

IN THE  
HO-CHUNK NATION SUPREME COURT

**FILED**  
IN THE HO-CHUNK NATION  
TRIAL/SUPREME COURT

OCT 14 2000

*Missy Jell*  
Clerk of Court/Assistant

**Michele M. Ferguson,**  
Plaintiff/Appellee,

ORDER (DENYING APPEAL)  
Case No. SU 00-13

v.

**Ho-Chunk Nation Insurance  
Review Commission/Division of  
Risk Management,**  
Defendants/Appellants,

This matter comes before the Ho-Chunk Nation Supreme Court on the Appellants' *Petition for Permission to Appeal* filed on September 15, 2000 pursuant to the Ho-Chunk Nation (hereinafter HCN) Rules of Appellate Procedure, Rule 7.5, for interlocutory consideration. The Appellants filed an interlocutory appeal for this Court to review the Trial Court's *Opinion On Remand* filed September 5, 2000. The Appellee, Michelle M. Ferguson did not file a response to the *Petition*. On October 3, 2000 the Supreme Court held a telephonic conference call to review the Appellants' *Petition* and concluded that the merits of the case are intertwined within the appeal and may have been filed prematurely.<sup>1</sup> The HCN Trial Court is charged with establishing the findings of fact and conclusions of law pursuant to the HCN Constitution Art. VII Sec. 6(a). The HCN Supreme Court, pursuant to the HCN Constitution, Art. VII, Sec. 7 (a), shall not have the power to make findings of facts. As stated the merits of the case are intertwined and the Court is reluctant to address the Appellants appeal until HCN Trial Court has made its findings of fact and conclusions of law on

<sup>1</sup> The Chief Justice expressed concern that the basic rule requirement that a "substantial basis" existed had not been met in the *Petition for Permission to Appeal*.

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the merits of the case. The matter is remanded back to the HCN Trial Court for final judgement.

EGI HESKEKJET. Dated this 14th day of October 2000.

Per Curiam.



Debra C. Greengrass  
Associate Justice  
HCN Supreme Court

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*Missy Elk*

Clerk of Court/Assistant

CERTIFICATE OF SERVICE

I, Missy Elk, Clerk of the Ho-Chunk Nation Supreme Court of the Ho-Chunk Nation hereby certify on the date set forth below I served a true and corrected copy of the attached paper filed in Case No. SU-00-13 By the United States Postal Service, upon all persons listed below:

Gerald Fox, Esq.  
714 Rose Street  
Black River Falls, WI 54615

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

Hon. Debra Greengrass  
HCN Supreme Court  
6200 West Locust St.  
Milwaukee, WI 53210

Hon. Mary Jo Brooks Hunter  
HCN Supreme Court  
4 Linder Court  
Saint Paul, MN 55106

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

Date: October 14, 2000

*Missy Elk*

Missy Elk, Clerk of Courts  
Ho-Chunk Nation Supreme Court