
HO-CHUNK NATION COURT BULLETIN

January – December 2015

Issue



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Catching up with the Ho-Chunk Nation Judiciary



The bulletin for the year 2015 is here. The Judiciary staff prepares these bulletins to keep everyone informed about the cases that are heard before the Ho-Chunk Nation Trial Court, and the Ho-Chunk Nation Supreme Court. The Court would like to update the community on what occurred in the Judiciary for the year 2015 in this case digest.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter. The following is a case digest that summarizes the number of cases for which the Courts issued orders. Cases are categorized and docketed as one of the following within the Trial Court: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Child Trust Fund (CTF), Adult Incompetent Trust Fund (ITF), Citations (CIT), Adult Guardianship (GU), Domestic Violence (DV), Family (FM), or Juvenile (JV).

The following civil case summaries include decisions in which the Court discussed substantive legal issues, and excludes purely procedural and repetitive orders that retain little persuasive authority. The case summaries also exclude 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 Attorneys and Paralegal of the Trial Court for the purposes of facilitating research on various topics. Individuals should not rely upon the below summaries, but rather utilize the summaries as a starting point for further research.



CHILD SUPPORT CASES THE TRIAL COURT ISSUED 533 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 94 *Orders (Motion to Modify)* included in the Motions are Motions to Amend, Reinstate, Cease or Suspend child support and/or arrears, adding or removing Equitable Adjustment, Consolidate Cases, Update, Release of Impounded funds and Granting of Attorney fees.

156 *Procedural Orders* which include Scheduling, Closing Cases, Granting Telephonic Appearances and Reissued Orders.

104 *Orders (Registration of a Foreign Judgment or Order for Child Support)* in which a newly filed foreign Order for support is registered with the Court for recognition and enforcement.

171 *Orders (Motion to Intervene)* requested that the Court allow a third party to intervene.

6 *Orders (Dismissal)* in which the Court dismissed the cases.



CITATION CASES THE TRIAL COURT ISSUED 2 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 2 *Orders (Default Judgment)* as the respondent failed to make an appearance or timely answer.

Ho-Chunk Nation v. Eric Houghton, Order (Regarding Citation), CIT 15-03 (HCN Tr. Ct., Dec. 22, 2015) (Lowe, J). The Court had to determine whether to impose a fine or penalty as a result of a citation issued against the defendant. The defendant entered a plea of no contest at the Preliminary Hearing, therefore the Court granted petitioner's requested relief.



CIVIL GARNISHMENT CASES THE TRIAL COURT ISSUED 286 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 102 *Orders (Default Judgment)* as the defendant failed to file a timely response.

28 *Orders (Granting Motion/Petition)* where Petitioner indicated Respondent owed additional interest on recognized Judgment, Extension of Full Faith and Credit, Request to Court to Reinstate Withholding Due to Failure to Pay as Agreed Upon, Suspension of Activity, and Requesting Court to Suspend Case.

2 *Orders (Denying Motion/Petition)* in which the Court declined to recognize a foreign judgment as the case had already been closed.

16 *Orders (Satisfaction of Judgment)* which upon the filing of a Satisfaction of Judgment, the Court recognized that the debt in these matters had been paid in full and informed the parties of its intent to close the file, absent a timely objection.

67 *Procedural Orders* included Erratum Orders, Closing Cases, and Granting Telephonic Appearance.

19 *Orders (Dismissal)* the Court indicated its intent to release the current garnishment in the case and dismissing without prejudice.

52 *Orders (Suspension of Activity)* in which the Court suspended wage garnishment.

Sauk County Clerk of Court v. Marlon E. WhiteEagle, Order (Dismissal Without Prejudice), CG 14-66 (HCN Tr. Ct., Jul. 28, 2015) (Jones, J).

The Court had to determine whether to grant full faith and credit to a foreign judgment. The Court found that the system stated the judgment was paid in full and the fact that the system was incorrect was not persuasive. In addition, the Court stated that it is not inclined to grant payments on interest that has been accruing without the respondent's knowledge when respondent has not been contacted by the petitioner.



