.com/?PageId=88>.



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES SUPREME COURT

U.S. v. Jicarilla Apache Nation, No. 10-382, 38 Indian L. Rep. 1020 (U.S. Sup. Ct., June 13, 2011). In a breach of trust action brought by the Jicarilla Apache Nation against the United States seeking monetary damages for the government's alleged mismanagement of the Nation's trust funds in which the U.S. filed a petition for a writ of mandamus to direct the U.S. Court of Federal Claims to vacate an order requiring the government to produce documents, the U.S. Supreme Court holds that the fiduciary exception to the attorney-client privilege does not apply to the general trust relationship between the United States and Indian tribes, finding that the two criteria justifying the fiduciary exception are absent in the trust relationship, and when a tribe cannot identify a specific, applicable trust-creating statute or regulation that the government violated, neither the government's control over Indian assets nor common-law trust principles matter, citing its ruling in the *United States v. Navajo Nation*, 129 S. Ct. 1547, 36 Indian L. Rep. 1021 (2009).

SECOND CIRCUIT

Oneida Nation of New York et al. v. Cuomo et al., Nos. 10-4265-(L), 10-4272(con), 10-4598(con), 10-4758(con), 10-4477(XAP), 10-4976(XAP), 10-4981(XAP), 38 Indian L. Rep. 2117 (2d Cir., May 9, 2011). In consolidated actions, the U.S. Court of Appeals for the Second Circuit holds that the U.S. District Court for the Northern District of New York abused its discretion in granting the Oneida Nation an injunction and vacates that court's order, and that the U.S. District Court for the Western District of New York properly denied injunctions to the Seneca Nation, Cayuga Nation, Unkechaug Nation, and Mohawk Tribe and affirms that court's two orders, and vacates all stays pending appeal, and remands the cases in which the plaintiffs sought to enjoin enforcement of the 2010 amendments to New York's tax law relating to the taxation of cigarettes.

SIXTH CIRCUIT

United States v. Genschow, Sr., No. 09-1946, 38 Indian L. Rep. 2126 (6th Cir., May 19, 2011). The U.S. Court of Appeals for the Sixth Circuit affirms the defendant's conviction for destroying trees on the Ontonagon Reservation and stealing tribal property for his own use, finding no clear error in the district court's denial of an acceptance of responsibility reduction and holding that the district court did not abuse its discretion in awarding restitution.

NINTH CIRCUIT

Blatchford v. Alaska Native Tribal Health Consortium, No. 10-35785, 38 Indian L. Rep. 2131 (9th Cir., May 19, 2011). The U.S. Court of Appeals for the Ninth Circuit reverses the district court's grant of summary judgment for the defendant-appellee finding that 25 U.S.C. § 1621e does not apply to authorize recovery of medical expenses by a health care provider against the individual to whom it provided services, and that the right of recovery runs only against third parties.

TENTH CIRCUIT

Ramah Navajo Chapter et al. v. Salazar et al., No. 08-2262, 38 Indian L. Rep. 2134 (10th Cir., May 9, 2011). The United States Court of Appeals for the Tenth Circuit affirms the district court's dismissal of a complaint alleging discrimination under Title VII of the Civil Rights Act of 1964 for failure to exhaust administrative remedies.

ELEVENTH CIRCUIT

Hollywood Mobile Estates Limited et al. v. Seminole Tribe of Florida et al., No. 09-15336, 38 Indian L. Rep. 2152 (11th Cir., May 23, 2011). The United States Court of Appeals for the Eleventh Circuit concludes that the plaintiff lacks constitutional standing and is not within the zone of interests protected by the Indian Long-Term Leasing Act, 25 U.S.C. § 415, and thus vacates in part the district court's judgment and remands with instructions to dismiss for lack of subject matter jurisdiction, and further finding that the plaintiff lacks prudential standing to sue the Interior Secretary, affirms the denial of the motion for leave to amend the complaint as futile.

WISCONSIN

Kroner v. Oneida Seven Generations Corporation, No. 2010AP2533, 38 Indian L. Rep. 5113 (Wis. Ct. App., June 1, 2011). In an action by a former employee of a tribally-chartered corporation, the Wisconsin Court of Appeals affirms the circuit court's conclusion that the Oneida Nation Judicial System had concurrent jurisdiction over the action and the circuit court did not err in its exercise of discretion under state law to transfer the case to tribal court.



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

SEPTEMBER 12, 2011

Rosalie J. Kakkak v. Alvin E. Greengrass, Sr., CS 09-08 Order (Cease Child Support Withholding –Per Capita) (HCN Tr. Ct., Sept. 12, 2011) (Rockman, A).

The Menominee Tribal Child Support Agency filed a correspondence indicating that the respondent no longer owed outstanding child support arrears. The respondent still owed administration fees, but such fees cannot be withheld from the respondent's per capita payments as they do not fall under the federal definition of "child support." See *Kelli O'Connor et al. v. Domonic D. Bell*, CS 00-28, 02-12 (HCN Tr. Ct., Oct. 11, 2002) at 14-16. The respondent is still responsible for paying said fees, but they cannot be withheld from his per capita payments. Therefore, the Court ceased child support withholding.

County of Washington & Jessica F. Thury v. Brandon K. Owen, CS 11-39 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 12, 2011) (Rockman, A).

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

SEPTEMBER 21, 2011

State of Wisconsin ex rel. v. Christopher C. Decorah, Sr., CS 11-38 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 21, 2011) (Rockman, A).

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

SEPTEMBER 23, 2011

State of Wisconsin v. Demian Decorah, CS 10-31, -32 Order (Ceasing Child Support in CS 10-32 & Removing Equitable Adjustment) (HCN Tr. Ct., Sept. 23, 2011) (Rockman, A).

The Columbia County Child Support Agency requested a cessation of withholding for child support and arrears in CS 10-32. Therefore, the Court ceased withholding for CS 10-32 and removed the previous equitable adjustment as the respondent is no longer a serial payor.

Micole M. Holzapfel v. Christopher Holzapfel, CS 11-50 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Sept. 23, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. 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 recognition and enforcement of the foreign judgment.

SEPTEMBER 26, 2011

State of Wisconsin v. Jewel L. Houghton, CS 11-47 Default Judgment (Enforcing Child Support – Arrears Only) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

State of Wisconsin & Alicia J. Spillner v. Broc E. LaMere, CS 11-52 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

Erica Rave v. Elan White Eagle, CS 11-54 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

SEPTEMBER 27, 2011

State of Wisconsin and Velvet L. Cooper v. Martin J. Cooper, CS 06-57 Order (Ceasing Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Clark County Child Support Agency requested a cessation of child support withholding. The Court ceased child support withholding as the respondent's child support obligation ended and all arrears were paid in full.

Melissa Johnson/Kent Co. Friend of Court v. Christopher Johnson, CS 08-44 Order (Enforcing Arrears & Ceasing Current Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Jackson County Child Support Agency asked the Court to cease withholding for current child support as the children now reside with the respondent. The Agency also requested that the Court begin withholding for child support arrears. The Agency afforded the respondent proper notice of the filing, but the respondent failed to file a timely response. Therefore, the Court granted the Agency's requests.

State of Wisconsin v. Melissa J. Kingswan, CS 11-14 Order (Ceasing Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Jackson County Child Support Agency requested a cessation of child support withholding. The Court ceased

child support withholding as the respondent's child support obligation ended and all arrears were paid in full.

LoriAnn Little Soldier v. Henry Jacob Little Soldier, CS 11-29 Order (Rescheduling Hearing & Granting Telephonic Appearances) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Court rescheduled a *Continued Motion Hearing* for October 12, 2011, and granted the requests of the parties to appear by telephone.

State of Wisconsin v. Summer R. Decorah, CS 11-56 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

State of Wisconsin v. Derek P. Youngthunder, CS 11-53 Default Judgment (Enforcing Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

Jackson Co. Child Support Agency v. Harriet M. Hopinkah, CS 08-59 Order (Enforcing Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to file a timely response, leading the Court to grant recognition and enforcement of the foreign judgment.

State of Wisconsin & Crystelann M. Morton v. Patrick W. Sturdevant, CS 07-27 Order (Modifying Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Sauk County Child Support Agency requested a modification in current child support withholding. The Agency afforded the respondent proper notice of the

filing. The respondent failed to file a timely response. Therefore, the Court granted the requested modification.

State of Wisconsin v. Roger Houghton, Sr., CS 04-54 Order (Modifying Child Support) (HCN Tr. Ct., Sept. 27, 2011) (Rockman, A).

The Wood County Child Support Agency requested a modification in current child support withholding. The Agency afforded the respondent proper notice of the filing. The respondent failed to file a timely response. Therefore, the Court granted the requested modification.

SEPTEMBER 28, 2011

Theresa Day v. Travis C. Decora, CS 05-12 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

The Juneau County Child Support Agency requested a modification in current child support withholding. The Agency afforded the respondent proper notice of the filing. The respondent failed to file a timely response. Therefore, the Court granted the requested modification.

Amber L. Dowling v. Lloyd G. Whiteeagle, CS 09-37 Order (Ceasing Arrearage Withholding – Per Capita) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

The respondent filed a letter from the Jackson County Child Support Agency showing that arrears have been paid in full. Therefore, the Court ceased withholding for arrears, but continued withholding for current child support.

State of Wisconsin v. Myron D. Cloud, CS 01-04 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

The petitioner filed a motion to update arrearages accompanied by a certified account statement. The respondent had proper notice of the petitioner's motion but failed to file a timely response. Therefore, the Court updated the arrearage withholding.

Heather B. Fisher v. Noel J. Hommerding, CS 08-48 Order (Modifying Child Support) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

The Marathon County Child Support Agency requested a modification in current child support withholding to include withholding for arrears. The Agency afforded the respondent proper notice of the filing. The respondent failed to file a timely response. Therefore, the Court granted the requested modification.

Debra Peters v. Curtis J. Pidgeon, CS 03-73 Order (*Updating Arrearage Withholding*) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

The petitioner filed a motion to update arrearages accompanied by a certified account statement. The respondent had proper notice of the petitioner's motion but failed to file a timely response. Therefore, the Court updated the arrearage withholding.

SEPTEMBER 29, 2011

State of Wisconsin v. John F. Blackdeer, CS 02-46, 07-70 Order (*Modifying and Enforcing Child Support*) (HCN Tr. Ct., Sept. 29, 2011) (Rockman, A).

The petitioner filed a motion to modify current child support withholding in CS 07-70. The petitioner afforded the respondent proper notice. However, the respondent failed to file a timely response. Therefore, the Court granted the requested modification.

CIVIL GARNISHMENT CASES

SEPTEMBER 7, 2011

Citizens Finance v. Heath Littlejohn, CG 09-45 Order (*Ceasing Wage Withholding*) (HCN Tr. Ct., Sept. 7, 2011) (Rockman, A).

The petitioner filed a release from liability. Therefore, the Court issued an order ceasing wage withholding.

SEPTEMBER 13, 2011

Speedcash Loans v. Ray Dawson, CG 11-72 Order (*Granting Motion to Modify*) (HCN Tr. Ct., Sept. 13, 2011) (Rockman, A).

The Court granted the respondent's *Motion to Modify* as the petitioner agreed to the respondent's request.

SEPTEMBER 14, 2011

Black River Memorial Hospital v. Jolene Sandoval, CG 11-84 Order (*Petition Granted*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent filed a timely response but subsequently stipulated to a garnishment scheme. Therefore, the Court granted the relief requested by the petitioner.

Capital One Bank v. Richard J. Caparelli, CG 11-93 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

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

respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic LTD v. Sommer D. Steinbrink, CG 11-77 Order (*Granting Telephonic Appearance*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court granted the petitioner's request to appear by phone at the September 29, 2011 *Hearing*.

Alliance Collection Agencies, Inc. v. Marie A. Wulf, CG 11-89 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Lutheran Medical Center, Inc. v. James Rochester, CG 11-90 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Lutheran Medical Center v. Peggy J. Perkins, CG 11-81 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Alliance Collection Agencies, Inc. v. Dawn A. Getzloff, CG 11-88 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Alliance Collection Agencies, Inc. v. Judy K. Warner, CG 11-87 Order (*Default Judgment*) (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

SEPTEMBER 15, 2011

Midland Credit Management, Inc. v. Geraldine R. Riley, CG 11-73 Order (Petition Granted) (HCN Tr. Ct., Sept. 15, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent filed a timely response, but did not allege a recognized exemption to execution of the garnishment and failed to attend the scheduled hearing. Therefore, the Court granted the relief requested by the petitioner.

SEPTEMBER 20, 2011

Madison Family Dental Association v. Craig A. Waldschmidt, CG 11-94 Order (Default Judgment) (HCN Tr. Ct., Sept. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

All American Plaza, LLC v. Woodrow White, CG 11-67 Order (Petition Granted) (HCN Tr. Ct., Sept. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent filed a timely response, but failed to provide a cognizable objection to the action. Therefore, the Court granted the relief requested by the petitioner.

SEPTEMBER 21, 2011

Sauk County Clerk of Courts v. Leonard I. Tebeau, CG 11-99 Order (Default Judgment) (HCN Tr. Ct., Sept. 21, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

One Main Financial v. James Rochester, CG 11-97 Order (Default Judgment) (HCN Tr. Ct., Sept. 21, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Alliance Collection Agencies, Inc. v. Jesse J. Stanislawski, CG 11-98 Order (Default Judgment) (HCN Tr. Ct., Sept. 21, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

SEPTEMBER 26, 2011

Alliance Collection Agencies, Inc. v. Donna R. Pabst, CG 11-96 Order (Default Judgment) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

CIVIL CASES

SEPTEMBER 14, 2011

Kristen Hernandez v. Vincent Hernandez, CV 11-16 Scheduling Order (HCN Tr. Ct., Sept. 14, 2011) (Rockman, A).

The Court issued a Scheduling Order setting all relevant deadlines in the case.

ADMINISTRATIVE APPEALS

NO DECISIONS AT THIS TIME.

CHILDREN'S TRUST FUND (CTF)

SEPTEMBER 6, 2011

In the Interest of Minor Child: A.R.B., DOB 01/26/1996, by Valerie Lindahl v. HCN Office of Tribal Enrollment, CV 11-47 Order (Petition Granted) (HCN Tr. Ct., Sept. 6, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with dental procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court granted the release of funds to the petitioner.

SEPTEMBER 7, 2011

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 (Contempt) (HCN Tr. Ct., Sept. 7, 2011) (Rockman, A).

The Court needed 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 imposes a reasonable remedial sanction.

