

The following civil case summaries include decisions in which the Court discussed substantive legal issues, and excludes purely procedural and repetitive orders that retain little persuasive authority. The case summaries also exclude a majority of child support, Child/Incompetent Trust Fund releases, and civil garnishment decisions, but these orders appear within other compilations. Furthermore, the public may access all non-confidential orders through direct access to the case file.

The syllabus constitutes no part of the opinion, judgment or order of the Court, but has been prepared by the Staff Attorney of the Judiciary for the purpose of facilitating research on various topics. Individuals should not rely upon the below summaries, but rather utilize the summaries as a starting point to further research. Judicial staff will assist in retrieval of the full opinions upon request.

HO-CHUNK NATION TRIAL COURT  
1995 OPINIONS

Case No.	Case	Decided
CV-95-003 CV-95-004 CV-95-005 CV-95-006 CV-95-009 CV-95-010	<i>Joyce Warner v. Ho-Chunk Election Board</i> ORDER (SCHEDULING CONFERENCE) Election challenge on denial of absentee ballot; President elect participated as a defendant-intervenor for issues affecting the Presidential election only. Defendant's <i>Motion to Recuse</i> Judge was denied due to lack of personal or direct financial interest. The Judge has no immediate family involved and will not benefit from per capita distribution campaign. Cases were consolidated due to similarity of issues and judicial economy.	June 26, 1995
CV 95-03, - CV 95-10	<i>Joyce Warner and others v. Ho-Chunk Election Board</i> ORDER (Allow Appearances by Counsel)	
CV-95-003 CV-95-004 CV-95-005 CV-95-006 CV-95-009 CV-95-010	<i>Joyce Warner v. Ho-Chunk Election Board</i> ORDER (Granting Stay) Election dispute <ul style="list-style-type: none"> <li>• Trial court has jurisdiction;</li> <li>• Petitioner must prove Election Board violated the Election Ordinance or conducted an unfair election, and the outcome of the election could have been different but for the violation;</li> <li>• Preliminary injunction requires: 1) no adequate remedy at law, 2) threatened injury outweighs the threatened harm of the injunction, 3) petitioner has reasonable likelihood of success on the merits, and 4) serves the public interest;</li> <li>• Election challenge must be filed within ten days of certification of the election results;</li> <li>• To issue a <i>Stay</i> of the swearing-in ceremony, the challengers of such election must show: 1. there is no adequate remedy at law; 2. the threatened injury to the challenger outweighs the threatened harm of the injunction; 3. the challengers have a reasonable likelihood of success on the merits; 4. that the granting of the stay serves the public interest.</li> </ul> <p>Plaintiffs alleged irregular voting procedures and requested a stay. Plaintiffs' challenged the Election Board's interpretation of the HCN CONSTITUTION requiring the President, Legislators, and Supreme Court Justices be elected by majority vote of the eligible voters. The challengers assert that some voters were denied the right to vote. Plaintiffs lacked an adequate remedy at law because money cannot compensate the denial of a fundamental right. The stay merely preserves the status quo, the harm of the stay would not outweigh the harm to the challengers. Plaintiffs have a reasonable chance of success on the merits because of a possible incorrect interpretation of the majority vote requirement. A <i>Stay</i> ensures the candidates are sworn in legitimately.</p>	July 3, 1995
CV-95-003	<i>Joyce Warner v. Ho-Chunk Election Board</i> JUDGEMENT <ul style="list-style-type: none"> <li>• Voting is a fundamental right;</li> </ul>	July 5, 1995

	<ul style="list-style-type: none"> <li>• A restriction on the right to vote and exercise of the elective franchise will be examined under the strict scrutiny;</li> <li>• The Election Ordinance’s ten day cut-off prior to the election for requesting absentee ballots is unconstitutional;</li> <li>• The Government must use the least restrictive means of achieving a legitimate governmental end;</li> <li>• A plaintiff challenging an election must show by clear and convincing evidence that the Election Board violated the Election Ordinance, or otherwise conducted an unfair election, and that the outcome of the election would have been different.</li> </ul> <p>Plaintiff claimed her right to vote had been denied. The Court held that her right had been denied due to the unconstitutional cut-off time. Plaintiff failed to meet the burden of proof that the Election board violated the Election Ordinance or conducted an unfair election. Plaintiff was unable to show that her vote would have changed the outcome of the election. Plaintiff’s appeal was denied.</p>	
CV-95-05	<p><i>Jones v. Ho-Chunk Nation Election Board. &amp; Lowe</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Election by majority vote;</li> <li>• Run-off Election Ordered;</li> <li>• Candidates for public office are not entitled to confidential information (e.g., mailing list) about members of the Ho-Chunk Nation as a matter of law;</li> <li>• Clear and convincing evidence of wrongdoing on the part of a candidate must be present for the Court to exclude such candidate from a run-off election;</li> <li>• The HCN CONSTITUTION requires the President to be elected by 50% or greater of the votes cast in an election.</li> </ul> <p>Plaintiff filed this election challenge alleging that the lack of a 50% or greater vote for Chloris Lowe violated the HCN CONSTITUTION and that Lowe improperly used a mailing list in his campaign. The use of the mailing list was not improper. Mr. Lowe had obtained the list 12-14 years prior to the election, had subsequently updated it himself, the Nation had not assisted him in obtaining the list, and the Election Board’s policy of not releasing such lists had been applied equally to all candidates. Clear and convincing evidence did not exist that the outcome of the election would have changed. Under the HCN CONSTITUTION, the President must be elected by a 50% or greater of the votes cast.</p>	July 6, 1995
CV-95-04	<p><i>Robert Funmaker, Jr. v. Ho-Chunk Nation Election Board</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Right to vote was denied;</li> <li>• HCN CONSTITUTION, ART. V, § 6, requires a majority vote;</li> <li>• Under the HCN CONSTITUTION, Legislators must be elected by a 50% or greater amount of the votes casts in their districts;</li> <li>• The denial of the right to vote, although a violation of the Constitution, does not affect the validity of an election absent a showing by clear and convincing evidence that the denied votes would have changed the outcome of the election.</li> </ul> <p>Plaintiff challenged the election on the grounds that two voters had been denied the right to vote. Absent clear and convincing evidence that these votes would have changed the outcome, the election was valid. The Court ordered a run-off election between the plaintiff and the top vote getter due to the Constitutional requirement that Legislators be elected by a 50% or greater amount of the votes cast in their area.</p>	July 6, 1995
CV-95-006	<p><i>Janet Muir v. Ho-Chunk Nation Election Bd.</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Violation of majority vote requirement;</li> <li>• The right to have one’s vote counted is fundamental and will not be taken away for technicalities.</li> </ul> <p>Plaintiff challenged the election. Plaintiff’s claim regarding “majority of eligible voters”</p>	July 7, 1995

	means 50% or greater amount of the votes cast. Matter was remanded to the Election Board for investigation on bias claim.	
CV-95-10	<p><i>Gail Funmaker v. Ho-Chunk Nation Election Bd.</i></p> <p>JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Interpretation of “majority vote”;</li> <li>• Court has no authority to disqualify a candidate from an election;</li> <li>• A fine is the only remedy the Court may grant for improper conduct in the use of official position to influence eligible voters;</li> <li>• The Election Board is a political sub-entity of the Ho-Chunk Nation, and is immune from suit unless waived by the Legislature.</li> </ul> <p>Plaintiff sued the HCN Election Board claiming that its interpretation of the HCN CONSTITUTION requiring that Legislators be elected by majority vote of members in their area, and alleging misuse of the Area V Office and mailing list. “Majority” means 50% or more of the votes cast. The Election Board was not responsible for the potential misuse of the Area V Office and mailing list. The Court may not disqualify a candidate for office. Case remanded back to the Election Board to determine whether disqualification was warranted because potential misuse. Monetary relief was denied, Court may impose fine.</p>	July 7, 1995
CV-95-09	<p><i>Dennis Funmaker and Wally Funmaker v. Ho-Chunk Nation Election Bd.</i></p> <p>JUDGEMENT</p> <ul style="list-style-type: none"> <li>• A “majority vote” is required under HCN CONSTITUTION, ART. VII, § 10;</li> <li>• Challengers must prove a violation by “clear and convincing evidence.”;</li> </ul> <p>Furthermore, the alleged violation should be more than a mere technicality.</p> <p>Plaintiffs challenge the election for an Associate Justice position. For this election only the Constitution provides that the two candidates who receive the most votes will be assigned 4 and 2 year terms. After this election a majority of votes (more than 50% of the votes cast), will be used to determine the winner of the election. Plaintiff was unable to prove violations by the Election Board, rather he only presented mere technical concerns which are not basis for the court to overturn a decision.</p>	July 7, 1995
CV 95-10	<p><i>Gail Funmaker v. Ho-Chunk Election Board</i></p> <ul style="list-style-type: none"> <li>• The court will respectfully wait to make a decision until the Ho-Chunk Election Board revises the <i>Status Report</i>.</li> </ul> <p>In the case decided on July 7, 1995 the court asked the Election Board to conduct an investigation before the court decided whether it shall levy a fine for election tampering against Diane Lonetree in pursuant to 12 HCO § 12.01 (b). The Court feels that the <i>Status Report</i> was not sufficient in answering the question above. Therefore, the court asked the Election Board to clearly give a recommendation as to what action the court should take. ORDER (Supplementary Status Report)</p>	July 20, 1995
CV 95-12	<p><i>Catherine Shegonee v. Ho-Chunk Gaming Commission</i></p> <ul style="list-style-type: none"> <li>• An appeal from the Ho-Chunk Gaming commission must first go to the Legislative Secretary.</li> </ul> <p>Pursuant to the Amended and Restated Gaming Ordinance of the Wisconsin Winnebago Nation as amended 6-8-94, Sec.802A. , Plaintiff appealed to the Legislative Secretary on a decision made by the Ho-Chunk Gaming Commission. However, the Legislature apparently granted the Plaintiff the relief she requested (<i>see</i>, 5-31-95H). Therefore, since the Trial Court was apparently no longer needed the case was dismissed.</p> <p>DISMISSAL</p>	Aug. 16, 1995
CV 95-14	<p><i>Lisa Herman v. Ho-Chunk Gaming Commission</i></p> <p>Dismissal</p> <p>This case began as an appeal by the appellant from a decision of the Ho-Chunk Gaming Commission temporarily suspending her. However, Ms. Herman was granted relief by the predecessor to the Trial Court in Gaming appeals under 802A of the Gaming</p>	Aug. 16, 1995

	Ordinance, i.e., Ho-Chunk Legislature. That resolution denominated 5-3-95C appears to have granted Ms. Herman the relief she requested in her appeal. Therefore the Court needs not to be involved in this matter any further.	
CV-95-016	<p><i>Tracy Thundercloud v. Ho-Chunk Nation Election Board</i> ORDER (Granting Preliminary Injunction)</p> <ul style="list-style-type: none"> <li>• HCN CONSTITUTION, ARTICLE VIII, § 8 allows any voter to file an election dispute within ten days after the results of an election have been certified;</li> <li>• A preliminary injunction may be granted if: (1) no adequate remedy at law (money will not cure harm), (2) the threatened injury outweighs the threatened harm of the injunction, (3) the Challenger has a reasonable likelihood of success on the merits, and (4) granting of the injunction serve the public interest;</li> <li>• A preliminary injunction is an extraordinary remedy not to be issued lightly.</li> </ul> <p>Plaintiff sued the HCN Election Board to prevent the swearing in of election winners as required by the HCN CONSTITUTION. The preliminary injunction was granted on plaintiff's lack of an adequate remedy at law, the harm of the potential invalidation of Presidential and Legislative action by a Constitutional challenge outweighed the harm of delaying the swearing in, plaintiff had a reasonable likelihood of success given the clear Constitutional language in question, and the public interest is served by preserving the Constitutional method and allowing time for meritorious challenges to be filed and decided before the election winners takes office.</p>	August 28, 1995
PRC95-006	<p><i>Clifford Riddle v. Ho-Chunk Nation: Rainbow Casino</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Plaintiff must demonstrate good cause to avoid dismissal of case for failure to appear and prosecute;</li> </ul> <p>Plaintiff failed to appear. Plaintiff did not ask for time-off because it would inconvenience his new employer. Inconvenience does not meet the good cause requirement.</p>	September 11, 1995
CV 95-07	<p><i>Harry Cholka v. Ho-Chunk Gaming Commission</i> Order (Petition of Review)</p> <p>The Court submits the entire pleading and record to the appellee to ensure the presence of due process i.e., Notice and a meaningful opportunity to be heard.</p>	Oct. 3, 1995
CV 95-13	<p><i>Ed Cournoyer v. Ho-Chunk Gaming Commission</i> Order (Petition of Review)</p> <p>The Court ordered that this case was going to be decided upon solely on the official record since the appellant failed to send in a statement in support of the Petition.</p>	Oct. 4, 1995
CV 95-22	<p><i>Ray Brenny v. Ho-Chunk Gaming Commission</i> Administrative Order</p> <p>The Court ordered that the appellant provide a copy of the cost that was imposed by the Gaming Commission was paid.</p>	Oct. 25, 1995
CV 95-15	<p><i>Stephan J. Bremner v. Ho-Chunk Gaming Commission</i></p> <p>Pursuant to the Amended and Restated Gaming Ordinance of the Wisconsin Winnebago Nation as amended 6-8-94, Sec.802A. , Plaintiff ("Mr. Bremner") appealed to the Legislative Secretary on a decision made by the Ho-Chunk Gaming Commission. Mr. Bremner failed to show to the Legislative Gaming Committee hearing. The Trial Court gave notice to Mr. Bremner that he had 45 days from September 19,1995 to file a statement with the Court stating why his case should be heard and not dismissed for failing to appear to the Legislative Committee. Mr Bremner did not file a statement. Therefore, the Court dismissed his case with prejudice.</p> <p>JUDGMENT</p>	Nov. 7, 1995
CV-95-013	<p><i>Cournoyer v. Ho-Chunk Gaming Commission</i> OPINION (<i>Remanded aff'd in part rev'd in part</i>)</p> <ul style="list-style-type: none"> <li>• The Court defers to the administrative expertise of the Gaming Commission in reviewing its decision to levy a fine for non-disclosure of arrests;</li> </ul>	December 7, 1995

	<ul style="list-style-type: none"> <li>• Gaming Commission may levy a fine against non-key employees for non-disclosure of arrests;</li> <li>• Deference to administrative agency decisions requires the agency to explain its decision in a rational and coherent manner that is supported by evidence and linked to a specific power given to it by the Legislature.</li> </ul> <p>Plaintiff appealed Gaming Commission decision levying a fine against him and banning future advancement. Plaintiff did not contest the fine, and the Court upheld the authority of the Gaming Commission to levy such fines when an employee fails to disclose a prior arrest record. Issue of plaintiff's advancement remanded due to inadequacy of the record and contradictory findings of the Gaming Commission.</p>	
CV 95-07	<p><i>Harry Cholka v. Ho-Chunk Gaming Commission</i> Order (Supplemental Record)</p> <p>The Court ordered that the Commission supplement the record to include the missing material or file an affidavit stating what notice there was to Mr. Cholka in the record.</p>	Dec. 13, 1995

HO-CHUNK NATION TRIAL COURT  
1996 OPINIONS

Case No.	Case	Decided
PRC93-040	<p><i>Lona Decorah v. Ho-Chunk Nation</i> ORDER (Dismissing Case)</p> <ul style="list-style-type: none"> <li>• <i>Motion to Reopen</i> precluded by <i>res judicata</i>;</li> <li>• The decision of the Wisconsin Winnebago Personnel Review Commission (WWPRC) was final and binding;</li> <li>• The WWPRC dismissed case for want of jurisdiction in 1994;</li> <li>• Plaintiff received compensation for wrongful termination. The compensation, per the terms of the agreement, served as a "full and fair settlement" of all claims for damages during the shutdown.</li> </ul> <p>Plaintiff attempted to revive a case dismissed by the WWPRC. Plaintiff had been unlawfully laid off and received \$2000 compensation, impingement of personnel record, and refunded \$35 filing fee. Plaintiff requested restoration of sick and annual leave she would have earned, credit for length of service, additional compensation, and punitive damages. The Work's decision was final and binding, and plaintiff had received the maximum remedy available to her.</p>	Jan. 2, 1996
CV 95-25	<p><i>Mark Stressed v. Ho-Chunk Nation Election Board &amp; HCN Legislature</i> JUDGEMENT</p> <p>Plaintiff challenged redistricting plans put forward by the Ho-Chunk Legislature. Ho-Chunk members voted against the redistricting plans making this case moot.</p>	Jan. 4, 1996
CV 95-28	<p><i>Ho-Chunk Nation Legislature v. Chloris A. Lowe Jr. President of the Ho-Chunk Nation</i> ORDER (Regarding Recusal)</p> <ul style="list-style-type: none"> <li>• There must be a demonstrable direct financial interest, not a theoretical financial interest in order to reclude a Judge from a case.</li> <li>• Direct personal relation alone is not cause for Recusal., and does not meet the test of a direct personal interest within the meaning of the HO-CHUNK NATION CONSTITUTION, ART. VII., SECTION 13.</li> </ul> <p>There are six charges, which the defendant is disputing. One of the charges alleges that Defendant refused to demote or dismiss his sister from employment. The Judge presiding over the case was a close personal friend of Defendant's sister. This alone does not require Recusal from the case. However, there is some concern that the Judge is expecting back pay as agreed to by JoAnn Jones, Chloris Lowe Jr.'s predecessor.. This raises 2 questions: 1) If there is a financial interest that could theoretically pose a conflict, is that cause for recusal? 2) If there is a direct financial interest must the Judge recuse himself from the whole case?</p>	Jan. 17, 1996

	<p>To question 1: No, there is no cause for recusal when the financial interest is theoretical, the interest must be direct. To question 2: No, the Judge may recuse himself from only a portion of a case. In the current case the Defendant’s attorney implied that the Judge recuses himself from the whole case. The Judge decided that he would recuse himself only from count II; however, he will hear counts III, IV, V, VI, and I. Count II is assigned to Judge pro tem Kittecon.</p>	
CV-95-07	<p><i>Harry Cholka v. Ho-Chunk Gaming Commission</i>  <b>JUDGEMENT</b></p> <ul style="list-style-type: none"> <li>• Deference is accorded the expertise of an agency charged with administering a statute provided that its interpretation is reasonable;</li> <li>• A “Primary Management Official” may not gamble at any of the Nation’s Gaming Operations;</li> <li>• Fundamental fairness requires that an employee be informed of the reason for a summary suspension at the time he is being suspended, or as soon as practical if there is clear and present danger to the facility which requires immediate action. Notice must be given at all times prior to a “show cause” hearing.</li> <li>• Notice must inform an individual of the charges against him to afford the accused the opportunity to defend.</li> </ul> <p>Appellant was a slot manager at Ho-Chunk Casino suspended for gambling at Rainbow Casino during work hours. Appellant is a Primary Management Official, which bars him from gaming at the Nation’s casinos pursuant to the Gaming Commission’s interpretation of the GAMING ORDINANCE. The interpretation was reasonable. Appellant was not unequally treated. Notice of the accusations was defective. Appellant posed no clear and present danger to the casino, and the notice was deficient. The 10-day suspension was reversed. The \$100 fine was upheld, and the Gaming Commission was ordered to distribute copies of the GAMING ORDINANCE to all employees.</p>	Feb. 5, 1996
CV-95-08	<p><i>Ralph Babcock v. Ho-Chunk Gaming Commission</i>  <b>JUDGEMENT</b></p> <ul style="list-style-type: none"> <li>• A primary management official sets policy or has the power to hire or fire employees;</li> <li>• The party alleging a violation of the GAMING ORDINANCE carries the initial burden to establish a <i>prima facie</i> case of violation;</li> <li>• Once a <i>prima facie</i> case of violation has been established, the burden to rebut the charge is shifted to the person or entity;</li> <li>• The scope of this decision is limited to the “show cause” context.</li> <li>• Where notice of suspension is defective, the suspension violates due process right to notice.</li> </ul> <p>A Ho-Chunk Casino Employee appealed a Gaming Commission decision suspending him and ordering him to pay a \$100 fine for gambling during work hours at Rainbow Casino. The employee, a lead slot technician, was not a Primary Management Official. There was no evidence to suggest that he had the power to set policy, or hire or fire employees. The employee was not barred from gaming at a facility other than where he is employed. The notice failed to specifically allege the violation plaintiff committed, undermining plaintiff’s ability to defend. The Gaming Commission decision was reversed. The Department of Justice failed to meet its <i>prima facie</i> burden showing a violation to the Gaming Commission.</p> <p><i>Also See Babcock v. Ho-Chunk Gaming Commission, CV-95-08, Motion to Reconsider (March 14, 1996).</i></p>	Feb. 5, 1996
CV-95-23	<p><i>Loa Porter v. Chloris Lowe, Jr.</i>  <b>ORDER (Denying Motion to Dismiss and Reassigning Case)</b></p> <ul style="list-style-type: none"> <li>• Plaintiff must show direct individual and particular injury or harm;</li> </ul>	March 1, 1996

	<ul style="list-style-type: none"> <li>• On a <i>Motion to Dismiss</i> the facts are to be construed in the light most favorable to the non-moving party;</li> <li>• Standing to sue requires that the plaintiff show: (1) a personal, actual or threatened injury caused by the defendant, (2) the injury is fairly traceable to the defendant's actions, and (3) the injury is likely to be redressed by a favorable decision.</li> </ul> <p>Plaintiff sued the President, alleging an Executive Order is unlawful under the <i>Social Services Act</i>. The Court denied the <i>Motion to Dismiss</i> Since all factual allegations must be taken as true and construed in the light most favorable to the non-moving party at the pleading stage, as all factual allegations must be taken as true and construed in the light most favorable to the non-moving party at the pleading stage. Plaintiff alleged that the Executive Order reorganizing the Social Services department caused emotional turmoil and chaos, impaired her ability to work and caused anxiety, these allegations were sufficient to confer standing.</p>	
PRC-95-09	<p><i>Edward Creapeau v. Ho-Chunk Nation/Rainbow Casino</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• The <i>Personnel Procedures Manual</i> requires written notice of suspension to the employee within three working days of the disciplinary action, not the incident the suspension arose out of;</li> <li>• Sovereign immunity is waived, if not raised as a defense.</li> </ul> <p>Plaintiff sued Rainbow Casino alleging his suspension was in violation of the PERSONNEL PROCEDURES. The three-day notice requirement referred to the day the action was taken, rather than the day of the incident. Plaintiff had received proper notice. There was no violation of the law. Management employees are required by the PERSONNEL PROCEDURES to exercise "due diligence" when giving notice of disciplinary actions.</p>	March 13, 1996
CV-95-08	<p><i>Ralph Babcock v. Ho-Chunk Gaming Commission</i> ORDER (Granting Motion for Reconsideration)</p> <ul style="list-style-type: none"> <li>• The Court may grant a <i>Motion to Reconsider</i> if it is timely filed within 10 days of the issuance of the <i>Order</i> to be reconsidered and that the Court has (1) overlooked, misapplied or failed to consider a directly controlling statute, decision, or principle, (2) overlooked or misconceived some material fact or proposition of law, (3) overlooked or misconceived a material question in the case, or (4) the law applied in the ruling has been subsequently changed by court decision or statute.</li> </ul> <p>The Court misapplied the applicable law. The AMENDED AND RESTATED GAMING ORDINANCE, WHICH ALLOWS EMPLOYEES TO GAMBLE AT CLASS III GAMING FACILITIES, was not the law at the time of the violation. The AMENDED AND RESTATED GAMING ORDINANCE prior to June 14, 1995 did not permit the appellant to gamble at Class III facilities. The portion of the ruling returning the \$100 fine imposed on appellant is vacated. <i>See also Babcock v. Ho-Chunk Gaming Commission, CV-95-08, Judgment, (February 5, 1996).</i></p>	March 14, 1996

CV-95-018	<p><i>Pierre Decorah v. Rainbow Casino</i> JUDGEMENT (Granting Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>• When a person has been given the power to make discretionary decisions, the Court is without authority to determine if such decisions are in violation of the law;</li> <li>• HCN CONSTITUTION, gives the Trial Court subject matter jurisdiction over matters arising under PERSONNEL PROCEDURES;</li> <li>• Subject matter jurisdiction over personnel grievances lies with the Trial Court;</li> <li>• The Trial Court has subject matter jurisdiction to determine if the doctrine of sovereign immunity applies to a particular case;</li> <li>• Sovereign immunity extends to tribal enterprises unless clearly and unequivocally waived by the U.S. Congress or the HCN Legislature, unless the suit is permitted by the HCN CONSTITUTION;</li> <li>• The Tribal Court did not inherit the Personnel Review Commission’s power to adjudicate employment disputes against the Nation due to the lack of a clear and unequivocal waiver of sovereign immunity for such actions;</li> <li>• HCN officials are not protected by sovereign immunity when acting outside the scope of their authority;</li> <li>• Plaintiff must prove that the supervisor abused power or acted outside the scope of his authority;</li> <li>• The court will not grant monetary damages unless a statute requires or the Legislative policy behind it would be frustrated without such an award.</li> </ul> <p>The plaintiff was terminated for an alleged forgery of leave slips. Plaintiff subsequently appealed to his supervisor, and was denied relief. The Trial Court had subject matter jurisdiction to hear the case, conferred by the HCN CONSTITUTION, but the doctrine of sovereign immunity prevented the suit from going forward. Rainbow Casino, a tribal enterprise, is immune from suit absent a clear and unequivocal waiver. The discretionary nature of the decision to terminate the plaintiff prevents a showing that the official responsible for the decision acted outside the scope of his authority. The plaintiff alleged no violation of the Personnel Manual or the HCN CONSTITUTION, plaintiff failed to state a claim on which relief could be granted. No statute provided for monetary damages, and there was no Legislative policy to warrant the award of monetary damages.</p> <p>ERRATUM</p>	March 15, 1996
CV-95-019	<p><i>Lewis Frogg v. Ho-Chunk Casino/Ho-Chunk Nation</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• All cases and controversies arising under Ho-Chunk law are within the subject matter jurisdiction of the Trial Court;</li> <li>• A supervisor who fails to comply with the <i>Personnel Procedures</i> is not protected by sovereign immunity;</li> <li>• Failure to object to an untimely filing of an employee grievance constitutes a waiver of such objection.</li> </ul> <p>Employee/plaintiff sued Ho Chunk Casino, alleging that the HCN <i>Personnel Policies and Procedures</i> were violated, misinterpreted and applied inequitably in reference to his termination. The Trial Court has subject matter jurisdiction, and sovereign immunity was not a bar if the supervisor of an employee had acted outside the law. Plaintiff failed to prove a violation of <i>Personnel Procedures</i> and that portion of the case was dismissed. The Court found for plaintiff on the issue of his overdue performance review and remanded to Dept. of Business to reconsider based on untimely performance evaluation.</p>	March 15, 1996
CV 95-17	<p><i>Gail White v. Department of Personnel</i> ORDER</p>	March 18, 1996

	<ul style="list-style-type: none"> <li>• WWPRC <i>Ordinance</i> and <i>Personal Policy and Procedures Manual</i> does not waive the sovereign immunity of the Ho-Chunk Nation.</li> <li>• If a Plaintiff is able to show that there is a violation of the <i>Personal Policy and Procedures Manual</i> sufficient to show that the official or employee acted outside the scope of their authority then sovereign immunity is not a bar for declaratory or injunctive relief.</li> </ul> <p>The Trial Court allowed both parties to amend their complaint using the two rules of law above.</p>	
CV 95-29	<p><i>Kathleen Mallo v. Ho-Chunk Gaming Commission</i> Order</p> <p>The Court requested that the parties brief the following issue: whether the Gaming Commission violates the Equal Protection Clause and infringes upon an individual's right to petition for redress of grievances if it charges an appellant with fines and costs of the proceedings, but declines to do so for non-appellants of Gaming Commission decisions.</p>	Mar. 27, 1996
CV 95-28	<p><i>HCN Legislature v. Chloris A. Lowe, Jr.,</i> Order (Motion to Deny Injunction)</p> <p>The Court found that the harm complained of by the President is irreparable in nature as the actions complained of could upset the balance of power as mandated in the Ho-Chunk Constitution and directly affect the Executive Branch of Government. The Court finds that it is within its constitutional parameters to review the actions as complained of in this matter. Therefore, the Plaintiff's motion to deny injunction based on political question doctrine is denied.</p>	Apr. 3, 1996
PRC 93-026	<p><i>Nettie Kingsley v. Ho-Chunk Nation, Personnel Dept.</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Plaintiff bears the burden of proof;</li> <li>• Individual must attempt to mitigate their damages</li> <li>• Comparable position requires similar duties, responsibility and pay</li> <li>• Principle of damages is to restore the injury party, as near as possible, to the position he or she would have been in had they not been harmed;</li> <li>• The right to damages is limited to the time a "prudent person" would have replaced what had been lost;</li> <li>• Court's jurisdictional limit for monetary compensation under the Wisconsin Winnebago Personnel Review Commission (WWPRC) is capped at \$2,000;</li> <li>• WWPRC Ordinance forecloses issue of additional monetary relief.</li> </ul> <p>Plaintiff was found to have been wrongfully terminated from her employment in accordance to the WWPRC. Plaintiff seeks enforcement of an <i>Order</i>, relating to plaintiff being placed in a "comparable position." Plaintiff contends she was not placed in a comparable position nor received a salary equal to what she "would have gotten" had she not been terminated. The Court held that no position of similar responsibility or duties in gaming was legally available to plaintiff that plaintiff failed to mitigate harm, and plaintiff was not entitled to a salary increase. Trial Court is limited by jurisdictional cap on the award of monetary compensation under the WWPRC ORDINANCE.</p>	April 10, 1996
PRC 95-011	<p><i>Susan Rowlee v. Majestic Pines Casino</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• On a <i>Motion to Dismiss</i>, the Court must consider all well pled factual allegations as true and must draw reasonable inferences in favor of the plaintiff;</li> <li>• Plaintiff bears the burden of proof;</li> <li>• An affirmative defense is waived if not properly pled;</li> <li>• Personnel Policies and Procedures obligates an disabled employee to provide a medical release;</li> </ul> <p>Plaintiff raised a discrimination claim of unfair treatment and failure to make adequate</p>	April 10, 1996

	accommodations of a disability in employment. The defendant did not act unreasonably in laying-off plaintiff. Requiring an employee to provide a medical release prior to returning to work allows the Nation to make the reasonable accommodation of a disability.	
CV 95-11	<p><i>Orrin Cloud v. Ho-Chunk Casino</i> ORDER</p> <p>Attorneys for both Plaintiff and Defendant had reached a settlement prior to the end of trial. Pursuant to WWPRCO all settlements had to be reduced to writing and submitted. The Trial Court has not received a submission of the settlement agreement and has ordered the agreement to be submitted to the Court in 10 days or the Attorneys will incur a fine of \$10 per day until submitted.</p>	April 30, 1996
CV-96-22	<p><i>Coalition for Fair Government II v. Chloris A. Lowe, Jr., as Chairman of the April 27, 1996 General Council, and Kathyleen Lone Tree Whiterabbit, as Secretary of the April 27, 1996 General Council</i> ORDER (Re: Preliminary Injunction)</p> <ul style="list-style-type: none"> <li>• A preliminary injunction requires: “ 1) no adequate remedy at law; 2) threat of injury outweighs the harm of the preliminary injunction; 3) petitioner has a reasonable likelihood of success on the merits; and 4) the injunction serves the public interest;”</li> <li>• The Court has the responsibility of interpreting the law;</li> <li>• General Council must act within the HCN CONSTITUTION;</li> <li>• General Council may not exercise judicial power;</li> <li>• General Council may review actions of the Judiciary that do not involve Constitutional interpretation;</li> <li>• Courts should avoid reaching Constitutional issues, if not required to resolve the dispute or rose in the complaint.</li> </ul> <p>Plaintiffs alleged that the actions of the General Council of April 27, 1996, violated the Constitution. The suit seeks to prevent the removal of legislators purportedly removed under HCN CONSTITUTION, ART. IX, § 1, and declare acts by that General Council void. The plaintiffs seek a preliminary injunction to enjoin a special election. A preliminary injunction was granted. Plaintiffs had a reasonable likelihood of success on the issue of defective notice to the removed legislators. The public interest would be served by preventing the possibility of six people claiming three offices in the Legislature. This case did not present a non justiciable political question. The Judiciary is to interpret the Constitution. The Court is capable of determining the factual questions presented in this case. There is no disrespect shown to another branch of the government when the Court exercises its power within its Constitutional limits.</p> <p>ERRATUM</p>	<p>May 21, 1996</p> <p>May 31, 1996</p>
CV-96-19	<p><i>Donaldson A. June v. Kate Doornbos, Ho-Chunk Nation Administration Dept.</i> DEFAULT JUDGEMENT</p> <ul style="list-style-type: none"> <li>• <i>Answer</i> must be filed with the Court within 20 calendar days from date of receipt of service. <i>HCN Int. R. Civ. P.</i>, Rule 6.</li> <li>• Failure to file an <i>Answer</i> may result in entry of <i>Default Judgment</i>.</li> </ul> <p>Plaintiff grieved the “indefinite lay-off” status and subsequent separation from employment. The <i>Complaint</i> and <i>Summons</i> were served on the defendant on April 10, 1996. An <i>Answer</i> was not filed by the twentieth day from receipt of service.</p>	May 22, 1996
TC 96-08	<p><i>Dallas Rudy White v. Ho-Chunk Nation Enrollment Office,</i> JUDGEMENT of the Traditional Court</p> <ul style="list-style-type: none"> <li>• Decisions of the Traditional Court are final and binding. <i>HCN Int. R.Civ.P.</i>, Rule 70.</li> </ul> <p>An adjudication of paternity by the Traditional Court determined that petitioner is 4/4ths</p>	May 29, 1996