CIVIL CASES

THE TRIAL COURT ISSUED 143 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 23 *Orders (Granting Motion)* to extend deadlines, expedite consideration, and staying proceedings.

26 *Orders for Dismissal* due to absence of valid subject matter jurisdiction over dispute, Dismissal as a party, untimely filing of Complaint per Statutes of Limitations, and Dismissal of Claim and Counterclaim.

70 *Procedural Orders* included Granting Telephonic Appearances, Notices, Status Hearing Orders, Scheduling Orders, Closing Orders, and Orders to Amend Pleadings.

14 *Orders (Denying Motion)* the Court denied motions to supplement.

4 *Orders (Accepting Accounting)* the Court previously released money and a Financial History was submitted.

2 *Orders (Contempt)* The Petitioner failed to submit accounting to demonstrate that the funds were expended as required. The Court therefore, formerly held the

Petitioner in contempt and imposed a reasonable remedial sanction.

2 *Orders (Default Judgment)* as the defendant failed to file a timely response.

Mary Ellen Blackdeer Anwash v. HCN Enrollment Committee, Order (Addressing Supreme Court Decision), CV 12-73 (HCN Tr. Ct., Jan. 14, 2015) (WhiteEagle, A).

The Court had to decide whether to remand this case back to the Enrollment Committee after the Supreme Court affirmed the Trial Court's decision. The Court found that the decision from the Enrollment Committee must be clarified, and therefore remanded the case back.

Janice Tourtillott v. Grievance Review Board and HCN Compliance Department, Order (Denying Motion to Dismiss and Remanding), CV 14-04 (HCN Tr. Ct., Feb. 2, 2015) (Lowe, J).

The Court had to decide whether to grant the respondent's Motion to Dismiss and whether to uphold the decision of the Ho-Chunk Nation Grievance Review Board (hereinafter GRB). The Court denied the Motion to Dismiss and found that the GRB's decision was arbitrary and capricious for failing to consider several pieces of relevant evidence.

In the Interest of Adult Incompetent: O.S.R., v. HCN Office of Tribal Enrollment and HCN Children and Family Services, Order (Conditional Dismissal), CV 97-117 (HCN Tr. Ct., Feb. 27, 2015) (Lowe, J).

The Court in this case had to determine whether there was no longer a disability due to incompetence. The adult incompetent was deemed incompetent when he was found not guilty by reason of mental disease in a Shawano County case. He was institutionalized for a 16.5 year sentence and remains in a treatment facility. The Court dismissed the action and conditionally released the per capita funds upon an assurance that a conservatorship would be set up.

Valerie R. Kempen v. Bridgette Schulz and the Ho-Chunk Nation Election Board, Order (Enjoining Legislative Election; Denying Motion to Dismiss; Reversing and Remanding), CV 15-03 (HCN Tr. Ct., Mar. 4, 2015) (Stenzel, P).

The Court in this case had to decide whether to allow a candidate to appear on the election ballot despite technical violations with two nomination signatories. The Court found that the Official Nomination Petition was in

substantial compliance and therefore allowed the plaintiff to remain on the election ballot.

Karen WhiteEagle v. Ho-Chunk Nation Insurance Review Commission, Order (Remanding to Insurance Review Commission), CV 14-01 (HCN Tr. Ct., Mar. 16, 2015) (Lowe, J).

The Court had to decide whether to uphold an adjudicative decision of the Ho-Chunk Nation Insurance Review Commission (hereinafter "IRC"). The Court found that the petitioner established that the IRC decision was not based on substantial evidence with respect to its finality, and therefore remanded the case back to the IRC.

Ho-Chunk Nation v. Marvin Decorah, Sr., Order (Denying Motion for Summary Judgment), CV 14-11 (HCN Tr. Ct., May 19, 2015) (Lowe, J).

In this case, the Court had to determine whether to grant summary judgment in favor of the plaintiff. The Court found that there were no genuine issues of material fact and therefore denying the Motion for Summary Judgment.

Horst Josellis v. Ralph Babcock, Chairperson and Committee GAP Appreciation Program, Order (Remanding to the Grievance Review Board), CV 12-70 (HCN Tr. Ct., May 26, 2015) (Lowe, J).

