

JAN 14 2013

M. Munder
Clerk of Court/Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

Alvane King,
Appellant,

v.

MPC FOOD & BEVERAGE
DEPARTMENT AND
GEORGETTE MARTIN, et al.,
Appellees.

Case No.: SU 13-01

ORDER (Accepting Appeal)

This matter came before the Court on January 12, 2013 based upon the *Notice of Appeal* filed on January 10, 2013 by the Appellant, Alvane King, by and through her attorney, James C. Ritland. The Appellant also filed an *Affidavit and Order to Waive Fees and Costs*. Chief Justice Mary Jo Hunter, Associate Justice Todd Matha and Associate Justice Dennis Funmaker reviewed the matter. The Court hereby ORDERS:

1. That this matter is accepted for appeal.
2. That the filing fee for this appeal is waived based upon the Appellant's *Affidavit*.
3. That the briefs should be filed in accordance with the *HCN Rules of Appellate Procedure*, Rule 12.
4. That the decision to hold *Oral Argument* on this matter is reserved.

EGI HESKEKJET. Dated this 14th day of January 2013.

Mary Jo B. Hunter

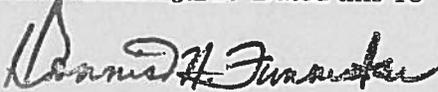
Hon. Mary Jo B. Hunter, Chief Justice
Ho-Chunk Nation Supreme Court

this regard. The U.S. Supreme Court announced over a century ago that “[s]tatutes of limitation are vital to the welfare of society and are favored in the law. They are found and approved in all systems of enlightened jurisprudence.”⁹ *Wood v. Carpenter*, 101 U.S. 135, 139 (1879). Any potential unfairness resulting from the application of the statute of limitation finds its genesis in the inaction of the appellant.

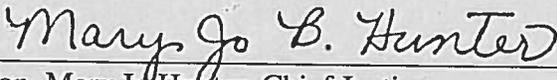
Quite simply, the appellant failed to file her petition prior to the expiration of the filing deadline, which constitutes a mandatory statutory bar.¹⁰ *See, e.g., Bowles v. Russell*, 551 U.S. 205, 212-213 (2007). The Trial Court, therefore, correctly declined to consider the merits of her appeal. This Court upholds this inescapable conclusion.

AFFIRMED

EGI HESKEKJET. Dated this 18th day of January 2013.



Hon. Dennis M. Funmaker, Sr., Associate Justice



Hon. Mary Jo Hunter, Chief Justice

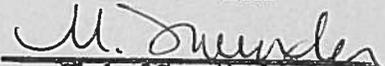


Hon. Todd R. Matha, Associate Justice

⁹ “Statutes of limitations are not simply technicalities. On the contrary, they have long been respected as fundamental to a well-ordered judicial system.” *Bd. of Regents v. Tomanio*, 446 U.S. 478, 487 (1980).

¹⁰ The Trial Court perceives a degree of inconsistency in this Court’s precedent regarding the appropriate consequence associated with a failure to adhere to briefing deadlines. *Order (Granting Mot. to Dismiss)* at 10-12 (citing *Alvane King v. Majestic Pines Casino Food & Beverage Dep’t et al.*, SU 11-01 (HCN S. Ct., Aug. 25, 2011); *Nicholas J. Kedrowski v. Sharon Whitebear et al.*, SU 05-12 (HCN S. Ct., Feb. 13, 2006) (hereinafter *Kedrowski I*)). The instant case does not involve this issue as it concerns a statute of limitation, so the Trial Court’s focus upon these easily distinguishable cases is somewhat quizzical. Moreover, the Court issued the *Kedrowski* opinion after it earlier dismissed the appeal due to a failure to timely file a notice of appeal. *Kedrowski*, SU 05-12 (HCN S. Ct., Jan. 19, 2006). In this respect, the latter decision proved largely superfluous, addressing the appellant’s twofold “desire to reopen th[e] case and seek[] an extension of time to file the brief.” *Kedrowski II* at 1. The Court only commented upon the latter request in *dicta* since it affirmed the dismissal decision. *Id.* at 2.

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Clerk of Court/Assistant

CERTIFICATE OF SERVICE

I, Mary Thunder, Clerk of the Ho-Chunk Nation Supreme Court, do hereby certify that on the date set forth below, I served a true and correct copy of the **ORDER (Accepting Appeal)** in **Case No. SU 13-01** upon all persons listed below:

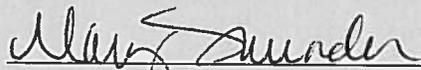
By United States Postal Service:

Heidi Drobnick
Swanson, Drobnick & Tousey, LLP
3120 Woodbury Drive, Suite 200
Woodbury, MN 55125

William F. Gardner
P.O. Box 837
Black River Falls, WI 54615

James C. Ritland
320 Main Street
Black River Falls, WI 54615

Dated: January 14, 2013



Mary Thunder, Clerk
Ho-Chunk Nation Supreme Court