	Winnebago blood, born of the Winnebago fireplace. The <i>Oral Order</i> of the Traditional Court was reduced to writing and is confirmed by a written <i>Order</i> issued by the Trial Court.	
CV-96-21	<p><i>Roger Littlegeorge v. Chloris A. Lowe, Jr., and Kathyleen Lone Tree - Whiterabbit, as Chairman and Secretary of the April 27, 1996 General Council</i> ORDER</p> <ul style="list-style-type: none"> <li>• General Council cannot remove employee or terminate employment of tribal employee;</li> <li>• Removal of employee from employment is beyond the constitutional authority of the General Council.</li> </ul> <p>An employment grievance submitted directly to the trial court without proceeding through the administrative grievance process. Plaintiff challenged his removal from employment by the General Council. Parties stipulated that action of removal by the General Council was beyond General Council's constitutional authority in the HCN CONSTITUTION, ART. IV, § 4. Plaintiff was reinstated as Election Board Chairman, awarded wages and reimbursement of costs.</p>	June 4, 1996
CV-96-18	<p><i>Melissa A. Johnson v. Ho-Chunk Nation Education Department</i> ORDER (Granting Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>• Granting of a dispositive motion requires procedural due process;</li> <li>• <i>Motion to Dismiss</i> granted on party's failure to appear after <i>Notice</i>.</li> </ul> <p>Plaintiff filed an employment grievance of termination from the HCN Education dept. The <i>Complaint</i> and <i>Summons</i> were served. Plaintiff failed to appear at preliminary hearing. Plaintiff had notice of a <i>Motion to Dismiss</i> and <i>Answer</i>, and proper notice of the hearing. <i>Motion</i> is granted.</p>	June 5, 1996
CV-96-11	<p><i>Edward Fronk v. Ho-Chunk Tours</i> DEFAULT JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Plaintiff bears the burden of prosecuting a case.</li> <li>• Failure to show good cause for failing to appear could result in an award of costs to the other parties to an action.</li> </ul> <p>This case involves an employment dispute. The plaintiff failed to appear at the pretrial hearing and the trial. The Court found that plaintiff received proper notice of the trial and dismissed the case, with an award of costs for the defendant's counsel and witness, if any.</p>	June 19, 1996
CV-96-19	<p><i>Donaldson June v. Kate Doornbos, Ho-Chunk Nation Administration Dept.</i> JUDGEMENT (Granting Motion for Reconsideration)</p> <ul style="list-style-type: none"> <li>• Default judgments may be entered when a party fails to file a timely answer or appear at a hearing if notice is proper.</li> <li>• Courts may set aside a default judgment only upon a timely showing of good cause.</li> <li>• Entry of a default judgment is governed by whether: 1) plaintiff will be prejudiced if default is denied; 2) defendant has a meritorious defense; and 3) default was a product of defendant's culpable conduct.</li> <li>• Whether conduct is culpable is a factual determination and should be decided on a case by case basis to ensure justice and fairness.</li> <li>• An employee of the Ho-Chunk Nation is required to exhaust administrative remedies before bringing suit.</li> </ul> <p>This is an employment dispute. A <i>Default Judgment</i> was entered against the Nation for failure to comply with time limits set by the HCN <i>In. R. Civ. P.</i> The defendant's <i>Motion for Reconsideration</i> was granted. The <i>Default Judgment</i> was upheld on the grounds that plaintiff, who appeared <i>pro se</i>, would be prejudiced in the denial of entry of default, that the defense of sovereign immunity had been expressly waived by statute and therefore not meritorious, and defendant's late filing of an <i>Answer</i> disabled the plaintiff's preparation of the suit was akin to culpable conduct. Plaintiff was found to have exhausted his administrative remedies as required.</p>	June 24, 1996

	ERRATUM	
CV-96-09	<p><i>Laura C. Rozek v. Ho-Chunk Casino, Ho-Chunk Nation</i> DEFAULT JUDGEMENT</p> <ul style="list-style-type: none"> <li>Plaintiff bears the burden to prosecute.</li> </ul> <p>Plaintiff filed suit, alleging wrongful termination. Plaintiff was given proper notice but failed to appear for the pretrial conference. Plaintiff failed to appear for the trial, after receiving proper notice, and a default judgment was entered against her pursuant to <i>HCN Int. R. Civ. P.</i></p>	June 25, 1996
PRC95-003 PRC95-002	<p><i>Tracy Schnick v. Ho-Chunk Nation</i> <i>Raymond Thundercloud v. Ho-Chunk Nation</i> JUDGEMENT (Dismissal)</p> <ul style="list-style-type: none"> <li>Dismissal without prejudice may afford the plaintiff the opportunity to re-file their suit.</li> </ul> <p>After numerous extensions, plaintiffs' suit was dismissed without prejudice due to their failure to state the legal basis for their complaint.</p>	June 26, 1996
CV 95-19	<p><i>Lewis Frogg v. Ho-Chunk Casino/Ho-Chunk Nation</i> ORDER</p> <p>Plaintiff was not given a 90 day performance evaluation which ONLT INCLUDED THE PLAINTIFF'S CONDUCT W/IN HIS FIRST 90 DAYS. Had the defendant not used the events after those 90 days in the evaluation the plaintiff would have been entitled to a 4% raise. The Trial Court ordered the Defendant to pay the Plaintiff his 4% pay raise as back pay starting from the day the evaluation should have taken place to May 13, 1995 which totals 17 weeks. Furthermore, defendant must pay interest on the amount owed to be paid to Plaintiff at the rate of 6% calculated from May 15, 1995 to June 27, 1996.</p>	June 27, 1996
CV-96-19	<p><i>Geraldine Y. Deere v. Ho-Chunk Nation Personnel Department</i> ORDER (Dismissal)</p> <ul style="list-style-type: none"> <li>Plaintiffs may voluntarily withdraw cases at any time prior to the filing of an <i>Answer</i> by the defendant.</li> <li>If an <i>Answer</i> or responsive pleading has been filed, dismissal is left to the discretion of the trial court.</li> <li><i>Res Judicata</i> precludes review of claims previously decided.</li> <li>Tribal court remedies must be exhausted.</li> </ul> <p>Plaintiff filed suit alleging that the HCN Personnel Department failed to comply with an <i>Order</i> of the WWPRC. Plaintiff filed a <i>Motion to Dismiss</i> this action without prejudice after the defendant had filed an <i>Answer</i>. The Court granted the <i>Motion</i> with prejudice based on the merits of the case. Plaintiff failed to state how the defendant had not complied with the WWPRC's <i>Order</i>. Plaintiff had been paid \$2000, had her employment record expunged, and had been placed in a comparably paid position. <i>Res Judicata</i> and the HCN Constitution precludes relitigating this action.</p>	July 9, 1996
CV-95-29	<p><i>Kathleen Mallo v. Ho-Chunk Gaming Commission</i> ORDER (RE: Gaming Appeal Costs)</p> <ul style="list-style-type: none"> <li>Equal protection of the laws is not denied by the imposition of costs as a precursor to judicial review when the Legislature has a rational basis for imposing such costs.</li> <li>There is no denial of due process when the statutorily conferred right of access to appeal is denied based on ability to pay costs unless there is no other avenue to relief.</li> <li>The term "costs" must be strictly construed and does not include things that are ordinary burdens of a government.</li> </ul> <p>Appellant sought review of the HCN Gaming Commission decision to revoke her gaming</p>	July 12, 1996

	<p>license due to her failure to provide information on her federal and state taxes. The costs of investigation and proceedings before the Gaming Commission must be paid prior to judicial review of this appeal. The Court held that appellant's right to equal protection of the laws had not been denied based on her inability to pay the assessed costs because the legislature had the rational bases of recouping a portion of the Nation's costs and insuring payment. The Court further held that appellant's right to due process was not denied due to inability to pay the costs although the right of access to appeal is guaranteed, the appellant had another avenue to relief. The salaries of gaming commissioners and compliance personnel were improperly assessed against the appellant as these costs are ordinary burdens of the government.</p>	
CV-95-30	<p><i>Diane Kirby v. Ho-Chunk Gaming Commission</i> ORDER (RE: Gaming Appeal Costs)</p> <ul style="list-style-type: none"> <li>• Imposition of costs prior to judicial review does not deny equal protection when the Legislature has a rational basis;</li> <li>• The term "costs" must be strictly construed and does not include things that are ordinary burdens of a government.</li> <li>• Due process is not denied when the right of access is denied based on inability to pay unless there is no other avenue to relief and there is no adjustment fundamental human relationship involved.</li> </ul> <p>Appellant sought relief of the HCN Gaming Commission's denial of a transfer. The costs of investigation and proceeding before the Gaming Commission must be paid prior to judicial review. The Court held that equal protection is not denied by the imposition of costs as a precursor to judicial review when the Legislature had a rational basis for requiring such payment. However, salaries of Gaming Commissioners and compliance personnel are not properly included as costs because they are ordinary burdens of the government. The Court further held that appellant's right of due process had not been denied by the imposition of costs because there is no adjustment of a fundamental human relationship involved.</p>	July 17, 1996
CV-95-23	<p><i>Loa L. Porter v. Chloris Lowe, Jr.</i> ORDER (Re: Motion for Reconsideration and Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>• Three elements must be met for a plaintiff to have standing to sue: 1) there must be an injury in fact; 2) there must be a causal connection between the alleged injury and the action the plaintiff complains of; and 3) it must be likely that the injury will be redressed by a favorable decision.</li> <li>• An "injury in fact" requires that the injury be concrete and particularized and either actual or imminent.</li> <li>• An injury need not be economic in nature to confer standing.</li> <li>• At the pleading stage, the factual allegations within the pleadings must be taken as true and construed in the light most favorable to the plaintiff when considering a <i>Motion to Dismiss</i>.</li> <li>• The HCN Constitution enumerates no executive privilege.</li> <li>• The principles of statutory construction require that a Court interpret words according to their commonly understood meaning.</li> </ul> <p>Plaintiff filed suit alleging that defendant had illegally acted outside the scope of his authority in reorganizing the legislatively created Department of Social Services. The Court found that plaintiff has standing to sue as a citizen of the Nation and an employee of the DSS, that the injury of impaired job performance due to departmental chaos was sufficient to constitute an "injury in fact," that this injury was causally connected to the restructuring ordered by the President, and the injury would be redressed by a favorable decision. The Court further held that an organizational chart used during deliberations on the restructuring was not protected by executive privilege or the Ho-Chunk Nation Discovery Act because the chart did not involve business matters.</p>	July 18, 1996
CV 96-22	<p><i>Coalition for Fair Government II v. Chloris Lowe Jr., Kathaleen Lonetree-Whiterabbit</i></p>	July 23, 1996

	<p>ORDER (Re: Preliminary Injunction)</p> <ul style="list-style-type: none"> <li>• A preliminary injunction requires: “ 1) no adequate remedy at law; 2) threat of injury outweighs the harm of the preliminary injunction; 3) petitioner has a reasonable likelihood of success on the merits; and 4) the injunction serves the public interest;”</li> <li>• The Court has the responsibility of interpreting the law;</li> <li>• General Council must act within the HCN CONSTITUTION;</li> <li>• General Council may not exercise judicial power;</li> <li>• General Council may review actions of the Judiciary that do not involve Constitutional interpretation;</li> <li>• Courts should avoid reaching Constitutional issues, if not required to resolve the dispute or raised in the complaint.</li> </ul> <p>This a corrected version per the erratum dated May 31, 1996. Plaintiffs alleged that the actions of the General Council of April 27, 1996, violated the Constitution. The suit seeks to prevent the removal of legislators purportedly removed under HCN CONSTITUTION, ART. IX, § 1, and declare acts by that General Council void. The plaintiffs seek a preliminary injunction to enjoin a special election. A preliminary injunction was granted. Plaintiffs had a reasonable likelihood of success on the issue of defective notice to the removed legislators. The public interest would be served by preventing the possibility of six people claiming three offices in the Legislature. This case did not present a non-justiciable political question. The Judiciary is to interpret the Constitution. The Court is capable of determining the factual questions presented in this case. There is no disrespect shown to another branch of the government when the Court exercises its power within its Constitutional limits.</p>	
CV 96-15	<p><i>Jean Day, et al. v. Ho-Chunk Nation Personnel Dept.</i> ORDER (Granting Summary Judgement)</p> <ul style="list-style-type: none"> <li>• Summary judgement has a baseline test that there be “no issue of material fact in dispute”;</li> <li>• Issuance of an <i>Executive Order</i> is at the Executive’s discretion;</li> <li>• An <i>Executive Order</i> is binding but limited by the Executive’s lawful authority;</li> <li>• Executive Director of Personnel has the authority to “provide interpretations on the Policy and Procedures” of the Nation;</li> </ul> <p>Plaintiffs asserted a violation of the HCN PERSONNEL POLICIES AND PROCEDURES and a denial of notice imposing differential treatment for similarly situated employees affecting emergency leave policies.</p>	August 21, 1996
CV 96-02; CV 96-03	<p><i>Anne Rae Funmaker v. Kathryn Doornbos and the Ho-Chunk Nation;</i> <i>Dennis Funmaker v. Kathryn Doornbos and the Ho-Chunk Nation</i> ORDER (Re: Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>• There is no right to an interview;</li> <li>• The right to be interviewed is not alone a basis sufficient to survive a <i>Motion to Dismiss</i>;</li> <li>• The power to employ, hire, demote, promote or discharge an employee is within the discretion of the person granted those responsibilities.</li> <li>• Judicial review is permissible of employment actions for alleged violations of law, contradictory statutory interpretations, or where there is a charge of abuse of discretion or where an employee or official acts beyond the scope of their authority.</li> </ul> <p>Employment disputes filed by the plaintiffs were consolidated to form one case as both matters asserted violations of the HCN PERSONNEL POLICIES AND PROCEDURES arising from the same incident and actions of the defendant. Both plaintiffs asserted discrimination as the basis for their suit. The plaintiff Dennis Funmaker did not survive the <i>Motion to Dismiss</i>, as his claim of discrimination was not based on a protected classification, and that he lacked standing, since there is no direct injury nor any violation of any interest or</p>	August 22, 1996

	protected right reserved to him. The plaintiff Anne Rae Funmaker specified age discrimination. However, the matter was dismissed, as there was no violation of law based on the evidence.	
CV 96-27	<p><i>Marian Blackdeer v. Ho-Chunk Nation Enrollment Dept.</i> ORDER (Re: Special Need)</p> <p>HCN Per Capita Distribution Ordinance Fiscal Year 1995-1996, adopted by Ho-Chunk Nation Legislature, Resolution 08/29/95C provides that “Funds in the CTF of a minor or legally incompetent member shall be available for the benefit of a beneficiary’s health, education and welfare when the needs of such person are not being met from other Tribal funds or other state or federal public entitlement program, and upon a finding of special need by a court of competent jurisdiction.”</p> <ul style="list-style-type: none"> <li>• § 880.21(2), Wis. Stats., as instructive and should be read in conjunction with the HCN PER CAPITA DISTRIBUTION ORDINANCE;</li> <li>• Trust funds for the minor or adult incompetent shall be available for the beneficiary’s health, education and welfare when the needs of such minor or adult incompetent are not being met from other tribal funds or state and federal entitlement programs;</li> <li>• Must show a substantial benefit to minor or incompetent;</li> <li>• Supplementation of a parent’s support of an incompetent may be considered where a minor or incompetent has property which is sufficient for his or her maintenance and education, in a manner his or her parents cannot reasonably afford, the expenses of the minor’s education and maintenance may be defrayed out of his or her property, as shall be judged reasonable and be directed by a court of competent jurisdiction. § 880.21(2), Wis. Stats.</li> <li>• Any minor or legal incompetent who has property, including trust funds, which is sufficient for his or her maintenance, health, education and welfare shall be available for the benefit of the minor or legal incompetent.</li> <li>• Children’s Trust Funds or Per Capita Distributions shall be available when the (1) needs of such person are not being met from other Tribal funds, or other state or federal public entitlement program, and (2) upon a finding of special need by a court of competent jurisdiction.</li> <li>• To determine special need the petitioner must show that: (a) distribution of per capita money is necessary for the health, education or welfare of the adult incompetent; (b) the needs of the adult incompetent are not being met from other Tribal, state or federal entitlement programs; and (c) the interest(s) of the adult incompetent are protected and preserved by releasing such monies to a legal guardian or trustee.</li> </ul> <p>Petitioner Marian Blackdeer has come before the HCN Trial Court on behalf of her daughter, Renee Debra Blackdeer, who is in her care, for a determination of “special need” pursuant to the HCN PER CAPITA ORDINANCE, PART VI, § 6.01(b).</p>	August 22, 1996
CV 96-31	<p><i>Roger Littlegeorge v. Jo Deen Lowe and Brian Pierson</i> Order (re: Hearing on Motion for Entry of Default Judgment)</p> <p>The Court made this Order to serve clarity that there will be a hearing on September 9, at 1:30 p.m. at the Ho-Chunk Nation Trial Court in Black River Falls, Wisconsin.</p>	Aug. 23, 1996
CV 95-26; CV 95-27; CV 96-05	<p><i>Lonnie Simplot v. Ho-Chunk Department of Health;</i> <i>Linda Severson v. Ho-Chunk Department of Health;</i> <i>Carol J. Ravet v. Ho-Chunk Nation Department of Health</i> ORDER (Granting Motion for Summary Judgement)</p> <ul style="list-style-type: none"> <li>• Employment disputes require that an aggrieved party exhaust all administrative remedies prior to seeking judicial redress.</li> <li>• The exhaustion requirement may be waived if there is no reasonable prospect that the applicant could obtain any relief by pursuing them.</li> </ul>	August 29, 1996

	<ul style="list-style-type: none"> <li>• Employers must notify their permanent employees in writing about the right to displace a less senior employee.</li> <li>• The Ho-Chunk Nation is a sovereign nation and is protected from suits by sovereign immunity. Sovereign immunity will operate as a bar to suit unless that immunity is expressly waived. However, the HCN legislature passed HCN Resolution 3/26/96-A which constitutes a limited waiver of immunity in employment actions.</li> </ul> <p>Plaintiffs were laid off from their positions with the Ho-Chunk Nation Department of Health. The defendants failed to advise plaintiffs of their right to grieve pursuant to the HCN <i>Policy and Procedures Manual</i>. Defendants argue that plaintiffs were notified of their right to grieve. However, the court finds that failure to inform plaintiff of their right to displace less senior workers, or of their right to grieve their layoff is ineffective notice of plaintiffs' right to grieve. Plaintiff also attempted to grieve the termination through the Administrative Review process, however, plaintiffs were denied this process by the defendant. Plaintiff filed a <i>Motion for Summary Judgement</i>. Defendant did not file an answer to the motion. After review the Trial Court granted plaintiff's <i>Motion for Summary Judgment</i>.</p> <p>The Ho-Chunk Nation is a sovereign nation and is protected from suits by sovereign immunity. Sovereign immunity will operate as a bar to suit unless that immunity is expressly waived. However, the HCN legislature passed HCN Resolution 3/26/96-A which constitutes a limited waiver of immunity in employment actions. In accordance with that resolution, the court may award monetary compensation up to \$2000 dollars to any one employee.</p> <p>The Trial Court held that the Plaintiffs had been wrongfully terminated because they were not told that they could displace less senior employees and awarded them each the statutory limit of \$2000. Furthermore, since the order came from the President's office the court ordered that the funds to pay the judgment come out of the Presidential budget. The Trial Court has not rendered a decision on the discrimination claim and a trial will be held on that issue at a later time.</p>	
CV 96-31	<p><i>Roger Littlegeorge v. Jo Deen B. Lowe, &amp; Brian Pierson</i> ORDER (Re: Hearing on Motion for Default Entry of Default Judgment)</p> <ul style="list-style-type: none"> <li>• In entering a default judgment the Court will look at whether the plaintiff is prejudiced if the default is denied, or whether the defendant has a meritorious defense, or whether default is a product of the defendant's culpable conduct</li> </ul> <p>Plaintiff made a <i>Motion for a Default Judgment</i>. This order is to schedule a <i>hearing</i> for the aforementioned <i>motion</i>. In entering a <i>Default Judgment</i> the Court will look at whether the plaintiff is prejudiced if the default is denied, whether the defendant has a meritorious defense, and whether default is a product of the defendant's culpable conduct. The Defendant failed to file an answer in a timely manner; however, the court wants to decide this case on the merits and will give the defendant an opportunity to orally argue in front of the court. Nevertheless, the defendant has the burden of proof to provide to the Court substantial grounds for avoidance of a default judgment.</p> <p>Defendant also asked the Trial Court to consolidate the present case with <i>Ho-Chunk Nation Legislature v. Chloris A. Lowe, Jr. and Jo Deen Lowe</i>, CV 95-28. The motion to consolidate was denied.</p>	Aug 23, 1996
CV 96-22	<p><i>Coalition for Fair Government II v. Chloris Lowe, Jr., as Chairman and Kathyleen Whiterabbit as Secretary of General Council held April 27, 1996 and Ho-Chunk Nation Legislature v. Chloris Lowe Jr., as Chairman and Kathyleen Whiterabbit as Secretary of General Council held April 27, 1996 General Council Planning Committee and HCN Election Board</i> Order (Seeking Clarification)</p> <p>The Court requested briefing on two issues, namely, whether attorneys without BIA approved contracts may represent tribal entities or officials and whether the proposed 80/20-percapita-distribution plan would comport with federal law.</p>	Sept. 3, 1996

CV 96-22	<p><i>Coalition for Fair Government II v. Chloris Lowe, Jr., as Chairman and Kathyleen Whiterabbit as Secretary of General Council held April 27, 1996 Ho-Chunk Nation Legislature v. Chloris Lowe Jr., as Chairman and Kathyleen Whiterabbit as Secretary of General Council held April 27, 1996 General Council Planning Committee and HCN Election Board</i></p> <p>Order Denying Recusal</p> <p>The motion of recusal by the defendant's has been denied due to untimeliness, violation of HCN Int. R. Civ. P. 19 and lack of standing.</p>	Sept. 11, 1996
CV 95-02	<p><i>Jason Reimer v. Ho-Chunk Nation Gaming Commission</i></p> <p>JUDGEMENT</p> <ul style="list-style-type: none"> <li>• HCN gaming ordinance Sec. 913(b) provides that applicants for gaming licenses are not entitled to a hearing prior to suspension for good cause.</li> <li>• The Ho-Chunk Gaming Commission, prior to conducting a show cause hearing must provide subjects with proper notice of what they might need to address or defend against or the Gaming Commission will be in violation of Gaming Ordinance sec. 819.</li> </ul> <p>Defendant requested 1993 income tax forms from plaintiff in order to complete plaintiff's application for a gaming license. Defendant made several requests for the income tax forms. After several proceedings defendant held a hearing and suspended plaintiff from employment. Plaintiff alleges that defendant's failure to properly sequence the request forms was in part the cause his of not getting the forms to defendant. This Court disagrees finding that plaintiff had ample time to get the document to the defendant office.</p> <p>The Plaintiff alleges that defendant-violated plaintiff's confidentiality. The court disagrees, finding that all of Plaintiff's documents were secured, by the Gaming Commission after the relationship with the private detective firm was dissolved therefore, there was no confidentiality breach.</p> <p>Plaintiff alleged that defendant failed to provide proper notice of subject of a show cause hearing. The Court agrees, finding that the plaintiff did not receive.</p> <p>Therefore, this Court affirms defendant's first decision to suspend the plaintiff, However, the Court remands the decision back to the Gaming Commission since the Court finds it is improper to suspend the plaintiff when his due process rights were violated.</p>	Sept. 16, 1996
CV 96-31	<p><i>Roger Littlegeorge v. Jo Deen Lowe and Brian Pierson</i></p> <p>JUDGEMENT (Remedy on Default Judgment)</p> <ul style="list-style-type: none"> <li>• Procedural omissions, errors or substantial non-compliance are cause for a default judgment.</li> <li>• The Ho-Chunk Constitution and the enactments of the Ho-Chunk Legislature are subject to federal review and approval when required by federal law.</li> </ul> <p>The Trial Court assigned a remedy for default judgment based on the hearing scheduled on September 9, 1996. Plaintiff sought a restraining order to keep defendant from serving as Attorney General. The Trial Court in accordance with the Ho-Chunk Nation Constitution has the authority to hear this case and to enter a judgment. The Trial Court granted Plaintiffs <i>Motion for Entry of Default Judgment</i> based on defendant's failure to timely answer and failure to timely file a reply to defendant's <i>Motion to Entry of Default Judgment</i>. Furthermore, the Trial Court granted a <i>Temporary Restraining Order or Temporary Injunction</i> preventing defendant from returning to work until defendant receives approval from the Secretary of the Interior in pursuant to 25 U.S.C. § 81. The temporary injunction is for a thirty-day period without pay. Once an approved attorney contract is presented to the Court, this case will be moot.</p>	Sept. 20, 1996
CV 96-32	<p><i>U.W. Stevens Point v. Orbert S. Goodbear</i></p> <p>ORDER (Granting Registration &amp; Enforcement of Foreign Order/Order)</p> <ul style="list-style-type: none"> <li>• The HCN Trial Court may enforce claims against per capita distributions <u>only</u> for</li> </ul>	Sept. 27, 1997

	<p>federal tax levies, child support orders, and money or debts owed to the Ho-Chunk Nation.</p> <p>The Trial court ordered 20% of the defendant's wages at the Ho-Chunk Casino in Baraboo garnished in order to fulfill a Sauk County judgment that Plaintiff had been granted. The plaintiff asked the HCN Trial Court to enforce the <i>Judgment</i> and garnish his per capita. Pursuant to the CLAIMS AGAINST PER CAPITA ORDINANCE the HCN cannot enforce any claim against per capita distribution unless it is to satisfy FEDERAL tax levies, child support, or a debt owed to the HCN. However, the HCN will garnish the wages of one of its employees in order to satisfy a judgment.</p>	
CV 95-23	<p><i>Loa Porter v. Chloris Lowe, Jr.</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Four elements must be met for determining when a preliminary injunction is properly issued and is a suitable temporary remedy: (1) that there be no adequate remedy at law; (2) that the threat of injury outweighs the harm of the preliminary injunction, (3) that the petitioner has a reasonable likelihood of success based on the merits; and (4) that the injunction serves the public interest. <i>Coalition for Fair Government II v. Chloris A. Lowe, Jr., as Chairman of the April 27, 1996 General Council, and Kathyleen Lonetree Whiterabbit, as Secretary of the April 27, 1996 General Council CV-96-22 Order</i> (HCN Tr. Ct. May 21, 1996).</li> <li>• HCN CONSTITUTION, ARTICLE III separates the function of each branch of government and provides that no branch shall exercise the powers or functions of another.</li> <li>• The Legislature establishes the departments and the missions of each executive department, while the Executive seeks to more efficiently administer these departments within the structural framework provided by legislative enactments. Any changes to the organization and structure of a legislatively created department must be done with legislative approval, if such re-organizing in any way affects the legislative design, mission or internal organization.</li> <li>• A violation of law by an Executive Branch official that impinges upon the stability and security of the government would constitute sufficient grounds to grant the issuance of an injunction.</li> <li>• The President does not have the ability to impound funds or alter the budgets approved by the HCN Legislature.</li> <li>• The PERSONNEL PROCEDURES governs all employment related actions.</li> <li>• An injunction can be a temporary measure to sort out the facts and determine whether a full development of the facts and arguments will indicate whether further action is warranted.</li> <li>• Where the Executive is allowed to exercise the Legislature's power, all actions performed by the Executive might be improper; therefore, the granting of the injunction would avoid the possibility of instability in government actions and the usurpation of powers.</li> </ul>	Oct. 2, 1996
CV 96-45	<p><i>Kathy Ruditys, Tammy Schoone &amp; Jim Wanty v. Ho-Chunk Nation Enrollment Department</i> ORDER</p> <ul style="list-style-type: none"> <li>• When appealing a decision from enrollment that denies a plaintiff enrollment in the HCN, the plaintiff must provide the court with a copy of the decision denying plaintiff's enrollment in the HCN.</li> <li>• When appealing to the Trial Court is designed to act as a check on arbitrary and capricious decisions by enrollment.</li> </ul> <p>The court ordered a stay on the review of plaintiff's denial of enrollment in the HCN because plaintiff failed to provide the court with a copy of the decision from enrollment denying plaintiffs' enrollment.</p>	Oct. 2, 1996
CV 96-28	<i>Charles Percy and William Miner III v. Geraldine Swan</i>	Oct. 4, 1996