The petitioner brought a case against a Ho-Chunk Nation committee without first requesting a hearing from the Grievance Review Board. The Court found that the petitioner bringing the action to the Ho-Chunk Nation Trial Court was premature and thus remanded the case to the Ho-Chunk Nation Grievance Review Board.

Horst Josellis v. Jackie Froemel, and Horst Josellis v. Ericka Cloud, Order (Remanding to the Grievance Review Board), CV 12-67, CV 12-74 (HCN Tr. Ct., May 26, 2015) (Lowe, J.) The petitioner brought a case against a Ho-Chunk Nation committee without first requesting a hearing from the Grievance Review Board. The Court found that the petitioner bringing the action to the Ho-Chunk Nation Trial Court was premature and thus remanded the case to the Ho-Chunk Nation Grievance Review Board.

General Council Agency v. Pine Giroux and Melodie Cleveland, Order (Dismissal), CV 15-02 (HCN Tr. Ct., Jun. 30, 2015) (Hunter, M).

The Court had to determine whether to grant or dismiss several motions and whether to proceed on the merits of

the case. The Court found that the cause of action did not "arise under the Constitution, laws, customs or traditions of the Ho-Chunk Nation," and therefore dismissed the case with prejudice. *This case was later heard by the Supreme Court, reversed and remanded.

In the Interest of Decedent: Nina Greendeer Cleveland, v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Releasing Decedent's Per Capita Distribution), CV 15-15 (HCN Tr. Ct., Jul. 8, 2015) (Jones, J).

The Court had to decide whether to release the balance of an Incompetent Trust Fund to the personal representative of the deceased incompetent tribal member's estate. The Court granted the release to the personal representative of the decedent's estate as prescribed for in Wisconsin State law as the Ho-Chunk Nation did not have a probate code.

Daniel E. Funmaker v. Eloise Funmaker, Ethel Funmaker, Kyle Marie Funmaker, Sybil Grey Owl, Eliza Mary Green, JoAnn Funmaker-Jones, Joyce Funmaker-Warner, Bonnie Funmaker-Hanson, James A. Funmaker, Brent Funmaker, M.A.F., Order (Granting Motion to Dismiss), CV 14-12 (HCN Tr. Ct., Aug. 7, 2015) (Stenzel, P).

In this case, the court had to determine whether the home in question was a Windfall Home. The Court found that the home was not a Windfall Home and therefore declined to exercise jurisdiction.

General Council Agency v. Ho-Chunk Nation Ethics Review Board, Order (Motion/Preliminary Injunction Hearing), CV 15-25 (HCN Tr. Ct., Aug. 7, 2015) (Jones, J).

The Court had to decide whether to grant a preliminary injunction. The Court found that the petitioner satisfied the four-part test; there was no adequate remedy at law, the threatened injury to the petitioner outweighed the harm of the injunction, the petitioner had a reasonable likelihood of success on the merits, and granting the injunction served the public interest. The Court therefore granted the preliminary injunctions.

Patricia Boyles v. Wesley Boyles, Order (Granting Motion), CV 09-70 (HCN Tr. Ct., Sep. 18, 2015) (Jones, J).

The petitioner in this case filed a Motion for Execution that the Court had to decide whether to grant. The Court granted the motion as the respondent failed to make payment on a debt owed to the petitioner even though he received more than \$200,000 from his trust fund.

Ashley Natysin v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Granting Motion to Dismiss), CV 15-12 (HCN Tr. Ct., Oct. 21, 2015) (Jones, J).

The Court must determine whether to grant or dismiss several motions. The Court found that the Ho-Chunk Nation had not waived sovereign immunity and that the case had become moot in its pendency. The Court thus granted a dismissal in favor of the defendant.

Patricia Boyles v. Wesley Boyles, Order (Denying Motion for Reconsideration), CV 09-70 (HCN Tr. Ct., Oct. 28, 2015) (Jones, J).