SEPTEMBER 8, 2011

In the Interest of Adult CTF Beneficiary: Sandra L. Ortiz, DOB 02/15/1992 v. HCN Office of Tribal Enrollment, CV 11-45 Order (Petition Granted) (HCN Tr. Ct., Sept. 08, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access her CTF account to pay for costs associated with a professional tutoring program. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner.

SEPTEMBER 15, 2011

In the Interest of the Minor Children: A.V.F., DOB 03/26/1998, D.R.W., DOB 09/22/1992, and D.D.W., DOB 12/16/1994 by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-45 Order (Motion Granted) (HCN Tr. Ct., Sept. 15, 2011) (Rockman, A).

The Court previously approved a release of the CTF for purposes of orthodontic care of the minor child A.V.F. The petitioner subsequently requested further release of the CTF to cover additional unmet costs. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner.

SEPTEMBER 21, 2011

In the Interest of Minor Child: A.R.B., DOB 01/26/1996, by Valerie Lindahl v. HCN Office of Tribal Enrollment, CV 11-47 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 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 *Account History* for the minor child. Therefore, the Court accepted this accounting.

SEPTEMBER 23, 2011

In the Interest of Minor Child: 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 (Demanding Accounting) (HCN Tr. Ct., Sept. 23, 2011) (Rockman, A).

The Court previously released funds from the CTF account of the minor children for costs associated with dental procedures. The petitioner failed to submit

accounting to demonstrate that the funds were expended as required. Therefore, the Court demanded accounting.

SEPTEMBER 26, 2011

In the Interest of Minor Child: M.G.D., DOB 05/10/2003, by Melissa M. Grant v. HCN Office of Tribal Enrollment, CV 11-29 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 26, 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 *Treatment Summary* for the minor child. Therefore, the Court accepted this accounting.

In the Interest of Adult CTF Beneficiary: Lynn St. Cyr, DOB 11/25/1988 v. HCN Office of Tribal Enrollment, CV 11-68 Order (Dismissal) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The petitioner withdrew her request for a release of per capita distribution in writing. Therefore, the Court dismissed the action without prejudice.

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 (Accepting Accounting) (HCN Tr. Ct., Sept. 26, 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 Charge Activity* for the minor child. Therefore, the Court accepted this accounting.

In the Interest of Adult CTF Beneficiary: Leon Blackcoon, DOB 07/29/1989 v. HCN Office of Tribal Enrollment, CV 10-29 Order (Show Cause) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court previously released money from the CTF account of the petitioner for costs associated with eye care. However, the petitioner failed to provide accounting pursuant to a Court order. The Court reminded the petitioner of his obligation with two subsequent Court orders. Therefore, the Court scheduled a *Show Cause Hearing* to allow the petitioner an opportunity to explain why the Court should not hold him in contempt of court.



SEPTEMBER 8, 2011

Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin, Inc., CV 10-54 Order (Requesting Briefs) (HCN Tr. Ct. Sept. 8, 2011) (Rockman, A).

The petitioner requested that the stay of civil proceedings be lifted in this matter. However, the respondents requested that the stay continue. Therefore, the Court requested that each party submit a brief concerning whether or not the stay should be lifted.



ELECTION MATTERS

NO DECISIONS AT THIS TIME.



ENROLLMENT

NO DECISIONS AT THIS TIME.



HOUSING

NO DECISIONS AT THIS TIME.



INCOMPETENT'S TRUST FUND (ITF)

SEPTEMBER 21, 2011

In the Interest of: J.C., DOB 09/06/1962 by Jackson County Guardianship Services, Inc. v. HCN Office of Tribal Enrollment, CV 11-58 Order (Petition Partially Granted) (HCN Tr. Ct., Sept. 21, 2011) (Rockman, A).

The Court needed to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund to pay the ward's court-ordered guardian fees and a personal allowance. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.

SEPTEMBER 23, 2011

In the Interest of: L.R., DOB 03/04/1956 by Maynard Rave, Sr., Guardian v. HCN Office of Tribal Enrollment, CV 96-49 Order (Motion Granted) (HCN Tr. Ct., Sept. 23, 2011) (Rockman, A).

The Court needed to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund to pay for the outstanding Ferrellgas invoice. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a release of funds to satisfy the request.

SEPTEMBER 26, 2011

In the Interest of 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., Sept. 26, 2011) (Rockman, A).

The Court previously released funds from the ITF account of K.K.R. for costs associated with outstanding medical bills. The petitioner submitted a final receipt from Shawano Medical Center. Therefore, the Court accepted this accounting.

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 26, 2011) (Rockman, A).

The Court previously released funds from the ITF account of B.P.O. for costs associated with annual residential LP gas costs. The petitioner submitted an invoice confirming the proper use of the funds. Therefore, the Court accepted this accounting.



RECALL/REMOVAL

NO DECISIONS AT THIS TIME.



DOMESTIC ABUSE

ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. THREE (3) ORDERS WERE ISSUED FROM SEPTEMBER 1, 2011 THROUGH SEPTEMBER 30, 2011.



FAMILY



DIVORCE

SEPTEMBER 6, 2011

In re the Marriage of: Jeremy P. Rockman and Idella Kate Hill-Rockman, FM 11-02 Judgment for Divorce (HCN Tr. Ct. Sept. 6, 2011) (Rockman, A).

The Court convened a Hearing on September 6, 2011. The respondent failed to appear. The petitioner presented testimony which satisfied the requirements for a divorce under the HO-CHUNK NATION DIVORCE & CUSTODY ORDINANCE. Therefore, the Court granted the petitioner's request for a divorce.

SEPTEMBER 6, 2011

In re the Marriage of: Reiss M. Blackhawk and Jacquelin Blackhawk, FM 11-05 Order (Granting Telephonic Appearance) (HCN Tr. Ct. Sept. 7, 2011) (Rockman, A).

The Court granted the petitioner's request to allow him to appear by telephone at the September 27, 2011 *Initial Hearing*.

JUVENILE CASES

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. SIX (6) ORDERS WERE ISSUED FROM SEPTEMBER 1, 2011 THROUGH SEPTEMBER 30, 2011.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS

CHILD SUPPORT CASES

SEPTEMBER 6, 2011

Aitkin Co. & Elizabeth Logerstrom v. Dallas M. Kreider, CS 11-55 (Rockman, A).

State of Wisconsin v. Summer R. Decorah, CS 11-56 (Rockman, A).

SEPTEMBER 8, 2011

Mandy Paavola v. Ira Loes, CS 11-57 (Rockman, A).

SEPTEMBER 14, 2011

Denise A. LaBarge v. John L. LaBarge, CS 11-58 (Rockman, A).

SEPTEMBER 26, 2011

State of Wisconsin v. Rachel Mendoza, CS 11-59 (Rockman, A).

CIVIL CASES

SEPTEMBER 6, 2011

In the Interest of: C.J.J.B., by Yvette Brown v. HCN Office of Tribal Enrollment, CV 11-69 (Rockman, A).

SEPTEMBER 8, 2011

In the Interest of C.M., by Mignon Harris v. HCN Office of Tribal Enrollment, CV 11-70 (Rockman, A).

SEPTEMBER 21, 2011

Athena Smekofski v. HCN Office of Tribal Enrollment, CV 11-71 (Rockman, A).

Chris Montanez v. HCN Office of Tribal Enrollment, CV 11-72 (Rockman, A).

SEPTEMBER 27, 2011

Cynthia Yellowcloud v. Stacey Sky, CV 11-73 (Rockman, A).

SEPTEMBER 29, 2011

In the Interest of: D.W., DOB 08/12/2004 v. HCN Office of Tribal Enrollment, CV 11-74 (Rockman, A).

In the Interest of: M.A.E., DOB 06/07/2001, CV 11-75 (Rockman, A).

SEPTEMBER 30, 2011

HCN v. Shelley Thundercloud, CV 11-76 (Rockman, A).

CIVIL GARNISHMENT CASES

SEPTEMBER 8, 2011

Franciscan Skemp v. Stacy & Jamie Hanson, CG 11-100 (Rockman, A).

SEPTEMBER 12, 2011

Sauk Co. Clerk of Court v. Michelle Mountain, CG 11-101 (Rockman, A).

SEPTEMBER 14, 2011

Sauk Co. Clerk of Court v. Moses Vazquez, CG 11-102 (Rockman, A).

SEPTEMBER 20, 2011

Sauk Co. Clerk of Court v. Tina M. Crowley, CG 11-103 (Rockman, A).

Sauk Co. Clerk of Court v. Joe D. Gist, Jr., CG 11-104 (Rockman, A).

SEPTEMBER 22, 2011

Gunderson Lutheran v. Terry Hinz, CG 11-105 (Rockman, A).

Gunderson Clinic v. Terry Hinz, CG 11-106 (Rockman, A).

Black River Memorial Hospital v. Austin Domenget, CG 11-107 (Rockman, A).

Gunderson Lutheran v. Austin Domenget, CG 11-108 (Rockman, A).

Gunderson Clinic v. Austin Domenget, CG 11-109 (Rockman, A).

Sauk Co. Clerk of Court v. Stuart E. Lonetree, CG 11-110 (Rockman, A).

Black River Memorial Hospital v. Melissa M. Oliva, CG 11-111 (Rockman, A).

SEPTEMBER 26, 2011

Nancy J. Schmidt v. Rachel Roberts, CG 11-112 (Rockman, A).

Midland Credit v. Loni Blackdeer, CG 11-113 (Rockman, A).

Courtesy Corp. v. Leslie Rave, CG 11-114 (Rockman, A).

Black River Memorial Hospital v. Dustin Bahr, CG 11-115 (Rockman, A).

Black River Memorial Hospital v. Travis Burlingane, CG 11-116 (Rockman, A).

Black River Memorial Hospital v. Donny Dowling, CG 11-117 (Rockman, A).

Gunderson Clinic v. Donny Dowling, CG 11-118 (Rockman, A).

Gunderson Clinic v. Sherri Brett, CG 11-119 (Rockman, A).

Black River Family Dental v. Sherri Brett, CG 11-120 (Rockman, A).

Black River Memorial Hospital v. Sherri Brett, CG 11-121 (Rockman, A).

Anderson & Durtsche, DDS v. Brittany Keller, CG 11-122 (Rockman, A).

Black River Memorial Hospital v. Brittany Keller, CG 11-123 (Rockman, A).

Gunderson Clinic v. Brittany Keller, CG 11-124 (Rockman, A).

Black River Memorial Hospital v. Terri Clemmerson, CG 11-125 (Rockman, A).

SEPTEMBER 27, 2011

Sauk Co. Clerk of Court v. Antonio Dewayne, CG 11-126 (Rockman, A).

SEPTEMBER 29, 2011

Check Advance v. Marie Thieme, CG 11-127 (Rockman, A).

H.E. Stark Agency v. Leonard Tebeau, CG 11-99 (Rockman, A).

 **JUVENILE CASES**

ALL JUVENILE CASES SHALL REMAIN CONFIDENTIAL. THREE (3) CASES WERE FILED FROM SEPTEMBER 1, 2011 THROUGH SEPTEMBER 30, 2011.

 **FAMILY CASES**

SEPTEMBER 16, 2011

Littlejohn v. Littlejohn, FM 11-06 (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
Dennis Funmaker, Associate Justice
Todd R. Matha, 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.
Andrew Thundercloud
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 – 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

Complaint.....\$50.00

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

Court Fees

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

Legal Citation Forms

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

Ho-Chunk Nation Constitution

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

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.

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

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department, Inc., SU 96-21 (HCN S. Ct. Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number, (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

October 2011 Issue



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FEDERAL INDIAN LAW & LITIGANT STANDING: PENDING CASES AT THE U.S. SUPREME COURT

This year the Supreme Court of the United States granted certiorari in two cases examining standing of litigants who are not members of a federally recognized Indian tribe but whose claims could greatly affect Federal Indian Law in the future. For those unfamiliar with this doctrine, standing is the requirement that a party have a particular interest in order to initiate a suit in court. The Ho-Chunk Judiciary has adopted several United States Supreme Court holdings recognizing that a plaintiff must “show that he[*/she*] personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant,’ and that the injury ‘fairly can be traced to the challenged action’ and ‘is likely to be redressed by a favorable decision[.]’” *Clarence Pettibone v. Ho-Chunk Nation Legislature et al.*, CV 01-84 (HCN Tr. Ct., May 15, 2002) (Citing *Valley Forge Coll. v. Americans United*, 454 U.S. 464, 472 (1982)).

In *Salazar v. Patchak*, an individual challenged the Secretary of Interior’s decision to take lands into trust for the Match-E-Be-Nash-She-Wish Band of Pottawatomis (hereinafter Band). 632 F.3d 702 (2011). The Band requested that the United States acquire and hold 147 acres of land in trust for the use of operating a gaming facility. *Id.* at 703. David Patchak, a resident living near the land at issue, sought to prevent the Secretary from taking those lands into trust, arguing he was

prohibited to do so under the Indian Reorganization Act, 25 U.S.C. §§ 461-79. 632 F.3d at 704. Patchak further argued that by attracting 3.1 million annual visitors, the planned gaming facility would cause increased air, noise and water pollution, increased crime, and diversion of police and medical resources. *Id.* at 703.

The United States Court of Appeals for the District of Columbia held Mr. Patchak had standing to challenge the Secretary of Interior’s actions. First, the Court recognized, “[t]he impact of the

Band's facility on Patchak's way of life constituted an injury-in-fact fairly traceable to the Secretary's fee-to-trust decision.” *Id.* at 704. Next, the Court found Patchak satisfied the “zone-of-interest” test and was the proper party to enforce the Indian Reorganization Act, holding when legislation creates a limitation blocking Indian gaming as Patchak contends, “the interests of those in the surrounding community—or at least those who would suffer from living near a gambling operation—are arguably protected.” *Id.* at 706. The Court also decided that sovereign immunity did not bar Patchak’s suit. *Id.* at 707-712. Therefore, the Court reversed and remanded the matter back to the district court. Nonetheless, the decision has been appealed to the Supreme Court.

The Supreme Court of the United States also granted certiorari of a Hawaii Supreme Court case which addressed landowners seeking claims for real property tax exemptions equal to those available to native Hawaiian homestead lessees. *Corboy v. Louie*, 2011 Haw. LEXIS 93. The Hawaiian Homes Commission Act, Pub. L. 67-34, 42 Stat. 108 (hereinafter HHCA) required 200,000 acres of ceded land to be held in trust for the benefit of Hawaiian Homestead lessees of “not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.” Due to this blood quantum requirement under the HHCA, John M. Corboy and other similarly situated landowners argued tax exemptions for homestead lessees involve unconstitutional race-based discrimination in violation of the Fifth and Fourteenth Amendments to the United States Constitution. *Id.* at 46-48.

