

IN THE
HO-CHUNK NATION SUPREME COURT

Marie WhiteEagle,
Appellant,

v

Wisconsin Dells Head Start and
Ho-Chunk Nation,
Appellee.

ORDER DENYING APPEAL
Case No. SU 01-14

This matter came before the full Court on Wednesday, November 7, 2001. The Ho-Chunk Nation (hereinafter HCN), and the above named Appellant's, by and through her counsel, Scott Hasset, filed *Appellant's Notice of Appeal* pursuant to the HCN Rules of Appellate Procedure, Rule 10, on October 22, 2001. The Appellant files a Notice of Appeal appealing the HCN Trial Court's Order (Granting Defendants' *Motion to Dismiss*) filed on September 21, 2001 by the Honorable Todd R. Matha. The Appellee did not file an opposition to the Appeal.

Upon review of the Appellant's Notice of Appeal and the Findings of Facts, this Court is not convinced that the error made by the HCN Supreme Court Clerk in copying the Rules for the Appellant is the cause of the Appellants' late filing. It is apparent to this Court that the Appellant, meeting all other deadlines set forth in the Personnel Policies and Procedures Manual (hereinafter, Personnel Manual), was cognizant of the timeline to file in Court once the Administrative Review Process is exhausted (see Personnel Manual, Chapt. 12, Resolution 6-9-98A, p. 50b). The HCN Supreme Court Clerk provided a copy of the rules on March 22, 2001 via Facsimile and on April 6, 2001, provided a corrected copy for pick-up by Appellant's daughter, which was well within

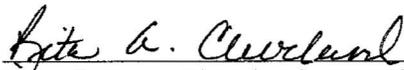
the timeline to file such complaint in the Trial Court.¹ (See Order (*Granting Defendant's Motion to Dismiss*, fact 14).

As an employee and a member of the Ho-Chunk Nation, the Appellee bears the responsibility of knowing the governing laws of the Nation. When represented by an Attorney, the representing attorney has a responsibility to acquire the legal knowledge to zealously represent the client. This includes the acquisition of all pertinent rules of the court in which they practice, thus assuring the client that such important matters as a statute of limitations is not overlooked. (See Rules of Professional Conduct, SCR 20:1.1).

The Appellant failed to state what "other legal grounds" may support the reversal of the Trial Court's September 21, 2001, Order (*Granting Defendants' Motion to Dismiss*). This Court cannot speculate what "other legal grounds" may exist.

Based upon the above, this Court hereby DENIES this Appeal.

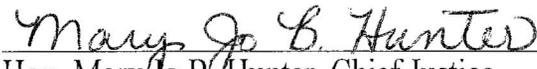
EGI HESKEKJET. Dated this 27th day of November 2001.



Hon. Rita A. Cleveland, Associate Justice

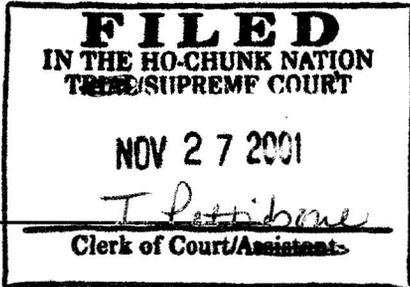


Hon. Debra C. Greengrass, Associate Justice



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

¹ In matters where an Attorney is allowed to practice in the Trial Court *Pro hac vice*, the Supreme Court recognizes that status when the Trial Court decision is appealed. When *Pro hac vice* status is granted by the Trial Court, the Trial Court should assume the responsibility of providing the Attorney official copies of the Courts rules. The Supreme Court assumes this responsibility when the Attorney applies for HCN Bar Association.



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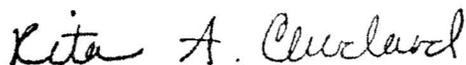
the timeline to file such complaint in the Trial Court.¹ (See Order (*Granting Defendant's Motion to Dismiss*, fact 14).

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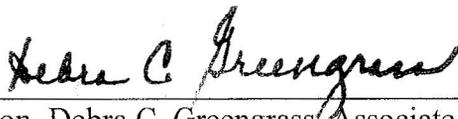
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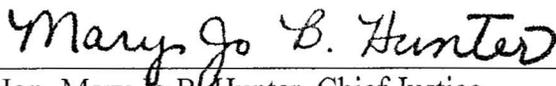
EGI HESKEKJET. Dated this 27th day of November 2001.



Hon. Rita A. Cleveland, Associate Justice



Hon. Debra C. Greengrass, Associate Justice



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

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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 Order Denying Appeal file in Case No. SU- 01-14 By the United States Postal Service, upon all person listed below:

Mr. P. Scott Hassett
Lawton & Cates, S.C.
10 East Doty Street, Suite 400
P.O. Box 2965
Madison, WI 53701-2965

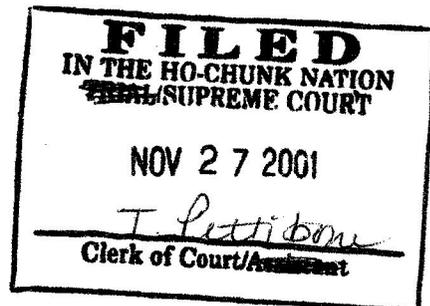
Mr. Michael Murphy
Department of Justice
P.O. Box 667
Black River Falls, WI 54615

HCN Trial Court (Hand Delivery)
Hon. Todd Matha
P.O. Box 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



Date: November 27, 2001

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