The Court had to determine whether to grant a Motion for Reconsideration thereby reversing its previous decision. The Court found that the respondent did not meet the standards for reconsideration - that the Court overlooked, misapplied or failed to consider a statute, decision or controlling principle; overlooked or misconceived some material fact or proposition of law; overlooked or misconceived a material question in the case; or that the law applied in the ruling has been substantially changed by court decision or statute. Therefore the Court denied the motion.

Ho-Chunk Nation Department of Business and the Interim Director of Business David Abangan in his official capacity; Ho-Chunk Gaming Black River Falls and Executive Manager of the Ho-Chunk Gaming Black River Falls Greg Garvin in his official capacity v. Ho-Chunk Gaming Commission; Commissioner Corinna K.V. Blaschke in her official and individual capacity; Commissioner Lena M. Walker in her official and individual capacity; Commissioner Kyle M. Funmaker in his official and individual capacity; Commissioner James R. Dakota, Commissioner Winona L. Mann and Trina Johnson and Steven Mach, Order (Ex Parte Emergency Restraining Order and Scheduling Preliminary Injunction Hearing), CV 15-30 (HCN Tr. Ct., Oct. 30, 2015) (Lowe, J).

The Court had to decide whether to grant petitioner's Motion for an Ex Parte Temporary Restraining Order. The Court found that it could grant an ex parte restraining order if the Court "is of the opinion that irreparable loss or damage will result to the applicant" in its absence, which the Court found in this case. Thus, the Court granted the motion.

Ho-Chunk Nation Department of Business and the Interim Director of Business David Abangan in his official capacity; Ho-Chunk Gaming Black River Falls and Executive Manager of the Ho-Chunk Gaming Black River

Falls Greg Garvin in his official capacity v. Ho-Chunk Gaming Commission; Commissioner Corinna K.V. Blaschke in her official and individual capacity; Commissioner Lena M. Walker in her official and individual capacity; Commissioner Kyle M. Funmaker in his official and individual capacity; Commissioner James R. Dakota, Commissioner Winona L. Mann and Trina Johnson and Steven Mach, Order (Denying Motion for Expedited Consideration), CV 15-30 (HCN Tr. Ct., Nov. 6, 2015) (Lowe, J).

The Court in this case had to decide whether to grant a Motion for Expedited Consideration. The Court found that the petitioner failed to establish the second prong of the two-part test - what efforts the party made to resolve the issue with the opposing party. The Court therefore denied petitioner's petition.

Wallace Greendeer v. Danny Dowling, HCG-BRF Maintenance Manager, and Libby Fairchild, Executive Director of Personnel, Order (Granting Motion to Dismiss), CV 15-08 (HCN Tr. Ct., Nov. 13, 2015) (Lowe, J).

The Court had to determine whether to grant the respondent's Motion to Dismiss the Petition for Administrative Review. The Court found that the petitioner filed the Petition for Administrative Review thirty-two (32) days after the Grievance Review Board's decision, which made the Petition two days late. The Court therefore granted the Motion to Dismiss.

Rita A. Gardner v. A residential home located at W8855 Decorah Road, Indian Mission, Town of Komensky, Jackson County, Wisconsin, Order, CV 15-16 (HCN Tr. Ct., Dec. 22, 2015) (Stenzel, P).

The Court had to determine whether to grant the petitioner's request for the transfer of ownership of a residential home in the Indian Mission. The Court granted the requested relief as none of the other potential heirs contested the transfer.



ADMINISTRATIVE APPEALS

THE TRIAL COURT ISSUED 7 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 7 *Procedural Orders* including Scheduling Orders, Notice of Oral Arguments, and Granting Motion for Extension.

 **CHILDREN'S TRUST FUND (CTF)**
THE TRIAL COURT ISSUED 176 ORDERS FROM
JANUARY 2015 – DECEMBER 2015

The Court issued 37 *Orders (Motion/Petition Granted)* costs associated with orthodontic/dental care, Petitioner submitted a request for further release of CTF monies, a request of CTF monies for unmet costs and obligations, Amended Petition Granted, Maintaining Contempt Sanction, Fact Finding Hearing/Granting Motion for Extension of Time to File Response.

49 *Orders (Accepting Accounting)* the Court previously released money from the minor child's CTF account. A Financial History was submitted for the minor child.