The Supreme Court of Hawaii did not reach the merits of their claims, finding the landowners lacked standing for failure to establish an injury-in-fact. *Id.* at 58-59. The landowners were required to show they suffered an actual or threatened injury, but failed to establish that they applied for a homestead lease or otherwise demonstrated their interest in participating in the homestead lease program. *Id.* The court further noted that none of the landowners sought to be awarded a homestead lease. *Id.*

The Supreme Court of the United States will soon address both of the aforementioned cases, and the possible outcomes have a great potential to alter Federal Indian Law. The expansion of standing through a trend of relaxed standards could lead to an influx of challenges preventing the establishment of trust lands or destroying programs which benefit members of recognized Indian tribes. Addressing both the circumstances of *Patchak* and *Corboy*, one can foresee the immediate consequences of an adverse ruling by the United States Supreme Court.

Despite community support of the increased commercial development Indian gaming operations often create, *Patchak* has the potential to become the welcoming call to a dissenting few who wish to shut down operations before they start. Due to the Supreme Court’s holding in *Carciere v. Salazar*, every tribe recognized subsequent to the Indian Reorganization Act could face challenges by one single landowner, regardless of community support. Similarly in *Corboy*, if the United States Supreme Court were to reverse the Supreme Court of Hawaii, there is a possibility that this may open the doors to hypothetical challenges by litigants who have no desire to participate in programs available to tribal members yet seek the same financial benefits. Ultimately, the final resolution of these cases will undoubtedly affect Federal Indian Law in the future.



Free Ethics CLE

SPECIAL DUTIES

December 16, 2011

HCN Courthouse; Black River Falls, WI

8:30 – 12:30

8:30 – 8:45 Welcome & Opening Remarks

8:45 – 9:35 (Ethics CLE/1 credit)*

- **Duties of Prosecutors**

Presenter: Staff Attorney Zachary H. Atherton-Ely

9:40 – 10:30 (Ethics CLE/1 credit)

- **Communication with Unrepresented Parties**

Presenter: Staff Attorney John W. Kellis

10:30 – 10:45 Break

10:45 – 11:35 (Ethics CLE/1 credit)

- **Responsibilities of Supervisory and Subordinate Lawyers**

Presenter: Interim Chief Judge Amanda L. Rockman

11:40 – 12:30 (Ethics CLE/1 credit)

- **Roundtable Discussion: Obligations to Improve the Legal System**

Presenters: Interim Chief Judge Amanda L. Rockman, Staff Attorney John W. Kellis and Staff Attorney Zachary H. Atherton-Ely

*all CLE credits are applied for in Wisconsin and Minnesota



ANOTHER SUCCESSFUL LAW DAY

On October 2, 2011, the Ho-Chunk Nation Judiciary held its 16th annual Law Day CLE. Attorneys and tribal court judges attended from all over of the state of Wisconsin and Minnesota. Attorney Atherton-Ely began the CLE with presentations on administrative standards of review and case law updates from the Ho-Chunk Nation Judiciary. Next, Attorney Gardner presented on the relationship between tradition and custom and an administrative law setting. Where the first presentations applied mostly within the HCN Judiciary, Attorney Gardner's presentation provided insight into issues that all tribes should address. Lastly, Attorney Gardner and Attorney Drobnick hosted a panel discussion concerning the EMPLOYMENT RELATIONS ACT OF 2004. Although the discussion centered on Ho-Chunk law, the examination of the administrative procedures had broader applicability. Following the CLE, attendees were invited to a Social Dance organized by the Ho-Chunk Nation Trial Court staff in cooperation with a community event. Judges from the Wisconsin Tribal Judges Association were honored at the event. The Trial Court thanks all presenters, participants and organizers who made this year's Law Day a fantastic success.

THE TRIAL COURT THANKS LAW CLERK/STAFF ATTORNEY REBECCA L. MAKI

In late September the Trial Court said farewell to Law Clerk/Staff Attorney Rebecca L. Maki. Attorney Maki diligently served in this position since July 2009. She particularly helped the Trial Court by remaining for an additional two months. Attorney Maki now works as an Attorney for the Ho-Chunk Nation Department of Justice. The Trial Court would like to thank Rebecca for her service and wish her the best in her new position.

THE TRIAL COURT WELCOMES LAW CLERK/STAFF ATTORNEY JOHN W. KELLIS

Attorney John W. Kellis began his Law Clerk/Staff Attorney position with the Ho-Chunk Nation Trial Court on October 24, 2011. Attorney Kellis received a B.A. in General Business Administration – Prelaw from Michigan State University in 2007. He received his *Juris Doctor* from the University of Wisconsin Law School in 2011. While in law school, Attorney Kellis participated in the Criminal Appeals Project as a student attorney. He also served as the treasurer of the Indigenous Law Students Association. Attorney Kellis is a member of the Sault Ste. Marie Tribe of Chippewa Indians.



UPDATES FROM OUTSIDE JURISDICTIONS

EIGHTH CIRCUIT

United States v. Cavanaugh, Jr., Nos. 10-1154, 38 Indian L. Rep. 2159 (8th Cir., July 6, 2011). The U.S. Court of Appeals for the Eighth Circuit concludes that the Sixth Amendment to the U.S. Constitution does not preclude a federal court from using an uncontested tribal court misdemeanor conviction to prove the elements of a subsequent federal offense.

NINTH CIRCUIT

Water Wheel Camp Recreational Area, Inc., et al. v. LaRance, et al., Nos. 09-17349 and 09-17357, 38 Indian L. Rep. 2175 (9th Cir., June 10, 2011). The U.S. Court of Appeals for the Ninth Circuit holds that where there are no sufficient competing state interests involved, the Colorado River Indian Tribes Tribal Court has regulatory jurisdiction through the Tribes' inherent authority to exclude, independent from the power recognized in *Montana v. United States*, 450 U.S. 544 (1981), and the tribal court has both adjudicative jurisdiction and personal jurisdiction over a non-Indian closely-held corporation and its non-Indian owner in an unlawful detainer action for breach of a lease of tribal lands and trespass, and affirms the district court's judgment as to the corporation but vacates the district court's order directing the tribal court to vacate its judgment against the owner and to cease any litigation concerning the owner, and remands for entry of judgment upholding the tribal court's jurisdiction.

TENTH CIRCUIT

Crowe & Dunlevy, P.C. v. Stidham, No. 09-5071, 38 Indian L. Rep. 2182 (10th Cir., May 27, 2011). The United States Court of Appeals for the Tenth Circuit affirms the district court's grant of the plaintiff-appellee's motion for a preliminary injunction against a judge of the Muscogee (Creek) Nation District Court and the court's denial of the judge's motion to dismiss an action involving a tribal leadership dispute and the judge's order that the plaintiff-appellee return attorney's fees already paid to it pursuant to its contract with the Thlophlocco pending determination of the merits of the underlying tribal court litigation, holding that there is not a sufficient nexus between the plaintiff-appellee's practice before the Muscogee Creek Nation court and the judge's order.

WISCONSIN

Village of Hobart v. Brown County, No. 2010AP561, 38 Indian L. Rep. 5132 (Wis. Ct. App., June 28, 2011). In an appeal of a judgment declaring that Brown County may designate the law enforcement arm of the Oneida Tribe as the primary responsive agency to 911 calls originating within a 1,700-acre are of the Village of Hobart, the Wisconsin Court of Appeals concludes that neither Wis. Stat. §§ 256.35 nor 61.65 prohibits the County from designating tribal police as the primary responsive law enforcement agency, and that by permitting county-tribal law enforcement programs, the legislature intended to encourage law enforcement coordination between counties and tribes, and the selection of a responsive law enforcement agency is an aspect of that coordination.



RECENT TRIAL COURT DECISIONS

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

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

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

OCTOBER 3, 2011

State of Wisconsin ex rel. v. Max P. Funmaker, Jr. and State of Wisconsin ex rel. v. Max P. Funmaker, Jr., CS 99-28, 00-03 Order (Ceasing Child Support Withholding) (HCN Tr. Ct., Oct. 3, 2011) (Rockman, A).

The Juneau County Child Support Agency requested a cessation of child support withholding in CS 99-28. Additionally, the Court ceased child support in CS 00-03 as the child reached the age of majority and was expected to graduate high school in May, 2011.

OCTOBER 4, 2011

Mary J. Sams v. Daniel L. Sams, CS 09-65 Order (Resume Child Support Withholding – Per Capita) (HCN Tr. Ct., Oct. 4, 2011) (Rockman, A).

The Beltrami County Child Support Unit requested that child support resume as the minor child's placement returned to the petitioner. The Court granted the uncontested request.

OCTOBER 11, 2011

Jackie Snow v. Calvin Jaramillo, CS 11-36 Order (Modifying Child Support to Include Arrears) (HCN Tr. Ct., Oct. 11, 2011) (Rockman, A).

The petitioner filed a motion to modify child support withholding. The petitioner afforded the respondent proper notice of the filing. However, the respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

State of Wisconsin v. Jaime A. Lopez and State of Wisconsin v. Jaime A. Lopez, CS 07-41, 11-51 Order (Enforcing Child Support & Equitable Adjustment) (HCN Tr. Ct., Oct. 11, 2011) (Rockman, A).

The Court had to determine whether to enforce another standing foreign child support order. The Court afforded the respondent proper notice of the petitioner's filing. However, the respondent failed to file a timely answer. Accordingly, the Court granted recognition and enforcement of the foreign judgment.

Shirley A. Keezer v. Christopher J. Sweet, CS 09-14 Order (Modifying Child Support Against Per Capita & Wages) (HCN Tr. Ct., Oct. 11, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments and wages. The Court afforded the respondent proper notice of the petitioner's filing. However, the respondent failed to file a timely response. Therefore, the Court granted judgment in favor of the petitioner.

OCTOBER 12, 2011

Veronica Delarosa v. Cyril Delarosa and Bernadette Prescott et al. v. Cyril Delarosa, CS 11-22, -41 Order (Modifying Child Support, Arrears & Equitable Adjustment) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The petitioners filed a motion to update arrears in CS 11-41 and CS 11-22. The petitioners afforded the respondent notice of the motions. However, the respondent failed to file a timely response. Therefore, the Court granted the petitioners' uncontested motions.

State of Wisconsin ex rel. v. Jason E. King and Dencie L. Akeen v. Jason E. King, CS 05-03, -05 Order (Updating Arrears & Equitable Adjustment) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The petitioner in CS 05-05 requested a modification in current child support withholding to include withholding towards arrears. The respondent failed to file a timely response. Therefore, the Court granted the uncontested motion.

Danny R. Redfearn v. Susan A. Redfearn and State of Wisconsin v. Susan A. Redfearn, CS 08-12, 09-54 Order (Updating Child Support & Equitable Adjustment) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The petitioner in CS 09-54 filed a motion to update arrears along with a certified account statement. The petitioner afforded the respondent proper notice of the filing. However, the respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

Penny Brunette v. Merlin Crow, CS 00-53 Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The Oneida Child Support Enforcement Agency filed a motion to modify current child support withholding. The Agency afforded the respondent proper notice of the filing. However, the respondent failed to file a timely response. Therefore, the Court granted the Agency's uncontested motion.

OCTOBER 13, 2011

Denise Thiry v. Ira Laes and Michelle Kimps v. Ira Laes and Mandy Paavola v. Ira Laes, CS 02-07, 05-61, 11-57 Order (Modifying and Enforcing Child Support) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The Court had to determine whether to enforce another standing foreign child support order against the respondent's per capita payments. 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 recognition and enforcement of the foreign judgment.

Taryn Power Greendeer v. William J. Greendeer and State of Wisconsin v. William J. Greendeer, CS 03-70, 11-42 Order (Enforcing Child Support & Equitable Adjustment) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The Court had to determine whether to enforce another standing foreign child support order against the respondent's per capita payments. 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 recognition and enforcement of the foreign judgment.

Evangeline Two Crow v. Gregory Harrison and Nela F. Stacy v. Gregory Harrison, CV 97-153, CS 05-66 Order (Ceasing Child Support Withholding Only) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The child in CS 05-66 reached the age of majority. A letter from the Baraboo High School Student Records indicated that the child was expected to graduate on June 3, 2011. Therefore, the Court ceased withholding from the respondent's per capita for current child support in CS 05-66 only.

Aitkin County Health & Human Services and Elizabeth Lois Lagerstrom v. Dallas M. Kreider, CS 11-55 Order (Granting Telephonic Appearances) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The Court granted the requests by the parties to appear at the October 25, 2011 *Child Support Hearing* via telephone.

OCTOBER 14, 2011

Sonya Howard v. Jonathan Saylor, CS 11-27 Order (Enforcing Child Support) (HCN Tr. Ct., Oct. 14, 2011) (Rockman, A).

The Court needed to determine whether to enforce a standing foreign child support order. Although the respondent currently pays his child support obligations, he has not been paying arrears at the ordered amount. Therefore, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin v. Kric V. Pettibone and Tasha King v. Kric V. Pettibone, CS 05-44, 11-43 Order (Enforcing Child Support & Equitable Adjustment) (HCN Tr. Ct., Oct. 14, 2011) (Rockman, A).

The Court had to determine whether to enforce another standing foreign child support order. The Court afforded the respondent proper notice of the petitioner's filing. However, the respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

OCTOBER 17, 2011

State of Wisconsin v. Manda C. White Thunder and State of Wisconsin v. Manda C. White Thunder, CS 09-46, 11-48 Order (Modifying Child Support & Equitable Adjustment) (HCN Tr. Ct., Oct. 17, 2011) (Rockman, A).

The Court had to determine whether to enforce another standing foreign child support order. The Court afforded the respondent proper notice of the petitioner's filing. However, the respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Mike McClure v. Lisa A. Decorah, CS 09-70 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Oct. 17, 2011) (Rockman, A).

The Carson/Imperial County Department of Child Support requested a cessation of child support withholding. The motion stated that the case for the respondent's child support obligation was closed. Therefore, the Court granted the uncontested request.

Deanna Bedell Awonohopay v. Jay Awonohopay, CS 05-47 Reissued Order (Modifying & Enforcing Child Support) (HCN Tr. Ct., Oct. 17, 2011) (Rockman, A).

