

The specified year indicates the date of the relevant decision, and not the year of the case.
Ho-Chunk Nation Opinions

2002 Vol.1

The following civil case summary includes decisions in which the Court discussed substantive legal issues, and excludes purely procedural and repetitive orders that retain little persuasive authority. The case summary also excludes a majority of child support and civil garnishment decisions, but these orders appear within other compilations. Furthermore, the public may access all non-confidential orders through direct access to the case file.

The syllabus constitutes no part of the opinion, judgment or order of the Court, but has been prepared by the Staff Attorney of the Judiciary for the purpose of facilitating research on various topics. Individuals should not rely upon the below summaries, but rather utilize the summaries as a starting point to further research. Judicial staff will assist in retrieval of the full opinions upon request.

Tab	Case No.	Case	Decided
1	CV 01-16 CV 01-19 CV 01-21	<p><i>Regina K. Baldwin v. Ho-Chunk Nation and Andrea Estebo v. Ho-Chunk Nation Home Ownership Program, Steve Davis, as Real Estate Manager, and Alvin Cloud, as Housing Director and Carolyn J. Humphrey v. Ho-Chunk Nation, Alvin Cloud, as Housing Director, and Bob Pulley, as Property Manager, (HCN Tr. Ct., January 9, 2002). (Matha, T)</i></p> <p>Order (Determination of Judicial Deference) In determining whether to defer to an interpretation of the Ho-Chunk Preference Policy offered by the Ho-Chunk Nation Department of Personnel, the Court found that the interpretation warranted no deference due to its apparent departure from an earlier recognized interpretation. In an earlier interpretation of the Ho-Chunk Preference Policy offered by the Nation in the context of layoffs. In the instant matter, the Nation failed to adhere to the prior interpretation. Absent any justification for the deviation, the second interpretation is not entitled to judicial deference.</p>	Jan. 9, 2002
2	CV 01-87 CV 01-96	<p><i>Ralph H. Babcock v. Ho-Chunk Nation Gaming Commission and John Holst v. Ho-Chunk Nation Gaming Commission, (HCN Tr. Ct., January 14, 2002) (Matha, T.)</i></p> <p>Order (Remand to Ho-Chunk Nation Gaming Commission) The Court vacated the May 17, 2001 and May 31, 2001 <i>Decision and Orders</i> of the Gaming Commission, finding that it had acted contrary to law by failing to require the establishment of an initial <i>prima facie</i> case in accordance with the GAMING ORDINANCE. The Court remanded the cases to the Gaming Commission to grant relief consistent with this opinion.</p>	Jan. 14, 2002
3	CV 96-58 CS 99-58 CS 99-29	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr. and Leslie Soulier v. John C. Houghton, Jr. and Rachel Winneshiek v. John Houghton, Jr. (HCN Tr. Ct., January 16, 2002) (Matha, T.)</i></p> <p>Order (Amending Child Support Enforcement)</p>	Jan. 16, 2002

		The Court, utilizing equity and fairness, enforced two foreign child support orders against a serial payor's per capita distribution. In addition, as there is no obligation for current child support in Case No. CS 99-58, and the respondent has paid the arrears owing in that case in full, the Court gave its notice that it shall close that file in ten (10) days absent an objection from the parties.	
4	CV 00-64	<i>Ho-Chunk Housing Authority v. Bernard Mountain Jr. and Iris Lyons</i> , (HCN Tr. Ct., January 16, 2002) (Matha, T.) Order (Amending Judgment) The Court previously enforced a <i>Stipulation and Order</i> drafted by the plaintiff's counsel, wherein the Court required the defendant to pay a certain amount out of her next three (3) per capita distributions. In that <i>Order</i> , the terms of the numbers which resulted in an incorrect and lower amount deducted than what was agreed upon. Therefore, the Court corrected the clerical error and ordered the HCN Department of Treasury to withhold additional monies from the defendant's February 2002 per capita to satisfy the debt owed to the plaintiff.	Jan. 16, 2002
5	CV 01-121	<i>Anna M. Salinas v. Ho-Chunk Hotel & Convention Center, Sherri Carlson and Tara Raese</i> , (HCN Tr. Ct., January 21, 2002) (Matha, T.) Order (Compelling Discovery Response) The Court ordered the plaintiff to respond to the defendant's discovery request and cautioned the plaintiff that failure to do so could result in the imposition of fines or other sanctions.	Jan. 21, 2002 Order
6	CV 00-111	<i>Roy Littlegeorge v. Ho-Chunk Nation Business Department, Majestic Pines Hotel and Christine Brown</i> , (HCN Tr. Ct., January 21, 2002) (Matha, T.) Order (Granting Defendants' Motion for Summary Judgment) Both the plaintiff and the defendants moved for summary judgment under Ho-Chunk Nation Rules of Civil Procedure, Rule 55. Only issues of law remain for the Court to decide: (1) by failing to wrongfully terminate the plaintiff; and (2) did the defendant employer make an arbitrary and capricious decision by terminating the plaintiff. On the second issue, the Court applied the two-prong test to determine if the defendants' decision to terminate the plaintiff was arbitrary and capricious. The Court found that the defendants' decision was both reasonable and supported by substantial evidence and, therefore, not arbitrary and capricious.	Jan. 21, 2002
7	CV 01-129	<i>Sandra S. Winneshiek v. William B. Collins</i> , (HCN Tr. Ct., January 23, 2002) (Matha, T.) Order (Dismissal Without Prejudice) The Court dismissed the plaintiff's <i>Complaint</i> without prejudice, as she failed to allege a jurisdictional basis for her claim.	Jan. 23, 2002
8	CV 01-148	<i>In the Interest of: Alice H. Funmaker, By Kenneth Freitag v. HCN Office of Enrollment</i> , (HCN Tr. Ct., January 29, 2002) (Butterfield, M.) Order (Releasing ITF Funds to Estate) The Court released the remaining monies in the decedent tribal member's ITF to her estate. The personal representative and the attorney for the estate are responsible for the proper distribution of those monies as administrators of the estate.	Jan. 29, 2002