16 *Procedural Orders* include Erratum Order, Scheduling, Granting Telephonic Appearance, Expiration of Consent Decree, Minute Orders and Recusal.

16 *Orders (Demanding Accounting)* the Petitioner failed to submit accounting to demonstrate that the funds were expended as required. Therefore, the Court demanded accounting.

8 *Orders (Dismissal)* Conditional Dismissal and Dismissal without Prejudice.

37 *Orders (Requesting Accounting)* the Petitioner failed to submit the required accounting. Therefore, the Court requested that the Petitioner submit accounting.

5 *Orders (Show Cause)* the Petitioner failed to submit the required accounting despite a series of requests and demand to do so. Therefore, the Court scheduled a Show Cause Hearing to afford Petitioner an opportunity to explain why the Court should hold her in contempt.

2 *Orders (Contempt)* The Petitioner failed to submit accounting to demonstrate that the funds were expended as required. The Court therefore, formerly held the Petitioner in contempt and imposed a reasonable remedial sanction.

6 *Orders (Motion/Petition Denied)* the Court denied Motions for Summary Judgment and Dismissal.

 **Incompetent's Trust Fund (ITF)**
THE TRIAL COURT ISSUED 45 ORDERS FROM
JANUARY 2015 – DECEMBER 2015

The Court issued 12 *Orders (Motion Granted)* the Court needed to determine whether the legal guardian could access monies from the adult incompetent ITF account, the Court granted the request, Petition Granted in Part, Reinstating Monthly Stipend & Guardian Fees, Outstanding Motion, and Suspending Release of ITF.

19 *Orders (Accepting Accounting)* the Court previously released money from the incompetent adult's ITF account. A Financial History was submitted for the incompetent adult.

4 *Orders (Requesting Accounting)* the Petitioner failed to submit the required accounting. Therefore, the Court requested that the Petitioner submit accounting.

2 *Orders (Demanding Accounting)* the Petitioner failed to submit accounting to demonstrate that the funds were expended as required. Therefore, the Court demanded accounting.

2 *Procedural Order* which include Scheduling Status Hearings and an order Closing Case.

5 *Orders (Releasing Decedent's Per Capita)* by which the Court released the deceased incompetent adult's per capita to family members.

1 *Order (Contempt)* The Petitioner failed to submit accounting to demonstrate that the funds were expended as required. The Court therefore, formerly held the Petitioner in contempt and imposed a reasonable remedial sanction.

In the Interest of L.J., v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Petition Denied), CF 14-42 (HCN Tr. Ct., May 22, 2015) (Lowe, J).

The Court had to decide whether the parent could access monies on behalf of the minor child from the child's Children Trust Fund to pay three years of delinquent real property taxes on the primary family residence to avoid foreclosure. The Court denied to release the funds in the absence of a documented crisis or emergency and held that the Court "will not sanction a release of CTF monies to fund an ongoing parental concern."

In the Interest of Minor Child, C.D.F., v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Petition Denied), CF 14-42 (HCN Tr. Ct., May 26, 2015) (Jones, J).

The Court had to determine in this case whether the parent could access monies on behalf of his minor child, C.D.F., from the Child's Trust Fund to pay for costs associated with an educational school tour of Athens, Greece. The Court decided to deny the petition as the request did not succeed the second and third prongs of the four-part test.

In the Interest of Minor Child: T.V.F., v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Petition Denied), CF 15-30 (HCN Tr. Ct., Nov. 19, 2015) (Lowe, J).

The Court had to decide whether a parent could access money from her child's Children's Trust Fund for costs associated with a funeral for the child's father. The Court decided that a minor child should not be expected to provide financial support for the financial obligations of the parent. The Court therefore denied petitioner's request.

In the Interest of Adult Incompetent: S.C., v. Ho-Chunk Nation Office of Tribal Enrollment, Order (Petition Denied), CF 15-37 (HCN Tr. Ct., Dec. 16, 2015) (Jones, J).