	<p>Order (Denying Motion to Dismiss)</p> <p>The case filed holds in question the transfer and ownership of two military burial flags, which were those of the plaintiff's father and grandfather. Upon interment the flags were given to the defendant. The plaintiffs argue that under Ho-Chunk tradition the flags should have went to the widow of the deceased that in this case the flags did not. The Court denied the motion to dismiss. The Court also denied the Motion for Summary Judgment. The Court found that the plaintiff's have standing to bring the case.</p>	
CV 96-38	<p><i>In re: Julia Hare York by Walter I. Hare</i></p> <p>ORDER (Granting Per Capita Distribution in Part for Special Need)</p> <ul style="list-style-type: none"> <li>• A trustee is required and obligated under Ho-Chunk law to “maintain records that sufficiently demonstrates any disbursed funds were expended as required by HCN PER CAPITA DISBURSEMENT ORDINANCE, § 6.01(b). and any applicable Federal law.”</li> <li>• The PER CAPITA ORDINANCE allows a minor's trust funds to be made available for the benefit of a beneficiary's health, education and welfare when the needs of such person are not being met from other Tribal funds or other state or federal public entitlement programs and upon a finding of special need by a court of competent jurisdiction . . .</li> <li>• The parent or legal guardian shall maintain records sufficient to demonstrate that the funds disbursed were expended as required by this Ordinance and any applicable federal law.</li> </ul> <p>The Court finds that a case of special circumstance sufficient to meet the special needs finding because J.H.Y. is a married emancipated minor who set up her own household and was responsible for all bills and obligations incurred.</p>	Oct. 9, 1996
CV 96-15	<p><i>Jean Day, et al. v. Ho-Chunk Nation Personnel Dept.</i></p> <p>ORDER (Granting Motion for Reconsideration)</p> <p>Plaintiff asserted a continuing violation of the HCN PERSONNEL POLICIES AND PROCEDURES, specifically that the Executive Director of Personnel was not authorized nor empowered to interpret the HCN PERSONNEL POLICIES AND PROCEDURES. The Court granted the <i>Motion for Reconsideration</i> based on the misapplication of the law.</p>	Oct. 10, 1996
CV 95-17	<p><i>Gale S. White v. Department of Personnel and Ho-Chunk Nation</i></p> <p>JUDGEMENT</p> <ul style="list-style-type: none"> <li>• Suspension without pay absent prior disciplinary action or disclosure of why it was levied violated the progressive discipline policy of the HCN.</li> <li>• Employment in the HCN is terminable only for cause, creates a reasonable bilateral expectation of entitlement, which can only be taken away after due process.</li> <li>• Sufficient facts justifying the need for summary suspension, rather than suspension after notice and a hearing must be in the record.</li> <li>• A notice of suspension given to the employee must give them a sufficient understanding of the facts behind the suspension so that they can consider whether to grieve the suspension.</li> <li>• All tribal members are constructively charged with the knowledge of the HCN constitution</li> </ul> <p>Plaintiff was suspended without pay from her work with the Department of Personnel, and shortly thereafter she was terminated the court found that the suspension was premature due to the progressive discipline policy, furthermore the suspension failed to inform plaintiff of her violation. A notice of suspension given to the employee must give them a sufficient understanding of the facts behind the suspension so that they can consider whether to grieve the suspension. The Trial Court held that the suspension failed due to defective notice, which is a violation of employee's due process. Therefore the court ordered back pay plus interest accrued.</p> <p>Shortly after the suspension, plaintiff was terminated, the court upheld the termination. The</p>	Oct. 14, 1996

	notice of termination was clear and therefore, the termination was supported by substantial evidence.	
CV 96-39	<p><i>In the Interest of Gary Alan Funmaker, Sr.</i>  JUDGEMENT (Denying Petition for Release of Per Capita Distribution)</p> <ul style="list-style-type: none"> <li>Pursuant to the HO-CHUNK NATION PER CAPITA DISTRIBUTION ORDINANCE, § 6.01(b) funds held in trust for a minor or legally incompetent member shall be available for the benefit of a beneficiary's health, education and welfare when the needs of such person are not met from other Tribal funds or other state or federal public entitlement programs <u>and</u> upon a finding of special need by a court of competent jurisdiction.</li> <li>The per capita ordinance authorizes the Court to release a portion or all of a Minor Member's Children's Trust Fund (CTF) upon finding: (1) that such distribution is necessary or appropriate for the health, education and welfare of the minor member beneficiary; (2) that the minor member beneficiary's needs are not being met by other programs of the Nation, or programs of federal, state or local governments available to the minor member; (3) that the distribution of funds held in the CTF better serves and protects the immediate and long term interests and needs of the minor member than retaining the funds to be distributed in said minor's CTF until the member reaches 18; and (4) that the distribution does not discharge a parental obligation of support for which parental resources are reasonably available.</li> </ul> <p>The debts of a parent should not be imposed on or put off onto their minor children, nor should parental debts encumber or diminish the property of minor's held in trust for their future benefit.</p> <p>Petitioner was denied his request for the release of CTF monies from the trust funds of his two children because he failed to show how a CTF release would benefit the minors' health, education and welfare. Furthermore, he did not show sufficient evidence that he sought to exhaust or utilize other tribal, state or federal programs. Finally, the Court found that the use of the funds were to pay for the petitioner's own personal debts and would not directly or substantially benefit the health, education or welfare of the minor children involved.</p>	Oct. 18, 1996
CV 95-23	<p><i>Loa Porter v. Chloris Lowe Jr.,</i>  Order (Motion Denied)</p> <p>The Court denied the Motion to Register and Enforce due to the instance that the plaintiff was motioning for a third party and not herself. The court denied this case because the plaintiff had lack of standing.</p>	Oct. 29, 1996
CV 95-28	<p><i>HCN Legislature v. Chloris Lowe Jr., President of the Ho-Chunk Nation and Jo Deen Lowe, Attorney General of the Ho-Chunk Nation</i>  Order (Memorandum of Hearing)</p> <p>This memorandum by the Court made clear to all parties that Judge Butterfield would "only be involved to make sure that a Judge was assigned to this case and that such an assignment is appropriate within the fiscal requirements of the Judicial Branch." Judge Butterfield's involvement in this case evolved from the removal of Judge Kittecon.</p>	Oct. 29, 1996
CV 96-42	<p><i>Kim Getts v. Ho Chunk Casino</i>  JUDGEMENT(Dismissed without prejudice)</p> <p>Plaintiff brought this action against the defendant after she exhausted the <i>Administrative Review Process</i>; However plaintiff failed to state a claim upon which relief can be granted and therefore, the court dismissed the claim without prejudice.</p>	Nov. 4, 1996
CV 96-43	<p><i>Kelly Hammes v. Chloris Lowe, Karena Day, Gloria Logan John Steindorf, et al</i>  ORDER</p> <ul style="list-style-type: none"> <li>If in conflict with a rule from the <i>Int. R. Civ. P.</i>, a <i>Pre-Trial Order</i> qualifies the <i>Int. R.</i></li> </ul>	Nov. 5, 1996

	<i>Civ. P.</i> , and does not contradict it. Therefore, must follow Pre-Trial <i>Order</i> , and may only deviate from such <i>Order</i> after seeking leave of the court.	
CV 96-47	<i>Jeremy Rockman v. Jo Anne Jones</i> ORDER (Granting Voluntary Dismissal) Following the plaintiff's request for a voluntary dismissal without prejudice or costs, the defendant raised an objection and asserted that the case - at minimum - should be dismissed with costs and fees.	Nov. 8, 1996
CV 96-49	<i>In re: Roberta A. Goodbear by Shirley Sahr, Guardian</i> ORDER (Granting Per Capita Distribution in Part for Special Need) Pursuant to HCN amended per capita distribution ordinance § 6.01(b), the Trial Court granted plaintiff use of her Incompetent Trust Fund for special need. The Plaintiff was legally incompetent and received state funds for living. However, her allowance did not adequately cover the cost of heating through a harsh winter. Plaintiff was allowed to withdraw funds for clothes, heating costs, and other miscellaneous items that the Court deemed reasonable.	Nov. 14, 1996
CV 96-35	<i>Anna Belle Lowe v. Serena Yellow Thunder</i> Order The plaintiff filed a Complaint requesting that the defendant repay a loan that was taken out for and at the request of the defendant. The Court found the defendant guilty of breaching a financial agreement with the plaintiff. The Court suggested that the defendant repay the amount of the loan to the plaintiff in small increments, at no less than \$100 every three months. Thus forth all relief requested by the plaintiff is hereby granted.	Nov. 15, 1996
CV 96-46	<i>In re: Bruce Patrick O'Brien by Elethe Nichols, Guardian v. HCN Enrollment Dept.</i> ORDER (Granting Per Capita Distribution in Part for Special Need) Pursuant to HCN Amended Per Capita Distribution Ordinance § 6.01(b), The Trial Court granted plaintiff use of his Incompetent Trust Fund for special need. After exhausting all other resources, plaintiff requested various items, which the court deemed reasonable.	Nov. 15, 1996
CV 96-06	<i>C &amp; B Investments v. Ho-Chunk Department of Health and Ho-Chunk Nation</i> JUDGEMENT <ul style="list-style-type: none"> <li>• Pursuant to HCN constitution, ART. VII § 5(a) any case or controversy arising within the jurisdiction of the Ho-Chunk Nation must file be filed in the HCN Trial Court.</li> <li>• Waiver of sovereign immunity cannot be implied but must be unequivocally expressed.</li> <li>• The tribe did not waive its sovereign immunity simply because it entered into a binding contract</li> </ul> <p>Plaintiff leased commercial space to Defendant an entity of the HCN and therefore within the protection of sovereign immunity. Defendant allegedly breached the lease agreement and plaintiff brought action in the Wisconsin state court. The state court held that the action was barred due to defendant's sovereign immunity. Plaintiff argued that by entering into a lease agreement with plaintiff, defendant implicitly waives their defense of sovereign immunity. The Juneau County Circuit Court, The Wisconsin Court of Appeals, and the Wisconsin Supreme Court all disagreed with the plaintiff on this issue.</p> <p>Plaintiff then brought this action into the HCN trial court. The Trial court agrees with the state court that the defendant is protected by sovereign immunity and cannot be sued. Furthermore, the action is barred according to the principles of <i>res judicata</i>.</p>	Nov. 21, 1996
CV96-02 CV96-03	<i>Anne Rae Funmaker v. Kathryn Doornbos and the Ho-Chunk Nation;</i> <i>Dennis Funmaker v. Kathryn Doornbos and the Ho-Chunk Nation</i> ORDER (Re: Motion to Dismiss) <ul style="list-style-type: none"> <li>• There is no authoritative law that requires the HCN to interview applicants who apply</li> </ul>	Nov. 22, 1996

	<p>for a posted job position.</p> <ul style="list-style-type: none"> <li>• A four-prong test is used to decide whether to impose a temporary injunction. The four prong test determines for resolution: whether there is no adequate remedy at law, whether the threat of injury outweighs the harm of the injunction, whether the petitioner has a reasonable likelihood of success based on the merits, and whether the injunction serves the public interest</li> </ul> <p>Plaintiff applied for a job in response to notice advertising an open position. Defendant filled the position with a person who had likewise applied for the position. Plaintiff was not granted an interview, and wherefore she consequently filed several grievances exhausting the <i>Administrative Review Process</i>. Plaintiff then brought this action to the HCN Trial Court. The HCN Trial Court dismissed plaintiff's claim for failure to state a claim upon which relief can be granted because there is no authoritative law that requires the HCN to interview applicants who apply for a posted job position.</p> <p>Plaintiff also brought an age discrimination claim. However, the court finds no basis or supporting evidence for that claim. Plaintiff failed to meet the burden of proof required in such an action.</p> <p>Plaintiff claimed that she was harmed in that she did not receive a promotion and resulting pay raise. The Trial Court entertained the idea of ordering a Temporary Injunction that would prevent further harm to all employees of the Historic Preservation Department. The Court utilized the four prong test.: whether there is no adequate remedy at law, whether the threat of injury outweighs the harm of the injunction, whether the petitioner has a reasonable likelihood of success based on the merits, and whether the injunction serves the public interest. The court found there was no adequate remedy at law, the threat of injury does not outweigh the harm of the temporary injunction, the plaintiff is likely to succeed on the merits, and the injunction does not serve the public interest. Therefore, since there was no violation of law, the court held that an injunction would be improper.</p>	
CV96-41	<p><i>In the Interest of Harold J. Funmaker v. Ho-Chunk Nation</i> ORDER</p> <p>Pursuant to HCN Amended Per Capita Distribution Ordinance § 6.01(b), the Trial Court granted plaintiff use of his Incompetent Trust Fund for special needs. After exhausting all other resources, plaintiff requested various items, which the court deemed reasonable.</p>	Dec. 2, 1996
CV 96-43	<p><i>Kelly Hammes v. Chloris Lowe, Karena Day, Gloria Logan, John Steindorf et al.,</i> Order (Payment of Court Costs)</p> <p>The plaintiff shall pay \$206.00 in court costs to the Ho-Chunk Nation Trial Court, pursuant to the fee waiver agreement.</p>	Dec. 5, 1996
CV 96-16	<p><i>Andrea Gale Storm v. John Steindorf, Robert Mann, &amp; Daniel Brown</i> JUDGEMENT</p> <p>Plaintiff (employee) brings this suit against Defendant (employer). Plaintiff claims defendants discriminated against her and abused their powers. Plaintiff never filed any grievance as is required by the <i>HCN personnel policies and procedures</i> manual. Since plaintiff failed to file a grievance the Trial Court cannot decide the case. Furthermore, plaintiff did not meet the burden of proof required in either a claim of racial or sex discrimination, conspiracy, or to support a claim deprivation of equal protection. Judgment is rendered in favor of the defendants.</p>	Dec. 6, 1996
CV 96-10	<p><i>Sandra Sliwicki v. Rainbow Casino, Ho-Chunk Nation</i> JUDGEMENT (Reversed and remanded)</p> <ul style="list-style-type: none"> <li>• A notice of termination must inform an employee of what they did wrong so that they might properly present their side in the grievance process. Furthermore, the notice should include specific incidence noting the date and place.</li> <li>• An employee has a due process right to know why they are being fired or terminated so</li> </ul>	Dec. 9, 1996

	<p>they might appeal it in a meaningful way.</p> <ul style="list-style-type: none"> <li>• The HCN must clearly make it known how appeals are to be filed including stating how many days an employee has to appeal and where an employee must go to perfect an appeal.</li> <li>• The plaintiff alleged incidents were insufficient to warrant a departure from progressive discipline</li> </ul> <p>Plaintiff was terminated from her work for a laundry list of reasons. However, the Trial Court found none of the reasons specific enough in instance, time or place to afford plaintiff substantial due process in order to defend herself against the allegations. Furthermore, plaintiff, filed grievances. In addition, the Trial Court found that since the grievance process at level 1 and 2 were futile, principles of estoppel bar the defendant from requiring strict adherence to the exhaustion of administrative remedies in the Administrative Review Process.</p> <p>The Trial Court found that plaintiff's termination notice was not proper notice of wrong doing as is required by the HCN. Furthermore, the Trial Court found that since the Chief Gaming Officer was not plaintiff's direct supervisor he exceeded his authority by ordering the plaintiff's supervisor terminate her and improperly restricted the supervisor's options in dealing with her own employee. The <i>Personnel Policy</i> manual states that the decision to suspend an employee is typically the responsibility of the supervisor.</p> <p>Furthermore, the Trial Court held that the defendant violated the progressive discipline policy without sufficient evidence to warrant such a departure The Plaintiff had never been disciplined prior to termination.</p> <p>The Trial Court ordered that the plaintiff be reinstated to the same or comparable position. In addition, The Trial Court awarded plaintiff the maximum relief within the jurisdiction of the Court, \$2000. In addition, the case is remanded to defendant for more appropriate disciplinary action if any.</p>	
CV 96-52	<p><i>David Abangan, HCN Wo-Lduk Editor, v. Karen Day, HCN Exec. Admin. Officer</i> ORDER</p> <ul style="list-style-type: none"> <li>• A <i>Settlement Agreement</i> without request for modification or change, is permanent until leave is given by the Court</li> </ul> <p>Plaintiff brought this action against defendant because defendant wrongfully assigned an employee to a position, against a <i>Settlement Agreement</i> entered into between plaintiff and said employee. The HCN Trial Court held that a <i>Settlement Agreement</i> without request for modification or change, is permanent until the Court gives leave. The Trial Court ordered briefs from both parties and ordered the affected employee to be removed and barred from work per the <i>Settlement Agreement</i> until resolution of this case.</p>	Dec. 17, 1996
CV95-24	<p><i>In Re: Diane Lonetree</i> JUDGEMENT (Re: Contempt of Court )</p> <ul style="list-style-type: none"> <li>· The power to punish for contempt must be used sparingly and not arbitrarily, capriciously, or oppressively.</li> <li>· In determining whether a respondent neglected and/or avoided the requirements of a Court Order subpoena, the standard applied is by a preponderance of the evidence shown.</li> <li>· To gain the respect of the court, and compel a witness, party or other persons to comply with the demands of providing all persons' due process rights, failure to testify or appear before and comply with the Court's order is to be punishable by contempt powers.</li> </ul> <p>Respondent ordered to serve five hours of community service for failure to comply with a Court <i>Order</i> subpoena.</p>	Dec. 18, 1996
CV 95-28	<p><i>Ho-Chunk Nation Legislature v. Chloris Lowe, Jr.</i> Administrative Order</p>	Dec. 20, 1996

	The purpose of this order is to brief the parties that the newly assigned Judge is Associate Trial Court Judge Greendeer-Lee.	
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HO-CHUNK NATION TRIAL COURT  
1997 OPINIONS

Case No.	Case	Decided
CV96-22  CV96-24	<p><i>Coalition for Fair Government II v. Chloris A. Lowe, Jr. and Kathyleen Lone Tree Whiterabbit</i></p> <p><i>Ho-Chunk Nation Legislature v. Chloris A. Lowe, Jr., Kathyleen Lone Tree Whiterabbit, General Council Planning Committee and Ho-Chunk Nation Election Board</i></p> <p>JUDGEMENT</p> <ul style="list-style-type: none"> <li>• For a notice to be legitimate, it must: 1) be prepared and served by people with the authority to prepare and serve such notices; 2) give sufficient information to allow a meaningful reply; and 3) afford adequate time to prepare a reply.</li> <li>• The interest a public employee has in his job constitutes property. Thus, he cannot be fired without the rudiments of fair procedure. Under the HCN Constitution, a legislator cannot be removed absent malfeasance or recall. Legislators are entitled to due process, which requires sufficient notice and a fair hearing to protect their property interest in their job.</li> </ul> <p>The removal of the three legislators deprived them of the right to due process. Thus, their removal was invalidated.</p>	Jan. 3, 1997
CV96-60	<p><i>In the interest of Maxine P. Johnson v. Ho-Chunk Nation Enrollment Dept.</i></p> <p>ORDER (Granting Petition for Release of Trust Funds for Special Needs)</p> <ul style="list-style-type: none"> <li>• In order to release trust funds for special needs from a trust account, a two-prong test must be met: 1) the needs of the trust beneficiary are not being met from any other Tribal fund, or any state or federal entitlement; and 2) upon a finding of special need by a court of competent jurisdiction.</li> </ul> <p>Plaintiff provided evidence of meeting the test through financial billing statements, a Court ordered Annual Accounting statement, two foreign Court orders, and trial testimony.</p>	Jan. 3, 1997
CV96-30	<p><i>Sheila White Eagle v. Ho-Chunk Nation</i></p> <p>JUDGEMENT (Dismissed)</p> <ul style="list-style-type: none"> <li>• The plaintiff carries the burden of proof, and must demonstrate (1) that a harm exists (2) that the defendant caused the harm, and (3) that there is an available remedy for the harm within the power of the Court to grant;</li> <li>• In considering a <i>Motion to Dismiss</i>, the Court must accept all well pleaded factual allegations as true and must draw reasonable inferences in favor of the plaintiff, in this case the grievant. <i>Susan Rowlee v. Majestic Pines Casino</i>, PRC95-011, (HCN Tr. Ct., April 10, 1996), quoting <i>Pierre Decorah v. Rainbow Casino</i>, CV 95-018 (HCN Tr. Ct., March 15, 1996);</li> <li>• The Court is permitted to “look beyond the jurisdictional allegations to the complaint and view whatever evidence has been submitted on the issue to determine whether in fact subject matter jurisdiction exists.” <i>Id.</i>; <i>Pierre Decorah v. Rainbow Casino</i>, CV 95-018, quoting <i>Capitol Leasing Co. v. F.D.I.C.</i>, 999 F.2d at 191 citing with approval <i>Grafon Corp. v. Hausermann</i>, 602 F.2d 781, 783 (7th Cir. 1979).</li> <li>• Under the dictates of the HCN CONSTITUTION and the TRIBAL ENROLLMENT AND MEMBERSHIP ACT OF 1995, the HCN Judiciary may only award an equitable remedy in actions based on enrollment disputes.</li> </ul> <p>Was the plaintiff, on behalf of her minor children, entitled to benefits bestowed by the HCN</p>	Jan. 27, 1997

	<p>in the absence of sufficient proof to demonstrate entitlement to benefits alleged to be accumulated prior to proof of enrollment? The plaintiff challenged the denial of medical assistance and sought clarification of the enrollment status of her children. She had the burden of proof to demonstrate that both she and her minor children were been harmed. The grant of retroactive benefits, prohibited by the TRIBAL ENROLLMENT AND MEMBERSHIP ACT OF 1995, would violate the ART. II § 6, provision of the Constitution. Since a retroactive award would likely include the grant of past per capita distributions and payments, the case was dismissed for failure to state a claim upon which relief may be granted.</p>	
CV96-78	<p><i>In the interest of Mercedes Blackcoon by Dale Hazard v. Ho-Chunk Nation Enrollment Department</i>  ORDER (Granting Petition for Release of Trust Funds for Special Needs)  The appointment of the plaintiff as “conservator” provided evidence of the need for a guardian to protect the interests of the trust’s beneficiary.</p>	Jan. 30, 1997
CV97-76	<p><i>In the interest of Jessica Loreda by Mary Decorah v. Ho-Chunk Nation Enrollment Dept.</i>  ORDER (Denying Petition for Release of Trust Funds for Special Needs)</p> <ul style="list-style-type: none"> <li>• All attempts to receive federal, state and tribal entitlements must be exhausted before trust funds can be released.</li> </ul> <p>The Plaintiff acknowledged ignorance about the possibility of Tribal, federal and state entitlement programs which might meet the needs of the trust beneficiary. Trust monies cannot be used to assist with citizenship or pay telephone costs not directly related to the welfare of the trust beneficiary.</p>	Jan. 30, 1997
CV96-19	<p><i>Donaldson A. June v. Kate Doornbos, HCN Administration Dept.</i>  ORDER</p> <ul style="list-style-type: none"> <li>• [T]he trial court is given the discretion to enter a default judgement if an answer is not timely filed.” <i>June v. Doornbos, et al.</i>, SU96-03 at 2 ¶ 2 (HCN S. Ct., Oct. 15, 1996).</li> </ul> <p>This matter was appealed to the Ho-Chunk Nation Supreme Court, and having granted appellate review the trial court decision was reversed and remanded on procedural grounds and an interpretation of the Ho-Chunk Nation (HCN) <i>Interim Rules of Civil Procedure</i>.</p>	Jan. 30, 1997
CV-95-28	<p><i>Ho-Chunk Nation Legislature v. Chloris A. Lowe Jr., President of the Ho-Chunk Nation and Jo Deen B. Lowe, Attorney General of the Ho-Chunk Nation</i>  ORDER</p> <ul style="list-style-type: none"> <li>• In deciding whether an appeal or motion is filed within the required deadline, The Court will not count weekends, and will consider the motion filed the date it is postmarked,</li> <li>• Tribal Courts must exhaust all tribal remedies in dealing with issues in Indian Country</li> <li>• Federal Law is merely persuasive authority on tribal law issues arising in tribal court. Federal Law is only required when a relevant federal question is at issue.</li> <li>• Clan affiliation is not basis for recusal.</li> </ul> <p>The defendant/executive of the HCN appointed the Tribal Attorney. The HCN legislature has the authority to approve Tribal Attorneys contracts. This gives the Plaintiffs the Constitutional authority to bring this claim. The Supreme Court held that the Executive Branch does not have the ability to hire and employ legal council only the legislative branch has that authority.</p> <p>The Trial Court denied a motion to recuse, because the defendants have failed to show a personal or financial interest.</p>	Jan. 30, 1997
CV-96-60	<p><i>In the interest of Maxine P. Johnson v. Ho-Chunk Nation Enrollment Dept.</i>  ORDER (Granted Motion to Modify)</p>	Jan. 30, 1997

	<ul style="list-style-type: none"> <li>• HCN members receiving per capita distribution shall be informed of their responsibility to pay applicable taxes.</li> </ul> <p>This is an order to release funds from plaintiffs trust account.</p>	
CV-96-59	<p>Steven Camden v. Ho-Chunk Nation Gaming Commission ORDER (Granting Stay)</p> <p>The HCN gaming commission decided that plaintiff was unsuitable for working in gaming operations. The plaintiff is attempting to keep that information from going into a databank run by the National Indian Gaming Commission. The Judge ordered a stay to gather more information regarding the court's jurisdiction. To decide this case.</p>	Feb. 12, 1997
CV96-67	<p><i>In the interest of Mary Littlegeorge by Sara Abbott v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs)</p> <p>The Plaintiff showed special need by giving proof. Evidence included a foreign Court order appointing her legal guardian, real estate records, property tax assessments, SSI reports, and her testimony at trial.</p>	Feb. 14, 1997
CV97-03	<p><i>In Re: Lucinda L. Littlesoldier by Helen Littlesoldier v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs In Part)</p> <p>Showing of sufficient need being met, special steps should be taken to mitigate loss of one month's SSI payment, when that loss is triggered by the release of trust funds.</p>	Feb. 19, 1997
CV96-15	<p><i>Jean Day et al., v. HCN Personnel Dept.</i> ORDER (Motion to Reconsider and Decision)</p> <ul style="list-style-type: none"> <li>• For a <i>Motion for Reconsideration</i>, the moving party must show that the court has one or more of the following factors: <ul style="list-style-type: none"> <li>(1) overlooked, misapplied or failed to consider a statute, decision or principle directly controlling;</li> <li>(2) overlooked or misconceived some material fact or proposition of law;</li> <li>(3) overlooked or misconceived a material question in the case;</li> <li>or (4) the law applied in the ruling has been subsequently changed by court decision or statute.</li> </ul> </li> </ul> <p>The Court used Specific Performance as a remedy for plaintiffs, who sought to regain lost annual leave hours when they were harmed by short notice in a shortened work week. Using the standards for a <i>Motion for Reconsideration</i>, which were established by the Court in <i>Babcock v. Ho-Chunk Gaming Commission</i>, CV-95-08 (HCN Tr. Ct., March 14, 1996), the Court held that the plaintiffs could choose to work the lost hours without additional compensation.</p>	Feb. 27, 1997
CV96-87	<p><i>In the interest of Myron A. Funmaker by Judith Ann Thundercloud v. Ho-Chunk Nation</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs)</p> <ul style="list-style-type: none"> <li>• Special need requires that the petitioner demonstrate a ward has special needs, i.e., health, education and welfare, that cannot be satisfied by resort to State, Federal or other Tribal entitlement programs.</li> </ul> <p>The requested purchases were found commercially reasonable and, considering the age of the guardians, present vehicle, necessary for safe, reliable and efficient transportation to medical appointments. In addition, insurance was also required to protect the ward's property once acquired, e.g., automobile and personal property insurance.</p>	Feb. 28, 1997
CV-97-03	<p><i>Interest in Lucinda L. Littlesoldier v. by Helen Littlesoldier, Guardian v. Ho-Chunk Nation Enrollment</i> JUDGMENT (Supplemental Order)</p> <p>The Court denied the petition by Petitioner due to lack of purpose to purchase a vehicle with ITF monies.</p>	Mar. 11, 1997