9	CV 01-125	<p><i>In the Interest of Norma Whitebear, By Cecilia Rave v. Ho-Chunk Office of Enrollment, (HCN Tr. Ct., January 31, 2002) (Butterfield, M.)</i></p> <p>Order (Accepting Accounting and Granting Release of ITF Monies)</p> <p>As the petitioner adequately explained the expenditures made with the released ITF monies at the <i>Hearing of Accounting</i>, the Court accepted this accounting.</p>	Jan. 31, 2002
10	CV 02-02	<p><i>Gloria Visintin v. Ho-Chunk Nation General Council, Douglas Long, as Presiding Officer of the October 27, 2001 General Council, and Karen Martin, as the Secretary of the October 27, 2001 General Council, (HCN Tr. Ct., Jan. 31, 2002) (Butterfield, M.)</i></p> <p>Order (Granting Defendant's Motion to Extend Time to File Answer)</p> <p>The Court permitted the Department of Justice to secure outside legal counsel for the defendants due to a conflict of interest.</p>	Jan. 31, 2002
11	CV 02-09	<p><i>Interest of Decedent: Louella Jean Blackdeer, DOB 07/01/84, By Lani Blackdeer v. Ho-Chunk Nation Office of Enrollment, (HCN Tr. Ct., February 1, 2002) (Matha, T.)</i></p> <p>Order (Releasing CTF Funds to Estate)</p> <p>The Court released the remaining monies in the decedent tribal member's CTF to her estate. The personal representative for the estate is responsible for the proper distribution of those monies as administrator of the estate.</p>	Feb. 1, 2002
12	CV 02-07 CV 02-10	<p><i>Dion W. Funmaker v. Ho-Chunk Nation; Ho-Chunk Nation President Troy Swallow: Ho-Chunk Nation Legislators: Wade Blackdeer, Elliott Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas Whitewing, Gerald Cleveland, Sr., Christine Funmaker-Romano, Myrna Thompson, George Lewis, Kathyleen Lonetree-Whiterabbit, and Sharon Whiterabbit in their official capacity and as an individuals of the Legislature; and the Ho-Chunk Nation Election Board: Vaughn Pettibone, James Seymore, Wilma Thompson, Brandee Alderman, Ruth Decorah, Jo Ann Baker, Tara Blackdeer, Ermon Dick, Michelle DeCora, Winona Funmaker and Mary Ellen Dumas in their official capacity and as individuals of the Election Board and Demetrio D. Abangan v. Ho-Chunk Nation Election Board in their official capacity and Stuart Mil.ler, Brenda Neff v. Ho-Chunk Nation Legislators: Wade Blackdeer, Elliott Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas Whitewing, Gerald Cleveland, Sr., Christine Funmaker-Romano, Myrna Thompson, George Lewis, Kathyleen Lonetree-Whiterabbit, and Sharon Whiterabbit in their official capacity and individually; and the Ho-Chunk Nation election Board, (HCN Tr. Ct., February 4, 2002) (Matha, T.)</i></p> <p>Order (Preliminary Determination)</p> <p>First, the plaintiff Dion Funmaker failed to appear or provide an explanation for his absence at the hearing. The burden is upon the plaintiff to prove his case, and the Court is already on an expedited timeline, thus, the Court dismissed Case No. CV 02-07.</p> <p>Second, the Court struck the cause of action raised by plaintiff Miller in which he challenged the constitutionality of the redistricting plan on the ballot. This issue was decided previously and cannot be relitigated.</p>	Feb. 12, 2002

		<p>Third, the Court struck Exhibit E as it falls outside the Court’s definition of relevant evidence.</p> <p>Fourth, the Court dismisses the named Legislators as defendants as the allegations and the relief requested within the <i>Complaint</i> does not necessitate the retention of individually named Legislators as parties.</p> <p>Finally, the Court required the parties to exchange <i>Exhibit Lists</i> by January 30, 2002, and stated the deadline for submission of subpoenas.</p>	
13	CV 02-08	<p><i>Demetrio D. Abangan v. Ho-Chunk Nation Election Board in their official capacity and Stewart J. Miller v. Ho-Chunk Nation Election Board (HCN Tr. Ct., February 12, 2002) (Matha, T.)</i></p> <p>Order (Denial of Election Challenge)</p> <p>The Court considered whether or not the defendants provided sufficient notice of the January 12, 2002 Special Election. The Court applied the “but-for” test enunciated in the ELECTION ORDINANCE, which mandates a clear and convincing showing of an ELECTION ORDINANCE violation or an unfairly conducted election, and that the outcome of the election would have been different but for the violation.</p> <p>As to the first prong of the test, the Court held that the plaintiff’s satisfied the requirement of a “clear and convincing showing of an ELECTION ORDINANCE violation.” The Election Board did not provide meaningful notice to the voters. The defendants did not allow for the delayed mailing of the Hocak Worak because of the holiday season. In addition, there was a significant period of time in between the time when the Court approved the redistricting plan and when the Election Board actually published the notice, therefore, notice could have been given sooner or the defendants could have guaranteed notice in other ways.</p> <p>The Court held that although notice was insufficient, the plaintiff did not prove that but for that deficiency the results would have voted against Scenario E. The plaintiff’s were unable to produce testimony by a sufficient number of voters. The Court cannot infer that simply because notice was deficient, that the voters would have voted another way had they had the opportunity.</p>	Feb. 12, 2002
14	CV 98-18	<p><i>Interest of Kathy Brandenburg, by Phyllis Smoke v. HCN Office of Enrollment (HCN Tr. Ct., Feb. 13, 2002) (Butterfield, M.)</i></p> <p>Order (Granting Release of ITF Monies)</p> <p>La Crosse County Human Services Department submitted a detailed report apprising the Court of ward’s current status. In addition, the Court wanted the release of ITF monies to help pay for medication and medical co-pays to which there was no tribal, state, or federal entitlement; personal hygiene products; clothing, haircuts, etc.; money to pay the ward’s former landlord for damages to the apartment; and money to pay court costs and fines owed to the Department of Corrections.</p>	Feb. 13, 2002
15	CV 01-76	<p><i>Ho-Chunk Housing Authority v. Continental Flooring Company (HCN Tr. Ct., February 19, 2002) (Matha, T.)</i></p> <p>Order (Granting Defendant’s Motion to Dismiss)</p> <p>The Court allowed the parties to proceed to arbitration as agreed upon through the mutual acceptance of certain contractual provisions. The</p>	Feb. 19, 2002

		defendant did not allege a defect in the delegation of signature authority, and therefore, the Court must examine the terms of the contract documents in arriving at its decision. The Court agrees that the parties must proceed to arbitration, but in no way rules as the extent of the plaintiff retains its sovereign immunity from suit.	
16	CV 01-26	<p><i>Julie Nakai v. Ho-Chunk Nation (HCN Tr. Ct., February 21, 2002) (Butterfield, M.)</i></p> <p>Supplemental Order (Requiring Further Briefing)</p> <p>As this case raised important questions of first impression, the Court required further briefing on several issues such as whether or not the Nation waived its sovereign immunity by requiring itself to abide by and carry out” the Federal Equal Employment Opportunity Act in its Personnel Manual; and what test the Court should apply in pregnancy discrimination claims.</p>	Feb. 21, 2002
17	CV 01-25	<p><i>Aleksandra Cichowski v. Ho-Chunk Hotel & Convention Center (HCN Tr. Ct., February 22, 2002) (Butterfield, M.)</i></p> <p>Order (Awarding Costs)</p> <p>The Court previously granted the defendant reasonable costs associated with complying with the plaintiff’s discovery requests. The defendant reasonable costs associated with complying with the plaintiff’s discovery requests. The defendant submitted an invoice in the amount of \$49.59, of which the court approved. The plaintiff had deposited a portion of this money with the Court to pay the defendant; the Court issued this order requiring the plaintiff to pay the defendant the remaining balance within twenty (20) days.</p>	Feb. 22, 2002
18	CV 02-02	<p><i>Gloria Jean Visintin v. Ho-Chunk Nation General Council, Douglas Long, as Presiding Offucer of the October 27, 2001 General Council and Karen Martin, as Secretary of the October 27, 2001 General Council, (HCN Tr. Ct., February 25, 2002) (Butterfield, M.)</i></p> <p>Order (Dismissing Karen Martin as Defendant)</p> <p>The Court granted the plaintiff’s motion to dismiss Karen Martin as a defendant.</p>	Feb. 25, 2002
19	CV 98-14	<p><i>In the Interest of Berdine Littlejohn, by Shari Marg v. HCN Enrollment Office, (HCN Tr. Ct., February 26, 2002) (Matha, T.)</i></p> <p>Order (Partial Release of ITF Monies)</p> <p>The Court granted the release of ITF funds in part. As the Court granted the release of monies for furniture for the ward. As the petitioner had not yet shown there is not a reliable family vehicle available, the Court requires additional information as to the release of monies for a car. In addition, should the Court grant release of monies for a car, it shall require Property and Procurement to find a suitable car using the minimum of three bid process.</p>	Feb. 26, 2002
20	CV 00-44	<p><i>In the Interest of Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., February 28, 2002) (Matha,T.)</i></p> <p>Order (Partial Release of ITF Monies)</p> <p>The Court granted a partial release of ITF monies to satisfy the petitioner’s request for a washer/dryer, computer/software, travel allowance, clothing, television, microwave, toaster, and SSI reimbursement, as these are all expenditures routinely granted by the</p>	Feb. 28, 2002

