

JAN 20 1997

T. Peterson
Clerk of Court/ASSISTANT

IN THE
HO-CHUNK NATION SUPREME COURT

C & B INVESTMENTS
Appellant,
v.

DECISION

HO-CHUNK NATION HEALTH BOARD
f/k/a WISCONSIN WINNEBAGO HEALTH BOARD
and HO-CHUNK NATION f/k/a WINNEBAGO
BUSINESS COMMITTEE
Appellees.

SUPREME COURT CASE NO.: SU 96-13

This matter came before the full Court on January 19, 1997 based upon the Appellant's Notice of Appeal, brief, exhibits, and transcripts from the trial court. Based upon the record before us and without hearing oral argument, this Court hereby **DENIES** the appeal and **DISMISSES** the matter due to lack of adherence to the Ho-Chunk Nation (HCN) Rules of Appellate Procedure.

The Court finds without review of the merits of the appeal that the written Notice of Appeal was not filed with the Clerk of Court within ten (10) calendar days of the date of the final judgement or order as required in Rule 10(a) of the HCN Rules of Appellate Procedure. Rule 10 explicitly states that Appeal *must* be filed within the time frames. The date of the trial court's order was November 21, 1996 and the Notice of Appeal was filed on December 4, 1996. This represents a thirteen (13) day period. Even removing the two HCN holidays observed on November 28 and 29, 1996 in this time period, as identified in Rule 17 of the HCN Interim Rules of Civil Procedure, results in an eleven (11) day period.

Rule 9 (c) further states that " There shall be no extension of time limits contained in these rules unless the requesting party demonstrates unforeseen or emergency circumstances." The Appellant has not notified the Court of any delaying circumstances, and so no extension of time will be allowed.

This Court has the power to establish rules for the Judiciary and has exercised this power. Every party that uses this forum is bound by our rules. The Court wishes to maintain a consistent and fair method for processing cases; this is proven by adherence to the time frames that were set forth in our rules.

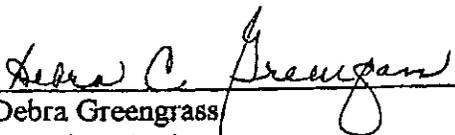
For the foregoing reasons, this Court hereby **DENIES** the appeal and **DISMISSES** the case. In light of the dismissal, we have not reviewed the merits of the case.

IT IS SO ORDERED. EGUJESHKEKJENET.

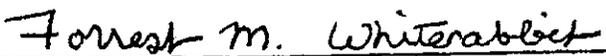
IT IS SO ORDERED. EGIJESHKEKJENET.

Dated this 19th day of January, 1997.

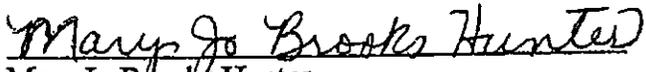
By the Court:



Debra Greengrass
Associate Justice



Forrest M. Whiterabbit
Associate Justice



Mary Jo Brooks Hunter
Chief Justice

JAN 23 1997

T. Pettibone
Clerk of the Ho-Chunk Nation Supreme Court

CERTIFICATE OF SERVICE

I, Tari Pettibone, Clerk of the Ho-Chunk Nation Supreme Court of the Ho-Chunk Nation, do hereby certify that on the date set forth below I served a true and correct copy of the attached paper filed in Case No. SU96-13, by the United States Postal Service, upon all persons listed below:

Colleen Baird
Department of Justice
P.O. Box 667
Black River Falls, WI 54615

Daniel Berkos
104 West State Street
Mauston, WI 53948-1354

Honorable Mary Jo Brooks Hunter
Ho-Chunk Nation Supreme Court
4 Linder Court
St. Paul, MN 55106

Honorable Debra Greengrass
Ho-Chunk Nation Supreme Court
6200 West Locust Street
Milwaukee, WI 53210

Honorable Forrest Whiterabbit
Ho-Chunk Nation Supreme Court
402 S. Humboldt Street
Denver, CO 80209

Date: 1/20/97

T. Pettibone
Tari Pettibone, Clerk
Ho-Chunk Nation Supreme Court