The Court had to determine whether to allow a release of funds from an adult's Children Trust Fund to pay for costs associated with securing a private attorney for criminal representation. The Court found that the petitioner did not satisfy the four-part test, as the petitioner could not demonstrate an exhaustion of otherwise available resources. The Court therefore denied the petition.



FAMILY

THE TRIAL COURT ISSUED 47 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 27 *Procedural Orders* including Granting Telephonic Appearance, Erratum, Minute Order, Appointment of Guardian ad Litem, Closing Case, Notices, and Scheduling Orders.

3 *Orders (Dismissal)* including Voluntary Dismissals and Conditional Dismissals.

1 *Order (Contempt)* The Petitioner failed to submit accounting to demonstrate that the funds were expended as required. The Court therefore, formerly held the

Petitioner in contempt and imposed a reasonable remedial sanction.

3 *Orders (Show Cause)* the Petitioner failed to submit the required accounting despite a series of requests and demand to do so. Therefore, the Court scheduled a Show Cause Hearing to afford Petitioner an opportunity to explain why the Court should hold her in contempt.

3 *Orders (Granting Motion/Petition)* to extend deadlines, expedite consideration, and staying proceedings.

10 *Orders (Final Judgment for Divorce)*, the Court granted the parties' requested divorce.

In re the Marriage of: Joy Littlejohn and Ian Littlejohn, Final Judgment of Divorce, FM 15-02 (HCN Tr. Ct., May 7, 2015) (Hunter, M).

In re the Marriage of: Harrison J. Funmaker and Buffy M. Funmaker, Final Judgment of Divorce, FM 15-03 (HCN Tr. Ct., Oct. 28, 2015) (Lowe, J).

In re the Marriage of Jodi Abbott and Brian Koehler, Final Judgment of Divorce, FM 15-04 (HCN Tr. Ct., May 12, 2015) (Hunter, M).

In re the Marriage of David L. Greendeer and Melissa F. Greendeer, Final Judgment of Divorce, FM 15-05 (HCN Tr. Ct., Nov. 5, 2015) (Hunter, M).

In re the Marriage of: Brianna A. Funmaker and Derris D. Funmaker, Final Judgment of Divorce, FM 15-06 (HCN Tr. Ct., Dec. 14, 2015) (Hunter, M).

In re the Marriage of: Marlene Garrison and Gordon T. Garrison, Final Judgment of Divorce, FM 15-07 (HCN Tr. Ct., Nov. 24, 2015) (Lowe, J).

In re the Marriage of: Janice L. Littlegeorge-Norton and Jerome Edwin Jay Norton, Final Judgment of Divorce, FM 15-08 (HCN Tr. Ct., Dec. 3, 2015) (Hunter, M).

In re the Marriage of: Joshua L. Garcia and Henu V.L. Garvin, Final Judgment of Divorce, FM 15-10 (HCN Tr. Ct., Dec. 8, 2015) (Jones, J).

In re the Marriage of: Melissa A. Lowe and Scott L. Lowe, Final Judgment of Divorce, FM 15-11 (HCN Tr. Ct., Oct. 5, 2015) (Hunter, M).

In re the Marriage of: Duncan Rave and Donna Boswell, Final Judgment of Divorce, FM 15-13 (HCN Tr. Ct., Nov. 19, 2015) (Hunter, M).

ADULT GUARDIANSHIP

THE TRIAL COURT ISSUED 20 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 19 *Procedural Orders*, including Appointment of Permanent Guardian, Accepting Stipulation, Scheduling Status Hearing, Minute Order, and Requesting Case File.

1 *Order (Granting Motion)* in which the Court granted a third party's request to intervene.

JUVENILE CASES

ALL JUVENILE CASE DECISIONS SHALL REMAIN CONFIDENTIAL. THREE-HUNDRED EIGHTY-EIGHT (388) ORDERS WERE ISSUED FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.

DOMESTIC VIOLENCE

ALL DOMESTIC VIOLENCE CASES SHALL REMAIN CONFIDENTIAL. NO CASES WERE FILED FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.



RECENT SUPREME COURT DECISIONS

THE SUPREME COURT ISSUED 7 ORDERS FROM JANUARY 2015 – DECEMBER 2015

The Court issued 1 *Order (Dismissal)*, in which the Court dismissed the case as the appellant failed to timely file a brief.