CV97-12	<p><i>Chloris A. Lowe, Jr. v. HCN, HCN Legislature, HCN General Council</i> ORDER (Denying Preliminary Injunction)</p> <ul style="list-style-type: none"> <li>The President is barred from suing the Ho-Chunk Nation (“HCN”) or the HCN legislature unless the nation or the legislature waive their sovereign immunity., or an official is acting outside the scope of their authority.</li> </ul> <p>Plaintiff was removed from the executive office after which he brought this case against the general council, and the legislators. Plaintiff claims that he was not given adequate notice of the general council hearing and that was a violation of his due process. However, plaintiff’s vigorous defense of the allegations at prior occasions, is indicative of the fact the plaintive had notice and had ample time to defend himself from the claims brought by the general council. Nevertheless, the Trial Court held that both the general council and the legislature are protected from suit in accordance with sovereign immunity.</p> <p>Plaintiff also claimed that the Vie-President was to young to serve as president because he was only 34. However, the Trial Court did not hear this case because of the bar of sovereign immunity.</p>	Mar. 21, 1997
CV-96-29	<p>Jean M. Stacy Snow v. Barry L. Blackhawk JUDGMENT (Dismissal)</p> <ul style="list-style-type: none"> <li>It is the burden of the plaintiff to prosecute this case.</li> </ul> <p>The court dismissed this case due to plaintiff’s failure to take action to prosecute this case.</p>	Mar. 21, 1997
CV-96-40	<p><i>Angie Waege v. Steven Camden</i> JUDGMENT</p> <p>Plaintiff brought this action against the defendant claiming defamation, because plaintiff claims that defendant had harassed plaintiff in the past and then defamed her by seeking a restraining order in Monroe County court . However, the judge dismissed the case. The HCN Trial Court stated that it had no jurisdiction since plaintiffs had not claimed that the actions occurred on tribal land and the claim was between 2 private citizens.</p>	Mar. 26, 1997
CV 97-12	<p>Chloris A. Lowe, Jr., v. Ho-Chunk Nation, Ho-Chunk Nation Legislature, and Ho-Chunk Nation General Council Order (Erratum)</p> <p>This Order was established to correct minor factual and grammatical errors to the order dated March 21, 1997.</p>	Apr. 3, 1997
CV96-45	<p><i>Kathy Ruditys et al., v. Ho-Chunk Nation Enrollment Dept.</i> JUDGEMENT (Dismissal)</p> <p>Case dismissed because the plaintiffs failed to exhaust available administrative remedy and failed to state a claim upon which relief could be granted.</p>	Apr. 7, 1997
CV97-05	<p><i>Ho-Chunk Housing Authority v. Lucinda Naquayoma</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>CAPC provides that any debt or monetary obligation then due or owing by a tribal member to the Nation shall be recognized and enforced by the Nation against the Per Capita Share at the time of Payment of the Per Capita Distribution.</li> </ul> <p>Withholding brought under the CLAIMS AGAINST PER CAPITA ORDINANCE [CAPC] for debt owed to HCN Housing Authority.</p>	Apr. 9, 1997
CV 97-03	<p>In the interest of Lucinda Littlesoldier, by Helen Littlesoldier v. HCN Enrollment Dept. Order Granting Motion for Reconsideration</p> <p>The plaintiff brought this order to the Court for reconsideration of a ITF monies release for Lucinda Littlesoldier for a vehicle, the Court granted the request and released the monies.</p>	Apr. 9, 1997
CV-96-77	<p><i>Brian Hobart v. Majestic Pines Casino</i></p>	Apr.21, 1997

	<p>ORDER (Granting Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>The Parol Evidence Rule does not allow the court hear extrinsic evidence on a contract which the parties had intended to be final.</li> </ul> <p>Plaintiff an employee at defendant's casino was discharged from his position after numerous unexcused absences which was a violation of the HCN PERSONNEL POLICIES AND PROCEDURES manual. Defendant brought this motion to have the case dismissed on failure to state a claim upon which relief can be granted. The Trial Court granted that motion.</p>	
CV96-33	<p><i>Francis P. Rave, Sr., v. Ho-Chunk Nation Gaming Commission</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>A gaming license is not a constitutionally protected right but a privilege granted for a limited period of time. HCN GAMING ORDINANCE § 212; <i>Cholka v. HC Gaming Comm'n</i>, CV 95-07 (HCN Tr. Ct., Feb. 5, 1996).</li> <li>Despite the fact that a gaming license is not a liberty or property interest within the meaning of the HCN CONSTITUTION, a gaming license is sufficiently important to hold the Commission strictly to the standards as outlined in the HCN GAMING ORDINANCE.</li> <li>The Commission's right to summarily suspend a licensee without informing him why prior to the hearing is strictly limited by considerations of fundamental fairness unless a clear and present danger to the gaming enterprise or other exigent circumstance justifying the summary suspension.</li> </ul>	Apr. 23, 1997
CV95-30	<p><i>Diane Kirby v. Ho-Chunk Gaming Commission</i> ORDER (Intent to Dismiss) Notice to parties of Court's Intent to Dismiss, under HCN R. Civ. P. 56, for failure to prosecute.</p>	Apr. 25, 1997
CV-97-31	<p><i>Roy Littlegeorge v. Ho-Chunk Nation Gaming Commission</i> ORDER (Granting Judicial Review) Petitioner claimed that respondent was exceeding their scope of authority and violated the Ho-Chunk constitution.</p>	May 3, 1997
CV96-94	<p><i>Joelene Smith v. Tammy Lang and HCN</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>What constitutes a comparable position or comparable employment that requires that there be facts sufficient for the Court to rely upon in making a factually based determination.</li> <li>It is not for the judiciary to make an initial determination of what is comparable employment. It is the employer's responsibility to place a wrongfully terminated employee or a former employee.</li> <li>If the employee is dissatisfied or aggrieved by the placement, then the employee must return to court providing a factual basis claim to assert that the new placement position is not a comparable placement.</li> <li>A wrongfully discharged employee is entitled by the HCN PERSONNEL POLICIES AND PROCEDURES to be restored not to a position which would be the precise equivalent of that which she had been terminated, but rather to a position which, on considering the terms and conditions affecting that particular employment, would be comparable to the position which she would have held if she had remained continuously employed.</li> <li>The employment standard applied by the Court provides that any person who is restored to a position in accordance with the law or a settlement agreement should be so restored in such a manner as to give her such status in her employment as she would have enjoyed if she had continued in such employment continuously from</li> </ul>	May 7, 1997

	<p>the time of her termination from employment until the time of her restoration to such employment.</p> <p>In establishing comparable position, the Court cited <i>Sandra Sliwicki v. Rainbow Casino</i>, CV96-10 (HCN Tr. Ct., Dec. 9, 1996) and <i>Simplot, Severson, Ravet v. HCN Department of Health</i>, CV95-26, 27, CV96-05 (HCN Tr. Ct., Aug. 29, 1996)(rewarding plaintiffs reinstatement of the same or a “comparable position”). The Court distinguished <i>Nettie Kingsley v. HCN Personnel Department</i> PRC93-026 (HCN Tr. Ct., Apr. 10, 1996)(plaintiff unqualified to resume her former position because she lacked a required gaming license). In <i>Kingsley</i>, the Court stated “comparable” meant a job with similar duties and responsibilities, along with a similar rate of pay. Since the Head Start program did not have licensing requirements and a reorganized position was <i>available at the same rate of pay</i>, with similar duties and responsibilities, the Court reasoned that Smith could return to work within the Head Start Program.</p> <p>The Court also examined whether the defendant as a HCN official had the authority to eliminate the plaintiff’s position within the Head Start Program. The Head Start Manual provides that the Health Nutrition Coordinator, Family Services Coordinator and Education Disabilities Coordinator are permanent full time employees; therefore, elimination of any of these positions would require an amendment to or revision of Head Start’s personnel policies and procedures law by the legislature.</p>	
CV97-65	<p><i>Roberta Greendeer v. HCN Election Board</i> MOTION TO DISMISS (Granted)</p> <p>Challenge of Election was dismissed as untimely. Petitioner failed to bring the election challenge within the statutorily allowed 10 days from the date of election result certification.</p>	May 8, 1997
CV 97-69	<p><i>HCN Home Ownership Program v. Scott Hindes</i> Order (re: Impound)</p> <p>The defendant has failed to pay the plaintiff; therefore, HCN Home Ownership Program wishes to hold the Per Capita Distribution from the plaintiff in order to satisfy the debt. The Court ordered that the Per Capita monies be impounded.</p>	May 16, 1997
CV97-64	<p><i>Nettie Kingsley v. Ho-Chunk Nation Election Board</i> ORDER</p> <p>Case dismissed on Motion of Defendant for failure to prosecute.</p>	May 16, 1997
CV-96-88	<p><i>Joan Whitewater v. Millie Decorah, as Finance Director and Sandy Martin, as Executive Director of Personnel</i> Stipulation and Order for Partial Settlement</p> <p>Plaintiffs brought this action because of an unfair wage cut. Defendant agrees to raise plaintiffs wage but not to the satisfaction of the plaintiff. The Trial Court will decide on what constitutes a fair wage. The Court will also decide whether the plaintiff should receive litigation expenses as a remedy.</p>	May 20, 1997
CV-96-41	<p><i>In the interest of Harold J. Funmaker, by Carol Naquayouma v. Ho-Chunk Nation</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs)</p> <ul style="list-style-type: none"> <li>· A guardian is required and obligated under Ho-Chunk law to “maintain records sufficient to demonstrate that the funds disbursed were expended as required by this Ordinance and any applicable Federal law.” HCN PER CAPITA DISBURSEMENT ORDINANCE, § 6.01(b).</li> <li>· [A guardian should] specifically ask for supplemental money, if detailed requests have not been made.</li> <li>· Under the INDIAN GAMING REGULATORY ACT, 25 U.S.C. 2701 <i>et seq.</i>, the guardian is responsible for the filing of any federal income tax reports that may be incurred by the release of said funds.</li> </ul> <p>The Court appointed guardian of a 95 year old Ho-Chunk, previously found legally</p>	June 6, 1997

	<p>incompetent, returned to Court requesting the release of additional trust funds from the ward's per capita trust to pay for the items previously approved by this Court. In support of this request, the guardian submitted a financial report. The report indicated that the guardian had exceeded the amount of funds allocated for Mr. Funmaker's benefit by \$694.34. This amount had been paid out of the guardian's own funds. Moreover, the petitioner incurred greater expenses and bought fewer items than approved. The Court recognized the requests filed met the "special needs" criteria.</p>	
CV-97-75	<p><i>In the interest of David Le Sieur, Dustin Constino, Nicole Halfaday, and Dale Halfaday by Madeline Misek v. Adam Hall</i>  JUDGEMENT (Dismissed)</p> <ul style="list-style-type: none"> <li>• The HCN Tribal Enrollment and Membership Act of 1995, HCNL 015-95, requires a final determination rejecting an individual for enrollment prior to seeking an appeal in the tribal court.</li> <li>• The HCN CONSTITUTION, ART. II §6 states explicitly that "[a]ny person who has been rejected for enrollment or who has been removed from the Membership Roll shall have the right to appeal to the Judiciary for remedy in equity consistent with this Constitution."</li> </ul> <p>Plaintiff, on behalf of four minor children, sought a court order to compel the HCN Enrollment Office to enroll the children. Although the <i>Complaint</i> provided undisputed information that the four minor children were the offspring of an enrolled member of the HCN and that the children were not enrolled with the HCN, the paternity of the father, Agatha Constino, was in dispute and subject to challenge. Because the plaintiff did not provide proof of rejection for enrollment nor any documentation that she had exhausted the available administrative remedies, the Court denied the plaintiff's request. The matter was dismissed until the minor children have been rejected for enrollment and the plaintiff can show that available administrative remedies have been exhausted.</p>	June 10, 1997
CV 97-22	<p><i>In the Matter of the Estate George Thunder Hindsley</i>  Order</p> <p>Due to the passing of Mr. George Thunder Hindsley the petitioner requests the release of CTF monies. The Court granted the release of \$1000 to the petitioner.</p>	Jun. 19, 1997
CV-97-29	<p><i>Gloria Visintin v. Ho-Chunk Nation and Office of the President</i>  ORDER</p> <ul style="list-style-type: none"> <li>• Ho-Chunk Nation employees are not allowed to grieve disciplinary matters while on probation.</li> </ul> <p>The Trial Court remanded this case to be heard through an administrative review process. The distinction to be decided is whether this promoted employee was temporary or permanent since while being promoted an employee is always on probation.</p>	June 19, 1997
CV-97-84	<p><i>James Greendeer v. HCN Election Board, Wade Blackdeer, Kathy Blackdeer, Tara Blackdeer Walter and one or more John Does</i>  JUDGEMENT (Dismissed)</p> <ul style="list-style-type: none"> <li>• Since every voter enjoys an automatic right to challenge an election pursuant to the HCN Constitution, the Election Board does not have a per se claim of sovereign immunity in this instance.</li> <li>• The court cannot award monetary damages, but can utilize equitable remedies -- like nullifying an election -- in cases against the Election Board.</li> <li>• To prove defamation against a public figure, one must show 1) information concerning the public figure was circulated; 2) the information circulated was false; 3) the information was designed to injure his reputation; and 4) that the information was prepared and broadcast with either actual malice or reckless disregard of the truth. (<i>See N.Y. Times Co. V. Sullivan, 376 U.S. 254 (1964).</i>)</li> <li>• The Election Board cannot require that a recall petition include "charges" against a Legislator. A recall is not a removal for malfeasance, and only needs a general</li> </ul>	July 7, 1997

	<p>reason, if any at all.</p> <ul style="list-style-type: none"> <li>• “Political speech” merits the highest protection.</li> </ul> <p>Plaintiff alleged a recall petition contained “defamatory” information, making the recall election “unfair.” The issues in the case contrast critical questions of the right to free speech and the need to protect legislators against false and defamatory statements. The plaintiff failed to show by “clear and convincing evidence” that the information was wholly false, or that the information was broadcast with “reckless disregard” or “actual malice.” Moreover, the recall process is essentially political, so the Court should scrupulously avoid interference.</p>	
CV-97-31	<p><i>Roy Littlegeorge v. Ho-Chunk Nation Gaming Commission</i> ORDER &amp; Decision to Review the Appeal</p> <ul style="list-style-type: none"> <li>• In accordance with HCN AMENDED AND RESTATED GAMING ORDINANCE THE Trial Court has jurisdiction to review all decisions except decisions denying license.</li> <li>• In Order to appeal a gaming ordinance the Plaintiff must submit a bond of \$178.97 in order for the court to review the appeal.</li> </ul> <p>The Trial Court will hear a case where plaintiff is appealing a decision by the HCN gaming commission.</p>	Jul. 08, 1997
CV-97-50	<p><i>Martin Henry v. HCN Gaming Commission</i> ORDER (Denying Motion to Waive Fees)</p> <ul style="list-style-type: none"> <li>• Plaintiff is obligated to submit a bond or promissory note in the amount of a fine and the cost of hearing regarding a review of the HCN Gaming Commission.</li> </ul> <p>The Trial Court denied plaintiff the waiver of any fine and will not proceed with the hearing until plaintiff post a bond or a promissory note in the amount owed to the Gaming Commission.</p>	July 18, 1997
CV 97-49	<p><i>Gary Snowadzki v. Ho-Chunk Casino, et al.,</i> Order (Case Consolidation)</p> <p>After the initiation of his cause of action, the plaintiff failed to appear in Court, and also failed to offer a brief opposing the Motion to Consolidate. The Court had no choice but to stand in for the plaintiff and consolidate plaintiff’s action by default.</p>	July 21, 1997
CV-97-48	<p><i>Emmett Walker, Jr. v. Ho-Chunk Casino et al.</i> ORDER for Case Consolidation</p> <ul style="list-style-type: none"> <li>• When consolidating cases the court will look to whether the separate cases arise out of the same action and involves common questions of law and fact.</li> </ul> <p>The Trial Court denied the motion not to consolidate.</p>	July 21, 1997
CV-97-30	<p><i>Eric Lonetree v. Ho-Chunk Casino et al.</i> ORDER for Case Consolidation</p> <ul style="list-style-type: none"> <li>• When consolidating cases the court will look to whether the separate cases arise out of the same action and involve common questions of law and fact.</li> </ul> <p>The Trial Court denied the motion not to consolidate.</p>	July 21, 1997
CV-97-93	<p><i>Vicki J. Houghton v. HCN Election Board</i> JUDGEMENT (Dismissed)</p> <ul style="list-style-type: none"> <li>• In order to invalidate an election, the plaintiff bears the burden of proof. The plaintiff must show that “but for” the alleged violation by the election Board, the outcome of the election would have been different.</li> <li>• Insufficient publication of an election by the Election Board might constitute a violation by giving too little notice to voters.</li> </ul> <p>The Plaintiff failed to show that the alleged violation would have changed the outcome of the election, so the election was upheld.</p>	July 21, 1997

CV-96-53	<p><i>Carol Smith v. Bernice Cloud &amp; Rainbow Bingo</i> JUDGMENT</p> <ul style="list-style-type: none"> <li>• In discrimination case the plaintiff has the burden of proving that defendants conduct was motivated by animosity based on a suspect classification or perceived classification.</li> <li>• In harassment case the plaintiff has the burden of proof in demonstrating harassment by defendant.</li> <li>• The Trial Court views unfair treatment as actions of one employee abusing their position by treating another employee significantly differently than his peers, who are similarly situated, effecting employee's work conditions, compensation or benefits.</li> <li>• When reviewing a claim for general harassment it is not appropriate for an employer to use the standard of review used for sexual harassment</li> </ul> <p>Plaintiff claimed that defendant's action at the workplace constituted harassment and discrimination. The Trial Court held that the plaintiff failed to prove a discrimination case, but was able to show a case of harassment, the Trial Court awarded certain reprimands to be removed from the plaintiff's files and plaintiff was awarded \$2000.</p>	July 24, 1997
CV 97-29	<p><i>Gloria Visintin v. Ho-Chunk Nation and Office of the President</i> Order (Stipulation and Dismissal)</p> <p>This case ended in a settlement where the Plaintiff received compensation in the amount of \$2000 to all claims against the defendants. Plaintiff also had her termination expunged from her work record.</p>	Jul. 29, 1997
CV 97-53	<p><i>Roxanne Price v. Ho-Chunk Nation Dept. of Social Services</i> Order (Stipulation and Dismissal)</p> <p>This case was settled. The plaintiff received compensation and had her termination changed to a resignation.</p>	Aug. 3, 1997
CV-96-47	<p><i>Jeremy Rockman v. Jo Ann Jones</i> ORDER (Garnishing Wages to Satisfy Judgement)</p> <p>Garnishing wages can be a better route to satisfy a judgment than seizing a car.</p>	Aug. 8, 1997
CV-97-13	<p><i>Richard Mann v. Ho-Chunk Nation Housing and Public Works Department</i> ORDER Dismissing For Failure To Pay Filing Fees</p> <p>Plaintiff failed to pay the required filing fee. Therefore, the Trial Court dismissed his case.</p>	Aug. 18, 1997
CV 97-22	<p>Richard Mann v. Ho-Chunk Nation Housing and Public Works Dept. Order (Dismissing for failure to pay filing fees)</p> <p>This order deals with an employment dispute; the Court issued an affidavit. The plaintiff agreed to pay the fees upon the receipt of his next Per Capita distribution. The payment was never received, therefore, the Court dismissed the Complaint without prejudice.</p>	Aug. 18, 1997
CV 96-10	<p><i>In the Matter of the Estate of George Thunder Hindsley</i> Order</p> <p>The Court granted that the decease's CTF monies be released to the petitioner.</p>	Sept. 3, 1997
CV-97-79	<p><i>In re: Annette Funmaker by Doris Wateski and Doreen Jungen v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs In Part)</p> <ul style="list-style-type: none"> <li>• To release funds for an adult incompetent, the plaintiff must show: 1) the funds are necessary for the health, education or welfare of the adult incompetent; 2) the needs are not being met by any other Tribal, federal, or state entitlement; and 3) the interests of the adult incompetent are best served by releasing said moneys to a guardian.</li> </ul> <p>A sun porch may afford some health benefit, but is insufficient to justify releasing trust funds.</p>	Sept. 11, 1997

CV-97-31	<p><i>Roy Littlegeorge v Ho-Chunk Nation Gaming Commission</i> ORDER (Motion for Reconsideration Denied)</p> <ul style="list-style-type: none"> <li>• Motion for reconsideration requires a 4 prong test: (1) Did the court overlook, misapply, or fail to consider a directly controlling statute, decision, or principle? (2) Did the Court overlook or misconceive some material fact or proposition of law? (3) Did the court overlook or misconceive a material question in the case? (4) Has the law applied in the ruling been subsequently changed by court decision or statute?</li> </ul> <p>The plaintiff failed to address the above issues and therefore, the Trial Court denies the motion for Reconsideration.</p>	Sept. 15, 1997
CV-97-49	<p><i>In re: Roberta Goodbear by Shirley Sahr, Guardian v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs In Part) The Plaintiff showed special need and deserved some compensatory payment to offset the lost SSI benefits from the trust-fund release.</p>	Sept. 16, 1997
CV-97-58	<p><i>In re: Roberta Goodbear, Shirley Sahr, Guardian v. HCN Enrollment</i> Order (Granting Per Capita by Distribution in Part) This is a petition asking for the release of ITF monies for Roberta Goodbear. The Court ordered the HCN Treasury Department to release the funds care of Shirley Sahr for the purchase of a vehicle.</p>	Sept. 16, 1997
CV-97-117	<p><i>In the interest of Oliver Rockman by Jeremy Rockman v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Release of Trust Funds for Special Needs) Evidence showing the need for special funds included: the plaintiff's appointment as legal guardian, and testimony from the trust's beneficiary, requesting disbursement of trust funds to guardian.</p>	Sept. 23, 1997
CV-97-133	<p><i>Diane Lone Tree v. Elliott Garvin, Dallas White Wing, Gerald Cleveland, Kevin Greengrass, Robert Mudd, Wade Blackdeer, Clarence Pettibone, and Robert Funmaker, Jr.</i> JUDGEMENT (Denying Petition for Stay and TRO)</p> <ul style="list-style-type: none"> <li>• The applicable standard for issuing a stay is identical to the standard for issuing a preliminary injunction: 1) no adequate remedy at law in the form of monetary damages; 2) the benefit to the plaintiff from granting the injunction outweighs the harm of the injunction to the defendant; 3) the plaintiff has a reasonable likelihood of success on the merits of the action; 4) and the issuance of the stay would serve the public interest.</li> <li>• In determining the likelihood of success in actions relating to removal of a legislator by the legislature, two issues stand out: 1) the definition of good cause, and 2) adequate notice to the one removed. As long as some kind of notice is provided with some kind of hearing, the procedural requirements are met.</li> </ul> <p>Plaintiff failed to show she had a reasonable likelihood of success on the merits.</p>	Sept. 26, 1997
CV-97-22	<p><i>In the Matter of the Estate of George Thunder Hindsley</i> ORDER (Granting Final Petition for Release of Minor's Trust Fund)</p> <ul style="list-style-type: none"> <li>• It is against the public policy of the Nation to permit one member of the Nation charged with the death of another to benefit by the estate of the deceased member. A father pled guilty to first degree intentional homicide in the death of his son. Upon the plea of guilty, the Court released all the trust funds of the deceased son to the mother.</li> </ul>	Oct. 3, 1997
CV-97-129	<p><i>Robert A. Mudd v. HCN Election Board</i> JUDGEMENT</p> <ul style="list-style-type: none"> <li>• The HCN Constitution should be read in its entirety, reconciling all relevant sections to the same effect.</li> <li>• A majority vote means "greater than 50% of the votes cast." There is no exception</li> </ul>	Oct. 3, 1997

	<p>for Special Elections or vacant seats.</p> <ul style="list-style-type: none"> <li>• The 30 day requirement for Special Elections for a vacant seat only mandates that an election be held within 30 days, not that the vacancy, itself, be filled in 30 days.</li> <li>• Expediency is an improper factor when considering the seating of a Legislator-elect or President-elect.</li> </ul> <p>Run-off election ordered to insure majority-vote winner.</p>	
CV-96-33	<p><i>Francis P. Rave, Sr. v. HCN Gaming Comm'n</i> JUDGEMENT (Modified After Completion of Remand)</p> <ul style="list-style-type: none"> <li>• Due process protections require notice and an opportunity to be heard.</li> <li>• An administrative body cannot make arbitrary, capricious decisions or abuse its discretion. Agency decisions must be reasonable under the circumstances. This standard of reasonableness requires the agency show a consideration of all the relevant factors, with a logical and articulated basis for the final decision. The focus is not the “should” of the decision, but the “how” and the “why” of the decision. The agency must keep a record sufficient to justify its conclusions.</li> <li>• Statutory interpretation includes a consideration of the purpose of the statute, such that “justice” should not be the “slave” of grammar.</li> <li>• Remedial statutes should be liberally construed to give effect to the remedy.</li> </ul>	Oct. 9, 1997
CV-97-101	<p><i>In the interest of Susan Redfearn by William Turner v. HCN Enrollment Dept.</i> ORDER (Granting Petition for Trust Funds) Foreign court order and testimony provided sufficient evidence of need.</p>	Oct. 10, 1997
CV-97-140	<p>In the Interest of Susan Redfearn by William Turner v. Ho-Chunk nation Enrollment Office Order (Petition for Trust Funds Granted) The Court ordered the release of ITF funds to the Petitioner due to the amount of debt the incompetent was in due to not receiving Per Capita for an extended period of time.</p>	Oct. 10, 1997
CV-96-33	<p><i>Francis P. Rave, Sr. v. Ho-Chunk Nation Gaming Commission</i> JUDGMENT (Clarified) The Trial Court clarifies a previous judgment wherein the judge ordered that the HCN gaming commission reinstate petitioner into his former position. However, on clarification the court acknowledges that the HCN Gaming Commission does not have the authority to hire or fire personnel. Therefore, the Court does not impose this obligation on the Gaming Commission. Rather, the Court encourages petitioner’s former employment to reconsider petitioner and after review place him in a position that becomes available.</p>	Oct. 27, 1997
CV-97-140	<p><i>Robert A. Mudd v. HCN Election Board</i> ORDER (Invalidating Special Election)  <ul style="list-style-type: none"> <li>• “Clear and convincing evidence” constitutes “proof which results in reasonable certainty of the truth of the ultimate fact in controversy.”</li> </ul>           Require new Special Election due to violations of elections rules.</p>	Oct. 27, 1997
CV-97-43	<p><i>In the interest of Sterling Cloud by Lionel Cloud v. HCN Enrollment Dept.</i> ORDER ( Petition for Minor Per Capita Distribution Denied)  <ul style="list-style-type: none"> <li>• Cannot grant funds for potential violation of federal law.</li> </ul>           No funds to finance job training of 14 year old when that job training violates federal labor laws.</p>	Oct. 30, 1997
CV-96-94	<p><i>Joelene Smith v. Tammy Lang &amp; HCN</i> ORDER (Declaration of Suitable Offers)  <ul style="list-style-type: none"> <li>• Goal of judicial remedy is to make plaintiff whole. Can only make plaintiff whole in employment case by restoring party to rightful place of employment position.</li> <li>• Right terminated when comparable position offered.</li> </ul> </p>	Oct. 31, 1997

	Plaintiff failed to take comparable position, so no right to remedy.	
CV-97-87	<i>In the interest of Myron A. Funmaker by Judith Ann Thundercloud v. Ho-Chunk Nation</i> ORDER (Granting Petition for Release of Trust funds for Special Needs In Part) It is imprudent to expend funds for equipment purchases prior to the time of their need. Paying the advocate fee is reasonable, as the advocate's actions are "integral" to the initiation and continuation of the proceeding.	Oct. 31, 1997
CV-97-117	<i>In the interest of Oliver Rockman by Jeremy Rockman v. HCN Enrollment Dept.</i> ORDER (Granting Supplemental Request for Special Needs) Plaintiff met burden of proof.	Nov. 3, 1997
CV-97-131	<i>In the interest of Stuart Taylor, Jr. by Stuart Taylor, Sr. v. HCN Enrollment Dept.</i> ORDER (Denying Petition for Release of Trust Funds for Special Needs) Class ring does not equal "special need."	Nov. 3, 1997
CV-97-72	<i>In the interest of Zachary Mitchell by Celena Mitchell v. HCN Enrollment Dept.</i> ORDER (Denying Petition for Minor Per Capita Distribution) The plaintiff failed to exhaust all other income sources -- such as Tribal entitlements, federal entitlements, and state entitlements.	Nov. 7, 1997
CV 97-69	In the Interest of Zachary Mitchell by Celena Mitchell v. HCN Enrollment Order (Petition for Minor Child Per Capita Denied) The mother of the minor brought this request to the Courts. The mother requests that CTF monies be released for a down payment on a home mortgage. The Court denied the request due to not exhausting other funds.	Nov. 7, 1997
CV 97-72	<i>Steve B. Funmaker v. JoAnne Jones, et al.</i> ORDER (Granting Motion to Dismiss) <ul style="list-style-type: none"> <li>• Crime of solicitation requires: 1) that the urged behavior constitute criminal activity; 2) that the person intended to entice another to commit the crime; and 3) that the enticement take some tangible and reasonably discoverable form which is communicated to the offender.</li> <li>• A criminal cannot recover for their own wrongdoing in civil action.</li> <li>• Plaintiff must show "personal" stake in outcome to have standing to bring suit. If no real difference between plaintiff and any other member of Ho-Chunk Nation (to establish particularized harm -- a harm which is unique and concrete), then the plaintiff lacks standing.</li> <li>• Doctrine of laches bars untimely suits. Laches requires: 1) unreasonable delay; 2) lack of knowledge for the party asserting the defense that the other party would assert the right upon which he bases his suit; and 3) prejudice to the party asserting the defense should the action be maintained.</li> </ul> Plaintiff filed class-action lawsuit alleging solicitation to commit a felony and conversion of tribal property. The plaintiff lacked standing for the conversion cause of action, had no cause of action for solicitation, and was barred from other claims by the doctrine of laches and the public policy against permitting criminals to profit from their own wrongdoing.	Nov. 26, 1997
CV-97-106	<i>David Modica v. Robert Mudd, Executive Director of Business and the HCN Business Department</i> ORDER (Motion to Dismiss Denied) <ul style="list-style-type: none"> <li>• The Trial Court entertains motions to dismiss with all well-pleaded factual allegations as true and drawing all reasonable inferences in favor of the non-movant, in this case the plaintiff.</li> </ul> The Trial Court denies the motion to dismiss because there are questions of law and fact that remain unsolved.	Nov. 26, 1997
	<i>Stephanie K. Riley v. Ho-Chunk Nation Department of Security and Leland P. Whitegull</i>	

CV-97-104	<p>Stipulation &amp; ORDER</p> <p>The Trial Court authorizes the following stipulation, and dismisses the action with prejudice without cost to either party.</p>	Dec. 19, 1997
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HO-CHUNK NATION TRIAL COURT  
1998 OPINIONS