The Court must determine whether to grant the recent *Motion to Modify*. The Milwaukee County Child Support Agency afforded the respondent proper notice of the filing. However, the respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment. The Court entered the *Reissued Order* pursuant to *HCN R. Civ. P.*, 58(D) to fix a clerical error.

State of Wisconsin/Sauk County and Owenita R. WhiteEagle v. Eric S. Decorah, CS 04-13 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Oct. 17, 2011) (Rockman, A).

The Sauk County Child Support Agency moved for a cessation of child support withholding. The Court granted the uncontested motion.

OCTOBER 24, 2011

Menominee Indian Tribal Child Support Agency v. Neva Littlegeorge, CS 08-52 Order (Cease Child Support

Withholding – Wages) (HCN Tr. Ct., Oct. 24, 2011) (Rockman, A).

The Jackson County Department of Child Support requested a cessation of income withholding in its motion. The motion stated that there was no longer a support order in place. Therefore, the Court granted the motion.

OCTOBER 25, 2011

Autumn Elm v. Gerald Cleveland, Jr., CS 11-35 Order (Cease Child Support Withholding – Per Capita) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

The Court received notification that the respondent had passed away. Therefore, the Court ordered the cessation of withholding for child support and extended its sincerest condolences to the family of Mr. Cleveland.

State of Wisconsin v. Jason H. Rave, CS 04-03 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

Upon review of the file, the Court notes that the minor child will be turning eighteen years of age. Therefore, the Court ordered the parties to file proof of high school enrollment before the child's eighteenth birthday. If the Court does not receive proof of high school enrollment by that date, it will enter an order ceasing withholding for current child support.

Oliva M. Fox v. Charles V. Fox, CS 04-02 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

Upon review of the file, the Court notes that the minor child will be turning eighteen years of age. Therefore, the Court ordered the parties to file proof of high school enrollment before the child's eighteenth birthday. If the Court does not receive proof of high school enrollment by that date, it will enter an order ceasing withholding for current child support.

Joanne Ulseth v. Patrick A. Edwards, CS 05-74 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

Upon review of the file, the Court notes that the minor child will be turning eighteen years of age. Therefore, the Court ordered the parties to file proof of high school enrollment before the child's eighteenth birthday. If the Court does not receive proof of high school enrollment by that date, it will enter an order ceasing withholding for current child support.

Angela Marie (Hoffman) Partker v. Clinton Coy Sitze, CS 07-79 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

Upon review of the file, the Court notes that the minor child will be turning eighteen years of age. Therefore, the Court ordered the parties to file proof of high school enrollment before the child's eighteenth birthday. If the Court does not receive proof of high school enrollment by that date, it will enter an order ceasing withholding for current child support.

Heather Hartwig v. Steven Lincoln, CS 09-66 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Oct. 25, 2011) (Rockman, A).

Upon review of the file, the Court notes that the minor child will be turning eighteen years of age. Therefore, the Court ordered the parties to file proof of high school enrollment before the child's eighteenth birthday. If the Court does not receive proof of high school enrollment by that date, it will enter an order ceasing withholding for current child support.



CIVIL GARNISHMENT CASES

SEPTEMBER 28, 2011

In the Matter of the Outstanding Obligations of: Antonio Dewayne Dense, CG 11-126 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Sept. 28, 2011) (Rockman, A).

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

OCTOBER 13, 2011

Dairyland Insurance Company v. Sheila M. Pagel, CG 11-92 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

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

Black River Memorial Hospital v. Amber Dowling, CG 11-37 Order (Granting Motion to Modify) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The petitioner filed a motion to modify to add interest on the recognized money judgment. The respondent failed

to file a timely response. Therefore, the Court granted the uncontested motion.

OCTOBER 20, 2011

In the Matter of the Outstanding Obligations of: Kim M. Stebbins, CG 11-95 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

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

Sauk County Clerk of Circuit Court v. Moses J. Vazquez, CG 11-102 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

In the Matter of the Outstanding Obligations of: Tina M. Crowley, CG 11-103 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

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

In the Matter of the Outstanding Obligations of: Joe D. Gist, Jr., CG 11-104 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

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

Gunderson Lutheran Medical Center v. Terry Hinz, CG 11-105 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic, LTD v. Terry Hinz, CG 11-106 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Austin M. Domenget, CG 11-107 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Lutheran Medical Center v. Austin M. Domenget, CG 11-108 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic LTD v. Austin M. Domenget, CG 11-109 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Melissa M. Oliva, CG 11-111 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Courtesy Corporation v. Leslie Rave, CG 11-114 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Dennis Bahr, CG 11-115 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Travis Burlingame, CG 11-116 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Family Dentistry v. Sherrie Brett, CG 11-120 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic, LTD v. Sherrie Brett, CG 11-119 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Sherrie Brett, CG 11-121 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Anderson & Durtsche, DDS v. Brittany Keller, CG 11-122 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Terri Clemmerson, CG 11-125 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Brittany Keller, CG 11-123 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic, LTD v. Brittany Keller, CG 11-124 Order (Default Judgment) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

The Court needed to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted the relief requested by the petitioner.

In the Matter of the Outstanding Obligations of: Samuel S. White, CG 11-137 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Oct. 20, 2011) (Rockman, A).

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 recognizes and enforces the foreign judgment out of due respect to its state counterpart.

OCTOBER 21, 2011

Sauk County Clerk of Circuit Court v. Stuart E. Lonetree, CG 11-110 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 21, 2011) (Rockman, A).

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

CIVIL CASES

ADMINISTRATIVE APPEALS

OCTOBER 18, 2011

Alvane King v. Majestic Pines Casino et al., CV 10-53 Scheduling Order (HCN Tr. Ct., Oct. 18, 2011) (Rockman, A).

The Court issued a *Scheduling Order* setting all relevant deadlines in the case.

OCTOBER 21, 2011

Cheryl Brinegar v. HCN Department of Personnel, CV 10-81 Order (Remanding) (HCN Tr. Ct., Oct. 21, 2011) (Rockman, A).

The Court needed to determine whether to uphold the decision of the GRB. The Court found that the GRB's decision was arbitrary and capricious for failing to consider several pieces of relevant evidence and important aspects of the issues presented. Therefore, the Court remanded the case back to the GRB.

CHILDREN'S TRUST FUND (CTF)

OCTOBER 12, 2011

In the Interest of Adult Beneficiary: Devon Crowshoe, DOB 02/05/1992 v. HCN Office of Tribal Enrollment, CV 11-42 Order (Conditional Dismissal) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The petitioner failed to appear at the *Fact-Finding Hearing*. Therefore, the Court shall conditionally dismiss the case without prejudice unless the petitioner submits a written request to reschedule.

In the Interest of Minor Child: M.A.E., DOB 06/07/2001, by Andrea Estebo v. HCN Office of Tribal Enrollment, CV 11-75 Order (Petition Granted) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's CTF account to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Child: C.J.K., DOB 08/17/1994, by Angela J. Kelly v. HCN Office of Tribal Enrollment, CV 11-77 Order (Petition Granted) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's CTF account to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner.

In the Interest of Minor Children: C.C., DOB 11/22/1997 and K.C., DOB 11/04/1999, by Lisa Lockemy & CFS v. HCN Office of Tribal Enrollment, CV 11-78 Order (Petition Granted) (HCN Tr. Ct., Oct. 12, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minors' CTF accounts to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA

DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner.

OCTOBER 13, 2011

In the Interest of Minor Children: J.P.F., DOB 11/17/1993 and R.P., DOB 07/13/1997, by Audrey Goodbear v. HCN Office of Tribal Enrollment, CV 11-80 Order (Petition Partially Granted) (HCN Tr. Ct., Oct. 13, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minors' CTF accounts to pay for costs associated with orthodontic procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted a partial release of funds to the petitioner.

OCTOBER 18, 2011

In the Interest of Adult Beneficiary: Janet C. Trudel, DOB 09/03/1986 v. HCN Office of Tribal Enrollment, CV 10-109 Order (Closing Case) (HCN Tr. Ct., Oct. 18, 2011) (Rockman, A).

The Court became aware of the untimely passing of the petitioner. Therefore, the Court closed the case and extended its sincerest condolences to the family of Ms. Trudel.

OCTOBER 24, 2011

In the Interest of Minor Children: C.Y., DOB 10/13/2006, D.Y., DOB 05/10/2008 and A.Y., DOB 12/02/1998, by Jamie Youngthunder-Smith v. HCN Office of Tribal Enrollment, CV 11-65 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 24, 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 *Single Family Ledger* for the minor children. Therefore, the Court accepted this accounting.

In the Interest of the Minor Child: B.M.T., DOB 08/17/1994, by Bernice Twinn v. HCN Office of Tribal Enrollment, CV 11-81 Order (Petition Granted) (HCN Tr. Ct., Oct. 24, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's CTF account to pay for costs associated with orthodontic care. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted a release of funds to the petitioner.

ENROLLMENT

OCTOBER 4, 2011

Henry Green Crow, Jr. v. Rita Gardner, Enrollment Officer, CV 11-33 Order (Motion Hearing) (HCN Tr. Ct. Oct. 4, 2011) (Rockman, A).

The Court decided to convene a hearing so as to grant the defendant the ability to argue its *Motion to Dismiss* and to provide the plaintiff the opportunity to offer a response.

OCTOBER 28, 2011

Stuart Blackdeer v. B.A.B., DOB 02/10/1994, CV 11-52 Decision (HCN Tr. Ct. Oct. 28, 2011) (Rockman, A).

The Court declined to reach the merits of this case as the petitioner lacked standing to relinquish the minor child's membership.

HOUSING

SEPTEMBER 29, 2011

HCN Department of Housing, Property Management Division & HCN v. Tracy Lonetree and Harry Lippitt, CV 11-43 Order (Satisfaction of Judgment) (HCN Tr. Ct. Sept. 29, 2011) (Rockman, A).

The plaintiffs filed a *Satisfaction of Judgment* acknowledging that the defendants have vacated the premises. Therefore, the Court finds that the judgment has been satisfied and informs the parties of its intention to close the case.

INCOMPETENT'S TRUST FUND (ITF)

SEPTEMBER 29, 2011

In the Interest of Decedent Member: L.L.L., DOB 09/18/1948 by *Bertha Lowe v. HCN Office of Tribal Enrollment*, CV 10-89 Order (Releasing Incompetent's Trust Fund to Estate) (HCN Tr. Ct., Sept. 29, 2011) (Rockman, A).

The Court needed to determine whether to release the monies from a decedent tribal member's ITF to the estate. The Court directed the release of the ITF to the court-appointed representative of the estate.

OCTOBER 17, 2011

In the Interest of: B.M.D., DOB 11/22/1989 by *Cornelius B. DeCora v. HCN Office of Tribal Enrollment*, CV 10-74 Order

In the Interest of the Minor Child: D.R.W., DOB 08/12/2004, by *Mary Funmaker v. HCN Office of Tribal Enrollment*, CV 11-74 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 24, 2011) (Rockman, A).

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

In the Interest of the 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., Oct. 24, 2011) (Rockman, A).

The petitioner submitted a request for a further release of the CTF monies to cover additional unmet patient obligation. The respondent agreed to the request. Therefore, the Court granted the petitioner's motion.

OCTOBER 26, 2011

In the Interest of Adult CTF Beneficiary: Leon Blackcoon, DOB 07/29/1989 v. *HCN Office of Tribal Enrollment*, CV 10-29 Order (Contempt) (HCN Tr. Ct., Oct. 26, 2011) (Rockman, A).

The Court needed 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. Therefore, the Court holds the petitioner in contempt and imposes a reasonable remedial sanction.

OCTOBER 28, 2011

In the Interest of the Minor Child: S.B., DOB 12/20/1997, by *Daryll Bird, Sr. v. HCN Office of Tribal Enrollment*, CV 11-64 Order (Petition Granted in Part) (HCN Tr. Ct., Oct. 28, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's CTF account to pay for costs associated with private school tuition. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted a partial release of funds to the petitioner.

CONTRACTS

NO DECISIONS AT THIS TIME.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

(Petition Partially Granted) (HCN Tr. Ct., Oct. 17, 2011) (Rockman, A).

The Court needed to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund to pay for automobile maintenance and repair, rent, utilities, tax and guardianship papers, electronic learning materials, entertainment and a living stipend. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.

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

 **DOMESTIC ABUSE**

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

 **FAMILY**

 **DIVORCE**
NO DECISIONS AT THIS TIME.

 **JUVENILE CASES**

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. EIGHTEEN (18) ORDERS WERE ISSUED FROM OCTOBER 1, 2011 THROUGH OCTOBER 31, 2011.



RECENT SUPREME COURT DECISIONS

OCTOBER 5, 2011

Rita A. Gardner v. Tracy Littlejohn et al., SU 11-02 Decision (HCN S. Ct. Oct. 5, 2011) (Chief Justice Hunter).

The Supreme Court found that the Trial Court abused its discretion in dismissing the action with regards to defendants Rockman, Ladd, Anwash and Kingsley. Therefore, the Supreme Court reversed the Trial Court's dismissal and remanded the matter for further proceedings.



RECENT TRIAL COURT FILINGS

 **CHILD SUPPORT CASES**

OCTOBER 13, 2011

State of Wisconsin v. Crystal E. Zeimet, CS 11-60 (Rockman, A).

State of Wisconsin v. Adam N. Greendeer, CS 11-61 (Rockman, A).

La Crosse County v. Shelby Wesho, CS 11-62 (Rockman, A).

 **CIVIL CASES**

OCTOBER 4, 2011

In the Interest of: C.J.K., by Angela Kelly v. HCN Office of Tribal Enrollment, CV 11-77 (Rockman, A).

OCTOBER 5, 2011

In the Interest of C.C. and K.C., by CFS v. HCN Office of Tribal Enrollment, CV 11-78 (Rockman, A).

OCTOBER 6, 2011

Elena Terry v. Doug Greengrass et al., CV 11-79 (Rockman, A).

OCTOBER 7, 2011

In the Interest of: J.F. and R.P., by Audrey Goodbear v. HCN Office of Tribal Enrollment, CV 11-80 (Rockman, A).

In the Interest of: B.M.T., by Bernice Twinn v. HCN Office of Tribal Enrollment, CV 11-81 (Rockman, A).

OCTOBER 24, 2011

Jenna Littlegeorge v. General Council, CV 11-82 (Rockman, A).

 **CIVIL GARNISHMENT CASES**

OCTOBER 6, 2011

Ness Auto Sales & Service v. Thomas W. Conner, CG 11-128 (Rockman, A).

Gunderson Clinic v. Darcy Spangler a/k/a Johnson, CG 11-129 (Rockman, A).