1 *Order (Denying Motion for Reconsideration)* declining to reopen a case that was previously decided.

5 *Decisions* affirming and reversing the decision of the Trial Court.

1 *Order (Dismissal)* in which the Court dismissed the case for appellant's failure to file by the deadline.

Ho-Chunk Nation Election Board v. Valerie Kempen, SU 15-04 (HCN S. Ct., Mar. 25, 2015).

The Supreme Court in this case had to decide whether to uphold the Trial Court's finding that reversed the Election Board's decision to deny Valerie Kempen the opportunity to run in the election. The Supreme Court found that Ms. Kempen filed her appeal late as it was eight (8) days after the hearing. The Court interpreted HCN 6.8(g)(2) as stating that Ms. Kempen received notice of the decision at the hearing and not when she received the Election Board's *Decision* in the mail. The Supreme Court reversed and remanded the case to the lower court.

Wesley Boyles v. Patricia Boyles, SU 14-07 (HCN S. Ct., Apr. 7, 2015).

The Court had to determine whether a handwritten note explaining that appellant owed appellee money was sufficient to be construed as a motion. The Court found that the note failed to meet basic procedural requirements and therefore reversed the Trial Court's finding.

In the Interest of Minor Child: [redacted], Ho-Chunk Nation Child and Family Services; Lori Grim; and Stephanie Lozano, in their official capacities, SU 14-06 (HCN S. Ct., Apr. 7, 2015).

The Supreme Court had to determine whether to uphold or reverse the Trial Court's decision to terminate ongoing jurisdiction over a child. The Court found that it lacked subject matter jurisdiction over the appeal and therefore affirmed the Trial Court's decision.

Rita Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, and Nettie Kingsley, SU 15-01 (HCN S. Ct., May 8, 2015).

The Supreme Court had to decide whether to uphold the Trial Court's decision to dismiss the case for lack of subject matter jurisdiction. The Supreme Court found that the Trial Court misinterpreted a previous Supreme Court decision regarding defamation. Therefore the Trial Court's ruling was reversed and remanded.

General Council Agency, Michael Sallaway, Roberta Funmaker, Muriel WhiteEagle-Lee, Rosetta Hunt, and Mary Lopez v. Ho-Chunk Nation Legislature and Office of the President,

individually and in their official capacities, Order (Dismissal), SU 15-09 (HCN S. Ct., Oct. 5, 2015).

The Court dismissed this case as the appellants did not file a brief within the thirty (30) day window nor did they demonstrate good cause for the late filing as required by the *Ho-Chunk Nation Rules of Appellate Procedure*, Rule 12.

General Council Agency v. Pine Giroux, SU 15-10 (HCN S. Ct., Dec. 22, 2015).

The Court had to determine whether the Trial Court appropriately dismissed the appellant’s suit. The Court found that appellant sufficiently established the presence of subject matter jurisdiction. The case was therefore reversed and remanded.

Ho-Chunk Nation: Ho-Chunk Gaming – Black River Falls; and Greg Garvin v. Nicole Christopherson, Order (Denying Motion for Reconsideration), SU 15-03 (HCN S. Ct., Dec. 22, 2015).

The Court had to decide whether to grant reconsideration of this case. The Court refuses to grant reconsideration of final judgments outside exceptionally rare circumstances, which were not present here. The Court therefore denied reconsideration of the case.



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

Supreme Court – Todd R. Matha, Chief Justice
Samantha C. Skenadore Ciina`k Ma`a`ni, Associate Justice
Tricia A. Zunker, Associate Justice

Traditional Court – Earl Blackdeer
Earl E. Blackdeer
Wayne Falcon
Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Andrew Thundercloud
Quentin Thundercloud
Richard Mann
Morgan White Eagle

Clayton Winneshiek

Trial Court – Jo Deen B. Lowe, Chief Judge
Mary Jo B. Hunter, Associate Judge
JoAnn Jones, Associate Judge
Clerk of Court – Mary Thunder
Staff Attorney – Kallie Jacobson

* 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	\$.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).