Case No.	Case	Decided
CV 96-88	<p><i>Joan Whitewater v. Millie Decorah, et al</i> (JUDGMENT)</p> <p>An employee who can only be fired for cause enjoys an expectation interest in their employment, which, in turn, produces a property interest in their job. No person can be deprived of their property without due process. Absent express indication to the contrary, all employees of the Ho-Chunk Nation can only be terminated for cause. An agency must follow its own rules to insure due process. The fact that an employee did not hold a particular position in the past does not preclude the employee from holding the position in the present, if the two jobs are, in fact, comparable. A “for cause” worker can rightfully expect: 1) a certain wage rate as a result of their seniority; and 2) their property interest in their job will be protected by agency adherence to its own rules. An agency cannot void the requirements of due process by simply reorganizing departments and redefining positions. An agency cannot dismiss and ignore procedural alternatives when resolving employee changes. In determining comparable positions, the wage rate is a deciding factor, but not the exclusive or necessarily determinative factor. Retroactive compensation can be a remedy in employment litigation. The Plaintiff was unlawfully deprived of her property interest in her job. She was awarded compensation at the wage rate she reasonably expected. The compensation was awarded retroactive to the day of her layoff. Since the underlying claim had been settled without apportioning fault, equitable relief -- such as requiring leave credits to be given for the period of lay-off -- was unavailable.</p>	Jan. 20, 1998
CV 97-106	<p><i>David Modica v. Robert A. Mudd, Executive Director of Business and HCN Director of Business</i> JUDGMENT</p> <p>This case presents an issue of first impression. Counsel for the defendants offered the elements of a defamation cause of action to include: 1) a false statement, 2) communicated to a person other than the one defamed, 3) in an unprivileged manner and intended to tends to [<i>sic</i>] harm one’s reputation as to lower him or her in the estimation of the community or to deter third persons from associating or dealing with him or her. WIS. JURY INSTRUCTIONS § 2500 defines <u>Implied Malice</u> in the following manner: “Wisconsin law applies a strict liability theory to the communication of a defamatory falsehood by a private defendant about a private plaintiff when there is not a conditional privilege involved.” In the present case, the issue is whether or not a conditional privilege applies. The necessary elements for a conditional privilege are: 1) that the defendant acted in good faith on reasonable grounds, 2) that the defendant possessed a protectable interest, 3) that the statement was communicated on a proper occasion, 4) that the statement was limited in the scope of its content, and 5) that the statement was communicated to proper parties, namely those with a common interest. The defendant cannot prove the affirmative defense of conditional privilege. First, Mr.</p>	Jan. 27, 1998

	<p>Mudd communicated the information on the assertions of an Executive Administrative Assistant, who was a friend of his soon-to-be ex-wife, without doing any personal fact-checking or investigation. Secondly, conveying this information at the closed door department meeting, in the presence of the Director of Maintenance and the Director of Food &amp; Beverages, was outside the scope of conveying the information only to those with a common interest.</p> <p>The Court orders that the HCN Department of Business pay the plaintiff \$2,000 for damages. It is a fundamental principle of tort law that money damages for demonstrated pain and suffering, mental anguish, or other non-wage damages remain available.</p>	
CV 97-70	<p><i>Debra Knudson v. Ho-Chunk Nation Treasury Department</i> JUDGMENT</p> <p>Decisions to terminate an employee shall not be arbitrary or capricious. According to the <i>Personnel Policies and Procedures Manual</i>, Disciplinary actions against the Nation's employees are inherently flexible and to a certain degree discretionary.</p> <p>Employment in the HCN, which is terminable for cause, creates a reasonable bilateral expectation of entitlement, which can only be taken away after due process. This required sufficient notice of the specific incident of misconduct, the nature of the violation and the right to be heard about it.</p> <p>Plaintiff was terminated from employment after 433 per capita checks were misplaced. Using the standards set out in the rules above the Trial Court found the termination was not arbitrary or capricious nor did it violate plaintiff's due process.</p>	Feb. 5, 1998
CV-96-43	<p>Kelly Hammes v. Chloris Lowe, Karena Day, Gloria Logan, John Steindorf et al., ORDER (Payment of Court Costs)</p> <p>The Court ordered the plaintiff to pay 206.00 and the plaintiff never did. Therefore the Court ordered the HCN Treasury Department to withhold, \$25.00 per week from plaintiffs paycheck until the debt was satisfied.</p>	Feb. 12, 1998
CV-96-78	<p><i>In the interest of Mercedes Blackcoon by Dale Hazard v. HCN Enrollment Dept.</i> ORDER (Special Needs Request Granted)</p> <p>A contractual agreement from a builder and an appliance store order provided sufficient evidence to remove trust funds in order to pay for a deck and a vacuum.</p>	Mar. 9, 1998
CV-97-58	<p><i>Tammy L. Temple v. HC Casino Table Games Dept.</i> ORDER (Motion to Compel Denied)</p> <p>The disclosure of public information does not violate the HCN Personnel Policies and Procedures Manual prohibition on disclosing confidential information.</p> <p>Job harassment usually requires: 1) an intent to annoy or abuse; or 2) an insult, taunt, challenge or action tending to provoke a disorderly response.</p> <p>The misuse of public authority for private gain does not incorporate actions within the legitimate discretion of the employer/employee.</p> <p>Plaintiff failed to prove she was harassed. Plaintiff won a prior employment case, requiring her reinstatement at her level of seniority. Subsequent to her success, her employer informed her fellow employees of the reason for the change in the seniority. Since the information was not confidential or given out with the intent to provoke a disorderly response, it was not harassment. Moreover, the behavior of fellow employees is not the responsibility of management unless it was at the direction of management. While management could have handled the issue more "diplomatically," its behavior did not violate the law.</p>	Mar. 26, 1998
CV 96-20	<p><i>Rita Cleveland v. Ho-Chunk Gaming Commission</i> ORDER (Dismissal)</p> <p>Both of the parties agreed to dismiss this case. The Court reluctantly acknowledged the dismissal.</p>	Mar. 23, 1998
CV-97-72	<p><i>Steve Funmaker v. JoAnn Jones, George Greendeer, Joseph Gathier, Dana Houghton, Monica Cloud, Lawrence Lamere, William Hall, Carol Tack, Pamela Kingswan,</i></p>	Mar. 26, 1998

	<p><i>Clayton Decorah, Jerome Cloud, Forrest Blackdeer, Lona Decorah, Lillian Thundercloud, Gladys Sloan, Gladys Blackdeer, John Ward, Paul Cloud, Rose Decorah, Margaret Greengrass, Carlos Funmaker, Alvin Cloud, Francis Decorah, Hillton Vasquez, Randall Mann, Joseph Decorah, Gerald Greendeer, John Cloud, Stuart Greendeer, Roger Snake, Morgan Whiteeagle, Kunu Helgeson, Albert Yellowthunder, Roland Rave, Richard Snake, William Payer, Jesse Whiterabbit, Levi Blackdeer, Foster Decorah, Chuck Smith, Wally Johnson, Marlene Cleveland-Houghton, James Greendeer, Lionel Cloud, Dennis Funmaker, John Greengrass, Roberta Decorah, Orville Greendeer, Jacob Cloud, Harold Jones Funmaker, John Greengrass, Roberta Decorah, Orville Greendeer, Jacob Cloud, Harold Jones Funmaker, Sr., Wilfred Cleveland, John Houghton, ,Tracy Thundercloud, John Climer, Adam Hall, John Holst, Anna Rae Funmaker, and Eugene Topping Sr.,</i></p> <p>ORDER (Recognizing Attorneys Fees and Costs)</p> <p>This order by the Court calls for the consideration of the Bill of Costs that was submitted by plaintiff's attorney. The Court found and was aware of the fees, costs, and services of the plaintiff's attorney.</p>	
CV-98-10	<p><i>In the interest of Casey J. Tripp by Bonnie Hanson v. HCN Enrollment Dept.</i></p> <p>ORDER (Granting Special Needs Request)</p> <p>Orthodontic costs are a legitimate basis for releasing trust funds for minor.</p>	Mar. 27, 1998
CV-97-152	<p><i>Dan Williams v. Rainbow Casino</i></p> <p>ORDER (Granting Motion to Dismiss)</p> <p>The Court granted the defendant's motion to dismiss for reason that the plaintiff waited too long to pursue his grievance with the Nation on the issue of an appropriate anniversary date.</p>	Apr. 10, 1998
CV-97-167	<p><i>Jacqueline R. Nichols v. Randy Snowball</i></p> <p>ORDER (Dismissal)</p> <p>The rules of civil procedure should be liberally constructed to insure fairness to all parties.</p> <p>The failure of a pro se litigant to name an indispensable party does not require dismissal when the pleadings sufficiently indicate the defendant's relationship to the complaint.</p> <p>The absence of a requirement in a legislative act permits the exclusion of that requirement from the act.</p> <p>There are 3 elements to prove the doctrine of laches applies: 1) unreasonable delay; 2) lack of knowledge on the part of the party asserting the defense that the other party would assert the right on which the suit is based; and 3) prejudice to the party asserting the defense in the event the action continues.</p> <p>The employee manual provides constructive notice of the requirements for initiating grievance procedures.</p> <p>Waiting 27 months was too long when the grievance procedure suggested 5 days.</p> <p>Administrative turnover hampers the ability to attain witnesses and evidence in a timely fashion. The employee had constructive knowledge of the time requirements and the burden of proof through the employee manual given to her upon employment. Finally, the plaintiff failed to show tribal immunity to suit had not been waived at the time of the complaint. Case dismissed with prejudice.</p>	Apr. 15, 1998
CV 97-154	<p><i>Dawn Littlejohn v. Michelle De Cora</i></p> <p>Order (Dismissal)</p> <p>The Court dismissed the plaintiff's complaint with prejudice despite her protestations. The Court ordered this decision in accord with past practice.</p>	Apr. 15, 1998
CV-98-01	<p><i>Robert J. Mann v. Attorney General of the Ho-Chunk Nation Gary Brownell (Acting)</i></p> <p>ORDER (Motion to Dismiss Denied)</p> <p>Plaintiff resigned from his position and is seeking back pay. Defendant filed a <i>Motion to Dismiss</i> for failure to state a claim upon which relief can be granted. Furthermore, the defendant contends that the plaintiff failed to exhaust administrative remedies. However, the Trial Court accepts that the plaintiff has asserted a claim upon which</p>	Apr. 20, 1998

	relief can be granted and denies defendant's <i>Motion</i> .	
CV-98-18	<i>In the interest of Kathy Brandenburg by Susan Harter, LaCrosse County [WI] Human Services Dept. v. HCN Enrollment Dept.</i> ORDER The issue in dispute focused on the impact of per capita payments on SSI benefits. Placing per capita monies into a trust, with the disbursement of funds controlled by the Court and limited to expenditures where public funds are unavailable, will protect the SSI payments of the beneficiary. The two fold requirements -- that the needs of the beneficiary are not being met by any other public/Tribal entitlement and that the special needs requires a release of the funds -- ensures that the funds do not meet the SSI revocation test of funds "readily available to the beneficiary."	Apr. 23, 1998
CV-98-14	<i>In re: Berdine Littlejohn by Shari Marg v. HCN Enrollment Dept.</i> ORDER (Special Needs) The needs of an adult incompetent often differ from the needs of a minor child, as minor children remain the responsibility of their parents. A burial trust account can be funded through Tribal programs, so there is no special need to release trust funds for that purpose. A recliner and storage rental are legitimate special needs, so trust funds will be released to cover those expenses.	Apr. 24, 1998
CV-97-145	<i>Vincent Cadotte v. Tris Yellowcloud, Director of Compliance</i> JUDGMENT When addressing employment disputes administrative agencies of the Nation must make a reasonable determination based on substantial evidence. The Trial Court will overturn an agency's decision only based on a clear error in judgment unsupported by the whole record. The standard of review is whether the agency's decision was arbitrary capricious. The HCN due process requirement requires that an employee be given notice of the specific incident of misconduct, the nature of the violation and the right to be heard about it. Plaintiff was wrongfully terminated from employment for defendant's failure to adequately notify the plaintiff for the cause of the termination, violating plaintiff's due process rights.	Apr.24, 1998
CV-97-166	<i>Jean Lamb v. Randy Snowball</i> ORDER (Dismissal) The plaintiff's complaint originated when there was no waiver of tribal immunity from suit. Moreover, the doctrine of laches precluded the plaintiff's claim due to the lengthy period of time between the conduct and the official complaint. Case dismissed with prejudice.	Apr. 24, 1998
CV-98-20	<i>HCN Home Ownership Program v. Scott Hindes</i> ORDER Defendant's failure to respond resulted in default judgment. Court ordered releases of trust fund monies, previously impounded, to the plaintiff.	May 18, 1998
CV 98-22	Lorrie Lungstrum on the Behalf of Clint and Stephanie Lungstrum v. HCN Enrollment Office Order (Granting Distribution in Part) The Court ordered the release of CTF monies for the purpose of paying the tutoring of Clint and Stephanie Lungstrum by Sylvan Learning Center.	May 23, 1998
CV-96-27	<i>In Re: Renee D. Blackdeer by Marian Blackdeer v. HCN Enrollment Dept.</i> ORDER (Special Need) If a beneficiary is denied access to trust funds when she has a right to those funds, her property interest may be invaded and her rights denied.	June 15, 1998

	<p>The test for releasing funds to purchase a vehicle is not whether the vehicle is a “viable” means of transportation. Rather, the test is whether or not the vehicle is reasonably safe and reliable considering the particular needs of the petitioner. The presence of some form of transportation to meet some needs is not sufficient to refuse a reasonable request for reliable transportation when reliability of transportation is an important concern for the party involved.</p> <p>Special need found. Funds releases for purchase of car.</p>	
CV 98-11	<p><i>William L. Goodbear v. Ho-chunk Housing Authority</i> ORDER (Denying Motion to Dismiss)</p> <p>A waiver of sovereign immunity must be clear and unequivocal. The Housing Authority is not subject to the HCN Legislative Resolution 3/26/96A. Thus, that Resolution does not waive the sovereign immunity of the Housing Authority. The “sue and be sued” clause of a corporate charter from a Tribal Ordinance operates as a clear and unequivocal waiver of sovereign immunity for the corporate entity. The subentity of a tribe, when acting subject to a corporate charter and operating under a “sue and be sued clause,” can be sued even when the Nation itself cannot be sued. The inability to sue in federal court does not preclude the ability to sue in tribal court. Often, the lack of jurisdiction of the federal courts is based on the jurisdiction of the tribal court.</p> <p>Motion to dismiss denied. Housing Authority can be sued.</p>	June 15, 1998
CV 97-72	<p><i>Steve Funmaker v. JoAnn Jones, George Greendeer, Joseph Gathier, Dana Houghton, Monica Cloud, Lawrence Lamere, William Hall, Carol Tack, Pamela Kingswan, Clayton Decorah, Jerome Cloud, Forrest Blackdeer, Lona Decorah, Lillian Thundercloud, Gladys Sloan, Gladys Blackdeer, John Ward, Paul Cloud, Rose Decorah, Margaret Greengrass, Carlos Funmaker, Alvin Cloud, Francis Decorah, Hillton Vasquez, Randall Mann, Joseph Decorah, Gerald Greendeer, John Cloud, Stuart Greendeer, Roger Snake, Morgan Whiteeagle, Kunu Helgeson, Albert Yellowthunder, Roland Rave, Richard Snake, William Payer, Jesse Whiterabbit, Levi Blackdeer, Foster Decorah, Chuck Smith, Wally Johnson, Marlene Cleveland-Houghton, James Greendeer, Lionel Cloud, Dennis Funmaker, John Greengrass, Roberta Decorah, Orville Greendeer, Jacob Cloud, Harold Jones Funmaker, John Greengrass, Roberta Decorah, Orville Greendeer, Jacob Cloud, Harold Jones Funmaker, Sr., Wilfred Cleveland, John Houghton, Tracy Thundercloud, John Climer, Adam Hall, John Holst, Anna Rae Funmaker, and Eugene Topping Sr.,</i> Order (Judgment)</p> <p>The Court order granted Jones’ motion to dismiss and ordered the plaintiff and his attorney to compensate Jones for attorney fees and costs.</p>	July 2, 1998
CV 97-60	<p><i>In the Interest of Zachary Mitchell by Celena Mitchell v. Ho-Chunk Nation Enrollment</i> ORDER (Petition for Minor Per Capita Distribution Denied)</p> <p>The petitioner requested release of monies from Zachary’s trust account for the purchase of a family car. The petitioner has not yet given the Court enough information to make a determination as to whether the funds ought to be released. The petitioner, upon a refusal of funding from the tribe’s emergency loan program and from a local banking service, may file a motion for reconsideration. A motion for reconsideration must include: the refusal of funding from the tribe’s emergency loan program and local banking service; proof of exhaustion of all other tribal, state, and federal funds; proof that the vehicle will meet “special needs” of the child; proof that the petitioner’s vehicle no longer functions; and it would be helpful to include information that the vehicle the petitioner intends to purchase is at a “commercially reasonable cost.”</p>	July 15, 1998
CV 96-27	<p><i>In Re: Renee D. Blackdeer by Marian Blackdeer v. HCN Enrollment Department</i> ORDER (Re: Special Need)</p> <p>The petitioner has requested money from her adult incompetent ward’s trust fund to purchase a car. The standard set for considering petitions like this one is: 1) whether the existing vehicle is reliable and safe, 2) how the newly purchased vehicle will</p>	July 15, 1998

	benefit the ward, and 3) whether the newly purchased vehicle would be “commercially reasonable.” The petitioner has adequately proven that her vehicle is unreliable, and that she needs a vehicle to transport her child to and from work, and to and from medical appointments. The vehicle she intends to purchase is “commercially reasonable.” The funds will be released, with the limitation that the vehicle’s title be in the name of the ward, and the vehicle shall only be used for activities that benefit the ward.	
CV 98-41	<i>In Re: Shamus Daniel Layman by Paul Layman v. HCN Enrollment Dept.</i> ORDER (Re: Special Need) The petitioner has requested fund’s from his minor child’s trust fund to help pay legal expenses, as the minor has been criminally charged as an adult in Pinellas County, Florida. This request meets the “special needs” standard. The public defender that the minor originally had failed to appear for hearings, and the petitioner does not know of other legal services available to his son.	July 16, 1998
CV 98-11	<i>William J. Goodbear v. Ho-Chunk Housing Authority</i> DECISION (Remand to Housing Authority, Board of Commissioners) The plaintiff was employed by the Ho-Chunk Housing Authority to do maintenance. The Ho-Chunk Housing Authority withheld a paycheck from the plaintiff. The Court found that there was understandable confusion as to whether the plaintiff was hired as an employee, or as a contractor. The Court determined that the plaintiff was an employee, as they were dependent upon the Ho-Chunk Housing Authority for both materials and tools. The Court ordered that the plaintiff, in following the HO-CHUNK HOUSING AUTHORITY-STATEMENT OF PERSONNEL POLICIES, that the plaintiff follow the administrative remedy process, and file a grievance with the Board of Commissioners prior to seeking relief through the court.	July 22, 1998
CV 97-141	<i>Leigh Stephen et. al., v. Ho-Chunk Nation</i> Order (Motion to Dismiss Denied) The Court denied the plaintiff the opportunity to file a class action suit since the party failed to abide by the schedule that was set previously.	July 29, 1998
CV 97-143	<i>Dan M. Sine v. Jacob Lonetree</i> Order (Motion to Dismiss Granted) This is a case involving the dismissal of a cabinet level Executive Director from his position and whether he has a right to grieve that dismissal. Because Mr. Sine’s position as Executive Director is defined as “at-will” the Court dismissed plaintiff’s motion.	Aug. 3, 1998
CV 98-38	<i>In the Interest of Choice A. Decorah by Adam Hall of the HCN Enrollment Office</i> ORDER More information needs to be compiled as to whether Choice Decorah’s trust fund account should be turned over to him upon reaching age 18. A “hold” is placed on the funds, and a further hearing is scheduled, at which medical and/or psychological evaluations of Choice Decorah, a possible foreign court order appointing a guardian for Choice Decorah, plus any other information to determine his mental fitness to handle per capita distributions will be considered.	Aug. 7, 1998
CV 96-63	<i>David Ujke v. Ho-Chunk Nation</i> JUDGMENT Plaintiff, a former attorney with the HCN Dept. of Justice sued for breach of contract due to constructive discharge. Court held that despite fact Attorney did all he could to have contract approved by BIA, it was inexplicably never submitted a second time and so claim ran afoul of the requirement of 25 U.S.C. § 476 that all attorneys working for Indian Tribes have approved contracts. Claim for full contract damages dismissed. However, plaintiff was awarded damages for unpaid wages on quantum meruit theory and unpaid leave time based on takings clause of HCN CONSTITUTION. The Court adopts the elements if an action for quantum meruit found in <i>Ramsey v. Ellis</i> : Quantum meruit is awarded to avoid unjust enrichment. The elements of a claim	Aug. 17, 1998

	<p>based on unjust enrichment are: (1) plaintiff conferred benefit on defendant, (2) defendant knew of the benefit, and (3) it is inequitable for defendant to accept or retain the benefit without paying its value. Recover is based on the defendant's duty to return the benefit and not on a promise or agreement to pay for the benefit. One who is unjustly enriched at the expense of another person must repay that person. 163 Wis.2d 378, 381-82, 471 N.W.2d 289, 291 (1991).</p> <p>The SECOND RESTATEMENT OF CONTRACTS § 90 formulates the concept of promissory and equitable estoppel as follows: A promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee . . . and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise. The remedy granted for breach may be limited as justice requires. Plaintiff's equitable estoppel claim fails because he knew that his contract first needed the approval of the Secretary of the Interior before it would be enforceable.</p>	
CV 97-147	<p><i>Hocak Credit Union v. Debra Crowe and Forest Blackdeer</i> Order (Judgment)</p> <p>The Court ordered that the defendants surrender a Chevy S-10 Blazer to the Hocak Credit Union for failure to pay the car loan.</p>	Aug. 26, 1998
CV 98-35	<p><i>Hocak Federal Credit Union v. Caroline Wiese</i> JUDGMENT</p> <p>The defendant is liable to the plaintiff for \$3,295.84. The defendant will pay an additional \$557.55 (collection fee of disbursement, pre- and post-filing interest fees, and an advocate fee) to the plaintiff. The Court considered Wisconsin Statutes, Consumer Credit Transactions § 425 as persuasive authority.</p>	Sept. 4, 1998
CV 97-127	<p><i>Gary Lonetree, Sr., v. John Holst, as Slot Director and Ho-Chunk Casino Slot Department</i> Order (Judgment)</p> <p>The Court found for Mr. Lonetree in that his procedural due process rights were violated in regard to the suspension. The Court ordered Ho-Chunk Casino to pay Mr. Lonetree the equivalent of wages he would have earned during that time and for the annual leave he would have earned for the same period.</p>	Sept. 24, 1998
CV 98-38	<p><i>In the Interest of Choice A. Decorah, By Adam Hall, HCN Enrollment Department</i> ORDER (Guardianship Designation)</p> <p>Sufficient evidence exists to indicate that Choice Decorah has physical and mental limitations, and is an adult incompetent. Therefore, an adult incompetent trust fund will be maintained for him. His grandmother, Wanda Decorah, shall serve as his guardian.</p>	Sept. 30, 1998
CV 97-169	<p><i>Andrea Storm v. Pearl Lightstorming and Gordon Decorah</i> Order (Dismissing without Prejudice)</p> <p>The Court dismissed this case due to lack of evidentiary support in Ms. Storm's case.</p>	Sept. 30, 1998
CV 97-117	<p><i>In the Interest of Oliver Rockman, by Jeremy P. Rockman v. Ho-Chunk Nation Enrollment Department</i> ORDER (Release of Trust Fund Money)</p> <p>The Court grants the request to release an additional \$239.42 from Oliver Rockman's trust account. No entitlement programs exist which would pay the insignificant cost of the court transcript required by the ward. The petitioner has previously proven that no entitlement programs of the Ho-Chunk Nation, the state, or the federal government would be the entertainment expenses incurred by the ward. The petitioner has requested that his guardianship of Oliver be terminated, and Ms. Leola Rockman replace him as guardian. As Ms. Rockman has not indicated that she would be willing to accept the appointment, Jeremy Rockman will continue as Oliver's guardian until another person is willing to take over the guardianship duties.</p>	Oct. 13, 1998
CV 96-49	<p>Roberta Goodbear, Shirley Sahr v. HCN Enrollment Dept. Order (Granting Per capita by Distribution in Part)</p> <p>The Court granted the release of ITF monies for furniture for Ms. Goodbear.</p>	Oct. 13, 1998

CV 97-141	<i>Leigh Stephen et al., v. Ho-Chunk Nation</i> ORDER (Dismissed with Prejudice) The Court dismissed this case due to the failure of the plaintiff to prosecute his case. Additionally, the Court informed the plaintiff of his inability to seek federal review of claims brought under the Indian Civil Rights Act.	Oct. 26, 1998
CV 98-55	<i>Cornelius Decorah v. Wade Blackdeer, Clarence Pettibone, &amp; Ho-Chunk Legislature</i> ORDER (Dismissal Granted) To be heard by the Traditional Court, both parties must consent, and file a Consent to Traditional Court Jurisdiction form. In this case, the plaintiff merely stated in the complaint that he consented to Traditional Court Jurisdiction. This does not constitute a consensual request. The defendants acted within their authority “to authorize expenditures by law and appropriate funds to the various Departments in an annual budget,” pursuant to Art. V, Sec. 2(d) of the HO-CHUNK CONSTITUTION. No case in controversy exists as the position was eliminated when the budget was approved.	Oct. 28, 1998
CV 98-57	<i>In the Matter of Estate of: Hilda Mae Dick</i> ORDER (Release of Trust Funds) The two children of Hilda Mae Dick, Ermon Dick and Janice Savage, are the only known heirs of Hilda Mae Dick. The trust fund account shall be equally divided between the two children.	Nov. 4, 1998
CV 98-14	<i>In Re: Berdine Littlejohn</i> ORDER (Release of Per Capita Trust Fund) The Court ordered a one time release of funds for clothing and shoes, Christmas shopping, and for the rental of a U-Haul to remove Berdine Littlejohn’s personal belongings from storage.	Nov. 17, 1998
CV 98-44	<i>Maureen K. Price v. Ho-Chunk Nation Departments of Personnel &amp; Insurance</i> ORDER (Dismissed With Prejudice) The Trial Court granted defendant’s <i>Motion to Dismiss</i> with prejudice because plaintiff failed to pursue a grievance in a timely manner.	Nov. 18, 1998
CV 98-61	<i>Aurelia L. Hopinkah v. Ho-Chunk Nation Election Board</i> JUDGMENT (Injunctive Relief Granted & Remand to Election Board) The election Board must consider all the evidence of residency presented to them. The Court remanded this case back to the Election Board so that they could consider whether the candidate met the residency requirement. Furthermore, the Trial Court held that the election code as enacted 120 days prior to an election is the applicable law.	Nov. 20, 1998
CV 98-47	<i>Theresa Heberlein v. Food &amp; Beverage Department, MPC</i> ORDER (Dismissal Without Prejudice) Plaintiff contends that her lay advocate was not helpful in her pursuit of this matter therefore she would like to withdraw from this case. The Trial Court dismissed this action without prejudice.	Nov. 23, 1998
CV 98-61	<i>Aurelia L. Hopinkah v. Ho-Chunk Nation Election Board</i> JUDGMENT (Temporary Injunction Denied) The plaintiff files a <i>Motion for Temporary Injunctive</i> relief. The Court denied the <i>Motion</i> because plaintiff failed to show that 1)the harm to plaintiff outweighs the threatened harm to the defendant. 2) that there is a likelihood of success on the merits, or 3) that a temporary restraining <i>order</i> would serve the public interest.	Nov. 30, 1998
CV 98-58	<i>David W. Deere v. Peggy S. Deere</i> ORDER LaCrosse County, in a divorce action between the plaintiff and defendant, determined that a \$5,000 debt to the Ho-Chunk Nation belonged to the plaintiff, and not to the defendant. In that decision, the Court ordered that the plaintiff pay the \$5,000 debt to the Ho-Chunk Nation. The LaCrosse County Court also stated that if plaintiff failed to pay the debt, the defendant should return to that court to have the property readjusted equitably.	Dec. 1, 1998

	The Court states that in this instance, “commity” exists, and it will recognize the Findings of Fact, Conclusions of Law and Judgment of Divorce in the La Crosse County Circuit Court decision (95-FA-319, November 8, 1996). This Court considers 95-FA-319 to be an open case, and the plaintiff must return to that foreign court to seek an equitable readjustment of the property. This case is dismissed.	
CV 96-88	Joan Whitewater v. Millie Decorah, Sandy Martin Order (On Remand) The Court, pursuant to the stipulation of the parties, determined that the appropriate wage to be paid to Ms. Whitewater is \$12.43 per hour. This action was to compensate Ms. Whitewater for her termination.	Dec. 10, 1998
CV 98-45	<i>Ho-Cak Credit Union v. Charlene Tebo</i> DEFAULT JUDGMENT Pursuant to HCN R. Civ. P. 54, the Court sua sponte dismisses the case for failure to appear at a hearing when given proper notice. The plaintiff failed to prove that the original issue exists, and that the evidence submitted by the defendant has not satisfied the debt.	Dec. 11, 1998
CV 98-52	<i>Judy Fahrner v. Bernice Cloud, Darren Brinegar, and Rainbow Casino &amp; Bingo</i> JUDGMENT (Motion to Dismiss Granted) The plaintiff failed to timely file her Complaint in the Ho-Chunk Nation Trial Court. The PERSONNEL POLICY AND PROCEDURE MANUAL states that she has five (5) days to appeal the administrative final decision. This appeal was filed eleven (11) days after the administrative decision. Therefore, this case must be dismissed.	Dec. 18, 1998
CV 98-46	<i>Ho-Chunk Nation v. Tammy Lang</i> Order(Summary Judgment Denied) Summary Judgement is appropriate only when there are no genuine issue as to any material fact and the moving party is entitled to judgement as a matter of law.\ The Trial Court denied the <i>Motion for Summary Judgment</i> because the judge decided there are genuine issues of material fact. Furthermore the Trial Court preferred that this case to be decided on the merits so that the judgement can be more easily enforced through a state court.	Dec. 21, 1998
CV 98-38	<i>In the Interest of Choice A. Decorah By Adam Hall, HCN Enrollment Department</i> ORDER (Release of Trust Fund Monies) The Court orders the release of \$5,000 in trust fund monies for the personal expenses (a TV, VCR, bedroom set, Christmas presents, clothing, and entertainment needs) of the ward, as no other tribal, state, or federal entitlement program covers such expenses. The parties have agreed to meet at a later date to discuss whether a second TV and a vehicle should be purchased using trust fund monies.	Dec. 23, 1998
CV-98-32	<i>Barbara Coyhis v. Mary Webster and Rainbow Casino</i> ORDER (Motion for Reconsideration Granted)	Dec. 23, 1998
CV 97-172	Robert M. Berglin Estate and Lyle R. Berglin and Kristine Berglin, in their own right vs. Ho-Chunk Nation and its Tribal Enterprise, the Ho-Chunk Casino JUDGMENT This case seeks to establish whether a valid contract for life insurance was created between the plaintiff and the defendant. The basic requirements of contract formation: offer, acceptance, and consideration must be fulfilled in order for there to be a valid contract. Offer: It is undisputed that the Ho-Chunk Nation offered the plaintiff life insurance. He was a full time permanent employee who successfully completed his probationary period. He attended a group insurance meeting, in which he was told about the possible health insurance coverage he could receive through his employer, which included medical, dental, and life insurance. Acceptance: There is some dispute over whether the plaintiff accepted the offer of life insurance. The insurance forms themselves created ambiguity as to whether he had	Dec. 24, 1998