		Court. The Court conditionally denied the remaining requests for collector dolls, telephone/answering machine: the Court had previously released monies for one of the requests; and housing authority reimbursement: the Court cannot grant a request for which there may be a state of federal entitlement and thus, requires additional information.	
21	CV 02-17	<i>Dorothy Decorah v. Kim Whitegull, CV 02-17 Order (Permanent Injunction) (HCN Tr. Ct., March 1, 2002). (Matha, T.)</i> Order (Permanent Injunction) The Court granted the plaintiff's request for a permanent injunction against the defendant. On February 18, 2002, the Traditional Court recognized that in tradition and custom of the Ho-Chunk Nation, "the matriarch of a family has the final say on who can come onto her property (her house and her land)." Traditional Court Resolution, 02-18-02 A. The Traditional Court delivered this pronouncement after receiving a formal inquiry from the plaintiff. The defendant voluntarily agreed to abide by the restriction imposed by the plaintiff. After the Court explained the legal consequences, the defendant further agreed to the entrance of a permanent injunction against him from entering onto the property of the plaintiff.	Mar. 1, 2002
22	CV 01-85	<i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, CV 01-85 Order (Establishing Allowance) (HCN Tr. Ct., Mar. 1, 2002). (Matha, T.)</i> Order (Establishing Allowance) The Court granted an ongoing release of funds from the ITF of the incompetent tribal member for her benefit. The Court applied the four-part test previously enunciated in HCN case law, which the Court derived from the language of the PER CAPITA ORDINANCE. In accordance with precedent, the Court required the guardian to distribute the monies to the ward at appropriate intervals based upon the expressed needs of the member. The Court further required the guardian to account for the monies with a financial report and relevant documentation on or before the 15 th of the month following the next and future quarterly per capita distributions.	Mar. 1, 2002
23	CV 01-06	<i>John Kagigebi v. Amory Decorah, (HCN Tr. Cts., March 6, 2002) (Butterfield, M.)</i> Order (Judgment) The Court found that the suspension of the plaintiff for supposed inattentiveness to an alleged occurrence of unwelcome sexual conduct was arbitrary and capricious. The Court therefore directed that the plaintiff be repaid for the improper suspension imposed on him and that the disciplinary action be removed from his work record.	Mar. 6, 2002
24	CV 01-16 CV 01-19 CV 01-21	<i>Regina K. Baldwin v. Ho-Chunk Nation; and Andrea Estebo v. Ho-Chunk Nation Home Ownership Prog., Steve Davis, as Real Estate Mgr., and Alvin Cloud, as Hous. Dir.; and Carolyn J. Humphrey v. Ho-Chunk Nation, Alvin Cloud, as Hous. Dir., and Bob Pulley, as Prop. Mgr., CV 01-16, 19, 21 Notice (Deadline for Briefs) (HCN Tr. Ct., Mar. 11, 2002). (Matha, T.)</i> Notice (Deadline for Briefs) The Court granted the defendants' request to extend discovery for an	Mar. 11, 2002

		additional forty-five (45) days. The Court had previously requested additional briefing on the legislative history of the Ho-Chunk Preference and Layoff Policies, which were due within one (1) month of the end of discovery. Since the Court extended the discovery deadline, it issued this notice that the parties shall submit their briefs no later than Monday, March 25, 2002.	
25	CV 01-154	<p><i>In the Interest of the Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., March 13, 2002) (Matha, T.)</i></p> <p>Order (Partial Release of CTF Monies)</p> <p>The petitioner petitioned the Court to access monies from her child's trust fund account for the following purposes: costs associated with automobile repairs; orthodontic procedures; household and bedroom furniture; telephone service; school meals; clothing; a washer/dryer; an air purifier; and a vacuum. The Court employed the standard enunciated in the PER CAPITA ORDINANCE to assess the merit of the petitioner's request. The Court granted a partial release of CTF monies to pay for the following requests, which it found to be for the benefit of the child: orthodontics; school meal expenses (only a one time disbursement as it is the parents' responsibility to provide for the basic needs of the child); and the vacuum and air purifier (because the child has a special medical condition which necessitates these purchases).</p> <p>The Court conditionally granted the request for automobile repairs, a leather couch and washer/dryer. The Court enunciated a rule of proportionality for requests which reflect a household, rather than an individual concern. As these requests will benefit the child (e.g., the automobile must be kept in good repair so that the parents can transport the child to regularly scheduled doctor's appointments; the child's medical condition necessitates a leather couch and the need for a washer/dryer in the home), but are not solely for the child's benefit, the Court required the petitioner to provide documentation she could pay two-thirds (2/3) of the expense. Once the petitioner submits this documentation, the Court will grant the release of the remaining one-third (1/3) from the child's trust fund account.</p> <p>Finally, the Court denied the remaining requests for the following reasons: the child should not have to bear the financial responsibility of providing a bed upon which to sleep. This falls into the category of shelter, and the parents must provide basic food, shelter and protection for their child. In addition, the Court denied the request for money to pay the family's telephone bill. The bill does not reflect the calling practices of the minor, and the Court holds a long-standing objection toward releasing money from the children's trust fund to satisfy parental debts.</p>	Mar. 13, 2002
26	CV 00-37	<p><i>Gerald F. Conley v. Christopher Cloud and Becky and Diane Peterson Cloud, CV 00-37 Order (Contempt) (HCN Tr. Ct., Mar. 18, 2002). (Matha, T.)</i></p> <p>Order (Contempt)</p> <p>The plaintiff proved a <i>prima facie</i> case of contempt against the defendants. The defendants, through their nonattendance, did not offer</p>	Mar. 18, 2002