OCTOBER 13, 2011

Gunderson Lutheran v. William Browne, CG 11-130 (Rockman, A).

Black River Memorial Hospital v. Melissa Kingswan, CG 11-131 (Rockman, A).

Gunderson Clinic v. Neil Whitegull, CG 11-132 (Rockman, A).

Black River Memorial Hospital v. Melissa Johnson, CG 11-133 (Rockman, A).

Gunderson Clinic v. Melissa Johnson, CG 11-134 (Rockman, A).

Gunderson Clinic v. Cathleen Bassett, CG 11-135 (Rockman, A).

Gunderson Lutheran v. Edie Buhler, CG 11-136 (Rockman, A).

OCTOBER 18, 2011

Jackson County Circuit Court v. Samuel S. White, CG 11-137 (Rockman, A).

Nina Anderson v. Renice Craven-Steel, CG 11-138 (Rockman, A).

Alliance Collection Agency v. Rachel Montana, CG 11-139 (Rockman, A).

Alliance Collection Agency v. Tia L. Begnowiski, CG 11-140 (Rockman, A).

Alliance Collection Agency v. Tracy L. Federman, CG 11-141 (Rockman, A).

OCTOBER 21, 2011

Wal-Mart v. Candace Herth, CG 11-142 (Rockman, A).

Black River Memorial Hospital v. Michelle Gulbranson, CG 11-143 (Rockman, A).

Black River Memorial Hospital v. Shelly Lamp, CG 11-144 (Rockman, A).

OCTOBER 24, 2011

Gleiss, Locante & Associates v. Alison Redeagle, CG 11-145 (Rockman, A).

OCTOBER 26, 2011

Black River Memorial Hospital v. Jamie R. Wallace, CG 11-146 (Rockman, A).

Bull's Eye Credit Union v. Cheryl Brinegar, CG 11-147 (Rockman, A).

OCTOBER 31, 2011

Capital One Bank v. Steve A. Herman, CG 11-149 (Rockman, A).

 **JUVENILE CASES**

ALL JUVENILE CASES SHALL REMAIN CONFIDENTIAL. TWO (2) CASES WERE FILED FROM OCTOBER 1, 2011 THROUGH OCTOBER 31, 2011.

 **FAMILY CASES**

OCTOBER 25, 2011

Joy A. Buck v. Joseph R. Buck, FM 11-07 (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
Dennis Funmaker, Associate Justice
Todd R. Matha, 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.
Andrew Thundercloud
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 – 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	\$.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

November 2011 Issue



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WAGE GARNISHMENTS IN THE HO-CHUNK NATION TRIAL COURT

As an exercise of sovereignty, the Ho-Chunk Nation General Council has formally expressed binding policy concerning the imposition of garnishments against an employee's wages. HCN GEN. COUNCIL RES. 11-19-02(7); *see also* CONST., ARTS. III, § 1, IV, §§ 1, 3(a, f). As a result, parties may seek through the Ho-Chunk Nation Trial Court enforcement of foreign court orders against the wages of the Nation's employees.

To initiate this process, a party must file a *Petition to Register and Enforce a Foreign Judgment or Order*. The petition must be accompanied by a certified copy of the foreign court's judgment and a \$20.00 filing fee. *HCN R. Civ. P. App. I*. Once filed, the Court will serve a Summons upon the respondent, informing the party that a suit has been filed and explaining the right to file an *Answer* within twenty (20) calendar days. *HCN R. Civ. P. 5(A)(2)*. In addition, the Summons cautions that a *Default Judgment* may be entered for failure to file an *Answer* within the prescribed timeframe. *HCN R. Civ. P. 54(A)*. If the respondent chooses to file a response, he or she must serve a copy of their *Answer* on the other parties and provide a *Certificate of Service* to the Court. *HCN R. Civ. P. 5(B)*.

If the respondent files an *Answer*, the Court will convene a *Fact-Finding Hearing* to provide both parties an opportunity to be heard. Parties may participate by telephone, but must first file a motion with the Court requesting telephonic appearance. *HCN R. Civ. P. 78(C)*. Failure to appear, either in person or telephonically, could result in a *Default Judgment*. *HCN R. Civ. P. 54(A)*. At the hearing, the petitioner will have an opportunity to state what he or she is seeking. Then the respondent will have an opportunity to provide evidence of one of the exemptions listed below, discuss a stipulated payment plan differing from the default twenty percent (20%) wage withholding or assert another recognized defense.

The Court has adopted several exemptions recognized by Wisconsin law limiting the ability to garnish a respondent's wages. As a general rule, eighty percent (80%) of the respondent's "disposable earnings" are exempt from wage garnishment. WIS. STAT. § 812.34(2). Disposable earnings are defined as those remaining after social security and federal and state income taxes are withheld. *Id.* § 812.30(6). In addition, earnings are completely exempt from garnishment if the respondent establishes any of the following are true:

- (1) Household income falls below the poverty line. *Id.* § 812.34(2)(b)(1);
- (2) At least twenty-five percent (25%) of "disposable earnings" are assigned by court order for support. *Id.* § 812.44(5);
- (3) Receiving relief funded under public assistance, relief funded under WIS. STAT. §59.53(21), medical assistance, supplemental security income (SSI), food stamps, or veterans benefits based on need under USC 501 to 562 or WIS. STAT. §45.351(1), or have received these benefits within the past 6 months, or are eligible but have not yet received these benefits. *Id.* § 812.34(2)(b)(2).

Partial exemption may also apply in the event that a twenty percent (20%) withholding would cause the household income to fall below the poverty line. *Id.* § 812.34(2)(c).

Many respondents allege improper notice of the civil proceedings in the foreign court, dispute a portion of the amount owed or contest liability entirely. However, in granting full faith and credit or comity, the Court does not have the authority to modify a foreign court's order. Accordingly, redress for the aforementioned defenses must be sought with the foreign court rather than the Ho-Chunk Nation Trial Court. Either party may move the Court to modify the existing order by providing an updated foreign court order, a stipulation between the parties for a specific weekly withholding amount or evidence of one of the aforementioned recognized exemptions.

Following a *Default Judgment* or *Fact-Finding Hearing*, the Court shall issue an order granting or denying the *Petition to Register and Enforce a Foreign Judgment or Order*. If the petition is granted, the Ho-Chunk Nation Department of Treasury, Payroll Division, shall begin withholding funds from the respondent's weekly wages. The amount withheld will be either twenty percent (20%) of disposable earnings by default or a lesser amount due to party stipulation, partial exemption or as instructed by the foreign court order.

The duration of the entire process depends largely on the Court's caseload. If the respondent stipulates to the validity of the

The HCN Trial Court invites members of the HCN Bar Association and the general public to submit articles or letters for publication in the Court's bulletin. Topics should concern Federal Indian, HCN Law and/or the HCN Judicial system in general. Please email submissions to zachary.atherton-ely@ho-chunk.com or john.kellis@ho-chunk.com.

foreign court's order, the process may only take a few days. However, respondent's rarely stipulate to the foreign court's order in civil garnishment cases. Most cases will last twenty-one (21) days (the respondent's timeframe in which to file an *Answer*), plus time to schedule a *Fact-Finding Hearing*, if necessary, and issue an order. This additional time depends on the Court's docket and the availability of the parties. Incomplete petitions or failure to pay filing fees will result in additional delays.



IN MEMORY OF CLERK OF COURT MARCELLA CLOUD

On November 14, 2011, the Nation lost its longest standing, full-time judicial employee and member of the Ho-Chunk Nation, Clerk of Court Marcella (Blackdeer) Cloud. She was born on October 6, 1946, in Black River Falls to Wilbur and Emily (Waukon) Blackdeer. Clerk Cloud maintained a role of the judicial cornerstone, due to her length of service with the Nation. She assumed her role as a clerk, instructor, mentor and friend for many, rendering advice and guidance as a supervisor and co-worker. Individuals admired her attention to detail; she believed in an accessible, fair judiciary. She oftentimes remarked to staff about how much she enjoyed traveling with her sisters or how much she enjoyed spending time with her sons and grandchildren, and she portrayed the epitome of the doting *gaga* (grandmother). The Court extends its condolences to all of Clerk Cloud's friends and family.



UPDATES FROM OUTSIDE JURISDICTIONS

EIGHTH CIRCUIT

United States v. Cavanaugh, Jr., Nos. 10-1154, 38 Indian L. Rep. 2159 (8th Cir., July 6, 2011). The U.S. Court of Appeals for the Eighth Circuit concludes that the Sixth Amendment to the U.S. Constitution does not preclude a federal court from using an uncontested tribal court misdemeanor conviction to prove the elements of a subsequent federal offense.

NINTH CIRCUIT

Water Wheel Camp Recreational Area, Inc., et al. v. LaRance, et al., Nos. 09-17349 and 09-17357, 38 Indian L. Rep. 2175 (9th Cir., June 10, 2011). The U.S. Court of Appeals for the Ninth Circuit holds that where there are no sufficient competing state interests involved, the Colorado River Indian Tribes Tribal Court has regulatory jurisdiction through the Tribes' inherent authority to

exclude, independent from the power recognized in *Montana v. United States*, 450 U.S. 544 (1981), and the tribal court has both adjudicative jurisdiction and personal jurisdiction over a non-Indian closely-held corporation and its non-Indian owner in an unlawful detainer action for breach of a lease of tribal lands and trespass, and affirms the district court's judgment as to the corporation but vacates the district court's order directing the tribal court to vacate its judgment against the owner and to cease any litigation concerning the owner, and remands for entry of judgment upholding the tribal court's jurisdiction.

TENTH CIRCUIT

Crowe & Dunlevy, P.C. v. Stidham, No. 09-5071, 38 Indian L. Rep. 2182 (10th Cir., May 27, 2011). The United States Court of Appeals for the Tenth Circuit affirms the district court's grant of the plaintiff-appellee's motion for a preliminary injunction against a judge of the Muscogee (Creek) Nation District Court and the court's denial of the judge's motion to dismiss an action involving a tribal leadership dispute and the judge's order that the plaintiff-appellee return attorney's fees already paid to it pursuant

to its contract with the Thlophlocco pending determination of the merits of the underlying tribal court litigation, holding that there is not a sufficient nexus between the plaintiff-appellee's practice before the Muscogee Creek Nation court and the judge's order.

WISCONSIN

Village of Hobart v. Brown County, No. 2010AP561, 38 Indian L. Rep. 5132 (Wis. Ct. App., June 28, 2011). In an appeal of a judgment declaring that Brown County may designate the law enforcement arm of the Oneida Tribe as the primary responsive agency to 911 calls originating within a 1,700-acre are of the Village of Hobart, the Wisconsin Court of Appeals concludes that neither Wis. Stat. §§ 256.35 nor 61.65 prohibits the County from designating tribal police as the primary responsive law enforcement agency, and that by permitting county-tribal law enforcement programs, the legislature intended to encourage law enforcement coordination between counties and tribes, and the selection of a responsive law enforcement agency is an aspect of that coordination.



RECENT TRIAL COURT DECISIONS

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

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

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

OCTOBER 31, 2011

Melissa Rogers v. Darrell L. Sena, Jr., CS 02-21 Notice (*Child Turning 18 – Requiring Proof of Enrollment*) (HCN Tr. Ct., Oct. 31, 2011) (Rockman, A).

The Court ordered the parties to file proof of high school enrollment prior to the minor child's eighteenth birthday. The Court informed the parties that it would enter an order ceasing withholding for current child support if proof of high school enrollment is not filed.

NOVEMBER 9, 2011

Aimee J. Lefebvre v. Travis Oknewski, CS 10-30 Order (*Ceasing Child Support*) (HCN Tr. Ct., Nov. 9, 2011) (Rockman, A).

The Marathon County Circuit Court terminated the respondent's child support obligation. Therefore, the Court ceased withholding from the respondent's per capita payments.

NOVEMBER 21, 2011

Pauline Veith v. Henry J. Little Soldier, Jr., and State of Wisconsin v. Henry J. Little Soldier, Jr., and State of Wisconsin v. Henry J. Little Soldier, Jr., CS 02-25, 07-10, 11-29 Order (*Enforcing Child Support, Equitable Adjustment, & Ceasing*) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court granted recognition and enforcement of an additional foreign judgment. The Court also ceased child support in CS 07-10 following a motion by the Sauk County Child Support Agency.



CIVIL GARNISHMENT CASES

NOVEMBER 9, 2011

Franciscan Skemp Healthcare v. Stacy & Jamie Hanson, CG 11-100 Order (*Default Judgment*) (HCN Tr. Ct., Nov. 9, 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 respondents the opportunity to object to the recognition and enforcement of the foreign judgment. However, the respondents failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Gunderson Clinic, LTD v. Danny Dowling, CG 11-118 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Gunderson Lutheran Medical Center, Inc. v. William Browne, CG 11-130 Order (Default Judgment) (HCN Tr. Ct., Nov. 9, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Tina M. Falkner, CG 10-05 Order (Granting Motion to Modify) (HCN Tr. Ct., Nov. 9, 2011) (Rockman, A).

The petitioner sought additional accumulated post-judgment interest. The respondent failed to file a timely response. Therefore, the Court granted the additional post-judgment interest.

NOVEMBER 14, 2011

Valued Services of Wisconsin LLC v. Marie Thieme, CG 11-127 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

NOVEMBER 21, 2011

Gunderson Clinic LTD v. Cathleen Bassett, CG 11-135 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. However, the respondent failed to file a timely

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

Ness Auto Sales & Service v. Thomas W. Conner, CG 11-128 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Midland Funding LLC v. Lani Blackdeer, CG 11-113 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Sauk County Clerk of Circuit Court v. Michelle L. Mountain/Cloud, CG 11-101 Order (Default Judgment) (HCN Tr. Ct., Nov. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

NOVEMBER 23, 2011

Gunderson Clinic LTD v. Sommer D. Steinbrink, CG 11-77 Order (Petition Granted) (HCN Tr. Ct., Nov. 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, but failed to prove any recognized exemption. Therefore, the Court granted the relief requested by the petitioner.

NOVEMBER 28, 2011

Dairyland Insurance Co. v. Sheila M. Pagel, CG 11-92 Order (Petition Granted) (HCN Tr. Ct., Nov. 28, 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, but failed to prove any recognized exemption. Therefore, the Court granted the relief requested by the petitioner.