	<p>accepted life insurance coverage. Though he did not affirmatively check the box for life insurance, he did designate beneficiaries for the life insurance. He also did not affirmatively sign the required written waiver to decline life insurance coverage. Ambiguity in a contract should be construed against the drafter. Also, the employer was in the best position to realize that the forms had been incorrectly filled out, and did not correct this error. The employee, at the time of filling out the insurance forms, made mention about his “racking up insurance policies.” One can only “rack up” insurance policies if they know they already have a policy (which the plaintiff did know, as he had a life insurance policy from JC Penny).The Court is therefore compelled to find that the plaintiff effectively accepted the offered coverage for life insurance.</p> <p>Consideration: The defendant has argued that the contract is void for lack of consideration as the employer did not deduct the weekly \$.42 premium for life insurance coverage. The Court is persuaded that the contract is not void for consideration. First, the plaintiff signed a blanket authorization on the insurance form to make any such deductions for insurance coverage as required. The fault for failing to deduct for the life insurance lies with the defendant, not with the plaintiff. Second, there is persuasive precedent that suggests that there is not a lack of consideration when the fault of failing to deduct the premiums lies with the insurer, and not the insured. <i>Clements v. Continental Casualty Ins. Co.</i>, 730 F. Supp. 1120 (N. D. Ga. 1989) held that it was not the responsibility of the insured to notice the lack of deductions from his paycheck when the insured had done all that was done of him to change the beneficiary of his insurance. The ambiguity in the insurance form could lead the insured to believe that the life insurance policy was covered by the health insurance policy, for which deductions were made. It must be noted that once the employee authorizes the deduction, he has done all that he can to effectuate the contract. This Court agrees with the rationale of <i>Clements v. Continental Ins. Co.</i> that the contract cannot be held to have lapsed by reason of non-payment.</p> <p>The Court finds that a contract for insurance was formed, and that the plaintiff is entitled to its benefits.</p>	
CV 98-64	<p><i>In the Interest of Reuben A. Hall By Gerald Parr v. Ho-Chunk Nation Enrollment Dept.</i> ORDER (Release of Trust Fund Monies) The Court finds that \$1,000 of the trust fund monies should be released to the guardian for personal expenses as no tribal, state, or federal entitlement program covers such things as clothing, cigarettes, and haircuts. The guardian is to present an accounting of how the monies were spent between February 15, 2000 and April 15, 2000. The Court accepts, in the act of commity, the Jackson County Circuit Court’s appointment of Gerald Parr as the guardian of Reuben A. Hall.</p>	Dec. 31, 1998

HO-CHUNK NATION TRIAL COURT  
1999 OPINIONS

Case No.	Case	Decided
CV 97-101	<p><i>In the Interest of Susan Redfearn by William Turner v. Ho-Chunk Nation Enrollment Department</i> ORDER (Release on Suspended Per Capita Distribution) The Court lifts the Order of August 4, 1998 suspending the release of per capita trust fund monies to the guardian until an adequate accounting of expenditures had been made. The guardian has adequately explained the need for the requested funds, and that those needs cannot be met through tribal, state, or federal entitlement programs. The Court does suggest that the ward’s child care costs be dealt with as child support costs. Therefore, a \$1,000 release from each per capita distribution will be resumed.</p>	Jan. 21, 1999

CV 97-141	<p><i>Leigh Stephen, et. al. v. Ho-Chunk Nation</i> ORDER (Motion for Reconsideration Denied)</p> <ul style="list-style-type: none"> <li>• The standard for reconsideration was set in <i>Babcock v. Ho-Chunk Gaming Commission</i>, CV 95-08 (HCN Tr. Ct., March 14, 1996). The plaintiffs must demonstrate that the court has: (1) overlooked, misapplied, or failed to consider a statute, decision or principle directly controlling; (2) overlooked or misconceived some material fact or proposition of law; (3) overlooked or misconceived some material fact or proposition of law; or (4) the law applied in the ruling has been subsequently changed by court decision or statute.</li> <li>• The parties did not specifically argue that the court overlooked or misconceived a material question or that the law has subsequently changed by court order or statute.</li> <li>• The Court correctly applied the law when it dismissed this case with prejudice. Counsel for the plaintiffs failed to appear at the July 29, 1998 Scheduling Hearing that they themselves had requested. Counsel for the plaintiffs moved their office, and failed to notify the court of their change of address. Counsel for the plaintiffs also failed to contact the court to find out the status of the matter prior to the July 29, 1998 hearing date.</li> <li>• The Court correctly applied the HCN R. Civ. P. 44 (c) and 54. Pursuant to HCN R. Civ. P. 44(c), the Court proceeded with the July 29, 1998 hearing in the absence of plaintiffs and plaintiffs' counsel. The defendants filed a motion to dismiss, which the plaintiffs did not answer. Therefore, pursuant to HCN R. Civ. P. 54, the case was dismissed with prejudice as the Court had no indication that the plaintiffs were actively pursuing their case.</li> </ul>	Jan. 28, 1999
CV 98-67	<p>Stephanie Littlegeorge v. Roy Littlegeorge, Majestic Pines Hotel Order (Denying Motion to Dismiss)</p> <p>The Court denied defendants' Motion to Dismiss for lack of providing a factual basis on which the Court can grant this motion.</p>	Feb. 15, 1999
CV 96-58	<p>Vicki Houghton v. John C. Houghton, Jr., (HCN Tr. Ct., February 19, 1999) Order (Releasing Impounded Check for Child Support Arrears)</p> <p>The Court impounded check until it could rule on defendant's claim that Federal Consumer Credit Protection Act (FCCPA) prevented tribe from withholding certain funds from per capita. The Court determined that per capita did not fall within the meaning of "earnings" as set out on the FCCPA and that, therefore, the FCCPA did not apply.</p>	Feb. 19, 1999
CV 98-18	<p><i>In the Interest of Adult Incompetent: Kathy Brandenburg Miller</i> RELEASE OF TRUST FUND</p> <p>The appointed trust fund guardian/payee and the ward have had substantial difficulties, and he has filed for a divorce from Brandenburg Miller. A new trust fund guardian/payee has yet to come forward. Therefore, as the ward continues to accumulate debts (community service program, medication, and state public defender office), the HCN Treasury department is authorized to release funds from the trust account to cure those debts.</p>	Feb. 22, 1999
CV 98-18	<p><i>In the Interest of Adult Incompetent: Kathy Brandenburg (Miller)</i> ORDER (2nd Release of Per Capita Distribution)</p> <p>The suggested guardian has filed the Criminal Background Check with the court, but a guardian has not been appointed yet. The Ho-Chunk Nation Treasury Department is to release \$50 to Oak Run, where Brandenburg (Miller) will be transferred shortly, for purchase of personal hygiene items. The Court suggests that the Social Security Administration file a notice of waiver of the monies overpaid to Brandenburg (Miller). The suggested guardian, Ms. Smelcer, needs to submit a complete financial disclosure</p>	Mar. 5, 1999

	form to the court.	
CV 96-87	<p><i>In the Interest of Myron A. Funmaker by Judith Ann Thundercloud, Guardian v. Ho-Chunk Nation</i> ORDER</p> <p>The Court authorized the release of \$6164.95 for Myron A. Funmaker. No other tribal, state, or federal entitlement program would cover the costs of such things as a range, a washer/dryer, and central air conditioning, which are to improve the condition of the ward's life. The Court also approves the monies requested for entertainment, and for auto insurance. The funds previously spent by the Klinkenbergs, with whom the ward resides, are likewise not covered by any other entitlement program, and they are to be reimbursed for such expenditures. The guardian is to submit an accounting to the court within three months, or within a month of the completion of the purchases.</p>	Mar. 22, 1999
CV-99-18	<p><i>Stewart Miller v. Ho-Chunk Nation Legislature</i> ORDER (Dismissing Without Prejudice)</p> <p>An area V representative was barred from suing the Nation based on the doctrine of sovereign immunity. The Trial Court dismissed without prejudice because an exception to the rule may exist.</p>	Mar.25, 1999
CV 98-38	<p><i>In the Interest of Choice A. Decorah</i> ORDER (Release Suspended)</p> <p>The Court orders that no additional funds be released from the trust fund account until the guardian, Wanda Decorah and/or Choice Decorah provide the court with an accounting of how the \$5,000 from the Dec. 22, 1998 order releasing trust funds were spent.</p>	Mar. 31, 1999
CV 98-46	<p><i>Ho-Chunk Nation v. Tammy Lang</i> JUDGMENT</p> <p>The Court finds in favor of the plaintiff.</p> <ul style="list-style-type: none"> <li>• The defendant, Tammy Lang, as head of the Head Start program for the Ho-Chunk Nation, did commit the act of civil conversion when she used tribal funds to order supplies that were inappropriate for the Ho-Chunk Nation Head Start program, and took the supplies for her own use. The inappropriate supplies were for infants and toddlers up to age 2, and the Ho-Chunk Head Start program only provides services for children aged 3 to 5. The other inappropriate supplies were big ticket items like playground equipment that each of the Head Start facilities already had. The defendant also failed in her fiduciary duty to the Nation.</li> <li>• The Court orders the defendant to pay the Nation \$7,907.71, as reimbursement for the inappropriate supplies taken for personal use. The plaintiff withdrew its request for reimbursement, but the Court finds that the interests of justice require that the defendant reimburse the Nation, as the Nation has already had to reimburse the federal government for these inappropriate supplies, in order to protect their ability to receive future grant money. In addition, the defendant is ordered to repay the Nation for each Hearing appearance, as the Nation's counsel appeared at each hearing, despite the fact that the defendant never appeared to defend herself. The plaintiff shall submit an accounting of attorney's fees for each appearance within one month of the issuance of this order.</li> <li>• Pursuant to Wis. Stat. § 806.245(1), the judicial records, orders and judgments of an Indian Tribal Court in Wisconsin shall have the same full faith and credit in the courts of Wisconsin as do the acts, records, orders and judgments of any other governmental entity.</li> </ul>	Apr. 1, 1999
	<i>Lorna Mae Hach v. Ho-Chunk Casino &amp; Ho-Chunk Nation</i>	Apr. 8, 1999

CV 98-63	<p>MOTION FOR SUMMARY JUDGMENT (Granted) The Court holds in favor of the defendant.</p> <ul style="list-style-type: none"> <li>The plaintiff claims that she has a disability which is covered under the American with Disabilities Act (ADA), 42 U.S.C. § 12,107 et. Seq. The problem with this claim is that the plaintiff works for a non-covered employer. The ADA specifically states “that the term employer does not include -- (i) the United States, a corporation wholly owned by the United States, <i>or an Indian tribe.</i>” (See 42 U.S.C. § 12,111(5)(B)(i).) Therefore, the plaintiff is not covered by the ADA.</li> <li>It is clear that the plaintiff violated the work agreement. She signed a work agreement that provided that she would either be at work, or call an hour before her start time to say she would be unable to come in to work, and required her to provide a doctor’s note about her absence. The Court finds this agreement to be reasonable. The plaintiff failed to come to work on Aug. 22, 1998, and she failed to call to say she would be unable to come in to work.</li> </ul> <p>The Court finds the defendant’s accommodation of the plaintiff to be reasonable and that substantial evidence supports its decision to terminate her services.</p>	
CV 98-43	<p><i>Carol A. Johnson v. HCN Business Dept.</i> JUDGMENT</p> <ul style="list-style-type: none"> <li>The Court finds that the plaintiff was not treated unfairly. It is the policy of the Slot Department to suspend <i>slot department</i> employees for 3 days after an open door incident. The Slot Department does not have the authority to suspend the Asset Protection Officer that accompanied the plaintiff when she serviced the machine.</li> <li>The Court finds that the open door was a human error, and not a mechanical error. Evidence was presented that after the incident, and up to the time of trial, the machine has never malfunctioned so as to have the door pop open, or not close properly, due to a mechanical failure.</li> <li>The suspension received by the plaintiff was excessive. The policy states that an employee who leaves a slot door open will be suspended for three days. The policy fails to define a working day. This Court interprets three days to mean three 8 hour shifts. At the time, the plaintiff was working 10 hour shifts, so her suspension resulted in her losing 30 paid hours of work. The plaintiff is to be compensated for the extra 6 hours of work that she missed due to the excessive suspension.</li> </ul>	Apr. 27, 1999
CV-98-54	<p><i>Nina Garvin v. Carol Laustrup, Ho-Chunk Casino</i> ORDER (Granting Summary Judgment)</p> <ul style="list-style-type: none"> <li>A temporary employee may not grieve employment decisions.</li> </ul> <p>Plaintiff brought this to the Courts attention as an appeal to an employment decision. Defendant filed a <i>Motion for Summary Judgement</i>. Plaintiff failed to respond. The Trial Court granted defendants <i>Motion for Summary Judgement</i>.</p>	Apr. 28, 1999
CV 99-28	<p><i>Debra C. Greengrass v. Ho-Chunk Nation Election Board</i> DECISION AND ORDER</p> <p>At issue is the result of the primary election for 1999 for the seat of the Associate Justice of the Supreme Court. There were only two candidates on the primary ballot, with a space for write-in candidates. Candidate Joan Greendeer-Lee received a majority of the votes in the primary election. As a result of the primary election, the Ho-Chunk Nation Election Board declared her to be the winner of the election. The Court finds that even if a candidate does receive a majority of the votes in a primary election, the primary winner cannot be certified to take office since Art. VIII, Section 1 of the Ho-Chunk Constitution requires a successful candidate to be elected at a General Election. The Court orders the Ho-Chunk Election Board to place Joan Greendeer-Lee and Debra Greengrass on the</p>	Apr. 29, 1999

	general election ballot for the June 1, 1999 General Election for the seat of Associate Justice of the Supreme Court.	
CV 96-32	<p><i>U.W. Stevens Point v. Orbert S. Goodbear</i> ORDER (Renewing Enforcement of Foreign Judgment)</p> <ul style="list-style-type: none"> <li>• The plaintiff seeks to have a foreign court order enforced by this Court. The plaintiff seeks to garnish the defendant's wages to satisfy the Sauk County Circuit Court Judgment entered on May 28, 1996.</li> <li>• The Court is without statutory authority to order the attachment or garnishment of a tribal member's per capita distributions based on commercial debt or liability. Pursuant to the Claims Against Per Capita Ordinance, adopted Sept. 6, 1996, the HCN Trial Court only may enforce claims against per capita distributions for federal tax levies, child support orders, and money or debts owed to the Ho-Chunk Nation by a tribal member.</li> <li>• The Motion for Renewal of Recognition of Formal Judgment is granted. The HCN Treasury Department is ordered to withhold 20% of the defendant's weekly earnings for one year. The Court would consider a smaller garnishment due to hardship upon a Motion to Modify Withholding.</li> </ul>	May 12, 1999
CV 99-23	<p><i>John S. Cloud III v. HCN Enrollment</i> ORDER (Releasing Per Capita in Part)</p> <p>The Court reluctantly finds that the request for \$5,000 to finish paying off the car he uses to transport himself to and from school fits within the "special need" category required for a release of trust fund monies. The Court does so because it is commendable that he has chosen to finish high school, rather than take the easy way out and earn his HSED, and have access to all the funds in his trust fund account more quickly.</p>	May 14, 1999
CV 99-19	<p><i>Rosalie J. Kakkak for Alana Greengrass v. Melody A. Hale</i> ORDER (Default Judgment)</p> <p>The plaintiff filed a Complaint, alleging that the defendant owed her \$350 for babysitting services. The defendant failed to Answer in a timely fashion, and failed to appear at the May 12, 1999 Fact Finding Hearing though she was given proper notice. Therefore, pursuant to HCN R. Civ. P. 44(c) and 54 the Court enters a default judgment of \$350 payable to the plaintiff, and \$39 payable to the Ho-Chunk Nation for costs and fees associated with the filing of the Complaint. The defendant must file proof of satisfaction of the Default Judgment with the Court on or before Aug. 17, 1999 in the manner described in HCN R. Civ. P. 59.</p>	May 17, 1999
CV 98-67	<p><i>Stephanie Littlegeorge v. Roy Littlegeorge, Majestic Pines Hotel</i> ORDER (Granting Dismissal)</p> <p>The case is dismissed. The plaintiff was terminated within her probationary period. Pursuant to the HCN PERSONNEL POLICY AND PROCEDURE MANUAL a probationary employee has no right to file a grievance.</p>	May 19, 1999
CV 99-25	<p><i>In the Interest of Minor Child: C.B.B., DOB: 6/1/87 by Shawn Blackdeer v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Judgment Granted)</p> <p>The Court orders the release of \$3,500 from the minor's trust fund to complete the orthodontic care for the minor child. The Court concludes that special need exists in the instant case in light of the documented financial position of the family coupled with the urgency of the orthodontic care.</p>	May 21, 1999
CV 97-168	<p><i>Rachel Winneshiek v. James Beverly, (HCN Tr. Ct., May 24, 1999)</i> Order (Modifying Enforcement of Child Support)</p> <p>The Court ordered that thirty-four percent (34%) of the respondents Per Capita Distribution be withheld for child support.</p>	May 24, 1999

CV 99-31	<p>Casey Fitzpatrick v. Ho-Chunk Nation Order (Denial of Motion)</p> <p>The Court had to determine whether the defendant may assert the defense of failure to state a claim which relief can be granted by motion prior to filing a responsive pleading. While other jurisdictions permit such a practice, the Ho-Chunk Nation Rules of Civil Procedure do not make such an allowance. The Court, therefore, denied the defendant's <i>Motion</i>.</p>	June 7, 1999
CV-98-51	<p><i>Donna L. Peterson v. HCN Compliance Division</i> ORDER (Granting Summary Judgment)</p> <ul style="list-style-type: none"> <li>• Summary Judgment is held in favor of the plaintiff when there is no genuine issue of material fact.</li> <li>• A dispute of material fact genuine only if a reasonable trier of fact could render a verdict for the non-moving party if the record at trial were identical to the record compiled in the summary judgment proceeding</li> <li>• In an employment discrimination case the plaintiff must present evidence sufficient to prove each, evidence of a basic claim. This is called a <i>prima facie</i> case, once made the defendant bears the burden of producing a legitimate non-discriminatory reason for the adverse decision.</li> </ul> <p>The plaintiff brought this case to the Trial Court claiming discrimination as to the plaintiff's age. The defendant made a <i>Motion for Summary Judgment</i>. The Trial Court used a rebuttal test that is also used in Federal Courts. The Trial Court found that the plaintiff failed to offer evidence sufficient to rebut the defendant's non-discriminatory rationale. The Court granted defendant's <i>Motion</i>.</p>	June 22, 1999
CV 99-31	<p><i>Casey A. Fitzpatrick v. Ho-Chunk Nation</i> ORDER (Denial of Motion for More Definite Statement)</p> <p><i>Ho-Chunk Nation R. Civ. P. 3 (A)</i> requires the plaintiff to state the "facts and circumstances" of which they are complaining. It does not require the plaintiff to state precisely which law they believe the defendant to have violated. The Court wishes to remain open to pro se litigants, and a requirement to include the relevant law broken by the defendant may prove too daunting for them. The plaintiff has filed a Complaint with sufficient facts and circumstances for the defendant to formulate an Answer. The defendant has 10 days to file an Answer to the Complaint.</p>	June 25, 1999
CV 99-37	<p><i>Stewart Miller v. Ho-Chunk Nation Election Board, Ho-Chunk Nation Legislative Representatives, et al., and Kathy Lonetree Whiterabbit</i> MEMORANDUM OPINION AND ORDER</p> <p>The plaintiff filed this Complaint on June 11, 1999, to challenge the results of the primary election that had been certified by the Board on Apr. 3, 1999. The <i>Ho-Chunk Nation Election Ordinance</i> requires that an election challenge be filed within 10 days after the Election Board certifies the election results. The plaintiff argues that in this instance, equity should require that the time period be lengthened to allow this Legislator, who was banned from his office during the time in which to timely file a Complaint, to challenge these results. The Court declines to lengthen the time period, and finds that the Court must dismiss this action for lack of subject matter jurisdiction.</p>	June 29, 1999
CV 99-35	<p><i>Joan Greendeer-Lee v. Ho-Chunk Nation Election Board</i> DECISION AND ORDER</p> <p>Neither the <i>Ho-Chunk Nation Election Ordinance</i> or the HO-CHUNK NATION CONSTITUTION required that the plaintiff be an indispensable party when Debra Greengrass, the other candidate in the election, challenged the results of the Primary Election. The plaintiff has failed to show that the Election Board violated the Ordinance or the Constitution. The plaintiff has also failed to show that but for violations or</p>	June 29, 1999

	unfairness, she would have won. Therefore, the Court dismisses this case.	
CV 99-08	<p><i>Parmenton Decorah v. HCN Legislature and HCN Dept. Of Personnel</i> ORDER (Granting Preliminary Injunction) The plaintiff challenges HCN Leg. Res. 12-29-98C, and has petitioned for a temporary restraining order and/or injunction.</p> <ul style="list-style-type: none"> <li>• The standard for injunction as stated in <i>Warner v. Ho-Chunk Election Board</i>, CV 95-03 (HCN Tr. Ct., July 3, 1995), and <i>Thundercloud v. Ho-Chunk Election Bd.</i>, CV 95-16 (HCN Tr. Ct., Aug. 28, 1995) cited with approval in <i>Coalition for Fair Government II v. Lowe and Whiterabbit</i>, SU 96-02 at 7 (HCN S. Ct., July 1, 1996) requires that the plaintiff make the following showing: 1) that there is no adequate remedy at law, 2) that they have a reasonable likelihood of success on the merits, 3) that the threat of harm to the party seeking the injunction outweighs the harm caused by the injunction, and 4) that the public interest weighs in favor of granting the injunction.</li> <li>• There is no adequate remedy at law. The defendant has asserted the defense of immunity, which the Court interprets as a defense of sovereign immunity. Therefore, the plaintiff, unless he can show an express waiver of the Nation's sovereign immunity, he may not recover monetary damages.</li> <li>• The plaintiff has attacked the resolution on four grounds: 1) it constitutes an ex post facto law, 2) it is a bill of attainder, 3) it violated the plaintiff's rights to due process, and 4) it violated the plaintiff's right to equal protection.</li> <li>• The HO-CHUNK NATION CONSTITUTION contains a prohibition against ex post facto laws in Article X. This resolution, combined with the fact that two Legislators refused to allow their signatures on payroll checks for the plaintiff, because as they understood it, he could no longer be employed in that position because of the resolution, did act as an ex post facto law. It punished the plaintiff for conduct that had not been punishable before the resolution was passed.</li> <li>• The HO-CHUNK NATION CONSTITUTION contains a prohibition against bills of attainder in Article X. The resolution did not act as a bill of attainder as the plaintiff has failed to prove that the Legislature's intent in passing the resolution was to punish him.</li> <li>• The plaintiff's position (Executive Administrative Officer) is one that this Court will interpret as being one for which he could be dismissed without cause. Therefore, he had no right to be notified or heard before he was terminated.</li> <li>• The plaintiff has also alleged a violation of equal protection. Felony criminals are not a suspect class for equal protection analysis. The resolution passes muster under the rational basis test, as it furthers the legitimate legislative goal of protecting the assets of the Nation.</li> <li>• Having found that the resolution did act as an ex post facto law, the Court then considered whether the harm to the plaintiff outweighed the harm caused by the injunction. The Court determined that the harm to the plaintiff, losing his job, outweighs the abstract harm done to the Nation (the harm being that the Nation must employ someone who, if they applied for that position today, could not be so employed because of the resolution).</li> <li>• The Court also found no public policy that outweighed the Constitutional ban against the passage of ex post facto laws. Though the defendant cited an impressive list of federal statutes, none of them were found to actually prohibit a convicted felon from doing anything.</li> </ul> <p>The Court ordered the Department of Personnel to reinstate the plaintiff within 30 days.</p>	July 1, 1999
CV 96-46	<p><i>In Re: Bruce Patrick O'Brien by Elethe Nichols, Guardian v. HCN Enrollment Department</i> ORDER (Granting Release of Funds)</p>	July 14, 1999

	The plaintiff has requested funds from an adult incompetent's trust account to cover various expenses associated with moving to the new home that has been built for him by the Nation. The Court grants this request, finding that this request meets the special need requirement in that it provides for the ward's health and welfare.	
CS 99-29	<i>Vicki Houghton and Rachel Winneshiek v. John C. Houghton, Jr.</i> JUDGMENT (Enforcing Child Support) The respondent was ordered by the Monroe County Circuit Court to pay 17% of gross income for current child support. The respondent was also ordered by La Crosse County to pay 29% of gross income for current child support. After a hearing, the Court orders that 5% of the respondent's per capita distribution be withheld for current child support in the Monroe County case, and that 29% of the respondent's per capita be withheld for current child support in the La Crosse County case.	July 14, 1999
CV 96-46	<i>In Re: Bruce Patrick O'Brien, by Elethe Nichols, Guardian v. HCN Enrollment Dept.</i> ORDER (Modifying Release of Funds) The Court modifies its previous Order to the extent that the \$2,000 for miscellaneous household expenses be released in July due to the ward's having to be moved out of his present living situation by July 31, 1999.	July 16, 1999
CV 99-31	Pauline Mike v. Loylee Mike and J.T.M. (Minor Child) <i>Preliminary Injunction</i> <i>The Court ordered a temporary restraining order of the defendants and that they be removed from the plaintiff's residence because the minor child abused the plaintiff.</i>	July 23, 1999
CV 99-40 CV 99-41	In the Interest of Minor Child: A.O.W., (DOB 02/23/88) by Algie A. Wolters v. Ho-Chunk Nation Enrollment Office and In the Interest of Minor Child: M.F.W., (DOB 02/23/88) by Algie A. Wolters v. Ho-Chunk Nation Enrollment Order (Consolidating Cases and Denial of Request) The Court denied the request of CTF monies for orthodontic care and directed the plaintiff to seek funding from the HCN Legislature.	July 27, 1999
CV 99-56	Ho-Chunk Nation Housing Authority v. Audrey Goodbear Order (Denial of Motion) The Court denied the motion brought by the plaintiff due to a misapplication of the law.	July 28, 1999
CV 99-43	<i>In the Interest of Minor Child: M.J.N., (DOB 8/19/87), by Mary Bird v. Ho-Chunk Nation Enrollment Office</i> Order (Denial and Release of Funds) The plaintiff was denied the release of her minor's CTF monies to pay for rent, clothes, and food. The Court concluded that there was no direct benefit to the minor's health, education, and welfare because the CTF monies may not replace the parent's responsibilities and obligations as parents.	July 29, 1999
CV 99-33	In the Interest of: Randall Kirk Banuelos, by Emily J. Boswell v. Ho-Chunk Nation Office of Tribal Enrollment Order (Releasing Decedent's Per Capita Distribution) The Court grants the plaintiff's request to release the balance of her son's ITF account to her. The Nation has no objection to the Court doing so, and there was no state probate action in this case. The only estate involved was the ITF fund.	July 30, 1999
CV-99-39	In the Interest of Minor Child: M.L.D., (DOB 11/10/86), by Lori Spinn v. Ho-Chunk Nation Enrollment Office Order (Denial of Release of Funds) The Court denied the request for the release of CTF monies by the plaintiff because the	Aug. 3, 1999

	plaintiff failed to use all other available financial sources.	
CV 99-38	<p>Ho-Chunk Housing Authority v. Karen Lipski Order (Ex Parte Emergency Order)</p> <p>The Court granted the plaintiffs' Emergency Order due to standing water in the basement, rodent infestation, the odor of feces due to the unworking toilet, and the rotting garbage and food, which constitutes a serious health risk in the defendant's residence. Furthermore, the Court allowed the plaintiff to enter the defendant's apartment for purpose of cleaning the apartment and making habitable.</p>	Aug. 4, 1999
CV 99-14	<p><i>Melissa Sue Decorah v. Ho-Chunk Nation Enrollment Committee &amp; Nancy Smith</i> ORDER (Granting Dismissal)</p> <p>Pursuant to <i>HCN R. Civ. P. 56</i>, a <i>Motion to Dismiss</i> may be granted where a party fails to substantially comply with the rules. In this case, the plaintiff has failed to substantially comply with the rules in that the plaintiff disregarded the Court's April 30, 1999 deadline to file a <i>Response</i>. The case is therefore dismissed.</p>	Aug. 9, 1999
CV 98-39	<p><i>In the Interest of V.S. &amp; S.S. by Lori Luxon v. HCN Enrollment Dept.</i> ORDER (Debarment)</p> <p>The Court ordered that Lori Luxon be forever barred from further access to her children's CTF accounts for failure to file a financial report of the prior release of funds, though twice ordered by the Court to do so.</p>	Aug. 12, 1999
CV 99-20	<p><i>Michele M. Ferguson v. HCN Insurance Review Commission/Division of Risk Management</i> JUDGMENT</p> <ul style="list-style-type: none"> <li>• The <i>Ho-Chunk Insurance Review Commission Ordinance</i> was struck down as unconstitutional and void. The Legislature had impermissibly attempted to grant the judiciary's judicial powers to an executive administrative agency, the Ho-Chunk Insurance Review Commission (HIRC), contrary to HCN CONST. ART. III, § 3 and ART. VII, § 4. As the Legislature clearly stated that there was to be no review of HIRC decisions by any other tribal entity, the statute could not be saved.</li> <li>• The claim was dismissed as the Ho-Chunk Nation Legislature has not clearly and explicitly waived the Nation's sovereign immunity as to insurance claims.</li> </ul>	Aug. 12, 1999
CV 99-31	<p>Casey Fitzpatrick v. Ho-Chunk Nation Order (Dismissal with Prejudice)</p> <p>The Court could not grant retroactive effect to legislation absent a clear directive from the Legislature. Retroactivity, unless legislatively mandated, is disfavored in the law. The Court, therefore, must grant the defendant's motion to dismiss.</p>	Aug. 12, 1999
CV 95-26 CV 95-27 CV 96-05	<p><i>Lonnie Simplot, Linda Severson, and Carol Ravet v. Ho-Chunk Nation Department of Health</i> JUDGMENT</p> <ul style="list-style-type: none"> <li>• The Nation did not waive their sovereign immunity through the alleged acts of discrimination by the Nation's employees. Those employees went outside the scope of their duty, and may have been sued personally for prospective injunctive and declaratory relief, but they did not waive the Nation's immunity.</li> <li>• The Nation did not waive their sovereign immunity by entering into the IHS contract. The clauses incorporated into that contract fall short of the "clear and explicit" waiver requirement to waive sovereign immunity.</li> <li>• The Nation did waive its sovereign immunity in a limited fashion, for \$2,000 in damages and reinstatement in HCN LEG. RES. 3/26/96-A.</li> <li>• The Court declined to reach the merits of the discrimination claim as the plaintiffs have been previously awarded \$2,000 and reinstatement, the only</li> </ul>	Aug. 13, 1999

