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

PAUL E. SMITH

Petitioner,

vs.

JOHN DOE, a.k.a JOHN RAMIREZ

Case No.: **CV 99-60**

Respondent.

EX PARTE EMERGENCY TEMPORARY RESTRAINING ORDER

Petitioner, Paul E. Smith by and through the Ho-Chunk Nation Department of Justice and Tribal Attorney, John S. Swimmer, moved the Court pursuant to the Ho-Chunk Nation Rules of Civil Procedure 60(B) (hereinafter *HCN R. Civ. P.*) for an order seeking:

1. A temporary restraining order restraining the respondent within 100 feet of Paul E. Smith’s home located at W6130 Hwy 54 Wisconsin Rapids, WI 54944;
2. That respondent avoid contacting Paul E. Smith and causing other persons to have contact with Paul E. Smith in any way;
3. That respondent stop threatening and endangering the home, health and life of Plaintiff and other occupants at the Plaintiff’s home;
4. That the Court issue an order directing respondent to appear before the Court at a time to be fixed by the Court and to show cause, if there be any, why a temporary injunctions should not be issued.

In support of this motion, the petitioner provided the Court with an affidavit sworn on August 2, 1999. The petitioner attests that the respondent engaged in possible illegal drug dealing inside petitioner’s home, thus subjecting the petitioner’s personal property to potential confiscation. The petitioner also attests that respondent accrued unpaid telephone bills in excess of \$800.00 resulting in the loss of petitioner’s medically necessary telephone service.

The petitioner’s affidavit shows that if the Court does not order a cessation of the respondent’s

1 alleged illegal behavior, the petitioner will suffer irreparable harm. This constitutes sufficient grounds
2 for the Court to issue an *Ex Parte Emergency Temporary Restraining Order* as specified in *HCNR. Civ.*
3 *P.* 60(B) and (C)

4

5 **THE COURT HEREBY ORDERS THAT¹**

- 6 1. The respondent not come within 100 feet of Paul E. Smith's home located at W6130 Hwy.
7 54, Wisconsin Rapids, WI 54494;
- 8 2. The respondent avoid contacting Paul E. Smith or causing other persons to have contact with
9 Paul E. Smith;

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12 Hon Todd R. Matha
13 Associate Trial Judge

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28 ¹ The Court notes that the CONSTITUTION OF THE HO-CHUNK NATION, Art. I, §2 and federal jurisprudence limits the
effect of this *Order* outside the lands of the Ho-Chunk Nation.