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**IN THE
HO-CHUNK NATION TRIAL COURT**

Ho-Chunk Nation,
Plaintiff,

v.

Case No.: **CV 10-54**

**Money Centers of America, Inc. and MCA
of Wisconsin, Inc.,**
Defendants.

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**ORDER
(Denial of Motion for Expedited Consideration)**

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On February 28, 2011, the defendants filed a *Motion to Stay Civil Proceedings Pending Resolution of Ongoing Parallel Criminal Investigation and Motion for Expedited Consideration of the Motion of Money Centers of America to Stay Civil Proceedings Pending Resolution of Ongoing Parallel Criminal Investigation*. See *Ho-Chunk Nation Rules of Civil Procedure* (hereinafter *HCN R. Civ. P.*), Rule 18, 19(C). The defendants requested expedited consideration of the motion, but have not satisfied the two (2) elements of the rule. *Id.*, Rule 19(C). The defendants requested that the motion to stay be heard in an expedited timeframe, but the defendants failed to include adequate “reasons why the accompanying *Motion* should be heard prior to the normal time period.” *HCN R. Civ. P.* 19(C).

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The defendants state that the grand jury’s investigation is escalating at the same time deposition discovery is escalating in this litigation. *Mot. for Expedited Consideration of the Mot. of Money Centers of America to Stay Civil Proceedings Pending Resolution of Ongoing Parallel Criminal Investigation* at 1, 2. The defendants point out that “[m]ore than 25 legislators and other members of the Nation are scheduled to be deposed in March.” *Id.* at 2. However, the

1 defendants have not stated that any depositions are scheduled to occur within the immediate five
2 day timeline articulated by *HCN R. Civ. P. 19(C)*.

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4 The defendants believe “[t]he Court’s expedited consideration of MCA’s Motion to Stay
5 poses the only remedy to these imminent risks.” *Id.* The Court understands the defendants’
6 desire for a timely decision. However, the Court must also weigh the plaintiff’s interest in
7 preparing a response. As the defendants have not articulated that any depositions will occur
8 within the next five days, the Court declines to adopt such rushed timeline. The Court hereby
9 denies the defendants’ *Mot. for Expedited Consideration of the Mot. of Money Centers of*
10 *America to Stay Civil Proceedings Pending Resolution of Ongoing Parallel Criminal*
11 *Investigation.*

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13 The Court shall convene a *Motion Hearing* on Tuesday, March 8, 2011, at 10:00 a.m.
14 CST to allow the defendants to present their motion, and to provide the plaintiff the opportunity
15 to offer a response. The plaintiff must file any written response to the motion at least one (1) day
16 prior to the hearing on the motion.¹ The plaintiff may choose to offer a verbal response at the
17 hearing, but this Court shall not recognize any untimely or improperly served written response.
18 The time, date, and location of the *Hearing* shall be indicated on the *Notice of Hearing*.

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20 **IT IS SO ORDERED** this 28th day of February 2011, by the Ho-Chunk Nation Trial
21 Court located in Black River Falls, WI within the sovereign lands of the Ho-Chunk Nation.

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23 SigPlus1
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25 02/28/2011 03:18:32 pm
26 _____
27 Honorable Amanda L. Rockman
28 Associate Trial Court Judge

¹ The Court must receive the response before 4:30 p.m. CST/CDT on the filing deadline. *HCN R. Civ. P. 84.* A *Certificate of Service* must accompany the filing. *HCN R. Civ. P. 5(B)*. The parties may obtain copies of the *HCN R. Civ. P.* by referring to the web page of the Judiciary at ho-chunknation.com or making a request to the Court.

Ho-Chunk Nation Court System
P.O. Box 70
Black River Falls, WI 54615
(715) 284-2722 or 800-434-4070