		<p>a rebuttal. Therefore, the Court found the defendants in contempt of Court and imposed a reasonable remedial sanction. The Court, in its discretion, granted the defendants an additional thirty (30) days to comply with the underlying <i>Judgment</i>, of which failure to satisfy caused the plaintiff to bring the contempt action. If at the end of the thirty (30) days the defendants make no effort to comply with the Court's order, the Court shall impose a fine of \$10.00 each day the defendants remain in contempt of Court.</p>	
27	CV 02-34	<p><i>Todd R. Matha, Mark D. Butterfield v. Ho-Chunk Nation Election Board Chairperson, Vaughn Pettibone; and Ho-Chunk Nation Election Board Members: Brandee Alderman, JoAnn Baker, Tara Blackdeer, Michelle Decorah, Ruth Decorah, Ermon Dick, Mary Ellen Dumas, Winona Funmaker, James Seymore, and Wilma Thompson, (HCN Tr. Ct., April 12, 2002) (Bossman, W.)</i></p> <p>Order (Denying Motion to Intervene)</p> <p>The Court denied movant Mark Butterfield's request to intervene. The Court was on the eve of rendering a decision and found that its holding was broad enough to encompass any person who took the majority of the vote in the Special Primary Election, thus, the movant would not suffer harm from the Court's denial of his <i>Motion</i>.</p>	Apr. 12, 2002
28	CV 02-34	<p><i>Todd R. Matha v. Ho-Chunk Nation Election Board Chairperson, Vaughn Pettibone; and the Ho-Chunk Nation Election Board Members: Brandee Alderman, JoAnn Baker, Tara Blackdeer, Michelle Decorah, Ruth Decorah, Ermon Dick, Mary Ellen Dumas, Winona Funmaker, James Seymore, and Wilma Thompson, (HCN Tr. Ct., April 12, 2002) (Bossman, W.)</i></p> <p>Order (Granting Summary Judgment)</p> <p>The plaintiff was a candidate for Seat No. 1 in a Special Primary Election held on March 23, 2002, to fill a seat on the Ho-Chunk Nation Supreme Court. On March 24, 2002, the Election Board certified the results, declaring that the plaintiff had received a majority of the votes in the Special Primary. The Election Board then proceeded to post a notice for a Special Run-Off Election to be held on April 27, 2002. The plaintiff initiated this action requesting declaratory and injunctive relief, asking the Court to affirm that a candidate who received over fifty percent (50%) of the vote in a Special Primary Election is not required to appear in a Special Run-Off; an injunction requiring the Election Board to withdraw its notice; requiring the Election Board to remove any reference of a vacant seat from its <i>Notice and Rules of Special Run-Off Election</i>; and an injunction requiring the Election Board to swear in the plaintiff in accordance with the CONSTITUTION OF THE HO-CHUNK NATION, ART. VIII, § 8; and any other relief the Court deemed appropriate. The Court distinguished an earlier case, <i>Greengrass v. HCN Election Bd.</i>, and held that any candidate who received a majority of the votes in a Special Primary Election need not appear in a Special Run-Off Election.</p>	Apr. 12, 2002
29	CV 98-28	<p><i>In the Interest of Choice A. Decorah, (HCN Tr. Ct., April 15, 2002) (Bossman, W.)</i></p> <p>Order (Appointing Successor Permanent Guardian)</p>	Apr. 15, 2002

		As the guardian recently passed away and the Court retains continuing jurisdiction over the ward, the Court appointed a successor guardian.	
30	CV 01-147	<p><i>HCN Hous. Auth. v. John Dumpprope and Julia Dumpprope</i>, CV 01-147 (HCN Tr. Ct., April 16, 2002). (Matha, T.)</p> <p>Order (Final Judgment)</p> <p>The Court granted a default judgment in favor of the plaintiff for the defendants' non-payment of rent, late fees, delinquent utility payments and clean-up costs. The defendants had since abandoned the unit and had left certain items of property in hopes that the plaintiff would sell these items to offset the defendants' debt. The Court agreed with the plaintiff that people often abandon property after they leave a housing unit, and the Nation does not have the resources to sell off these items to help offset any debts or damages a former lessor might owe. The plaintiff is not bound by state law (<i>i.e.</i>, Wis. Stat. § 704.05(5)) on this subject due to its civil/regulatory nature.</p>	Apr. 16, 2002
31	CV 01-146	<p><i>Judith McLendon v. HCN and Majestic Pines Casino Security</i>, (HCN Tr. Ct., May 6, 2002). (Bossman, W.)</p> <p>Order (Denying Defendants' Motion for Summary Judgment)</p> <p>As an issue of material fact exists, and the defendants may not be entitled to judgment as a matter of law, the Court denied the <i>Defendants' Motion for Summary Judgment</i>.</p>	May 6, 2002
32	CV 01-84	<p><i>Clarence Pettibone v. HCN Legislature and HCN Legislators Kathyleen Whiterabbit, Sharyn Whiterabbit, George Lewis, Myrna Thompson, Gerald Cleveland, Christing Funmaker-Romano, Dallas Whitewing, Wade Blackdeer, Tracy Thundercloud and Elliott Garvin, in their official capacity</i>, (HCN Tr. Ct., May 15, 2002). (Matha, T.)</p> <p>Order (Granting Plaintiff's Motion for Summary Judgment)</p> <p>The Court performed an exhaustive review of its case law concerning justifiability, particularly in relation to the issue of standing. The Court began with a review of U.S. Supreme Court jurisprudence on standing, articulating the standard test and how the U.S. Supreme Court has narrowed its standing doctrine through prudential considerations. The Court then moves on to the Court's own standing jurisprudence, which began with an incorporation of the <i>Valley Forge</i> test. The Court determined not to incorporate prudential considerations enunciated by the U.S. Supreme Court due to the vast divergence between the federal and tribal framework. The Court also discussed petitions for redress of grievances.</p> <p>In the case at bar, the plaintiff alleged a constitutional injury resulting from the defendants' passage of HCN LEG. RES. 07/03/01 G. The defendants argued that the plaintiff must show an injury to either a liberty or property interest to properly allege standing, which the Court declined to require.</p> <p>As to the merits of the case, the Court held that a plain interpretation of the CONSTITUTION OF THE HO-CHUNK NATION reveals that a legislator's designation as Vice President remains fully intact throughout his or her service as President <i>pro tempore</i>. Therefore, the Court declared HCN LEG. RES. 07/03/01 G unconstitutional and directed</p>	May 15, 2002