Sauk County Clerk of Circuit Court v. Stuart E. Lonetree, CG 11-110 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 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. However, the respondent failed to attend the *Fact-Finding Hearing*, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Shelly Lamp, aka Shelly Hanson, aka Shelly Fleming, CG 11-144 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Michelle Gulbranson n/k/a Could, CG 11-143 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Capital One Bank v. Steve A. Herman, CG 11-149 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 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. However, the respondent failed to file a timely response, 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 (Granting Motion to Modify) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The petitioner filed a *Motion to Modify* the previous judgment to include payment of interest accruing on the money judgment. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested request.

Capital One Bank v. Andrea B. Akkerman, CG 10-94 Order (Granting Motion to Modify) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The petitioner filed a *Motion to Modify* the previous judgment to include payment of interest accruing on the money judgment. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested request.

Gunderson Lutheran Medical Center, Inc. v. Edie Buhler, CG 11-136 Order (Default Judgment) (HCN Tr. Ct., Nov. 28, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

NOVEMBER 29, 2011

Gunderson Clinic, LTD v. Danny Dowling, CG 11-118 Order (Cease Withholding) (HCN Tr. Ct., Nov. 29, 2011) (Rockman, A).

The Court ordered the cessation of wage withholding due to the mistaken identity of the respondent.

Alliance Collection Agencies, Inc. v. Missy Redcloud, CG 11-48 Order (Granting Motion to Modify) (HCN Tr. Ct., Nov. 29, 2011) (Rockman, A).

The petitioner filed a *Motion to Modify* the previous judgment to include payment of interest accruing on the money judgment. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested request.

Nancy J. Schmidt v. Rachel Roberts, CG 11-112 Order (Petition Granted) (HCN Tr. Ct., Nov. 29, 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, but failed to prove any recognized exemption. Therefore, the Court granted the relief requested by the petitioner.

Gunderson Clinic, LTD v. Darcy Spangler, aka Darcy Johnson, CG 11-129 Order (Default Judgment) (HCN Tr. Ct., Nov. 29, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Wal-Mart v. Candace Herth, CG 11-142 Order (Default Judgment) (HCN Tr. Ct., Nov. 29, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

In the Matter of the Outstanding Obligations of: Sara N. Windom, CG 11-158 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Nov. 29, 2011) (Rockman, A).

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

NOVEMBER 30, 2011

Creative Finance, Inc. v. Paulett Mathewson, CG 11-91 Order (Petition Granted) (HCN Tr. Ct., Nov. 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 filed a timely response, but failed to prove any recognized exemption. Therefore, the Court granted the relief requested by the petitioner.

Black River Memorial Hospital v. Sherrie Brett, CG 11-121 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 30, 2011) (Rockman, A).

On November 15, 2011, the petitioner filed a *Satisfaction of Judgment*. Therefore, the Court recognized that the debt has been satisfied and informed the parties of its intent to close the case.

Gunderson Clinic, LTD v. Sherrie Brett, CG 11-119 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 30, 2011) (Rockman, A).

On November 15, 2011, the petitioner filed a *Satisfaction of Judgment*. Therefore, the Court recognized that the debt has been satisfied and informed the parties of its intent to close the case.

Black River Family Dentistry v. Sherrie Brett, CG 11-120 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 30, 2011) (Rockman, A).

On November 15, 2011, the petitioner filed a *Satisfaction of Judgment*. Therefore, the Court recognized that the debt has been satisfied and informed the parties of its intent to close the case.

CIVIL CASES

ADMINISTRATIVE APPEALS

NOVEMBER 4, 2011

Horst Josellis v. Jennifer Field et al., CV 11-83 Scheduling Order (HCN Tr. Ct., Oct. 18, 2011) (Rockman, A).

The Court issued a *Scheduling Order* setting all relevant deadlines in the case.

CHILDREN'S TRUST FUND (CTF)

NOVEMBER 2, 2011

In the Interest of Minor Child: D.W., DOB 08/12/2004 by Mary Funmaker v. HCN Office of Tribal Enrollment, CV 11-74 Order (Petition Granted) (HCN Tr. Ct., Nov. 2, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access monies from the minor child's Children's Trust Fund to pay for costs associated with dental procedures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted the release of funds to satisfy the request.

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 (Accepting Accounting & Partial Release of Contempt Fines) (HCN Tr. Ct., Nov. 2, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The Court ordered contempt fines against the petitioner for failure to provide the ordered accounting despite numerous reminders from the Court. On November 1, 2011, the petitioner filed a *Single Patient Ledger*. The Court accepted the accounting and ordered the Department of Treasury to release all of the contempt fines to the petitioner except for a small sanction in accordance with past practice.

In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Full Release of Contempt Fines) (HCN Tr. Ct., Nov. 2, 2011) (Rockman, A).

The file indicated that the Department of Treasury was not informed that the petitioner's contempt fines had been purged. Therefore, the Court directed Treasury to cease withholding from the petitioner's per capita payments for contempt fines and release all fines previously withheld to the petitioner.

NOVEMBER 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 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 14, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with dental procedures. The petitioner submitted a *Single Patient Ledger*. The Court accepted the accounting.

In the Interest of Minor Child: S.A.B., DOB 12/18/1995, by April LaMere-Bourdon v. HCN Office of Tribal Enrollment, CV 11-48 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 14, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 14, 2011.

In the Interest of Minor Child: C.S., DOB 08/06/1996, by Danielle Schonasky v. HCN Office of Tribal Enrollment, CV 11-55 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 14, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with dental procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 14, 2011.

In the Interest of Minor Children: T.W., DOB 05/01/1998 and N.W., DOB 06/23/1995, by Angelina Hindsley v. HCN Office of Tribal Enrollment, CV 11-30 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 14, 2011) (Rockman, A).

The Court previously released money from the minors' Children's Trust Fund for costs associated with orthodontic procedures. The petitioner submitted a *Statement* for the minor children. The Court accepted the accounting.

NOVEMBER 18, 2011

In the Interest of Adult CTF Beneficiary: Devon Crowshoe, DOB 02/05/1992 v. HCN Office of Tribal Enrollment, CV 11-42 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 18, 2011) (Rockman, A).

The petitioner failed to attend the *Fact-Finding Hearing*. Therefore, the Court dismissed the case without prejudice.

In the Interest of Adult CTF Beneficiary: George R. Snake, DOB 10/20/1987 v. HCN Office of Tribal Enrollment, CV 11-44 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 18, 2011) (Rockman, A).

The petitioner failed to attend the *Fact-Finding Hearing*. Therefore, the Court dismissed the case without prejudice.

In the Interest of Minor Child: S.T.F., DOB 12/13/1995, by Kelly Terbasket v. HCN Office of Tribal Enrollment, CV 11-54 Order (Dismissal without Prejudice) (HCN Tr. Ct., Nov. 18, 2011) (Rockman, A).

The petitioner failed to attend the *Fact-Finding Hearing*. Therefore, the Court dismissed the case without prejudice.

NOVEMBER 21, 2011

In the Interest of Adult CTF Beneficiary: CiCi BigJohn, DOB 03/05/88 v. HCN Office of Tribal Enrollment, CV 09-04 Order (Closing Case) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court informed the parties that it shall dismiss the cause of action without prejudice due to case inactivity in excess of six (6) months, unless the petitioner demonstrates good cause to the contrary in writing.

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 (Demanding Accounting) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting despite a reminder from the Court. Therefore, the Court demanded that the petitioner submit accounting by December 21, 2011.

In the Interest of Minor Child: R.A.T., DOB 04/18/1999, by Jaime R. Kaqatosh v. HCN Office of Tribal Enrollment, CV 11-66 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 21, 2011.

In the Interest of Minor Child: C.T.W., DOB 01/22/1994 by Stacy WhiteCloud v. HCN Office of Tribal Enrollment, CV 11-60 Order (Petition Denied) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access monies from the minor child's Children's Trust Fund to pay for an automobile purchase. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court denied the release of funds to satisfy the request.

In the Interest of Adult CTF Beneficiary: Jordan Funmaker, DOB 03/06/1992 v. HCN Office of Tribal Enrollment, CV 11-67 Order (Partially Granting Petition) (HCN Tr. Ct., Nov. 21, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access his Children's Trust Fund to pay for costs associated with high school tuition, living expenses, home furnishing, and other personal allowance items. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.

NOVEMBER 23, 2011

In the Interest of Minor Child: T.B., DOB 11/13/1995 v. HCN Office of Tribal Enrollment, CV 10-100 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Nov. 23, 2011) (Rockman, A).

The Court informed the parties that it shall dismiss the cause of action without prejudice due to case inactivity in excess of six (6) months, unless the petitioner demonstrates good cause to the contrary in writing.

In the Interest of Minor Child: N.L., DOB 01/17/1999 by Nicole Riggle v. HCN Office of Tribal Enrollment, CV 11-39 Order (Petition Denied) (HCN Tr. Ct., Nov. 23, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access monies from the minor child's Children's Trust Fund to pay for an automobile purchase. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court denied the release of funds to satisfy the request.

NOVEMBER 28, 2011

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 (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minors' Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 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 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minors' Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

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., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: R.D.A., DOB 05/26/1998, by Sheri R. DeCora v. HCN Office of Tribal Enrollment, CV 11-46 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: T.B.T., DOB 11/04/1999, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment, CV 11-49 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: D.S.T.W., DOB 09/14/2000, by Algie Wolters v. HCN Office of Tribal Enrollment, CV 11-50 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: D.E.R., DOB 12/28/1997, by Kimberly Ramirez v. HCN Office of Tribal Enrollment, CV 11-53 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: C.L.S., DOB 12/17/2000, by Bethel J. St. Cyr v. HCN Office of Tribal Enrollment, CV 11-62 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested

that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: M.N.C., DOB 01/23/1999, by Sherie L. Crowley v. HCN Office of Tribal Enrollment, CV 11-57 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

In the Interest of Minor Child: S.J.R., DOB 03/31/1999, by Steven J. Eades v. HCN Office of Tribal Enrollment, CV 11-59 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 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 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner submitted a *Patient Ledger* for the minor child. The Court accepted the accounting.

In the Interest of Minor Child: C.S., DOB 08/06/1996, by Danielle Schonasky v. HCN Office of Tribal Enrollment, CV 11-55 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with dental procedures. The petitioner submitted a *Statement* for the minor child. The Court accepted the accounting.

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 (Demanding Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner failed to submit the required accounting despite a reminder from the

Court. Therefore, the Court demanded that the petitioner submit accounting by December 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 (Demanding Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the petitioner's Children's Trust Fund for costs associated with continuing high school education and receiving a copy of her birth certificate. The petitioner failed to submit the required accounting despite a reminder from the Court. Therefore, the Court demanded that the petitioner submit accounting by December 28, 2011.

In the Interest of Adult CTF Beneficiary: Cici BigJohn, DOB 03/05/1988 v. HCN Office of Tribal Enrollment, CV 11-61 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 28, 2011) (Rockman, A).

The Court previously released money from the petitioner's Children's Trust Fund for costs associated with dental procedures. The petitioner failed to submit the required accounting. Therefore, the Court requested that the petitioner submit accounting by December 28, 2011.

CITATIONS

NOVEMBER 29, 2011

Ho-Chunk Nation v. Shelley E. Thundercloud, CV 11-76 Order (HCN Tr. Ct. Nov. 29, 2011) (Rockman, A).

The Court approved the terms of the *Stipulation* between the parties.

CONTRACTS

NO DECISIONS AT THIS TIME.

ELECTION MATTERS

NOVEMBER 3, 2011

Elena Terry v. Douglas Greengrass et al., CV 11-79 Order (Denying Motion for Expedited Consideration) (HCN Tr. Ct. Nov. 3, 2011) (Rockman, A).

The Court denied the plaintiff's *Motion for Expedited Consideration* for failure to state what efforts were made to resolve the issue with the opposing party as required by *HCN R. Civ. P., 19(C)*.

Elena Terry v. Douglas Greengrass et al., CV 11-79 Order (Regarding Injunction) (HCN Tr. Ct. Nov. 3, 2011) (Rockman, A).

The plaintiff failed to file an *Amended Complaint* reflecting a change in desired injunctive relief and failed to provide notice to opposing counsel. Therefore, the Court allowed the defendants until November 7, 2011, to prepare for oral argument and provide any additional briefing.

ENROLLMENT

NOVEMBER 18, 2011

Jenna Callista Littlegeorge v. Adam J. Hall et al., CV 11-82 Order (Motion Hearing) (HCN Tr. Ct. Nov. 18, 2011) (Rockman, A).

The Court decided to convene a hearing so as to grant the respondents the ability to argue their *Motion to Dismiss* and to provide the petitioner the opportunity to offer a response.

HOUSING

NO DECISIONS AT THIS TIME.

INCOMPETENT'S TRUST FUND (ITF)

NOVEMBER 15, 2011

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/1960 by Jon B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 15, 2011) (Rockman, A).

The Court previously released funds from the ITF to pay for fees associated with ongoing guardian services. The petitioner submitted a payment history statement which confirmed the proper use of the funds. The Court accepted the accounting.

NOVEMBER 18, 2011

In the Interest of Ward: G.O.L.F., DOB 03/01/1993 by Mary Fletcher v. HCN Office of Tribal Enrollment, CV 05-102 Order (Petition Granted in Part) (HCN Tr. Ct., Nov. 18, 2011) (Rockman, A).

The Court needed to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the Incompetent's Trust Fund to pay for a private attorney criminal representation, guardian ad litem fees, medication, and personal allowance related items. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION

ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.

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

 **DOMESTIC ABUSE**
ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. ZERO (0) ORDERS WERE ISSUED FROM NOVEMBER 1, 2011 THROUGH NOVEMBER 30, 2011.

 **FAMILY**
 **DIVORCE**

NOVEMBER 7, 2011

In re the Marriage of: Reiss M. Blackhawk and Jacquelin Blackhawk, FM 11-05 Final Judgment for Divorce (HCN Tr. Ct. Nov. 7, 2011) (Rockman, A).

The Court granted the uncontested divorce filed by the joint-petitioners.

NOVEMBER 29, 2011

In re the Marriage of: Mark A. Thundercloud and Cynthia Thundercloud, FM 11-08 Final Judgment for Divorce (HCN Tr. Ct. Nov. 29, 2011) (Rockman, A).

The Court granted the uncontested divorce filed by the joint-petitioners.

 **JUVENILE CASES**

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. TWENTY-THREE (23) ORDERS WERE ISSUED FROM NOVEMBER 1, 2011 THROUGH NOVEMBER 30, 2011.



RECENT SUPREME COURT DECISIONS
NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS

 **CHILD SUPPORT CASES**

NOVEMBER 17, 2011

State of Wisconsin v. Sabrina M. Eimer, CS 11-65 (Rockman, A).