	relief the Court may award.	
CV-96-94	<p><i>Joelene Smith v Scott Beard, as Director of the HCN Dept. Of Education and the Ho-Chunk Nation</i> DECLARATORY JUDGMENT(Comparable Position)</p> <ul style="list-style-type: none"> <li>• The Trial Court held that in determining what a comparable position is, it will look at the substance of the job, rather than the job title.</li> <li>• A comparable position can include positions that the wronged employee does not technically qualify for, but has the skills and ability to learn the position with some on the job training.</li> </ul> <p>The Trial Court described what constitutes a comparable position.</p>	Aug. 16, 1999
CV-99-57	<p>David Snowball, Occupancy Specialist, HCN Housing Authority v. Janice Harrison and Cheryl Decorah-Snake Order (Preliminary Injunction)</p> <p>The Court granted the plaintiff's request of a temporary restraining order against the defendants. The defendants approached the plaintiff's residence and beat their fists against the walls of the house and uttered threats against the plaintiff and his family.</p>	Aug. 17, 1999
CV-99-40 CV-99-41	<p>In the Interest of Minor Child: A.O.W., (DOB 02/23/88) by Algie A. Wolters v. Ho-Chunk Nation Enrollment Office and In the Interest of Minor Child: M.F.W., (DOB 02/23/88) by Algie A. Wolters v. Ho-Chunk Nation Enrollment Order (Judgment Granted)</p> <p>The Court grants the release of CTF monies for orthodontic procedures as they represent a health benefit to the minor child.</p>	Aug. 18, 1999
CV-99-61	<p>Samantha Dyan Beale v. HCN Enrollment Order (Denying Request for CTF funds)</p> <p>The Court denied the request of the release of CTF monies for the purchase of a new vehicle.</p>	Aug. 23, 1999
CV-99-50 CV 99-51 CV 99-52	<p><i>Joyce Funmaker on behalf of: S.Q.F., (DOB 11/30/88), B.R.F., (DOB 9/8/87), L.L.F., (DOB 11-26-85) v. HCN Enrollment</i> Order (Granting Disbursement)</p> <p>The Court granted the release of CTF monies for the purchase of school supplies and clothes.</p>	Aug. 24, 1999
CV-97-117	<p><i>In the Interest of Adult Incompetent, Oliver S. Rockman v Ho-Chunk Nation</i> ORDER (Approving Request for Money)</p> <p>The plaintiff a mentally incompetent male, requested the Court release money from his ITF. In deciding whether the release of the plaintiff's allowance would be appropriate the Court looked at whether the items requested would enhance plaintiffs quality of life and whether the items would be covered under some state or tribal program. The Court found that the items requested would enhance plaintiff's quality of life and that no other state or tribal program covered the cost of such items. Therefore, the Trial Court allowed the release of per capita funds.</p>	Aug. 30, 1999
DV 99-01	<p><i>Melody Lee Whiteagle-Fintak v. Steven Fintak</i> Order (Ex Parte Emergency Temporary Protective Order)</p> <p>The Court issued an order removing the defendant from the residence on an allegation of domestic abuse.</p>	Sept. 8, 1999
CV-99-47	<p>Chauncy P. Wilson v. Ho-Chunk Nation Enrollment Order (Conditional Denial of Request)</p> <p>The Court did not grant the request of the petitioner to release his CTF funds due to the</p>	Sept. 10, 1999

	failure to provide a more particularized petition.	
DV 99-02	<i>Melody Lee Whiteagle-Fintak v. Steven Fintak</i> Order (Ex Parte Emergency Temporary Protective Order) The Court granted an order that required the defendant not to contact or come within fifty (50) feet of the plaintiff.	Oct. 20, 1999
CV-99-63	Roxanne Wilson v. HCN Enrollment Order (Releasing Decedent's Per Capita Distribution) The Court ordered the release of the balance of the ITF of Perry F. Wilson to his four living heirs in equal shares.	Oct. 22, 1999
CV-99-67	In the Interest of Minor Child: R.E.C., (DOB 09-15-82), by Excilda Bird v. HCN Enrollment Order (Denial of Request) The Court denied the release of CTF funds because the petitioner has not made the effort to use other sources that are available. Furthermore, the petitioner was directed by the Court to seek Legislative assistance.	Nov. 05, 1999
CV-99-59	In the interest of Minor Children: J.L.G. (DOB 05-02-82), C.A.G. (DOB 08/29/84), S.C.G., (DOB 12/23/86), A.A.G., (DOB 05/09/91), J.W.G., (DOB 12/28/88) by Rae Anna Garcia v. HCN Enrollment Order (Releasing Children Trust Monies) The Court granted the release of CTF funds for the purpose of purchasing a vehicle due to the economic flight of the family.	Nov. 10, 1999
CV-99-69	Helen Harden v. ICW/CFS Order (Dismissal with Prejudice) The Court dismissed this case with prejudice pursuant to the Ho-Chunk Nation Rules of Civil Procedure. The plaintiff failed to appear at the hearing.	Nov. 10, 1999
CV-98-11	<i>William L. Goodbear v. Ho-chunk Housing Authority</i> JUDGMENT(Denying Motion to Dismiss) <ul style="list-style-type: none"> <li>The Ho-Chunk Housing Authority is an agency of the Ho-Chunk Nation and is subject to the HCN <i>Policy and Procedures Manual</i> thereby having limited sovereign immunity.</li> </ul> The defendant argued that it was immune from suit as it is an agency of the HCN. The HCN <i>Policy and Procedures Manual</i> provides a waiver of sovereign immunity. The defendant claimed that it does not follow that manual and that it has its own manual therefore, in no way did this agency waive its sovereign immunity. The Trial Court disagreed stating that the <i>Policy and Procedures Manual</i> is not something that can be modified by this particular agency and therefore they are bound to it. The Trial Court denied defendants <i>Motion to Dismiss</i>	Nov. 12, 1999
CV-99-67	<i>In the Interest of Minor Child: R.E.C., DOB: 09/15/82 by Excilda Bird v Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Petition Granted in Part and Denied in Part) <ul style="list-style-type: none"> <li>Once a petitioner satisfies a showing of unreliable or inadequate transportation, the Court requires: 1) an estimate for the cost of the car 2)an estimate for the cost of insurance for the car 3) documentation showing the Blue Book value of a car 4)Documentation from the Social Security agency showing that the car falls into an SSI exception and will not affect SSI.</li> <li>This Court must determine whether the car is commercially reasonable. A car is commercially reasonable if the cost falls within Kelly's Blue Book value range and the vehicle is no more than seven(7) years old with less than 75,000 miles.</li> </ul> Plaintiff is a grandmother representing a minor. They brought this action to ask the	Dec. 13, 1999

	<p>Court to authorize the release of monies from the child's CTF fund. The child in question was a student at a University in Southern California and was in the need of a computer, money for driving to school and money for basic living expenses while at school. The Trial Court found that the plaintiff was in need of the money for her education and welfare. Furthermore, she has exhausted all state and tribal resources in search of this funding prior to coming to this Court.</p> <p>The plaintiff also requested money for a car. The Trial Court did not authorize this expenditure due to the fact that plaintiff did not offer sufficient documentation justifying this request; plaintiff needs to satisfy a showing of unreliable or inadequate transportation.</p>	
CV 99-42	<p><i>In the Interest of Pauline Mike v. Loylee Mike and J.T.M.</i> Order (Accepting Status Report &amp; Levying Fine) The Court had to levy a fine upon Social Services for noncompliance, namely for the untimely filing.</p>	Dec. 14, 1999
CV-99-80	<p>In the matter of G.O.L.F., (DOB 3/13/93) v. HCN Dept. of Enrollment Order (Denying Reconsideration) The Court denied reconsidering the petition to release CTF funds for the down payment on a house.</p>	Dec. 14, 1999
CV-97-117	<p><i>In the Interest of Adult incompetent, Oliver S. Rockman v Ho-Chunk Nation</i> ORDER (Approving Request for Money) The Court approved the release of ITF funds due to the "special need" for winter clothes and daily necessities demonstrated by the petitioner.</p>	Dec. 15, 1999
CV-99-77	<p>In the interest of Minor Child: J.K.W., (DOB 01/18/82) by Joy Buck v. HCN Enrollment Order (Petition Granted in Part and Denied in Part) The Court granted a release of CTF funds for the eye care of the minor child, but denied the release of funds for the purchase of entertainment equipment.</p>	Dec. 23, 1999

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Case No.	Case	Decided
CV-99-69	<p>Helen Harden v. ICW/CFS Order (Denial of Motion to Reopen) The Court denied the plaintiff's motion to reopen for failure to offer a valid justification meriting the granting of a post-judgment motion.</p>	Jan. 4, 2000
Admin. Or. 00-01	<p>In the Matter of Motion to Dismiss The Court ordered that all future "requests" and Motions must be clearly enumerated in the captions of the pleadings in which they appear. If "requests" and motions are not enumerated they will not be considered.</p>	Jan. 12, 2000
CV 99-89	<p>In the Interest of Hershel Thompson, DOB 08/02/14 by Jeffrey Thompson v. Ho-Chunk Nation Office of Tribal Enrollment Order (Releasing Decedent's Per Capita Distribution) The Court granted the release of monies in equal shares to the surviving heirs as mutually agreed upon by the parties.</p>	Jan. 18, 2000
CV 99-83	<p>In the Interest of the Minor Children: M.C. (DOB 4-9-89), J.C. (DOB 8-26-93), C.C. (DOB 12-16-91), J.C. (DOB 6-6-96), by Myra Cunneen v. HCN Department of Enrollment Order (Permitting Disbursement of CTF funds) The Court ordered that CTF monies be taken from the children's trust fund for purchase of a 1999 Dodge Grand Caravan SE.</p>	Jan. 21, 2000

CV 98-48	Daniel Youngthunder, Sr., v. Jonette Pettibone, Ann Winneshiek, Ona Garvin, Rainbow Casino Management' Order (Judgment) The Court found for the defendants and upheld the imposition of the plaintiff's one-day suspension.	Feb. 9, 2000
CV 98-65	Cheryl K. Smith v. Rainbow Casino Motion To Dismiss (Granted) The defendant suspended the plaintiff from work. Plaintiff filed a timely level I and II grievance. Subsequently she filed a Level III grievance with the Court. However, she failed to pay the processing fees. The Court had notified plaintiff that her claim was not complete since she had not paid her fees. Four months later plaintiff paid her fees and the court served the complaint on the defendants. The defendants immediately filed this <i>Motion</i> to dismiss due to the plaintiff's untimely manner in dealing with the <i>Complaint</i> . The Trial Court granted the <i>Motion</i> .	Feb. 10, 2000
CV 99-82	Ho-Chunk Nation v. Harry Steindorf and Jess Steindorf Order (Granting Motion to Dismiss) The Court found the lack of subject matter jurisdiction in the instant case since the plaintiff based its causes of action entirely upon state law and/or common law. The Court may exercise jurisdiction only over cases and controversies that arise under the Constitution, laws, and customs and traditions of the HCN.	Feb. 11, 2000
CV 99-54/ 99-55	Nancy Roskos/ Cynthia Vanderwall v. Ho-Chunk Nation Gaming Commission Order (Judgment) In the matter of Ms. Vanderwall, the Court found her case moot because the Ho-Chunk Nation Gaming Commission no longer employs her. As for Ms. Roskos, the Court denied her claim because her normal commuting time is not compensable.	Feb. 21, 2000
CV 98-66	<i>Cheryl K. Smith v. Ho-Chunk Nation, Rainbow Casino (Consolidated)</i> JUDGMENT <ul style="list-style-type: none"> <li>• In reviewing a level III grievance the Trial Court will apply the guidelines set out in the HCN POLICIES AND PROCEDURES MANUAL</li> <li>• The Trial Court considers levying merit less sanctions against an employee to be an abuse of discretion. Furthermore, the supervisor's decision was arbitrary and capricious.</li> <li>• In deciding whether an action was reasonable the Trial Court uses the reasonable person standard, i.e. would a reasonable person in the same or similar circumstances have acted in a similar manner.</li> <li>• In helping decide whether a disciplinary action is reasonable the employer should look to the length of relationship between the employee and employer.</li> </ul> Plaintiff was terminated from her employment. She contends that the defendant failed to properly apply the guidelines set out in HCN POLICIES AND PROCEDURES MANUAL. The Trial Court agreed and <i>ordered</i> that the plaintiff be reinstated to her previous position and that the defendant pay plaintiff \$10,000 in addition to Court costs.	Feb. 28, 2000
CV 99-59	In the Interest of the Minor Children: J.L.G. (DOB 5-2-82), S.C.G. (12-23-86), A.A.G. (5-9-91), C.A.G. (DOB 8-29-84), J.W.G. (DOB 12-28-88) v. Ho-Chunk Nation Enrollment Office Order (Impounding Per Capita Check & Denying Further Access to CTF monies) The plaintiff failed to give a financial report to the Court on a previous CTF release for a vehicle. The Court ordered that the plaintiff's check be impounded and also denied future access to CTF funds.	Mar. 10, 2000
CV 00-11	In the Interest of Minor Child: A.J.H. DOB 09-13-81 by Tara Snowball v. Ho-Chunk Nation Enrollment	Mar. 20, 2000

	Order (Petition Granted) The Court granted the release of CTF monies to pay for excessive telephone charges incurred by the minor due to the potential security/health risk posed to younger siblings..	
CV 99-59	<i>In the Interest of the Minor Children: J.L.G. (DOB 5-2-82), S.C.G. (12-23-86), A.A.G. (5-9-91), C.A.G. (DOB 8-29-84), J.W.G. (DOB 12-28-88) v. Ho-Chunk Nation Enrollment Office</i> Order (Show Cause) The Court ordered the plaintiff to fully explain the discrepancies arising from her seemingly errant usage of CTF funds that were loaned to purchase a vehicle.	Mar. 21, 2000
CV 98-66 and CV 99-04	<i>Cheryl K. Smith v. Ho-Chunk Nation, Rainbow Casino (Consolidated)</i> ORDER (Denying Motion for Reconsideration) <ul style="list-style-type: none"> <li>Under Rule 58 of the HCN <i>Rules of Civil Procedure</i> a <i>Motion for Reconsideration</i> is a type of relief from judgment that the Court may grant if it: 1) overlooked, misapplied or failed to consider a statute, decision or principle controlling; or 2) Overlooked or misconceived some material fact or proposition of law; or 3) overlooked or misconceived a material question in the case or 4) The law applied in the ruling has been substantially changed by the Court decision or statute.</li> <li>When consolidating cases the Court may impose awards of over \$10,000, because the Court will award damages respectively to each case even though for <i>Trial</i> purposes they are consolidated.</li> </ul> The defendant argued that the Feb 28, 2000 <i>Judgment</i> contained three separate errors which needed remedial action. The Trial Court disagreed therefore, the Feb 28, 2000 <i>Judgment</i> stands.	Mar. 27, 2000
CV 00-20	In the Interest of Minor Child: A.N. (DOB 06-19-82) by Lucinda Naquayouma v. Ho-Chunk Nation Enrollment Order (Petition Granted in Part and Denied in Part) <ul style="list-style-type: none"> <li>The Court stresses the inherent responsibility of a parent to provide for the basic needs of their children. This responsibility is not diminished by the fact that the parent has not attained the age of majority.</li> </ul> Plaintiff requested money from her child's CTF funds in order to help provide support for the child. Plaintiff requested money for an assortment of childcare products , a car and miscellaneous child care expenses. The Trial Court authorized the release of funds for childcare expenses and miscellaneous items. However the Court would not release CTF funds for a crime.	Apr. 3, 2000
CV 99-91	Melinda A. Lee v. Majestic Pines Casino, Marketing Dept. Order (Denial of Motion) The Court declined to dismiss the case for failure to state a claim prior to the expiration of the time frame to amend the pleading.	Apr. 3, 2000
CV 99-59	<i>In the Interest of the Minor Children: J.L.G. (DOB 5-2-82), S.C.G. (12-23-86), A.A.G. (5-9-91), C.A.G. (DOB 8-29-84), J.W.G. (DOB 12-28-88) v. Ho-Chunk Nation Enrollment Office</i> Order (Releasing Impound of Per Capita) The Court found the explanation of the plaintiff to be adequate, and, therefore, lifted the impound on the plaintiffs Per Capita funds.	May, 3, 2000
CV 98-18	<i>In the Interest of Kathy Brandenburg (Miller) v. HCN Office of Tribal Enrollment</i> ORDER (Releasing ITF Monies in Part) <ul style="list-style-type: none"> <li>The Court will not release ITF funds for the purchase of cigarettes as they do not advance the general health, welfare, or education of the Tribal Member.</li> </ul> The Court released ITF money to the petitioner.	May 10, 2000
CV 00-25	In the Interest of Minor Child: VDC., DOB: 10-03-84; DJC., DOB:09-02-86; MJB., DOB:	May 22, 2000

	<p>09-01-88; ESB., DOB: 06-21-91; WWB., DOB: 09-20-94 by Debra Crowe v. Ho-Chunk Nation Office of Tribal Enrollment ORDER (Petition Denied)</p> <ul style="list-style-type: none"> <li>The Court uses a 4 part test in deciding whether to release CTF monies- 1)The Court may only grant a release for the benefit of a beneficiary’s health, education , or welfare 2)any such benefit must represent a necessity and not a want or desire 3)the parent or guardian must demonstrate special financial need 4)the plaintiff must provide evidence of exhaustion of tribal funds and public entitlement programs.</li> </ul> <p>Plaintiff filed a <i>Petition for the Release of Per Capita Disbursement</i> in order to purchase a car. The Trial Court denied the release of the money because the plaintiff failed to satisfy the second prong of the above test.</p>	
CV 00-18	<p><i>In the Interest of Minor Child ZAM., DOB: 01-22-84 by Celena Mitchell v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Petition Denied)</p> <ul style="list-style-type: none"> <li>The Court uses a 4 part test in deciding whether to release CTF monies- 1)The Court may only grant a release for the benefit of a beneficiary’s health, education , or welfare 2)any such benefit must represent a necessity and not a want or desire 3)the parent or guardian must demonstrate special financial need 4)the plaintiff must provide evidence of exhaustion of tribal funds and public entitlement programs.</li> </ul> <p>Plaintiff filed a <i>Petition for the Release of Per Capita Disbursement</i> in order to purchase a car. The Trial Court denied the release of the money because the plaintiff failed to satisfy the second prong of the above test.</p>	May 22, 2000
CV 00-38	<p><i>Margaret G. Garvin v. Ho-Chunk Nation and Donald Greengrass, in his official and individual capacity, and Evans Littlegeorge in his individual capacity</i> ORDER (Granting Motion for a More Definite Statement)</p> <ul style="list-style-type: none"> <li>The Court has made an exception in allowing the defendant to file a <i>Motion for a More Definite Statement</i> prior to filing an <i>answer</i>.</li> <li><i>HCN R. Civ.P.3(A)</i> directs plaintiffs to plead “short, plain statements of ... the facts and circumstances giving rise to the action”</li> </ul> <p>Defendant filed a <i>Motion for a More Definite Statement</i> The plaintiff failed to respond to the defendant’s <i>Motion</i>. Therefore the Trial Court granted the <i>Motion</i> and directs the plaintiff to amend their complaint.</p>	May 23, 2000
CV 95-20	<p><i>Roger Littlegeorge v. Jacob Lonetree as President of the Ho-Chunk Nation</i> NOTICE OF CONFORMITY (Proposed Amendments to the Per Capita Distribution Ordinance and Accompanying Trust Instrument)</p> <p>The Trial Court approved the proposed changes to the per capita distribution and states that the changes would not violate the Court’s standing over Children’s Trust Funds.</p>	May 24, 2000
AO-00-02	<p>In The Matter of Physical Fitness Administrative Order</p> <p>In line with President Lonetree’s proclamation of the year of physical fitness the Trial Court enters this order that all Court employees are allowed to take 30 minutes from their work schedule in order to exercise. The time taken off from work may not be used to run errands or participate in purely recreational activities such as darts or horseshoes.</p>	June. 08, 2000
CV 99-100	<p>HCN Dept. Of Housing, Property Management Division v. Charles C. Brown and Simone I. Brown JUDGMENT</p> <p>The Court entered a judgment against both defendants in the amount of \$4,914.00 for failing to pay rent and for damage to the Nation’s apartment. The Court directs the</p>	Jun. 23, 2000

	Department of Treasury to withhold payments from 2 per capita checks from each of the defendants in order to satisfy this debt.	
CV-00-16	HCN Dept. Of Housing, Property Management Division v. Sarah Dobbs JUDGMENT The Court entered this judgment against defendant for breach of her rental agreement in the amount of \$6,193.38 which shall be intercepted from Ms. Dobbs' per capita as a debt to the Ho-Chunk Nation over the next four payments.	Jun. 23, 2000
CV 99-72	Kerry A. Hiller v. Ho-Chunk Gaming Commission ORDER (Granting Defendant's Motion for Summary Judgment) <ul style="list-style-type: none"> <li>• License suspension is civil rather than criminal in nature.</li> <li>• A double jeopardy analysis begins with statutory interpretation. In most instances when a legislative body explicitly designates a penalty as civil in nature, the inquiry ends unless the disproportionately punitive effect or purpose of the penalty renders it a criminal punishment.</li> <li>• The Court will not disrupt the findings of the Gaming Commission absent pretext or a haphazard or contradictory application of law.</li> <li>• The Court will not reverse a determination of the Gaming Commission unless that decision was arbitrary or capricious.</li> </ul> The defendant revoked the plaintiff's gaming license after plaintiff was found to have stolen from a casino patron. After a <i>Show Cause Hearing</i> by the Gaming Commission the plaintiff argued that revocation of the license was criminal in nature, thereby affording her protection from the double jeopardy clause. The Court disagreed. Furthermore, the plaintiff argued that the Gaming Commission could not suspend her gaming license since § 1803 of the [Gaming] Ordinance only referred to applicants not people possessing licenses. The Court agreed with this argument, yet it found it unpersuasive in this context and that the Gaming Commission's decision was not arbitrary or capricious. Therefore, the Court granted the defendant's <i>Motion for Summary Judgment</i> .	Jul. 05, 2000
CV 00-29	<i>Rachel M. Puzon v. Ken Whitehorse, Executive Administrative Officer and Jacob Lonetree, President</i> ORDER (Compelling Discovery) The plaintiff sent the defendant its interrogatories. The defendant failed to reply in a timely manner. Therefore the Trial Court orders the defendant's to reply to the interrogatories.	Jul. 11, 2000
CV 00-40	<i>In The Interest of Minor Child K.A.O., DOB: 04-10-89 by Robert Orozco v. HCN Office of Tribal Enrollment</i> ORDER (Denial of Petition) <ul style="list-style-type: none"> <li>• The Court uses a 4 part test in deciding whether to release per capita money for the purchase of a mobile home- 1)The Court may only grant a release for the benefit of a beneficiary's health, education, or welfare 2)any such benefit must represent a necessity and not a want or desire 3)the parent or guardian must demonstrate special financial need 4)the plaintiff must provide evidence of exhaustion of tribal funds and public entitlement programs.</li> </ul> The Court denies petitioner's request to receive CTF funds to purchase a mobile home because plaintiff has failed to prove the last 3 prongs of the 4	Jul. 11, 2000
CV 00-33	Michael Price v. Ho-Chunk Casino Table Games ORDER (Granting Motion For Summary Judgment) Plaintiff was terminated for conduct while he was off duty, the plaintiff filed this complaint for improper termination. The defendant filed a <i>Motion for Summary Judgment</i> , the plaintiff failed to respond to that <i>Motion</i> . The Trial Court granted defendant's <i>Motion for Summary Judgment</i> .	Jul. 14, 2000

CV 98-14	In RE: Berdine Littlejohn ORDER (Accepting Accounting and Modifying Order) The Court accepted the accounting reports in this case. However, the Court requested that a better accounting be prepared. Furthermore the Trial Court adjusted the manner in which the petitioner's money will be distributed.	Jul. 18, 2000
CV 99-108	Amelia Pike v. Majestic Pines Casino ORDER (Denial of Complaint) Plaintiff claimed that she was wrongfully terminated. However, the Trial Court finds that the defendant did not err in terminating the plaintiff.	Jul. 20, 2000
CV 00-44	<i>Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Petition Granted) <ul style="list-style-type: none"> <li>Denying adult incompetent of their ITF funds denies them of a property interest that may be rightfully their.</li> </ul> The plaintiff requested the release of ITF funds for various activities the Trial Court granted that request.	Jul. 26, 2000
CV 00-69	In the Interest of Minor Child: P.C. DOB: 04-25-89 by Victoria Cloud v. Ho-Chunk Nation Office of Tribal Enrollment ORDER (Petition Granted in Part) The plaintiff requested access to a minor's CTF account in order to help cover the expense of bringing the minor back to Black River Falls. The Court agreed that this would benefit the child and allowed the release of money.	Jul. 28, 2000
CV 00-47	In the Interest of Minor Child: D.J.P., DOB: 07-26-83 by Loretta Patterson v. Ho-Chunk Nation Office of Tribal Enrollment ORDER (Petition Granted) The plaintiff, Loretta Patterson, initiated the current action by filing a <i>Petition for the Release of Per Capita Distribution</i> in order to purchase an automobile with her minor's CTF. The Court felt that the plaintiffs have satisfied their burden of showing that the purchase of an automobile will benefit the health, safety and welfare of the child.	Jul. 28, 2000
CV 00-37	Gerald F. Conley v. Christopher Cloud and Becky and Diane Cloud Peterson ORDER (Default Judgment) <ul style="list-style-type: none"> <li>The JUDICIARY ACT explicitly states that Ho-Chunk customs and traditions are used as a source of law.</li> <li>HCN Traditional Court has previously recognized that in the tradition and custom of the HCN, agreements between parties for the exchange of goods and services were recognized as binding.</li> </ul> The plaintiff, a non-Indian, loaned money to an member of the Nation. The Trial Court granted the plaintiff the relief requested.	Aug. 2, 2000
CV 99-107	Ho-Chunk Nation Department of Housing, Home Ownership Program v. Mick Boardman d/b/a T& Son's General Contractors ORDER (granting Extension of Discovery Period and Denying Motion for Default Judgment) The Trial Court denied the <i>Motion for Default Judgment</i> , however, the Trial Court using its discretion allowed the plaintiffs an extended discovery period.	Aug. 3, 2000
CV 96-94	Joelene Smith v. Scott Beard, as Director of HCN Dept. Of Education and the Ho-Chunk Nation <i>Judgment</i> <ul style="list-style-type: none"> <li>Wrongfully terminated employees have a duty to mitigate their damages.</li> <li>Employees can not paid for sick leave and annual leave in addition to administrative leave</li> <li>The Court will not award attorney's fees (lay advocate fees) to grieving</li> </ul>	Aug. 10, 2000

	<p>employees</p> <p>This case was on remand from the Supreme Court. The Court has decided that the plaintiff had to be reinstated to a comparable job and that job would have to pay within 10% of plaintiff's old wage. The defendant had tentatively offered a position to the plaintiff but the wage would not have been within the 10% pay wage of her old position. Therefore, the Court feels that she was not reinstated in a comparable job a comparable position then offered, and the plaintiff quit shortly thereafter. The Court awarded her back pay of \$16,650. The Court denies plaintiff's requests for lay advocate fees, for interest on the amount owed to the plaintiff at the rate of 12%, and on past health care in the amount of \$4000.</p>	
CV 00-04 CV 00-05	<p><i>Helen Harden v. Ho-Chunk Nation Social Services and ICW/CFS</i></p> <p>ORDER Granting Access to Juvenile Files</p> <p>Viewing juveniles files is necessary in presenting the plaintiff's case therefore the Trial Court granted access to those files.</p>	Aug. 11, 2000
CV 99-73	<p>Lewis Frogg v. Ho-Chunk Casino</p> <p>JUDGMENT</p> <ul style="list-style-type: none"> <li>Because the defendant failed to follow their grievance timeline they are estopped from arguing that the plaintiff needs to follow those same timelines. The plaintiff filed this level III grievance to the Trial Court after being terminated for (2) no call-no show absences. The Trial Court finds that the defendant did not act arbitrarily or capriciously. Therefore the termination was valid.</li> </ul>	Aug. 18, 2000
CV 98-18	<p>In the Interest of Kathy Brandenburg (Miller) v. HCN Office of Tribal Enrollment</p> <p>ORDER (Releasing ITF Monies)</p> <p>The Court released CTF funds for the benefit of an adult incompetent who is attempting to make a transition into independent living and needs the money to help pay for an apartment and various other expenses.</p>	Aug. 18, 2000  Order
CV 00-23	<p><i>Jane Doe v. Ho-Chunk Nation Justice Department - Compliance Division</i></p> <p>JUDGMENT</p> <p>Plaintiff tested positive to a random drug test as is allowed under the HCN <i>Controlled Substance Policy and Procedures</i>. She had explained that the drug she took was a prescription pain killer to help her with her tooth ache. Subsequent to this event plaintiff went to her dentist who prescribed vicadin to help alleviate the pain caused by the tooth ache. Plaintiff asks the Court to find that she has provided an "Alternative Medical Explanation" that would relieve her from discipline for testing positive to the drug test. However, the Court held that since the drug that she tested positive for was not prescribed to her, the Court is unable to apply the "Alternative Medical Explanation" exception.</p>	Aug. 22, 2000
CV 96-46	<p>In RE: Bruce Patrick O'Brien by Elethe Nichols, Guardian v. HCN Enrollment Dept.</p> <p>ORDER (Releasing of Funds)</p> <p>The Trial Court approves the release of ITF funds to pay for an van for the adult incompetent.</p>	Aug. 22, 2000
CV 99-85	<p><i>In the Matter of the Child: ABBJ., DOB: 01-22-92</i></p> <p>ORDER (Denying Request for CTF Funds)</p> <p>The plaintiff in this case was seeking to access her child's CTF to help her finance her legal representation in a custody battle with the child's biological father. The plaintiff accuses the biological father of sexual abuse and claims that it is in her child's best interest to be in the sole custody of the father. The Trial Court feels that the plaintiff has not exhausted all sources available; Furthermore, that the child's best interest should be determined by the Court in the jurisdiction in which she is seeking custody. Therefore, the Trial Court denies plaintiff's request for CTF funds.</p>	Aug. 24, 2000
CV 00-81	<p><i>Ho-Chunk Nation Housing Authority vs Bernard Mountain, Jr. and Iris Lyons</i></p> <p>TEMPORARY RESTRAINING ORDER</p> <ul style="list-style-type: none"> <li>The Court finds that it has jurisdiction to hear this case via HCN traditions and customs.</li> </ul>	Aug. 30, 2000