		the defendants to return the plaintiff to the position of Vice President effective immediately.	
33	CV 96-46	<i>In the Interest of Adult Incompetent: Bruce O'Brien v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 20, 2002). (Bossman, W.)</i> Order (Accepting Accounting and Granting of ITF Monies) The Court accepted the petitioner's timely accounting for ITF monies previously released by the Court; and granted a release of ITF monies for the petitioner's most recent requests (namely, taxes, respite camp, insurance and SSI reimbursement).	May, 20 2002
34	CV 02-13	<i>HCN Whitetail Crossing – Tomah, HCN Dep't of Bus., and HCN v. Patricia Letourneau, (HCN Tr. Ct., May 22, 2002) (Matha, T.)</i> Order (Default Judgment) The Court entered a default judgment in favor of the plaintiff for the defendant's embezzlement of funds from Whitetail Crossing in the amount of \$35,884.00.	May 22, 2002
35	CV 02-31	<i>In the Interest of Claude Payer, DOB 12/19/61, by Dorothy Will v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 22, 2002). (Bossman, W.)</i> Order (Releasing ITF Funds) The Court granted the guardian's request for a release of ITF funds in order to purchase a house for the ward.	May 22, 2002
36	CV 02-39	<i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., May 24, 2002). (Bossman, W.)</i> Order (Granting Motion to Intervene, Postponing Scheduling Conference and Setting Date for Motion Hearing) The Court granted the movant Carson D. Combs's <i>Motion to Intervene</i> and request to be named as party-defendant, pursuant to <i>HCN R. Civ. P. 24</i> . The Court granted the <i>Motion</i> after having determined that there exists "enough uncertainty regarding his legal status involving the lease to declare that at this time he is a party with an interest in an action" under Rule 24. The Court also included a notice of a motion hearing and scheduling conference within the <i>Order</i> .	May 24, 2002
37	CV 96-58 CS 99-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr.; Leslie Soulier v. John C. Houghton, Jr.; and Rachel Winneshiek v. John C. Houghton, (HCN Tr. Ct., May 31, 2002). (Matha, T.)</i> Order (Denying Motion to Reinstate Withholding for Arrears) The Court denied the petitioner's <i>Motion</i> in Case No. CS 99-58 to reinstate per capita withholding for arrears. The remaining balance the respondent owes to the State of Wisconsin is for arrears interest and birthing costs. While these debts remain the obligation of the respondent, Ho-Chunk Nation law limits the Court's ability to garnish a member's per capita distribution. As to arrears, the Court may only garnish for actual arrears, not interest or other fees. Therefore, the Court denied the petitioner's <i>Motion</i> .	May 31, 2002
38	CV 02-16	<i>In the Interest of the Minor Child: R.T., DOB 01/09/85, by Roger Thundercloud v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 31, 2002). (Bossman, W.)</i> Order (Granting Request for Release of CTF Funds in Part and Denying in Part)	May 31, 2002

		<p>The petitioner petitioned the Court to access monies from his child's trust fund account for the following purposes: fines owed by the minor; a public defender fee; a hospital bill; money for damages caused by the minor to the parent's automobile; and the amount the parent's automobile insurance increased after automobile damages caused by the minor. The Court employed the standard enunciated in the PER CAPITA ORDINANCE to assess the merit of each of the petitioner's requests. The Court granted a partial release of CTF monies to pay for the fines owed by the minor, finding that payment of the debt was for the child's welfare in that he would be jailed for failure to pay the fines. The Court further found a special financial need and no state, federal or tribal entitlement to pay the debt. The Court denied the remaining requests finding that the requests were not for the child's health, benefit or welfare and/or not a special financial need</p>	
39	CV 02-39	<p><i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., June 3, 2002). (Bossman, W.)</i> Order (Denying Oral Motion to Dismiss, Denying Motion for Emergency Eviction Order, Denying Motion for Temporary Restraining Order and Ordering Rental Payments for Duration of Proceedings) The Court denied the defendants' oral <i>Motion to Dismiss</i>, which was made in open court. The defendants had alleged that the Court lacked jurisdiction over the instant matter. The Court denied the <i>Motion</i> in that it possesses both personal and subject matter jurisdiction by virtue of the CONSTITUTION OF THE HO-CHUNK NATION and the HCN EVICTION ORDINANCE. The Court further denied the plaintiff's <i>Motion for Emergency Eviction Order</i> made pursuant to <i>HCN R. Civ. P. 60(A)</i>, in that the plaintiff will not suffer "irreparable harm." Finally, the Court denied the defendants' <i>Motion for Temporary Restraining Order</i>, which was apparently filed in response to the plaintiff's <i>Motion for Emergency Eviction</i>. In that the Court denied the latter <i>Motion</i>, it deemed the defendants' <i>Motion</i> unnecessary and denied it.</p>	June 3, 2002
40	CV 02-39	<p><i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., June 12, 2002). (Bossman, W.)</i> Order (Denying Motion for Reconsideration) The Court denied the plaintiff's <i>Motion for Reconsideration of Notice and Notice of Motion to Become Party-Defendant</i>, made pursuant to <i>HCN R. Civ. P. 58</i>. The Court considered the plaintiff's <i>Motion</i> in light of a previous HCN Trial Court decision, <i>Ralph Babcock v. HCN Gaming Comm'n, CV 95-08 Motion to Reconsider (Granted)</i> (HCN Tr. Ct., Mar. 14, 1996). In <i>Babcock</i>, the Court articulated four grounds upon which the Court may grant a <i>Motion for Reconsideration</i>. The Court deemed two grounds applicable in the instant matter: (1) whether the Court overlooked or misconceived some material fact or proposition of law; and (2) whether the Court overlooked or misconceived a material question. The Court answered both questions in the negative and, therefore, denied the plaintiff's <i>Motion</i>.</p>	June 12, 2002
41	CV 01-125	<p><i>In the Interest of N.W., DOB 02/17/24, by Cecilia Rave v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., June 10, 2002). (Bossman, W.)</i></p>	Jun. 19, 2002

		<p>Order (Granting Release of ITF Monies) The Court granted the guardian's request for a release of ITF funds in order to pay for clothing items and miscellaneous expenses for the ward.</p>	
42	CV 01-146	<p><i>Judith McLendon v. Ho-Chunk Nation and Majestic Pines Casino Sec., (HCN Tr. Ct., June 21, 2002). (Bossman, W.)</i></p> <p>Order (Judgment) The case concerns a resignation by a Majestic Pines Casino employee, and whether the plaintiff voluntarily resigned or whether the defendants constructively discharged her from her position. The Court applied the three-pronged constructive discharge test, and held that the relevant provisions of the PERSONNEL MANUAL did not violate public policy. Therefore, the defendants' denial of the plaintiff's request for a leave of absence did not amount to a constructive discharge when they asked her to "return to work, resign, or be terminated." In addition, the Court examined whether or not the plaintiff was eligible for Family Medical Leave (FML). The Court stated that the burden was on the plaintiff to prove all elements of her claim, and that she failed to provide evidence that she had worked the requisite number of hours for FML eligibility to contradict the defendants' evidence that the plaintiff failed to meet the eligibility requirements. The Court entered judgment in favor of the defendants and denied the plaintiff the requested relief.</p>	Jun. 21, 2002
43	CV 02-08 CV 02-10	<p><i>Demetrio D. Abangan et al. v. HCN Election Bd. et al., (HCN Tr. Ct., June 21, 2002). (Matha, T.)</i></p> <p>Order (Determination upon Remand) This case concerns an election challenge, which the Supreme Court remanded to the Trial Court on March 25, 2002. The Supreme Court instructed the Trial Court to convene a rehearing to determine whether or not the plaintiffs had earlier met the proper evidentiary standard. The Supreme Court further held that the plaintiffs due process rights were violated.</p>	Jun. 21, 2002
44	CV 02-02	<p><i>Gloria Visintin v. HCN General Council Douglas Long as Presiding Officer of the October 27, 2001 General Council, (HCN Tr. Ct., June 26, 2002). (Bossman, W.)</i></p> <p>Order (Dismissal With Prejudice) This case was dismissed with prejudice for the plaintiff's failure to appear for court. While the Court received notification that the plaintiff would be late, the Court was not informed of when plaintiff would appear. No attempt was made to reschedule.</p>	Jun. 26, 2002
45	CV 01-13	<p><i>Kathy Stacy v. Ho-Chunk Nation and Clarence Pettibone, former Vice President of the Ho-Chunk Nation and, Wade Blackdeer, present Vice President of the Ho-Chunk Nation in their individual and official capacities, (HCN Tr. Ct., June 28, 2002). (Bossman, W.)</i></p> <p>Order (Judgment for Defendants) The plaintiff brought this action to receive a retroactive pay adjustment for a change in position that she asserted was a "promotion." Initially, summary judgment was granted for the defendants. The petitioner appealed, and the Supreme Court reversed and remanded the case. The Court found that the change in position here was not a "promotion," as the minimum qualifications for the position were not at a higher level</p>	Jun. 28, 2002