Carey Link v. Jerry Jones, CS 11-66 (Rockman, A).

 **CIVIL CASES**

NOVEMBER 3, 2011

Horst Josellis v. Jennifer Field et al., CV 11-83 (Rockman, A).

NOVEMBER 18, 2011

In the Interest of: B.A.K., by Delores Krause v. HCN Office of Tribal Enrollment, CV 11-84 (Rockman, A).

In the Interest of: J.F.K., by Delores Krause v. HCN Office of Tribal Enrollment, CV 11-85 (Rockman, A).

NOVEMBER 22, 2011

In the Interest of C.R.J., by Susan Weber v. HCN Office of Tribal Enrollment, CV 11-78 (Rockman, A).

 **CIVIL GARNISHMENT CASES**

NOVEMBER 7, 2011

Black River Falls Memorial Hospital v. Francisco Riva, Jr., CG 11-150 (Rockman, A).

Black River Falls Memorial Hospital v. Karen Green, CG 11-151 (Rockman, A).

NOVEMBER 9, 2011

Black River Falls Memorial Hospital v. Lisa M. Stoller, CG 11-152 (Rockman, A).

NOVEMBER 10, 2011

Sauk Co. Clerk of Court v. Vincent Decorah, CG 11-153 (Rockman, A).

NOVEMBER 14, 2011

Midland Credit Mgmt. v. Richard J. Caparelli, CG 11-154 (Rockman, A).

NOVEMBER 21, 2011

Discover Bank v. Gerri Thundercloud, CG 11-155 (Rockman, A).

NOVEMBER 22, 2011

Alliance Collection Agency v. Lena M. Snowball, CG 11-156 (Rockman, A).

Midland Credit Mgmt. v. Pinkah Greengrass, CG 11-157 (Rockman, A).

Sauk Co. Clerk of Court v. Sara Windom, CG 11-158 (Rockman, A).



RECENT SUPREME COURT FILINGS
NO CASES FILED AT THIS TIME.

 **JUVENILE CASES**

ALL JUVENILE CASES SHALL REMAIN CONFIDENTIAL.
ZERO (0) CASES WERE FILED FROM NOVEMBER 1, 2011
THROUGH NOVEMBER 30, 2011.

 **FAMILY CASES**

NOVEMBER 14, 2011

Mark Thundercloud v. Cynthia Thundercloud, FM 11-08 (Rockman, A).

NOVEMBER 17, 2011

Woodrow White v. Cynthia White, FM 11-09 (Rockman, A).

 **DOMESTIC VIOLENCE**

NO CASES FILED AT THIS TIME.



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

Supreme Court – Mary Jo B. Hunter, Chief Justice
Dennis Funmaker, Associate Justice
Todd R. Matha, 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.
Andrew Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court –Amanda L. Rockman, Interim Chief Judge
Clerk of Court, Trial Court –
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 – Zach Atherton-Ely
Law Clerk/Staff Attorney – John Kellis

* 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	\$.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

December 2011 Issue



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PRO BONO LEGAL ASSISTANCE IN THE HO-CHUNK NATION TRIBAL COURTS

As the economy continues to struggle, an increasing number of litigants appear before the Ho-Chunk Nation Tribal Courts without the assistance of an attorney, commonly known as appearing *pro se*. Faced with complex substantive law and procedural rules, many parties enduring financial hardship may stumble through the legal system. Though Ho-Chunk Nation Supreme Court precedent appears concerned with the occasionally harsh results that occur when the Ho-Chunk Nation Rules of Civil Procedure are applied strictly to *pro se* litigants, nevertheless various pitfalls exist throughout the litigation process. See *Alvane King v. Majestic Pines Casino et al.*, SU 11-01 (HCN S. Ct., Aug. 25, 2011); *Sherry Wilson v. HCN Dept. of Personnel*, SU 06-01 (HCN S. Ct., Sept. 21, 2006). Accordingly, the Court takes this opportunity to remind attorneys of the significant benefits of pro bono or reduced-fee legal assistance.

As a preliminary matter, every attorney should remain mindful of the pro bono obligation required by the jurisdiction in which he or she practices. Pursuant to the attorney's oath, every member of the Ho-Chunk Nation Bar Association agreed to accept appointments to represent low-income clients without charging a fee for representation. Although not strictly enforced, the

required annual time commitment is a meager ten (10) hours. Attorneys are encouraged to satisfy this requirement absent court appointment. While fairly negligible to an active legal practice, satisfying this minimal requirement will greatly impact the lives of those parties the attorney assists.

Additionally, many HCN bar members are also licensed to practice in any number of states, each with its own pro bono requirement as a condition to practice law. The Supreme Court of

Wisconsin requires admitted attorneys to aspire to render at least fifty (50) hours of pro bono service annually to persons of limited means or organizations designed primarily to address the needs of persons of limited means. Wis. Sup. Ct. R. 20:6.1(a)(1)-(2). Providing additional incentive, attorneys licensed to practice in Minnesota may satisfy a portion of their continuing legal education requirement by providing pro bono legal assistance.

By satisfying these minimum requirements, attorneys of the HCN Bar Association have an immense potential to assist in cases that require minimal time and resource commitments. Although some suits involve complex legal issues requiring extensive research, many cases require little guidance to enable a litigant's success. For example, every year the Court faces numerous petitions for release of per capita distributions, yet very rarely are petitioners represented by counsel. Simply providing basic direction and brief case summaries could give a litigant the insight needed to succeed with his or her petition.

Additionally, the Ho-Chunk Nation Trial Court has encountered severe difficulty locating those willing to serve as guardians ad litem (hereinafter GAL) in child protection or third party guardianship proceedings. In each case, the Court appoints a GAL to protect the best interests of the child. *See* HOCOK NATION CHILDREN AND FAMILY ACT, 4 HCC § 3.25a; HOCOK NATION THIRD PARTY GUARDIANSHIP ACT, 4 HCC § 11.12b. Due to a limited GAL pool, some cases have suffered delays which inevitably create additional stress on families seeking relief. Accordingly, those interested are encouraged to attend annual training sessions and contact the Court for details regarding GAL appointments.

In summation, the Court respectfully requests that attorneys of the HCN Bar Association take a moment to consider those enduring financial hardship and dedicate a portion of their time and resources to providing pro bono legal services. The slightest commitment could mean worlds to a litigant in need, boost awareness of the Nation's laws and greatly improve the legal system.

The HCN Trial Court invites members of the HCN Bar Association and the general public to submit articles or letters for publication in the Court's bulletin. Topics should concern Federal Indian Law, HCN Law and/or the HCN Judicial system in general. Please email submissions to john.kellis@ho-chunk.com.



NEW CIVIL GARNISHMENT FORMS

The HCN Trial Court added a section for the petitioner to enter the respondent's social security number in its *Petition to Register and Enforce a Foreign Judgment or Order*. The new form is designed to reduce issues relating to mistaken identity and name changes. For security purposes, the Court will only publish the last four (4) digits of respondent's social security number in orders.



UPDATES FROM OUTSIDE JURISDICTIONS

EIGHTH CIRCUIT

Owen v. Weber, No. 10-33301154, 38 Indian L. Rep. 2207 (8th Cir., July 27, 2011). Finding that the state court's application of the U.S. Supreme Court's ruling in *Alaska v. Native Village of Venetie Tribal Gov't*, 522 U.S. 520 (1998), was not unreasonable, the U.S. Court of Appeals for the Eighth Circuit concludes that the district court properly denied the appellant's petition for habeas corpus given that the crimes for which the appellant was convicted were not committed in "Indian Country" within the meaning of 18 U.S.C. § 1153.

NINTH CIRCUIT

S.P., et al. v. Native Village of Minto, et al., Nos. 10-35000, 38 Indian L. Rep. 2214 (9th Cir., July 15, 2011). The U.S. Court of Appeals for the Ninth Circuit affirms the district court's abstention from an action challenging a tribal court's jurisdiction to make a child custody determination under the Indian Child Welfare Act citing ongoing custody proceedings in Alaska state court.

TENTH CIRCUIT

United States v. Shavanaux, No. 10-4178, 38 Indian L. Rep. 2215 (10th Cir., July 26, 2011). The U.S. Court of Appeals for the Tenth Circuit reverses the district court's

dismissal of the appellee's indictment and holds that tribal convictions obtained in compliance with the Indian Civil Rights Act are necessarily compatible with due process of law and unless a tribal conviction has been vacated through habeas corpus proceedings or on other grounds, it constitutes a valid conviction for purposes of 18 U.S.C. § 117(a) and its use does not violate a defendant's right to due process in a federal prosecution nor does the use of prior tribal convictions in a subsequent federal prosecution violate the Due Process Clause of the Fifth Amendment.

Ute Mountain Ute Tribe v. Rodriguez, No. 09-2276, 38 Indian L. Rep. 2224 (10th Cir., July 27, 2011). The U.S. Court of Appeals for the Tenth Circuit reverses the district court's judgment and remands for further proceedings concluding that federal law does not preempt five state taxes imposed by the State of New Mexico on non-Indian lessees extracting oil and gas from the Ute Mountain Ute 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

DECEMBER 1, 2011

State of Wisconsin v. Carly Craven, CS 09-50 Order (Modifying Child Supp. and Ceasing Arrears) (HCN Tr. Ct., Dec. 1, 2011) (Rockman, A).

The La Crosse Co. Child Support Agency requested a modification of current child support and a cessation of arrears. The Agency afforded the respondent proper notice of its filing. The respondent filed a timely response, agreeing to the stipulation. Therefore, the Court granted the Agency’s request.

DECEMBER 9, 2011

Tris Yellowcloud v. Jeffrey Link and Charlene Smolinski v. Jeffrey Link, CS 97-07, -34 Order (Ceasing Child Support) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Jackson County Child Support Agency filed a motion requesting a cessation of current child support withholding in CS 97-07. The Court granted the Agency’s uncontested motion.

Denise LaBarge v. John LaBarge, CS 11-58 Default J. (Enforcing Child Supp. Against Wages) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment for child support. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to file a timely response. Therefore, the Court granted a default judgment in favor of the petitioner.

Vanessa Garcia v. Andrew Blackhawk, CS 11-64 Order (Enforcing Child Supp. Against Per Capita) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent’s per capita payments. The Court afforded the respondent proper notice of the petitioner’s filing. The respondent failed to file a timely response. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Jeanne Wellman v. David Wellman, CS 09-62 Order (Modifying Child Supp.) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to grant the Dane County Child Support Agency’s motion to modify child support and arrearage withholding. The Agency afforded the respondent proper notice of the filing. The respondent failed to file a timely response. Therefore, the Court granted the uncontested motion.

State of Wisconsin v. Christian Roth, CS 09-42 Order (Modifying Child Supp.) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent’s motion to modify child support withholding. The respondent afforded the petitioner proper notice of the filing. The petitioner failed to file a timely response. Therefore, the Court granted the uncontested motion.

Forrest Co. Potawatomi Child Supp. Agency v. Corena White Cloud, CS 05-09 Order (Modifying and Enforcing Child Supp.) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner’s motion to modify child support and arrearage withholding. The petitioner afforded the respondent proper notice of the filing. The respondent failed to file a timely response. Therefore, the Court granted the uncontested motion.

DECEMBER 12, 2011

State of Wisconsin v. Brandan Cloud, Sr., CS 07-88 Order (Enforcing Arrears) (HCN Tr. Ct., Dec. 12, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order for arrears against the respondent’s per capita payments. The petitioner afforded the respondent proper notice. However, the respondent failed to file a timely response. Therefore, the Court granted recognition and enforcement of the foreign judgment.

DECEMBER 20, 2011

Victoria Hill v. Kelly Logan and Shelly Cornelius v. Kelly Logan, CS 01-27, 05-50 Order (*Ceasing Child Supp. & Arrears for CS 01-27*) (HCN Tr. Ct., Dec. 20, 2011) (Rockman, A).

The Court previously ordered that withholding from the respondent's per capita payments in CS 01-27 cease in August, 2009. However, the cessation of withholding did not occur. Therefore, the Court ordered the cessation of withholding for current child support and arrears due to overpayment.

DECEMBER 22, 2011

Joey Whitewing v. Patricia Bird-Nicholas, CS 10-43 Order (*Motion Denied*) (HCN Tr. Ct., Dec. 22, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's motion to withhold child support from wages rather than per capita payments. The petitioner and the Shawano Co. Child Supp. Agency objected to the respondent's motion. The Court denied the respondent's motion due to her inconsistent employment history.

DECEMBER 27, 2011

State of Wisconsin v. Erik Littlegeorge, CS 09-21 Order (*Enforcing Child Supp. Against Per Capita and Wages*) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The Court had to determine whether to grant the petitioner's motion to enforce an updated foreign child support order against the per capita and wages of the respondent. The petitioner afforded the respondent proper notice of the motion. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

Michelle Rave v. Jeriah Rave, Sr., CS 09-07 Order (*Ceasing Withholding and Releasing Impound*) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The Court had to determine whether to grant the respondent's motion to cease withholding child support and release impounded wages and per capita payments. The respondent afforded the petitioner proper notice of the motion. The petitioner failed to file a timely response. As a matter of equity, the Court ceased withholding and released previously impounded withholding to the respondent until the petitioner can provide the Court with a certified statement of arrears from an open state court case whose disbursement center will accept and account for payments made.

Nikki Dickenson v. Manuel Ramirez, CS 09-02 Order (*Motion Granted*) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The Oneida Nation Child Support Agency filed a motion to modify to reflect changes in the managing child support agency and updated case number. The respondent was afforded proper notice of the motion, but failed to file a timely response. Therefore, the Court granted the uncontested motion.

DECEMBER 30, 2011

Aitkin Co. Health & Human Services v. Dallas Kreider, CS 11-55 Order (*Motion Granted*) (HCN Tr. Ct., Dec. 30, 2011) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The Court granted recognition and enforcement of the foreign judgment.



CIVIL GARNISHMENT CASES

DECEMBER 1, 2011

Black River Memorial Hospital v. Karen Green, CG 11-151 Order (*Default Judgment*) (HCN Tr. Ct., Dec. 1, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 2, 2011

Black River Memorial Hospital v. Francisco Rivas, Jr., CG 11-150 Order (*Default Judgment*) (HCN Tr. Ct., Dec. 2, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Gunderson Clinic v. Neil Whitegull, CG 11-132 Order (*Default Judgment*) (HCN Tr. Ct., Dec. 2, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Melissa Johnson, CG 11-133 Order (Default Judgment) (HCN Tr. Ct., Dec. 2, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Gunderson Clinic v. Melissa Johnson, CG 11-134 Order (Default Judgment) (HCN Tr. Ct., Dec. 2, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Rachel Montana, CG 11-139 Order (Default Judgment) (HCN Tr. Ct., Dec. 2, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 9, 2011

In the Matter of the Outstanding Obligations of: Scott Wrezenski, CG 11-164 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. Sauk Co. Cir. Ct. filed a certified copy of its money judgment against the debtor. The Court recognized and enforced the foreign judgment out of due respect to its state counterpart.

