

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

JUL 31 1998

*Willie Red Cloud*  
Clerk of Court/Assistant

IN THE  
HO-CHUNK NATION SUPREME COURT

Joelene Smith,

Appellant,

DECISION  
SU-98-03 & SU-98-04

v

Ho-Chunk Nation  
And Tammy Lang, as Head Start Director,  
Appellee

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MOTION FOR RECONSIDERATION

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This matter comes before the full Court by telephonic conference call on Monday, July 20, 1998 to address the Appellee's Motion for Reconsideration filed on July 13, 1998. The full court has considered Appellee's Motion for Reconsideration, the Appellant's motion in opposition to the Motion for Reconsideration and the HCN Rules of Appellate Procedure. It is the decision of the Supreme Court to **GRANT** Appellee's Motion for Reconsideration.

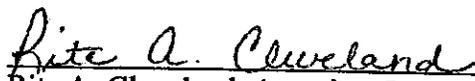
The HCN Rules of Appellate Procedure lack a specific rule to address such motions. The Appellee relies on the Federal Rules of Appellate Procedure, Rule 27, to file their motion. The Supreme Court will refer to Federal Rule 27 as guidance, not to adopt this rule, but to use it as an analogy, pursuant to HCN Rule of Appellate Procedure, Rule 1, Section A.

This Court finds that in order to maintain the status quo in Joelene Smith v. Ho-Chunk Nation and Tammy Lang, SU 98-03 & 04, the judgement of the Trial Court in Joelene Smith v. Ho-Chunk Nation and Tammy Lang, CV96-94 (HCN Tr. Ct., May 1, 1998), is **STAYED** pending this appeal.

This Court also addresses the Appellee's notion that the decision was made by one Justice. The Scheduling Order was signed "Per Curiam," which according to Black's Law Dictionary, New Pocket Edition, Per Curiam is defined as "By the Court". Although signed by one Justice, as indicated in the first line of the order, this matter came before the full court.

IT IS SO ORDERED this 31<sup>st</sup> day of July 1998.

Per Curiam:



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Rita A. Cleveland, Associate Justice  
Ho-Chunk Nation Supreme Court