		than the previous position. Furthermore, this position did not require the approval of the Department Director, Division Administrator, and the Personnel Director. Approval by these administrators is necessary to call a position change a “promotion” under the <u>Promotions Policy</u> of the PERSONNEL MANUAL.	
46	DV 02-02	<i>Eileen Snowball v. Martin Falcon</i> Order (Denying Extension of Ex Parte Order for Protection) The Court did not extend the ex Parte protective order since the petitioner declined to offer other evidence or testify at the hearing.	Jul. 2, 2002
47	CV 01-26	<i>Julie Nakai v. Ho-Chunk Nation, (HCN Tr. Ct., July 3, 2002).</i> (Bossman, W). Order (Granting Motion to Dismiss) The Court ruled that the Ho-Chunk Nation did not waive its sovereign immunity to suit under the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT. The Court emphasized that language in the PERSONNEL MANUAL referring to the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT did not constitute an express waiver. Without separate provisions for arbitration by an outside entity or choice of law, vague language cannot constitute an express waiver.	Jul. 3, 2002
48	CV 01-132	<i>In the Interest of Adult CTF Beneficiary: Rory L. Deer, Jr., DOB 09/24/80, (HCN Tr. Ct., Jul. 9, 2002).</i> (Matha, T). Order (Denial of Petition) The issue presented to the Court was whether an adult can access his CTF account to secure legal counsel for criminal representation. The petitioner has not yet received those funds as he failed to complete the graduation requirement. The Court stated that petitioner could not receive special access to the account without a proper showing that he had exhausted all forms of state or federal entitlement.	Jul. 9, 2002
49	CV 02-36	<i>In the Interest of Minor Child: D.A.S., DOB 10/14/87, by Larry Swan v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 15, 2002).</i> (Matha, T). Order (Petition Granted) The petitioner requested access to the funds of his child for automobile repairs. The petitioner demonstrated an educational necessity given that the child requires transport to and from tutoring sessions at the school. Additionally, the petitioner made a showing of special financial need since the family subsists solely on SSI.	Jul. 15, 2002
50	CV 02-15	<i>In the Interest of Adult CTF Beneficiary, Roger L. Houghton, Jr., DOB 12/19/81 v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 16, 2002).</i> (Matha, T). Order (Petition Granted) The Court had to determine whether an adult could access his Children’s Trust Fund account to pay for an orthodontics procedure. Petitioner had not graduated from high school, but submitted proof of a neurochemical disorder that has severely hindered his ability to meet the graduation requirement. Given the unique facts surrounding this case	Jul. 16, 2002

		alone, the Court grants the request for a release of CTF funds to pay for orthodontic work.	
51	CV 02-12	<p><i>In the Interest of Adult CTF Beneficiary, Calvin Whiteagle, DOB 01/03/84 v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 24, 2002). (Matha, T).</i></p> <p>Order (Denial of Petition)</p> <p>The petitioner requested the release of funds from his CTF account in order to repay a debt obligation. The Court denied the release of monies given that petitioner failed to demonstrate that release was necessary for his health, education, and welfare. Furthermore, the Court has a long-standing objection to withdrawing money for the purpose of retiring personal debts.</p>	Jul. 24, 2002
52	CV 96-58 CS 99-29	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr., CV96-58; Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Aug. 1, 2002). (Matha, T).</i></p> <p>Order (Retention of Status Quo)</p> <p>The Court may only withhold a statutory maximum of thirty-four percent (34%) for child support and a maximum of twenty-six percent (26%) for arrears. Given that the combined <i>Orders</i> in this case would reach a percentage higher than the statutory maximum, the Court must only direct that the maximum amount be withheld from the respondent's per capita. Therefore, the Court declined to amend the current child support <i>Order</i> in such a way as to allow a greater percentage to be withheld.</p>	Aug. 1, 2002
53	CV 02-26	<p><i>Blaine R. Twinn v. Mike Smith, (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).</i></p> <p>Order (Granting Motion for Summary Judgment)</p> <p>The Court determined that there was no genuine issue of material fact in dispute to warrant a <i>Trial</i>. The plaintiff did not follow the grievance procedures as set forth in the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. Therefore, the Court grants the <i>Motion for Summary Judgment</i>.</p>	Aug. 23, 2002
54	CV 01-58	<p><i>Liana Desire'e Bush, Enrollment #439A001783 v. Ho-Chunk Nation Office of Tribal Enrollment & Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
55	CV 01-79	<p><i>Diana Hellerud, Enrollment #439A001282 et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p>	Sept. 13, 2002

		<p>On July 31, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	
56	CV 01-62	<p><i>Nancy Lynn (Whitewater) Johnston, Enrollment #439A002643 v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
57	CV 01-59	<p><i>Jessie Ann Rugg (Enrollment #439A002960), Lori Ann Parker (Enrollment #439A001365), Sheryl Ann Cook (Enrollment #439A000422), Betty Jean Gerke (Enrollment #439A000893), Davie Allen Hanson (Enrollment #439A001185), Elmer Leroy (Enrollment #439A001186), Timothy Wayne Hanson (Enrollment #439A001218), Debra K. Bundy (Enrollment #439A001127) v. Ho-Chunk Nation Office of Tribal Enrollment and the Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
58	CV 99-62	<p><i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order on Remand</p> <p>On October 31, 2001, the Ho-Chunk Nation Supreme Court issued its <i>Decision</i> in this case. The Supreme Court reversed the <i>Judgment</i> of the Trial Court and remanded the case for dismissal. Therefore, the Court dismissed this matter.</p>	Sept. 13, 2002
59	CV 00-106	<p><i>In the Interest of: Lucinda V. Little Soldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 19, 2002). (Bossman, W).</i></p> <p>Order (Granting ITF Release)</p> <p>The petitioner sought access to the adult's ITF account for Christmas gifts, bills, and basic living needs. The Court found that these expenditures represented necessities that would enhance the adult's quality of life. The Court agreed to release the funds.</p>	Sept. 19, 2002