Black River Memorial Hospital v. Danny Dowling, CG 11-117 Order (Default Judgment) (HCN Tr. Ct., Dec. 9, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Gunderson Lutheran LTD v. Danny Dowling, CG 11-118 Order (Default Judgment) (HCN Tr. Ct., Dec. 9, 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 12, 2011

Midland Funding LLC v. Richard Caparelli, CG 11-154 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 13, 2011

Midland Funding LLC v. Pinkah Greengrass, CG 11-157 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 22, 2011

Alliance Collection Agencies, Inc. v. Tracy L. Federman, CG 11-141 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Discover Bank Issuer of Discover Card v. Gerri Thundercloud, CG 11-155 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Lena Snowball, CG 11-156 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Tia Bagnowski, CG 11-140 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 27, 2011

Gunderson Clinic, LTD v. Yvette Brown, CG 11-161 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

Tomah Memorial Hospital v. Luke Shegonee, CG 11-159 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

NCO Attorney Network Services v. Tammy Leis n/k/a Herth, CG 11-14 Order (Granting Motion to Modify) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The petitioner filed a motion to modify to add accumulated post-judgment interest. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

Credit Acceptance Corporation v. George Dahlgren, CG 05-101 Order (Granting Motion to Modify) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The petitioner filed a motion to modify to add accumulated post-judgment interest. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

Alliance Collection Agencies, Inc. v. Christopher Collins, CG 09-55 Order (Granting Motion to Modify) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The petitioner filed a motion to modify to add accumulated post-judgment interest. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

Alliance Collection Agencies, Inc. v. Elizabeth Walker, CG 09-76 Order (Granting Motion to Modify) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The petitioner filed a motion to modify to add accumulated post-judgment interest. The respondent failed to file a timely response. Therefore, the Court granted the petitioner's uncontested motion.

In the Matter of the Outstanding Obligations of: Scott Wrezenski, CG 11-164 Order (Ceasing Wage Withholding) (HCN Tr. Ct., Dec. 27, 2011) (Rockman, A).

The Sauk Co. Cir. Ct. filed a correspondence indicating that the respondent's debt had been paid. Therefore, the Court ceased wage withholding.

Alliance Collection Agencies, Inc. v. John A. Whitewing, CG 11-160 Order (Default Judgment) (HCN Tr. Ct., Dec. 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. However, the respondent failed to file a timely response, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 29, 2011

Black River Memorial Hospital v. Lisa Peters, CG 11-152 Order (Petition Granted) (HCN Tr. Ct., Dec. 29, 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, but did not assert any recognized defense. Therefore, the Court granted a judgment in favor of the petitioner.

CIVIL CASES

ADMINISTRATIVE APPEALS

DECEMBER 1, 2011

Horst Josellis v. Jennifer Field et al., CV 11-87 Scheduling Order (HCN Tr. Ct., Dec. 1, 2011) (Rockman, A).

The Court issued a *Scheduling Order* setting all relevant deadlines in the case.

CHILDREN'S TRUST FUND (CTF)

DECEMBER 1, 2011

In the Interest of Minor Child: C.R.J., DOB 12/31/98 by Susan Weber v. HCN Office of Tribal Enrollment, CV 11-86 Order (Petition Granted) (HCN Tr. Ct., Dec. 1, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access the minor's Children's Trust Fund to pay for costs associated with orthodontic care. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a release of funds to satisfy the request.

In the Interest of Minor Child: K.G., DOB 10/13/98 by Clarissa Pettibone v. HCN Office of Tribal Enrollment, CV 08-10 Order (Motion Granted) (HCN Tr. Ct., Dec. 1, 2011) (Rockman, A).

The petitioner submitted a request for further release of CTF monies to cover additional unmet obligations of a previously granted request. The respondent agreed with the request. Therefore, the Court granted a release of funds to satisfy the request.

DECEMBER 9, 2011

In the Interest of Minor Child: J.F.K., DOB 08/29/95 by Delores Krause v. HCN Office of Tribal Enrollment, CV 11-85 Order (Conditional Dismissal) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The petitioner failed to attend the *Fact-Finding Hearing*. Therefore, the Court dismissed the action without prejudice unless the petitioner submitted a written request to reschedule prior to January 9, 2012.

In the Interest of Adult Beneficiary: Benjamin Krause, DOB 10/27/93 v. HCN Office of Tribal Enrollment, CV 11-84 Order (Conditional Dismissal) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The petitioner failed to attend the *Fact-Finding Hearing*. Therefore, the Court dismissed the action without prejudice unless the petitioner submitted a written request to reschedule prior to January 9, 2012.

In the Interest of Adult CTF Beneficiary: Christopher Montanez, DOB 05/12/88 v. HCN Office of Tribal Enrollment, CV 11-72 Order (Partially Granting Petition) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court needed to determine whether the petitioner could access his Children's Trust Fund to pay for costs associated with health care, automobile repair and clothing for his minor child. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.

In the Interest of Minor Child: R.A.T., DOB 04/18/99, by Jaime Kaquatosh v. HCN Office of Tribal Enrollment, CV 11-66 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 9, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner submitted an *Account Summary* on behalf of the minor child. The Court accepted the accounting.

DECEMBER 13, 2011

In the Interest of Minor Child: S.A.B., DOB 12/18/95, by April LaMere-Bourdon v. HCN Office of Tribal Enrollment, CV 11-48 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 13, 2011) (Rockman, A).

The Court previously released money from the minor's Children's Trust Fund for costs associated with orthodontic procedures. The petitioner submitted a *Receipt/Patient Ledger* on behalf of the minor child. The Court accepted the accounting.

DECEMBER 19, 2011

In the Interest Adult CTF Beneficiary: Geraldine Y. Rochester, DOB 08/19/1990 v. HCN Office of Tribal Enrollment, CV 11-56 Order (Motion Granted in Part) (HCN Tr. Ct., Dec. 19, 2011) (Rockman, A).

The Court previously granted a release of CTF money for the purchase of an automobile. Due to the vehicle's unavailability, the petitioner requested another vehicle of identical year and make as an alternative. The respondent failed to file a timely response. The Court partially granted the petitioner's request.

DECEMBER 29, 2011

In the Interest Adult CTF Beneficiary: Geraldine Y. Rochester, DOB 08/19/1990 v. HCN Office of Tribal Enrollment, CV 11-56 Order (Regarding Release of Children's Trust Funds) (HCN Tr. Ct., Dec. 29, 2011) (Rockman, A).

The Court ordered Fifth Third Bank to deposit a refund check back into the trust account of the petitioner.

CITATIONS

DECEMBER 15, 2011

Ho-Chunk Nation v. Shelley E. Thundercloud, CV 11-76 Order (HCN Tr. Ct. Dec. 15, 2011) (Rockman, A).

The Court issued a scheduling order setting all relevant deadlines.

CONTRACTS

DECEMBER 21, 2011

Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin, Inc., CV 10-54 Order (Lifting Stay of Civil Proceedings) (HCN Tr. Ct. Dec. 21, 2011) (Rockman, A).

The Court needed to determine whether to lift the current stay of civil proceedings and allow the case to proceed to trial. The Court considered six (6) general

factors in determining whether the civil case should continue to be stayed pending the resolution of criminal proceedings. Based on consideration of each factor, the Court lifted the stay of the civil proceedings.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

ENROLLMENT

NO DECISIONS AT THIS TIME.

HOUSING

NO DECISIONS AT THIS TIME.

INCOMPETENT'S TRUST FUND (ITF)

DECEMBER 28, 2011

In the Interest of Adult Incompetent: J.C., DOB 09/06/62 by Jackson County Guardianship Services, Inc. v. HCN Office of Tribal Enrollment, CV 11-58 Order (Motion Granted) (HCN Tr. Ct., Dec. 28, 2011) (Rockman, A).

The Court had to determine whether the legal guardian could access money on behalf of the incompetent to pay for costs associated with outstanding civil forfeitures. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a release of funds to satisfy the request.

DECEMBER 29, 2011

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34 by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., Dec. 29, 2011) (Rockman, A).

The Court had to determine whether the legal guardian could access money on behalf of the incompetent to pay for costs associated with Christmas gifts and automobile tire replacement. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted a release of funds to satisfy the request.

RECALL/REMOVAL

NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE

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

 **FAMILY**
 **DIVORCE**

DECEMBER 21, 2011

In re the Marriage of: Ian Littlejohn and Joy Littlejohn, FM 11-06 Order (Dismissal) (HCN Tr. Ct. Dec. 21, 2011) (Rockman, A).

Neither party appeared at the *Initial Hearing*. Therefore, the Court dismissed the case without prejudice.

DECEMBER 29, 2011

In re the Marriage of: Lori Osowski and Philip Osowski, FM 11-11 Order (Conditional Dismissal) (HCN Tr. Ct. Dec. 29, 2011) (Rockman, A).

Neither party appeared at the *Initial Hearing*. Therefore, the Court dismissed the case unless the petitioners submit a written request to reschedule prior to January 30, 2012.

In re the Marriage of: Woodrow White and Cynthia White, FM 11-09 Final Judgment for Divorce (HCN Tr. Ct. Dec. 29, 2011) (Rockman, A).

The Court granted the uncontested divorce.

 **JUVENILE CASES**

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. ELEVEN (11) ORDERS WERE ISSUED FROM DECEMBER 1, 2011 THROUGH DECEMBER 31, 2011.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS

 **CHILD SUPPORT CASES**

DECEMBER 1, 2011

Maraya Blassingame v. Daniel Youngthunder, Jr., CS 11-67 (Rockman, A).

DECEMBER 5, 2011

Mackenzie Alexander v. Johnathon Newmann, CS 11-68 (Rockman, A).

DECEMBER 9, 2011

Sierra Banuelos v. Isaiah Funmaker, CS 11-69 (Rockman, A).

DECEMBER 13, 2011

State of Wisconsin v. Randall Redcloud, CS 11-70 (Rockman, A).

State of Wisconsin v. Benjamin Conway, CS 11-71 (Rockman, A).

Katavia Flynn v. Michael Devan, CS 11-72 (Rockman, A).

Susan Hernandez v. Lucio P. Valero, CS 11-73 (Rockman, A).

DECEMBER 19, 2011

Bridget Wieland v. Robert Bellow, CS 11-74 (Rockman, A).

Chippewa County Child Support Agency v. Warrington Greengrass, CS 11-75 (Rockman, A).

DECEMBER 27, 2011

State of Wisconsin v. Twilight Hindsley, CS 11-76 (Rockman, A).

State of Wisconsin v. Mariah Blackhawk, CS 11-77 (Rockman, A).

State of Wisconsin v. Jessica Cloud, CS 11-78 (Rockman, A).

 **CIVIL CASES**

DECEMBER 13, 2011

In the Interest of: A.M.C., by MaryAnn White v. HCN Office of Tribal Enrollment, CV 11-88 (Rockman, A).

DECEMBER 14, 2011

In the Interest of: D.K.B., by Bruce Blackdeer v. HCN Office of Tribal Enrollment, CV 11-89 (Rockman, A).

DECEMBER 15, 2011

In the Interest of: L.O. v. HCN Office of Tribal Enrollment, CV 11-90 (Rockman, A).

DECEMBER 16, 2011

In the Interest of: E.L. and S.L. v. HCN Office of Tribal Enrollment, CV 11-91 (Rockman, A).

DECEMBER 19, 2011

In the Interest of: S.A., by Jamie Funmaker v. HCN Office of Tribal Enrollment, CV 11-92 (Rockman, A).

DECEMBER 27, 2011

In the Interest of: J.T., by Katie Heffner v. HCN Office of Tribal Enrollment, CV 11-93 (Rockman, A).

In the Interest of: C.C. and E.C., by Jessica Clark v. HCN Office of Tribal Enrollment, CV 11-94 (Rockman, A).

Clariss Funmaker v. Jim Phillips, HCN Compliance Dept., CV 11-95 (Rockman, A).

 **CIVIL GARNISHMENT CASES**

DECEMBER 1, 2011

Tomah Memorial Hospital v. Luke Shegonee, CG 11-159 (Rockman, A).

Alliance Collection Agencies v. John A. Whitewing, CG 11-160 (Rockman, A).

Gunderson Clinic v. Yvette Brown, CG 11-161 (Rockman, A).

Value Finance v. Lavina Pammaskah, CG 11-162 (Rockman, A).

DECEMBER 6, 2011

Alliance Collection v. Kenneth Jardine, CG 11-163 (Rockman, A).

DECEMBER 8, 2011

Sauk Co. Clerk of Court v. Scott Wrezenski, CG 11-164 (Rockman, A).

DECEMBER 12, 2011

Affiliated Dentists v. Molli Pauliot, CG 11-165 (Rockman, A).

DECEMBER 15, 2011

Cottonwood Financial v. Joseph Gist, Jr., CG 11-166 (Rockman, A).

Capital One Bank v. Kari Schroeder, CG 11-167 (Rockman, A).

Midland Credit Management v. Dawn Getzloff, CG 11-168 (Rockman, A).

DECEMBER 29, 2011

Curtis Pidgeon v. Jon Werner, Jr., CG 11-169 (Rockman, A).

 **JUVENILE CASES**

ALL JUVENILE CASES SHALL REMAIN CONFIDENTIAL. ZERO (0) CASES WERE FILED FROM DECEMBER 1, 2011 THROUGH DECEMBER 31, 2011.

 **FAMILY CASES**

DECEMBER 2, 2011

Jacinda Parker v. Danie Parker, FM 11-10 (Rockman, A).

 **DOMESTIC VIOLENCE**

ALL DOMESTIC VIOLENCE CASES SHALL REMAIN CONFIDENTIAL. ZERO (0) CASES WERE FILED FROM DECEMBER 1, 2011 THROUGH DECEMBER 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
Dennis Funmaker, Associate Justice
Todd R. Matha, 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.
Andrew Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court – Jo Deen B. Lowe, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court –
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 – Zach Atherton-Ely
Law Clerk/Staff Attorney – John Kellis

* 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)