

DEC 17 1998

*Wileen Red Cloud*  
Clerk of Court/Assistant

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

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Ho-Chunk Nation, Ho-Chunk Nation  
Election Board,  
Appellants.

vs.

Aurelia L. Fopinkah,  
Appellee.

**ORDER**

SU 98-08

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The Ho-Chunk Nation Supreme Court held a telephonic conference call on Thursday, December 17, 1998, to address the *Motions* before the court. This Order will address the 'Motion for Joinder' and 'Motion to Reconsider'. The Supreme Court is split as to the 'Motion to Reconsider' but not to the 'Motion for Joinder'.

The Appellee filed their 'Motion for Reconsider' on December 9, 1998 after the Supreme Court issued an 'Order' granting a stay of the Trial Court's November 20, 1998 Judgment. The Supreme Court heard oral arguments December 12, 1998. Upon reconsideration the 'Stay' should be maintained. Allowing the election process to continue as scheduled according to the Election Ordinance adopted September 1, 1998. Chief Justice Hunter and Justice Greengrass maintain their decision to 'Stay' the November 20, 1998 Judgment. Justice Cleveland dissents (see attachment).

Appellants filed a Motion for Joinder on December 17, 1998 upon the Supreme Courts' inquiry. The Court orally granted the Ho-Chunk Nation (herein HCN) to be joined as a party at the December 12, 1998 hearing. According to HCN Rules of Civil Procedure, Rule 24 states,

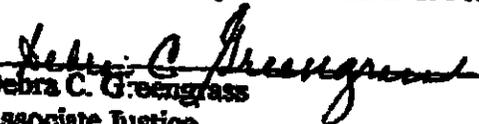
"A party with an interest in an action may intervene and be treated in all respects as a named party to the action." An intervenor, (Black's Law Dictionary, West Publishing Company, 1996, p.334) is . . . "(c)ne who voluntarily enters a pending lawsuit because of a direct interest in its subject matter". The HCN through the Department of Justice intervenes in this action to preserves the HCN interest in the action pertaining to Constitutional issues.

The Supreme Court hereby Orders:

1. Motion for Reconsideration is denied.
2. Motion for Intervening is granted.

IT IS SO ORDERED. PER CURIAM

Dated this 18th day of December 1998.

  
Debra C. Greengrass  
Associate Justice  
HCN Supreme Court