60	CV 02-44	<p><i>In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).</i></p> <p>Order (Denying Petition)</p> <p>The petitioner requested funds from the above minor's CTF account for the purchase of a car. In order to receive such funds, the petitioner was required to argue her circumstances under the Court's four-prong test. The petitioner could not meet the last three requirements under the four-prong test, and the Court denied her petition.</p>	Sept. 20, 2002
61	CV 02-44	<p><i>In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).</i></p> <p>Erratum Order</p> <p>The Court entered this <i>Order</i> in order to correct a clerical error in the September 20, 2002 <i>Order (Denying Petition)</i>.</p>	Sept. 23, 2002
62	CV 01-85	<p><i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment (HCN Tr. Ct., Oct. 4, 2002). (Matha, T).</i></p> <p>Order (Releasing ITF Monies)</p> <p>The Court had to determine whether Shari Marg, as guardian for Mary Lou Blackdeer, could access her ITF funds for travel expenses. The petitioner was able to meet the Court's four-prong test. Therefore, the Court granted the release of funds.</p>	Oct. 4, 2002
63	CS 96-58 CS 99-29	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).</i></p> <p>Notice (Child Turning 18)</p> <p>The Court issued this Notice (Child Turning 18) informing the parties of their duty to show proof of high school enrollment. Without such proof, P.L.H., DOB 10/24/84, would be considered emancipated and child support would cease. The parties were informed of the need to file such proof with the Court on or before the child's birthday.</p>	Oct. 7, 2002
64	CV 02-75	<p><i>Troy S. Westphal v. Ho-Chunk Nation and Ho-Chunk Nation Casino, CV 02-75 (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).</i></p> <p>Order (Granting Plaintiff Leave to Reschedule)</p> <p>On July 24, 2002, the plaintiff initiated the current action by filing a <i>Complaint</i>. The Court scheduled a <i>Scheduling Conference</i> for October 8, 2002, at 1:30 P.M. CDT. The plaintiff failed to appear, but the Court granted the plaintiff three (3) weeks to reschedule or risk dismissal.</p>	Oct. 11, 2002
65	CS 02-12 CS 00-28	<p><i>Kelli O' Connor v. Domonic D. Bell, Nicky L. Woolhouse v. Domonic D. Bell, (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).</i></p> <p>Order (Release of Impound and Enforcing Child Support)</p> <p>The Court had to determine whether to release an impound created by the issue of violations of federal, state and tribal law through foreign state practices. The Court determined that the funds could be released after the issues were resolved. The Court performed an equitable distribution of the funds and released them to the respective petitioners.</p>	Oct. 11, 2002
66	CS 02-12 CS 00-28	<p><i>Kelli O' Connor v. Domonic Bell, Nicky L. Woolhouse v. Domonic Bell, (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).</i></p> <p>Erratum Order</p>	Oct. 18, 2002

		The Court issued an <i>Erratum Order</i> to correct a clerical error resulting from misinformation supplied by the State of Minnesota.	
67	CV 02-85	<i>In the Interest of Minor Children: J.A.L., DOB 1/20/91, and K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment, CV 02-85 (HCN Tr. Ct., Oct. 21, 2002). (Matha, T.)</i> Order (Petition Granted) The Court received a request to access monies on behalf of the minor children in this case for orthodontic surgery, musical instruments and lessons. The Court noted that the petitioner had met the requirements under the Court's four-prong test. In reference to the musical instruments and lessons, the Court granted these requests due to the fact that the children were exceptionally talented and dedicated musicians.	Oct. 21, 2002
68	CV 02-47	<i>Joseph Decorah v. Ho-Chunk Nation and Ho-Chunk Casino, (HCN Tr. Ct., Oct. 22, 2002). (Bossman, W).</i> Pre-Trial Order On October 21, 2002, a <i>Pre-Trial Conference</i> was held in this matter. The plaintiff made a motion before the Court pertaining to the production of documents in discovery. The defendant had previously refused the requests on grounds of privilege. The Court determined that where substantial need is shown, certain requests for documents may overcome a presumption of confidentiality.	Oct. 22, 2002
69	CV 96-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Oct. 24, 2002). (Matha, T).</i> Order (Impounding Funds) In the instant case, the Court found it necessary to impound the child support funds for Case No.: CV 96-58 . The motion before the Court was one requesting that the Court cease per capita payments for child support in the previously mentioned case. The respondent alleged that he met the child support obligation entirely through wages. However, the respondent submitted no pay stubs or confirmation from the county regarding this assertion. In addition, the respondent alleges that cessation of support shall be considered at a hearing that is scheduled for a later date. This Court cannot act upon a potential order, but must wait for a final decision from the county in order to proceed. In order to allow the parties to resolve the factual dispute, the Court shall impound the funds until further notice. The Court may only grant impounds in cases where a standing withholding currently exists in accordance with the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE. In determining whether to grant an impound, the Court considers the following factors: (1) whether an adequate remedy exist at law; (2) whether the injury outweighs the harm of an injunction; (3) the likelihood of success; and (4) whether granting an injunction would serve the public interest.	Oct. 24, 2002
70	CV 97-79	<i>In the Interest of Annette Funmaker, DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Oct. 29, 2002). (Bossman, W).</i> Order (Releasing ITF Monies) The petitioner requested funds from the ITF account of Annette Funmaker, DOB 05/10/79, for the purchase of a handicapped vehicle.	Oct. 29, 2002

		The Court used the four-prong test to determine eligibility. The petitioner met the four-prong test, and the Court granted the use of ITF funds.	
71	CV 01-125	<i>In the Interest of Norma Whitebear, DOB 02/17/24, by Cecilia Rave v. HCN Office Tribal Enrollment, (HCN Tr. Ct., Nov. 1, 2002). (Bossman, W).</i> Order (Granting Release of ITF Funds) The petitioner requested a release of funds to pay for clothing and miscellaneous bills. The respondent stated no objection to the release of funds. The Court granted the petitioner's request.	Nov. 1, 2002
72	CV 01-153	<i>Melody Whiteagle-Fintak v. HCN Department of Social Services - Youth Services Division, (HCN Tr. Ct., Nov. 7, 2002). (Matha, T).</i> Order (Final Judgment) The Court had to determine whether the plaintiff should receive additional money damages from a successful grievance during the Administrative Review Process. The focal point of this decision stemmed from the fact that family medical leave should have begun from the date of her approval and not retroactively applied in a convenient manner for personnel. Therefore, family medical leave was still in effect and the plaintiff could not properly be terminated. Furthermore, while the plaintiff appeared to agree to a layoff, this agreement stemmed from a form of administrative relief proffered upon the realization that her termination was improper. Therefore, the plaintiff was entitled to additional money damages.	Nov. 7, 2002
73	CV 01-58	<i>Liana D. Bush v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i> . On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.	Nov. 12, 2002
74	CV 01-62	<i>Nancy Lynn (Whitewater) Johnston v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i> . On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.	Nov. 12, 2002
75	CV 01-79	<i>Diana Hellerud, Brenda J. Freehill, Linda Revels, James E. Hellerud, Margaret R. Klonicke, Patricia A. Swartling, Mark S. Hellerud, Peggy</i>	Nov. 12, 2002

