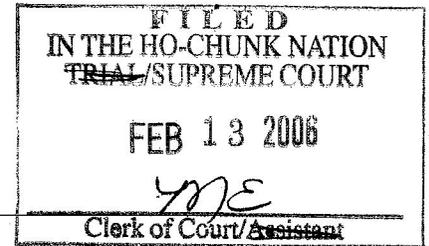


IN THE
HO-CHUNK NATION SUPREME COURT



NICHOLAS JOSEPH KEDROWSKI,

Appellant,

v.

**ORDER (DENYING MOTION
FOR EXTENSION TO FILE
BRIEF)**

SHARON WHITEBEAR et al.

SU-05-12

Appellees

This matter came before the full court on February 11, 2006, with Associate Justice Mark D. Butterfield, Associate Justice Dennis M. Funmaker and the Honorable Chief Justice Mary Jo B. Hunter presiding to consider a Motion filed by appellant's Attorney. This Court previously dismissed this case on January 16, 2006. *See Order Denying Appeal* (HCN S.Ct., Jan 19, 2006). However, by a *Motion to Amend Pleadings and for an Extension to File a Brief in the Above Referenced Appeal* and a *Certificate of Representation* filed on January 31, 2006, by Attorney Phyllis Tousey, the appellant apparently desires to reopen this case and seeks an extension of time to file a brief.

This matter is an appeal of a gaming commission decision. The appellant had been employed by the Rainbow Casino as Surveillance Director. The lower court held a Motion Hearing on August 26, 2005. The Trial Court issued a *Judgment* for the defendants on November 28, 2005. What is important about that *Judgment* is that the Trial Court advised the appellant that he was constructively charged with "the responsibility of knowing the governing laws of the Nation." *Kedrowski v. Whitebear et al.*, CV 05-01 (HCN Tr. Ct., Nov. 28, 2005) at 13. This *Judgment* was served on

Attorney Tousey by mail on November 28, 2005.¹ In addition, the appellant served a copy of his *Notice of Appeal* on December 23, 2005, on Attorney Tousey. Lastly, the *Order Denying Appeal* issued by this Court was served on Attorney Tousey on January 19, 2006.

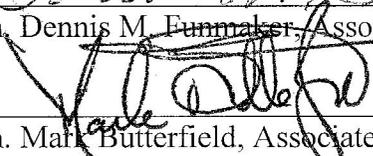
The appellant's Attorney, Ms. Tousey, had more than sufficient notice of the proceedings in this case, both of the underlying decision and her client's *Notice of Appeal*. The HCN Court System posts all its Rules on its website for out of state Attorneys such as Ms. Tousey for her to be aware of the timelines for appeal. See www.ho-chunknation.com/government/judicial. In light of this actual knowledge of proceedings and the failure to allege, let alone demonstrate good cause why no brief was filed in this case in a timely manner, this Court denies Attorney Tousey's *Motions* and affirms its *Order Denying Appeal* issued January 19, 2006

Egi Heskekjet.

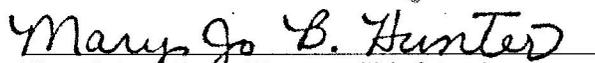
Dated this 11th day of February, 2006.



Hon. Dennis M. Funnaker, Associate Justice



Hon. Mark Butterfield, Associate Justice



Hon. Mary Jo B. Hunter, Chief Justice

¹ In addition, Ms. Tousey appeared as *Counsel of Record* for Mr. Kedrowski as of September 15, 2005. See *Order (Granting Motion to Dismiss), Kedrowski v. Whitebear, et. al* CV 05-01 (HCN Tr. Ct., Nov. 28, 2005) at 3.

CERTIFICATE OF SERVICE

I, Mary K. Endthoff, 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 (Denying Motion for Extension to File Brief) in Case No. SU 05-12, upon all persons listed below:

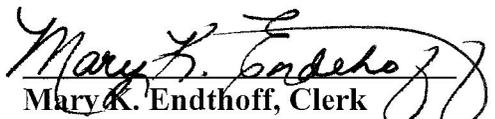
By United States Postal Service:

Nicholas Joseph Kedrowski
P.O. Box 125
Fairchild, WI 54741-0125

Attorney Mark Goodman
Osborne & Goodman
P.O. Box 420
132 N. Water Street
Sparta, WI 54656-0420

Attorney Phyllis O. Tousey
Swanson, Drobnick & Tousey, L.L.P.
3120 Woodbury Drive, Suite 200
Woodbury, MN 55125

Dated: February 13, 2006


Mary K. Endthoff, Clerk
Ho-Chunk Nation Supreme Court

