

FILED
IN THE HO-CHUNK NATION
SUPREME COURT

JUN 14 2000
Lou Swallow
Clerk of Court Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

Cheryl Smith,
Appellee,

ORDER (Denying Motion for Reconsideration)
Case No. SU 00-07

v.

Ho-Chunk Nation and Rainbow Casino,
Appellants..

The matter comes before the Ho-Chunk Nation Supreme Court via a telephonic conference call held on Wednesday June 28, 2000 to address Appellant's Notice and Motion for Reconsideration filed June 12, 2000. The Appellee did not file a Motion in Opposition to Appellant's Motion. The Appellant's Motion requests the Ho-Chunk Nation Supreme Court to reconsider its May 26, 2000 Order (Denying Appeal). The HCN Supreme Court denied the appeal of the Appellant's for failure to provide a basis to redress a Motion for Reconsideration denied at the trial court.

On April 26, 2000 the Appellant's files a Notice of Appeal of the Trial Court's March 27, 2000 Order (Denying Motion for Reconsideration). This Court had reviewed the Trial Court's February 28, 2000 Judgement and the March 26, 2000 Order. In accordance with the HCN Constitution, Article VII, Section 7(c), decisions of the Supreme Court shall be final. The Court rendered a final decision on May 26, 2000 in this employment dispute case for not providing a statement supporting a basis for appellate review.

The HCN Supreme Court when developing the Rules for Appellant Procedure did not fashion an Appellant Rule for 'Motion for Reconsideration' based on the aforementioned constitutional provision. As Rule 1(a) of the HCN Rules of Appellate Procedure states, "(w)here necessary...the Supreme Court may look to...the *Federal Rules of Appellate Procedure* as guidance

(emphasis added). Nowhere does Rule 1(a) adopt the Federal Rules of Appellate Procedure. Foremost, the HCN Supreme Court's intent was that the Court would look to the Federal Rules for guidance not adoption thereof. Therefore, the Federal Rules of Appellate Procedure are not binding on the sovereign nation of the Ho-Chunk People.

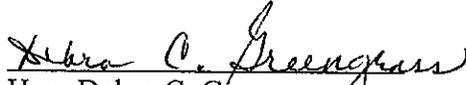
Although, the HCN Rules of Appellate Procedure lack a formal rule for 'Motion for Reconsideration', this Court has in the past accepted Motions for Reconsideration as discretionary decision. Either party can move the Court, through clear and convincing evidence, that a decision of the Court was in err. The Court will review its final decision and such Motions to determine whether to accept or deny such Motions. In the present case, the Appellant's 'Motion for Reconsideration' argument was not persuasive because Appellant's failed to present to the Court an appealable issue. The Court is reluctant to allow the aggrieved party to rehash the same issues several times over.

Therefore, The Court hereby ORDERS:

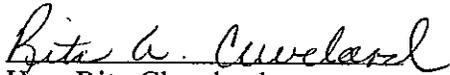
1. That the Appellant's Notice and Motion for Reconsideration is denied.

IT IS SO ORDERED. EGI HESKEKJET

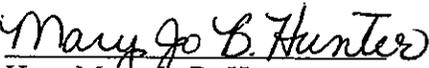
Dated this 13th day of July 2000.


Hon. Debra C. Greengrass

Associate Justice


Hon. Rita Cleveland

Associate Justice


Hon. Mary Jo B. Hunter

Chief Justice