

IN THE  
HO-CHUNK NATION SUPREME COURT

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Ho-Chunk Nation Legislature  
Appellants,

v.

ORDER DENYING APPEAL  
Case No. SU01-09

Ho-Chunk Nation General Council,  
Robert Funmaker, Jr., as Presiding Officer  
of the October 21, 2000 General Council, and  
Darcy Funmaker-Rave, as Secretary of the  
October 21, 2000 General Council,  
Appellees.

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This matter came before the full Court on Thursday, August 16, 2001. On July 24, 2001, the Appellants, the Ho-Chunk Nation Legislature, (hereinafter Legislature), by and through their counsel, William Boulware, Jr., and Michelle M. Greendeer filed an Appeal of the June 22, 2001 Judgment issued by the Honorable Mark Butterfield. The Appellee filed a response on August 1, 2001. The Appellant's attorney filed a written brief in support of their appeal on August 3, 2001.

Based upon the record, this Court hereby denies the appeal pursuant to HCN Rules of Appellate Procedure, Rule 7, b, (1), which allows any party to file an appeal within thirty (30) calendar days after the day the final judgment or order was rendered. Furthermore, HCN R. Civ. P. 17, states in part, "if the time limit identified in these rules is less than seven (7) calendar days, then Saturdays, Sundays and legal holidays are not counted in the time limit. Legal Holidays are defined as those recognized by the Ho-Chunk Nation. If a time limit falls on a weekend or legal holiday, then the time limit falls on the next working day." Computation of time originates with the actual Court filing date or Court file stamped date of the document and not the date the notice or the

document is received by the party. The party has the right to appeal; however, the procedure by which a party files an appeal is set out by the rules established by this Court. In this case, the filing of the Notice of Appeal was a day late and is considered untimely.

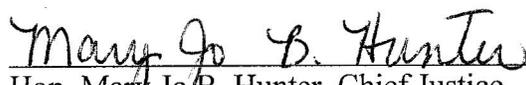
In addition to the above, this Court no longer requires parties to file a Notice of Appeal simply to preserve an appeal, if they plead the application of Rule 58(B) when filing the final appeal. See *Chloris Lowe Jr., Stewart J. Miller vs. HCN Legislative members, et al; and the HCN Election Board* SU01-05 (HCN S. Ct., May 4, 2001).

The Appellants' appeal request is hereby denied.

EGI HESKEKJET. Dated this 22nd day of August 2001.

  
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Hon. Rita A. Cleveland, Associate Justice

  
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Hon. Debra C. Greengrass, Associate Justice

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

## CERTIFICATE OF SERVICE

I, Tari Pettibone, Clerk of the Ho-Chunk Nation Supreme Court of the Ho-Chunk Nation, do hereby certify that on the date set forth below I served a true and correct copy of the Order Denying Appeal filed in Case No. SU 01-09 (CV-01-11), by the United States Postal Service, upon all persons listed below:

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Date: August 22, 2001

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

