

IN THE
HO-CHUNK NATION SUPREME COURT

FILED
IN THE HO-CHUNK NATION
SUPREME COURT

JAN - 4 2001

T Pettibone
Clerk of Court/Assistant

Mr. Chloris Lowe Jr.,
Mr. Stewart J. Miller,
Appellees,

ORDER DENYING MOTION
FOR RECONSIDERATION
Case No. SU 00-15

vs.

Ho-Chunk Nation Legislature Members
Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson,
Isaac Greyhair, Dallas White Wing, Kevin Greengrass,
and Clarence Pettibone in their official capacity and
individually; and Ho-Chunk Nation Election Board,
Appellants.

Heard before Associate Justice Rita A. Cleveland, Associate Justice Debra C. Greengrass and Chief Justice Mary Jo. B. Hunter, presiding.

This matter came before the full Court by a Telephone Hearing held on Thursday, December 28, 2000. Attorney John Swimmer of the HCN Department of Justice represented the Appellants and the Appellees were represented by Attorney Gary J. Montana.

On December 18, 2000, the Appellants filed a Notice and Motion for Expedited Consideration and Notice and Motion for Reconsideration. The Appellants moved this Court to reconsider its December 7, 2000 Order Denying Appeal of the Honorable Judge Matha's November 13, 2000 Order (Granting Plaintiffs' Motion for Summary Judgement). The Appellee's filed a Response to Appellee's Motion for Reconsideration on December 26, 2000. On December 28, 2000, an expedited hearing was held by telephone to hear the arguments of both parties. This Court took the matter under advisement and hereby renders this decision.

Rule 8 of the HCN Interim Rules of Civil Procedure for use in Election Challenges states, "*the final judgement of the Trial Court is appealable to the Ho-Chunk Supreme Court*". This Court maintains the position that the Trial Court Order (Granting Plaintiffs' Motion for

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Summary Judgment) does not meet the standard of a final judgment in this case as other issues were still pending. In other cases, the entry of the summary judgment would have completed the case. In this case, the language in the November 13, 2000 Summary Judgment indicated that additional orders by the trial court would be issued. (See Trial Court Orders filed on December 14, 2000 and December 21, 2000.) If this Court had accepted the appeal filed on November 17, 2000, it would be tantamount to accepting an interlocutory appeal on this matter. This Court is concerned with repeated litigation on the same issues. It is the intent of this Court to accept only those appeals resulting from final judgments.

Based upon the foregoing and pursuant to the HCN Const., Art. VII., Sec. 7(c), the Motion for Reconsideration is **DENIED**.

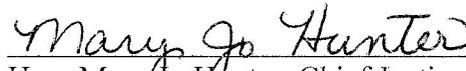
Egi Heskekjet, this 4th day of January 2001.



Hon. Rita A. Cleveland, Associate Justice



Hon. Debra Greengrass, Associate Justice



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

SUPREME
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OF THE HO-CHUNK NATION

JAN 04 2001

T. Pettibone
Clerk of Court/Assistant

CERTIFICATE OF SERVICE

I, Tari Pettibone, 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 attached paper file in Case No. SU-00-15 (T.C.: CV-OO-104) By the United States Postal Service, upon all person listed below:

Mr. John Swimmer
Department of Justice
P.O. Box 667
Black River Falls, WI 54615

Mr. Gary Montana
N12923N Prairie Road
Osseo, WI 54758

Trial Court (hand delivered)
Hon. Todd Matha
P.O. 70
Black River Falls, WI 54615

Hon. Debra Greengrass
6200 West Locust Street
Milwaukee, WI 53210

Hon. Mary Jo Brooks Hunter
4 Linder Court N.
St. Paul, MN 55106

Hon. Rita Cleveland
367 River Street
Black River Falls, WI 54615

Indian Law Reporter
319 McArthur Blvd.
Oakland, CA 94610

Date: January 4, 2001

Tari Pettibone
Tari Pettibone, Clerk of Court
Ho-Chunk Nation Supreme Court