		<p><i>A. Friske, Frank W. Dikeman, Claire L. Revels v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i></p> <p>Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing)</p> <p>The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i>. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.</p>	
76	CV 01-59	<p><i>Jessie Ann Rugg, Lori Ann Parker, Sheryl Ann Cook, Betty Jean Gerke, David Allen Hanson, Elmer Leroy Hanson, Jr., Timothy Wayne Hanson, Debra K. Bundy v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i></p> <p>Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing)</p> <p>The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i>. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.</p>	Nov. 12, 2002
77	CS 02-12 CS 00-28	<p><i>Kelli O'Connor v. Domonic D. Bell, Nicky L. Woolhouse, (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).</i></p> <p>Order (Updating Arrearage Withholding)</p> <p>In a previous decision for the instant case, the Court insisted that the parties provide the Court with an updated arrearage amount. <i>See Order (Releasing Impound and Enforcing Child Support) (HCN Tr. Ct., Oct. 11, 2002)</i>. One party has complied with the Court's previous decision. The other party must comply by a given date in order for the Court to properly calculate an equitable distribution. If this party cannot comply, the Court shall suspend arrears in that case and distribute for arrears in one case alone.</p>	Nov. 14, 2002
78	CV 01-02 CV 01-28	<p><i>In the Interest of Decedent Member: Cyril S. Hudson, Jr., DOB 04/02/81, by Cyril Delarosa v. HCN Office of Tribal Enrollment, In the Interest of Decedent Member: Cyril S. Hudson, Jr, DOB 04/02/81, by Stephanie Pate v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).</i></p> <p>Order (Releasing CTF to Estate)</p> <p>The petitioners requested a release of funds from the CTF account of the deceased. One petitioner produced a personal representative for the estate. The Court released the finds into the care of the personal representative.</p>	Nov. 14, 2002
79	CV 02-53	<p><i>Nancy A. Pedersen v. Ho-Chunk Treasury and Casper Haas, (HCN Tr. Ct., Nov. 15, 2002). (Bossman, W).</i></p> <p>Order (Judgment)</p>	Nov. 15, 2002

		The plaintiff was denied paid funeral leave for attendance at her cohabitant's uncle's funeral. The provision pertaining to paid funeral leave contained within the POLICIES AND PROCEDURES MANUAL does not refer to uncles or aunts of cohabitants. Therefore, the Court ruled in favor of the defendants.	
80	CV 01-56	<i>Donna Kowalkowski v. Ho-Chunk Nation, HCN Education Department, HCN Headstart Program, Diana Goree, Marie White Eagle, and Sybil Winneshiek, (HCN Tr. Ct., Nov. 18, 2002).</i> (Matha, T). Order (Granting Defendants' Motion to Dismiss) The defendants brought a <i>Motion to Dismiss</i> . The plaintiff could not articulate a basis under Ho-Chunk law for her claim. The Court dismissed the action and later wrote this opinion to memorialize its ruling from the bench.	Nov. 18, 2002
81	CV 02-86	<i>Interest of Minor Child: B.L., DOB 11/22/96, by Michelle Lewis v. Ho-Chunk Tribal Enrollment</i> Order (Petition Granted) The Court granted that monies be accessed by petitioner for child's private school tuition.	Nov. 26, 2002
82	CV 02-79	<i>Cassandra Little Bear, DOB 09/06/80 v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Dec. 10, 2002).</i> (Bossman, W). Order (Denying Petition in Part and Granting Petition in Part with Conditions) The petitioner requested funds from her CTF account for past due bills and the purchase of a motor vehicle. The Court used its four-prong test in order to determine her eligibility to obtain the funds. The Court felt that the requests for bills met the second prong of the test, but the request for a motor vehicle did not. In addition, the petitioner did not satisfy the last prong of the test, requiring her to exhaust all other forms of financial assistance, in her request for a vehicle. Also, the petitioner did not provide proper addresses for each payee that must receive the funds as payment of past bills. Within thirty (30) days, the petitioner must bring forth documentation and invoices showing the bills paid in full to this Court.	Dec. 10, 2002
83	CV 02-94	<i>In the Interest of Minor Child: W.S.S., DOB 01/26/94, by Tina S. Smith-Kelly v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Dec. 11, 2002).</i> (Matha, T). Order (Petition Granted) The petitioner requested funds from the minor's trust fund for a professional tutoring program. The Court used its four-prong test to determine the petitioner's eligibility to access the funds. The Court found the petitioner's claim meritorious and granted the request.	Dec. 11, 2002
84	CV 01-85	<i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, (HCN Tr. Ct. Dec. 12, 2002).</i> (Matha, T). Order (Partial Release of ITF Monies) The petitioner/guardian requested funds on behalf of the tribal member. The Court used its four-prong test to determine the eligibility of the petitioner to access funds. However, the Court also noted that the tribal member had retained excess funds leftover from a previous release and	Dec. 12, 2002

		had not returned such to the court. The Court granted the current request minus the leftover funds that were not returned to the trust account	
85	CV 02-52	<p><i>Rae Anna Garcia v. Joan Greendeer-Lee, Loa Porter, Hattie Walker, and Greg Garvin, as Officials of the Ho-Chunk Nation; Ho-Chunk Nation Personnel Department and Ho-Chunk Nation Health and Human Services Department, (HCN Tr. Ct., Dec. 20, 2002). (Bossman, W.)</i></p> <p>Order (Granting Motion for Summary Judgment) The plaintiff asserted that she was wrongfully denied Waksik Wosga Leave. The defendants requested summary judgment and asserted that no material fact was in dispute. The Personnel Manual clearly indicates the religious events that qualify for religious leave. The plaintiff's asserted holiday did not qualify, and the Court granted summary judgment.</p>	Dec. 20, 2002
86	CV 00-108	<p><i>Daniel W. Green v. Real Estate Manager, Home Ownership Program, in his official capacity, (HCN Tr. Ct., Dec. 31, 2002). (Matha, T.)</i></p> <p>Order (Granting Defendant's Motion for Summary Judgment) The Court ruled in favor of the defendant due to a lack of any case or controversy on the part of the plaintiff. The parties argued various legal positions ranging from equal protection to ex post facto laws and the doctrine of laches. Before the Court can consider arguments under any of these legal headings, it must determine whether it has personal and subject matter jurisdiction. Once such a determination is made, the Court then moves on to consider whether the matter is justifiable. One component of justifiability is whether the plaintiff has standing. The Court found that the plaintiff had no standing for this action, and therefore the Court did not need to reach an answer to the legal claims raised. In order to show standing, the plaintiff must show concrete injury, ability to redress, and a nexus between the injury and the body being sued. At this time, the plaintiff could not prove concrete injury to maintain standing in this action.</p>	Dec. 31, 2002