	The defendant was found to have made physical and verbal threats of harm against various families in the neighborhood. The Trial Court ordered the defendant's not to make any contact with these families.	
CV 99-107	<p><i>Ho-Chunk Nation Department of Housing, Home Ownership Program</i>  <i>Mick Boardman d/b/a/ T&amp; Son's General Contractors</i>  ORDER (Denying Motion for Reconsideration)</p> <ul style="list-style-type: none"> <li>The Court will not grant a <i>Default Judgment</i> against a pro se litigant for failure to sign a pleading.</li> </ul> <p>The defendant in this case failed to meet certain filing deadlines. The plaintiff moved for a <i>default judgment</i>, however, the Trial Court refused to grant this <i>judgment</i> because the defendant is a pro se litigant and the Court generally allows a little more flexibility with pro se litigant. Nevertheless, the Court expressed the seriousness of the defendant's responsibility to comply with Court deadlines.</p>	Sept. 1, 2000
CV 99-20	<p><i>Michele M. Ferguson vs. Ho-Chunk Nation Insurance Review Commission/Division of Risk Management</i>  OPINION ON REMAND</p> <p>After finding the HCN REVIEW COMMISSION ORDINANCE unconstitutional the Trial Court is faced with determining what policy to apply to worker's compensation and whether there is a waiver of sovereign immunity allowing suit. The Trial Court held that the HCN PERSONAL POLICIES AND PROCEDURES MANUAL as being the governing law in this matter. Furthermore, that under the HCN Resolution 6-9-98A the Nation has provided a limited waiver of sovereign immunity. The Court will not rule as to whether the plaintiff is covered until there is a fact finding hearing.</p>	Sept. 5, 2000
CV 00-28	<p><i>Patrick O'Leary v. Ho-Chunk Casino (Slots Floor Department)</i>  ORDER (Motion Hearing and Partial Denial of Motion to Dismiss)</p> <ul style="list-style-type: none"> <li>A litigant cannot merely rely on assertions made within a <i>Complaint</i>, but must refer to evidence contained in affidavits, business records, discovery responses, etc.</li> </ul> <p>The Court has scheduled a hearing so as to grant the defendant the opportunity to argue its <i>Motion for Summary Judgment</i>. In addition, by scheduling this hearing the Court is putting the plaintiff on notice of his need to set forth specific material facts capable of contradicting the defendant's recounting of events in the <i>Brief in Support for Motion for Summary Judgment</i></p>	Sept. 6, 2000
CV 96-94	<p><i>Joelene Smith v. Scott Beard as Director of the Dept. Of Education and the Ho-Chunk Nation</i>  Motion For Reconsideration (Denied)</p> <ul style="list-style-type: none"> <li>A <i>Motion for Reconsideration</i> may be granted by the Court if the moving party timely files such a <i>Motion</i> with (10) days of the date the order was entered and meets one or more of the following factors, that the Court has: 1) overlooked, misapplied or failed to consider a statute, decision or principle directly controlling; or 2) overlooked or misconceived some material fact or proposition of law; or 3) overlooked or misconceived some material question in the case; or 4) the law applied in the filing has been subsequently changed by court decision or statute. <i>Babcock v. HCN Gaming Commission</i>, CV 95-08 (HCN Tr. Ct. Mar. 14, 1996)</li> </ul> <p>The plaintiff has not met the standard set out above for a <i>Motion for reconsideration</i> therefore, the Trial Court denies the <i>Motion</i>.</p>	Sept. 6, 2000
CV 00-63	<p><i>Ho-Chunk Nation Housing Authority v. William Goodbear</i>  ORDER (Denying Motion Opposing Stay of Writ of Restitution)</p> <p>The Court entered a <i>default judgment</i> against the defendant because he failed to an <i>answer</i> the <i>complaint</i>. The defendant showed good cause as to why he failed to respond to the <i>complaint</i>. Therefore in accordance to <i>HCN R. Civ. P. 54</i> the Court sets aside the <i>default judgment</i> and allowed the defendant to file an <i>Answer</i>.</p>	Sept. 7, 2000

CV 99-81	<p><i>Ho-Chunk Nation v. Ross Olsen</i> JUDGMENT</p> <ul style="list-style-type: none"> <li>• The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation.</li> <li>• According to the HCN’s traditions and customs, once an agreement for the performance of services or production of goods is made, the parties have a duty to fulfill their obligation(s).</li> <li>• Absent a situation where it is “clear” that a tribe does not have jurisdiction, litigants must first exhaust tribal remedies and allow tribal courts to determine the bounds of their own jurisdiction.</li> <li>• <i>Montana</i> held that Indian Tribes may assert jurisdiction over non-members when there is a “consensual relationship with the tribe or its members through commercial dealing, contracts, leases, or other arrangements,” or when the conduct of non-members “threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.”</li> <li>• The Court must have both subject matter jurisdiction and personal jurisdiction in order to exercise its jurisdiction over a case.</li> </ul> <p>The defendant (a non-Indian) entered into a contract with the plaintiff whereby the defendant would supply the plaintiff with (1) container of cigarettes valued at \$871,200.00. The plaintiff gave the defendant a down payment of \$87,120 for the delivery of the cigarettes within (2) weeks. The defendant never delivered the cigarettes. After several attempts to recover the cigarettes the plaintiff cancelled the contract and asked the defendant to return the down payment. The defendant failed to do so. Therefore, the plaintiff brought this claim. After being served the defendant failed to appear in Court. The Court established both personal and subject matter jurisdiction and enters this <i>Default Judgment</i> against the defendant.</p>	Sept. 18, 2000
CV 96-46	<p><i>In RE: Bruce Patrick O’Brien by Elethe Nichols, Guardian v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Release of Funds) The Trial Court granted of ITF monies in order to purchase clothing.</p>	Sept. 20, 2000
CV 00-83	<p><i>In the Interest of Adult Incompetent: M.B.J., DOB: 12-01-65 by Dollie Big John v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Petition Granted) The Court granted the release of money from the adult incompetent’s ITF in order to pay for documented costs associated with household items and expenses.</p>	Sept. 26, 2000
CV 96-49	<p><i>In the Interest of Adult Incompetent: Roberta Goodbear, by Shirley Sahr, Guardian</i> ORDER (Granting Release of Per Capita) The guardian for an adult incompetent requested money for household items for SSI overpayments and miscellaneous expenses. The granted the plaintiff’s request.</p>	Oct. 10, 2000
CV 97-117	<p><i>In The Interest of Adult Incompetent: Oliver S. Rockman</i> ORDER (Granting Release of Per Capita) The protective payee requested that money be released from Mr. Rockman’s per capita account. There was no objection to this request. The release meets the “special need” requirement in that it improves Mr. Rockman’s quality of life. Therefore, the Court granted the release of per capita funds.</p>	Oct. 10, 2000
CV 00-99	<p><i>Mr. Chloris Lowe J., Enrollment #439A001593 v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Election Board</i> ORDER (Hearing)</p> <ul style="list-style-type: none"> <li>• When requesting a motion for <i>Expedited Consideration</i> for an <i>injunction</i> the plaintiff must: 1) establish the propriety of considering the Complaint in an expedited manner. 2) the plaintiff must satisfy the well-established standard</li> </ul>	Oct. 11, 2000

	<p>for granting an injunction as announced in <i>Warner v. Ho-Chunk</i> , CV 95-03 (HCN Tr.Ct., July 3, 1995)</p> <p>The Court has scheduled a hearing at the request of the plaintiff.</p>	
CV 00-94	<p><i>In the Interest of Minor Child: J.S.H. DOB: 01-20-99 by Iris Firgens v Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Relief Granted)</p> <p>In the interest of J.S.H., a minor child, Ms. Firgens is attempting acquire DNA tests from the child's father as part of the required process in enrolling this child into the Ho-Chunk Nation a federally recognized Indian Tribe. However, the father is incarcerated and the prison will not allow DNA testing without a Court order. Therefore, the Court orders DNA testing for the mother, father, and child.</p>	Oct. 18, 2000
CV 00-99	<p><i>Mr. Chloris Lowe Jr. Enrollment #439A001593 v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Election Board</i> ORDER (Dismissal for Lack of Subject Matter Jurisdiction)</p> <p>The plaintiff in this case filed suit against a government agency rather than individuals in that agency. Since there is no express waiver of sovereign immunity the Court dismisses this suit without prejudice for want of subject matter jurisdiction.</p>	Oct. 19, 2000
CV 00-71	<p><i>In the Interest of the Minor Child: E.M. DOB:07-29-92 By Angela Mike v. Ho-Chunk Nation Office of Tribal Enrollment</i> ORDER (Petition Granted in Part and Denied in Part)</p> <p>The plaintiff in this case was seeking money from their minor's CTF in order to make the home a hypoallergenic environment due to the severe asthma and allergies of their minor child. The plaintiff sought these funds for an air purifier and other related expenses. The Court <i>granted</i> the release of CTF money for the purifier but not for the other expenses since the whole family would benefit from those expenditures.</p>	Oct. 19, 2000
CV 00-54	<p><i>Marguerite I. WhiteEagle v. Ho-Chunk Nation - President, Jacob Lonetree and Nancy Marj - (LTE) General Manager of DeJope</i> ORDER (Dismissal for Lack of Subject Matter Jurisdiction)</p> <p>The plaintiff filed a level three grievance. However, the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL requires that an employee file a level three grievance (5) days after they receive a level two grievance. This plaintiff filed her level 3 grievance 11 months after the level two grievance. Therefore, the Court <i>dismisses</i> this case for lack of subject matter jurisdiction.</p>	Oct. 24, 2000
CV 00-53	<p><i>Marguerite I. WhiteEagle v. Ho-Chunk Nation - President, Jacob Lonetree, Department of Social Services - Betty Decorah Funmaker and Youth Services Program - Russell Girard, Judie Hillmer</i> ORDER (Dismissal for Lack of Subject Matter Jurisdiction)</p> <p>The plaintiff failed to follow the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. Therefore, the Court dismisses this case for lack of subject matter jurisdiction.</p>	Oct. 24, 2000
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i> NOTICE (Pre-Trial Hearing)</p> <p>The Court has scheduled a pre-trial <i>hearing</i> with regards to the plaintiffs <i>Complaint for Declaratory and Injunctive Relief</i>.</p>	Oct. 25, 2000
CV 99-107	<p><i>Ho-Chunk Nation Department of Housing, Home Ownership Program Mick Board man d/b/a/ T&amp; Son's General Contractors</i> ORDER (Granting Motion for Contempt)</p> <p>The Court found the defendant in <i>Contempt</i> for failing to abide with the plaintiff's discovery requests. The Court will continue these sanctions until the defendant complies</p>	Oct. 26, 2000

	with the plaintiff's request for discovery material.	
CV 00-92	<i>Scholze Ace Home Center, Inc. v. Edward Perry, d/b/a Perry Construction</i> ORDER (Requesting Action by the Ho-Chunk Nation) The plaintiff brought this action against the defendant for failure to pay for goods and services. The Court requests the Ho-Chunk Nation intervene and pay the plaintiff in order to keep a steady pool of sub-contractors and to help the Court ascertain whether it has subject matter jurisdiction over this matter.	Oct. 26, 2000
CV 00-104	<i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i> ORDER (Discovery Period) The Court orders to provide discovery information in pursuant to <i>Ho-Chunk Nation Rules of Civil Procedure, Rule 31 and Interim Rules of Civil Procedure for Use in Election Challenges, Rule 7</i> . The Court also added additional requirements to the discovery process.	Oct. 30, 2000
CV 00-91	<i>Ho-Chunk Nation v. B &amp; K Builders, Inc. And Ruka &amp; Associates</i> ORDER (Denial of Motion) <ul style="list-style-type: none"> <li>• <i>HCN R. Civ. P. Rule 19 (A)</i>, only permits the filing of a <i>Motion</i> contemporaneous with or following the filing of the first pleading.</li> </ul> The Court denies the defendant's <i>Motion</i> due to its premature status.	Nov. 1, 2000
CV 99-10	<i>Theresa Lynn Hendrickson v. HCN Office of Tribal Enrollment</i> ORDER (Lodging of Administrative Record) The plaintiff was denied enrollment into the Ho-Chunk Nation. She appealed to the Court. The Court ordered the HCN Office of Tribal Enrollment to provide the Court with all the <i>Administrative Records</i> in this case.	Nov. 2, 2000
CV 00-97	<i>In the Interest of the Minor Children: T.T.G. &amp; E.A.G. by Michael A Goodbear v. HCN Office of Tribal Enrollment</i> ORDER (Denying Release for Specified Car) The plaintiff requested money from their minor's CTF in order to purchase a vehicle. The minor's in question are gravely ill. Therefore, the Court granted the plaintiff's \$24,000 towards the purchase of a van. The plaintiff requested the money to purchase a new luxury van. The Court denied this request as a luxury van goes beyond the scope of what is necessary for the health and welfare of the minors.	Nov. 3, 2000
CV 00-104	<i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i> ORDER (Partial Dismissal of Claims) In the interest of time to review the Court limited its review over several of the plaintiff's claims asserted in the plaintiffs <i>Complaint</i> and dismisses many of them with prejudice. The following is a list of issues dismissed with prejudice. 1) The Court will not consider the application of the Indian Civil Rights Act of 1968 as the Ho-Chunk Nation has incorporated an essentially identical provision within its CONSTITUTION. 2) Following the HCN Supreme Court's ruling the legislature did not violate the Constitution when they certified results less than 6 months prior to the Notice of Election for the General Election. 3) The Court dismisses the Claim as to whether placing several elections scenarios on the Speial Redistricting election violates the mandate of a final proposal pursuant to the Constitution.	Nov. 3, 2000
CV 00-104	<i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and</i>	Nov. 8, 2000

	<p><i>Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i> ORDER (Recognizing Right to Challenge)</p> <ul style="list-style-type: none"> <li>• Election challenges are not limited to procedural challenges they also include substantive challenges.</li> </ul> <p>The plaintiffs are challenging the No Action or No Change outcome of the October 14, 2000 Special Redistricting Election. The Court must decide whether the CONSTITUTION permits the plaintiff to make this challenge and whether a <i>Complaint for Declaratory and Injunctive Relief</i> represents a proper challenge as contemplated by the Constitution Article VIII, Sec.7. The plaintiffs have asserted a proper challenge to the results of the October 14, 2000 Special Redistricting Election under the election challenges provision in the CONSTITUTION.</p>	
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593; Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i> ORDER (Granting Plaintiff's Motion for Summary Judgment)</p> <p>The plaintiff filed a <i>Motion for Summary Judgment</i> the Court granted the defendant's <i>Motion</i> holding that the implementation of the "No Action or No Change" scenario voted on by the eligible voters in the October 14, 2000 Special Redistricting Election is <i>per se</i> unconstitutional. Furthermore, the Court orders the defendants to submit a minimum of three legislatively approved redistricting/reapportionment scenarios to the Court for judicial review.</p>	Nov. 13, 2000
CV 00-105	<p><i>Jacob Lonetree, Forrest Whiterabbit, Elliot Littlejohn, Libby Fairchild, Spencer Lonetree and Parmenton Decorah v. Robert Funmaker, Darcey Funmaker-Rave, Gloria Visintin and the Ho-Chunk Nation Election Board</i> Denial of Preliminary Injunction</p> <ul style="list-style-type: none"> <li>• A vote by a quorum of the General Council is not an election.</li> <li>• When seeking an injunction the moving party must show that 1) there is no adequate remedy at law. 2) The harm to plaintiff outweighs the harm in getting the preliminary injunction 3) they must show they are likely to succeed on the merits; and finally they must show that public policy is in favor of granting the injunction.</li> </ul> <p>The plaintiffs challenge President Jacob Lonetree's removal from office. The Trial Court is asked to stop a special election that is being held to fill the seat of the Vice-President who is acting as President <i>pro-tempore</i>. The Court denies the plaintiff's <i>Motion for an Injunction</i> because it fails to meet the second and fourth prong of the injunction test.</p>	Nov. 21, 2000
CV 00-56	<p><i>In the Interest of Minor Child: E.S. D. DOB: 4-25-85 by Dawn M. Decorah v HCN Office of Tribal Enrollment</i> Scheduling Hearing Before Traditional Court</p> <p>The plaintiff requested that the Court remove funds from their minor's CTF because the minor stole from the plaintiff. However, the Court orders this case to be heard in front of the Ho-Chunk Nation Traditional Court.</p>	Nov. 21, 2000
CV 00-97	<p><i>In the Matter of the Children: T.T.G. DOB: 7/24/90; E.A.G. DOB: 11/12/86</i> ORDER (Denying Request For Second Specified Vehicle)</p> <p>The Court denies the petitioner's request for funds from their children's CTF for the purchase of an automobile because the automobile in question exceeded the amount that the Court has set for the petitioner.</p>	Nov. 21, 2000
CV 00-97	<p><i>In the Matter of the Children: T.T.G. DOB: 7/24/90; E.A.G. DOB: 11/12/86</i> ORDER (Granting Release For Vehicle)</p> <p>Through the assistance of Pam Viner, Property &amp; Procurement Officer, the petitioner has</p>	Dec. 4, 2000

	accrued three bids for an Automobile. The Court authorizes the release of funds from their minor's CTF in order to purchase the vehicle for which the most economical bid was submitted.	
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i></p> <p>ORDER (Requiring Further Justification)</p> <p>As previously requested the defendants provided the Court with a draft of the redistricting and reapportionment scenarios. In determining whether a redistricting reapportionment scenario is valid the Trial Court will not use a 10% deviation from the one person one vote standard used by the U.S. Supreme Court. Rather the Trial Court uses a reasonable deviation standard. The Court feels that the deviations proposed by the legislature are unreasonable and maybe unconstitutional. Therefore the Trial Court orders the defendants to offer further justification for these deviations.</p>	Dec. 6, 2000
CV 00-105	<p><i>Jacob Lonetree, Forrest Whiterabbit, Elliot Littlejohn, Libby Fairchild, Spencer Lonetree and Parmenton Decorah v. Robert Funmaker, Darcey Funmaker-Rave, Gloria Visintin and the Ho-Chunk Nation Election Board</i></p> <p>Declaratory Judgment</p> <ul style="list-style-type: none"> <li>• Two ways that a General Council (GC) can serve notice on someone is by 1)having the GC delegate authority to some group to draw up a notice and set the date for another GC sometime later to give those noticed for removal an opportunity to appear and defend themselves, or 2)by having the Legislature delegate the sae authority. However, these are not the only two exclusive methods in which the GC could serve notice on someone they are simply the ones that are favored.</li> <li>• The Court will make sure that the GC does not step outside of its authority by insuring that procedural safeguards are followed, in this case, the Court must determine whether there adequate and timely notice was given and whether there was a reasonable opportunity to respond to the charges of malfeasance.</li> </ul> <p>This case addresses whether an individual member of the Ho-Chunk Nation has the right to serve papers on an official. The Court finds that an individual may serve papers on an official subject to removal. Furthermore, the President had been offered the proper notice and had been given opportunity to respond. The Court upheld Jacob Lonetree's removal by the General Council.</p>	Dec. 7, 2000
CV 97-117	<p><i>In the Interest of Adult Incompetent: Oliver S. Rockman</i></p> <p>ORDER (Granting release of Per Capita)</p> <p>The Court allowed the release of money from this adult incompetent's CTF fund for Christmas presents, incompetent's spending allowance, clothing, and a compensation to Ms. Day for her services.</p>	Dec. 13, 2000
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i></p> <p>ORDER (Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenarios)</p> <p>The Court approved the inclusion of Scenario 30 on the second Special Redistricting Election ballot, and required the legislature to submit a second legislatively approved redistricting/reapportionment scenario to the Court for judicial review on or before December 15, 2000.</p>	Dec. 14, 2000
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment</i></p>	Dec. 15, 2000

	<p>#439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</p> <p>ORDER (Hearing)</p> <p>The Court will hold a hearing to determine whether legitimate considerations exist to justify the larger deviation(s) from the ideal legislative apportionment.</p>	
CV 00-96	<p><i>In the Interest of the Minor Child: D.A.S. DOB: 10-14-87, by Larry Swan v. Ho-Chunk Nation Office of Tribal Enrollment</i></p> <p>ORDER (Petition Granted)</p> <p>The Court authorized the release of money from the minor's CTF in order to pay for his/her parent's automotive repair and other purchases for the child. The Court authorized this repair because the petitioner is terminally ill and unable to provide for this cost from other income.</p>	Dec. 18, 2000
CV 00-80	<p><i>In the Interest of Adult Incompetent: Lucinda Tudahl, DOB: 07-21-17 by Bluffland Guardians and Conservators, Inc.</i></p> <p>ORDER (Petition Denied)</p> <p>The plaintiff had requested money from an adult incompetents ITF to help pay for medical costs. However the plaintiff has not shown that they have exhausted other available remedies. Therefore, the Court denies this request.</p>	Dec. 18, 2000
CV 00-42	<p><i>Debra Linehan v. Majestic Pines Casino</i></p> <p>ORDER (Granting Dismissal)</p> <ul style="list-style-type: none"> <li>The Standard of Review in Employment Cases is that the employee has the burden of showing that the acts of the employer were arbitrary or capricious or an abuse of discretion.</li> </ul> <p>The plaintiff was terminated as an employee. The plaintiff appealed her termination. The Trial Court found no error in the termination and found that the plaintiff did not meet the burden of proof in a termination case. Therefore, the Trial Court upheld the termination.</p>	Dec. 19, 2000
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment # 439A001593: Mr. Stewart J. Miller Enrollment #439A002566 v Ho-Chunk Nation Legislature Members Elliott Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas Whitewing, Kevin Greengrass and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i></p> <p>ORDER (Hearing)</p> <p>The Trial Court uses a reasonable deviation standard. The Court feels that the deviation proposed by the legislature in Scenario 1E reasonably adheres to the Court's interpretation of the one-person/one-vote principle incorporated in the CONSTITUTION. However, scenario 1A, offers no reasonable rationale to justify the extension of such considerations to more than (1) large deviation from the ideal legislative apportionment.</p>	Dec. 21, 2000
CV 00-92	<p><i>Ho-Chunk Nation Department of Housing and Scholze Ace Home Center, Inc v. Edward Perry d/b/a Perry Construction</i></p> <p>DEFAULT JUDGMENT</p> <p>The defendant failed to fulfill a contract with the plaintiffs. The Nation paid the defendant's debt. The Nation seeks compensation for the amount paid out on behalf of the defendant. The defendant owes the Nation \$30924.19 and therefore the Court orders that 100% of defendant's future per capita distribution be withheld until the debt to the Nation is satisfied.</p>	Dec. 26, 2000
CV 00-95	<p><i>In the Interest of Stuart A. Taylor Jr by Stuart Taylor Sr. V. HCN Office of Tribal Enrollment</i></p> <p>ORDER (Denying CTF Funds)</p> <p>The plaintiff requested money from his CTF to cover costs of a car, clothing and various items for his child. The plaintiff is 18 however has not finished high school and is therefore</p>	Dec. 28, 2000

	not allowed to receive the balance of his CTF. The Court considered whether it would be appropriate to release the CTF funds. After considering the facts the Court denies the plaintiff's request. However, the Court notes that needs associated with the care of his child will be likely be granted if the request is specific as to item, price and vendor.	
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Ho-Chunk Nation Opinions  
2001

Case No.	Case	Decided
CV 00-60 CV 00-65	Maureen Arnett v. Ho-Chunk Nation Department of Administration and Lisa S. Wathen v. Ho-Chunk Nation Gaming Commission, (HCN Tr. Ct., Jan. 8, 2001). <i>Order (Determination of Subject Matter Jurisdiction)</i> <i>The Court determined that the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURE MANUAL's definition of "discharge" includes an employee's allegation of constructive discharge, i.e., that the employer made the working conditions so intolerable as to force the employee to quit. To establish a constructive discharge, the grievant must prove: 1) the actions and conditions that caused the employee to resign were violative of fundamental public policy, 2) these actions and conditions were so intolerable or aggravated at the time of the employee's resignation that a reasonable person in the employee's position would have resigned, and 3) facts and circumstances showing that the employer had actual knowledge of the intolerable actions and conditions and of their impact on the employee and could have remedied the situation. In Arnett, the Court concluded that promissory estoppel is not a cause of action that arises under the "Constitution, laws, customs [or] traditions of the Ho-Chunk Nation" and therefore the Court lacked subject matter jurisdiction. The only issue remaining at the trial in each of the cases is whether the plaintiffs can prove that they were constructively discharged.</i>	Jan. 8, 2001
CV 99-68	In the Interest of Minor Child: C.J.W., DOB 01/03/84, by Anne Johnson v. Ho-Chunk Nation Office of Tribal Enrollment <i>Order (Reimbursing CTF in Part)</i> The Trial Court had released money from the minor's CTF funds in order to pay court-imposed restitution to a plaintiff. However, since there had been others involved who were also ordered to pay their share of restitution a refund check was received by the plaintiff. The refund shall be deposited in the minors CTF account.	Jan. 09, 2001
CV 00-27	In the Interest of: Michael Anthony Adam, DOB: 11-16-81 by Audrey Deer Adam, v. HCN Office of Enrollment <i>Order (Releasing CTF Funds to Estate)</i> <ul style="list-style-type: none"> <li>• The Trial Court has Jurisdiction over CTF matters</li> <li>• The HCN does not have a probate code.</li> <li>• HCN Traditions and Customs does not clearly guide the Court in the disbursal of money.</li> <li>• The Trial Court looks to Wisconsin probate law for guidance.</li> </ul> The mother of a deceased minor is looking to receive the money from the decedent's CTF account. The state court has designated the decedent's mother as the personal representative of the young mans estate. Therefore, the Trial Court Orders the money in the CTF account to be released to the mother of the decedent.	Jan. 09, 2001
CV 96-78	In the Interest of Mercedes L. Blackcoon:by Dale G. Hazard, v. Ho-Chunk Nation of Tribal Enrollment <i>Order (Petition Granted)</i> The plaintiff requested money from her ITF in order to pay real estate taxes and reimburse federal SSI. The Court finds that special need exists in that there are no other federal, or state, or tribal programs available to pay the real estate taxes. Therefore the Court grants the request.	Jan. 10, 2001
CV 00-16	HCN Dept. of Housing, property Management Division, v. Sarah Dobbs <i>Judgment (On Remand)</i> Due to financial hardship the Court will reduce the <i>judgment</i> against the defendant and	Jan. 11, 2001

	adjust the payment methods in order to allow the defendant to get caught up on other obligations.	
CV 00-78 CV 00-79 CV 00-70	Mollie White, v. HCN Education Dept., Jeremy Rockman, Sheryl Cook & Fran Kearnes; Mollie White, v. HCN Education Dept., and Scott Beard Order (Scheduling and Consolidating Cases) All the cases result from the plaintiff's employment with the defendants. Therefore, the Court is consolidating the cases. Furthermore, the plaintiff needs more time to secure counsel therefore the Court vacates the prior schedules.	Jan. 12, 2001
CS 99-29	Rachel Winneshiek v. John Houghton, (HCN Tr. Ct., Jan. 12, 2001). (Matha, T.) <i>Order (Impounding Child Support)</i> <i>The Court impounded the previously ordered child support, until such time as a hearing can be held, as the plaintiff and defendant currently reside together and continued enforcement of the underlying state court order may violate state or tribal law.</i>	Jan. 12, 2002
CV 00-106	In the interest of: Lucinda v. Littlesoldier, DOB: 02/16/49 By Isabelle Mallory, v. HCN Office of Tribal Enrollment Order (Granting ITF Release) The Court is releasing money from the plaintiff's ITF to help pay for past due bills, and other various expenses.	Jan. 12, 2001
CV 99-107	Ho-Chunk Nation Department of Housing, v. Mick Boardman d/b/a/ T & Son's General Contractors Order (Motion Granted) The plaintiff filed a <i>Motion for Leave to File Amended Complaint Adding Party</i> . Since the owner of T & Son's General Contractors is not named as a defendant the Court is allowing the plaintiff to add the owner as a defendant thereby granting plaintiff's <i>Motion</i> .	Jan 12, 2001
CV 00-51	Michelle Decorah, v. Irene Keenan, Child Care Assistance Program, Dept. of Social Services <i>Order</i> The Court Orders the Department of Treasury to withhold \$43.00 from the plaintiff's per capita distribution in order to pay Court fees.	Jan. 19, 2001
DV 01-02	Anne Lonetree v. Sam Lonetree <i>Order (Denying Emergency Order for Protection)</i> <i>The Court dismissed this case due to a lack of territorial jurisdiction.</i>	Jan. 22, 2001
CV 00-93 CV 00-101	Liana Bush v. Clarence Pettibone in his official capacity as Vice-president of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk Nation Department of Personnel and Darcy Funmaker-Rave v. Clarence Pettibone in his official capacity as Vice-president of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk Nation Department of Personnel, (HCN Tr. Ct., Jan. 23, 2001). <i>Order (Remand)</i> <i>The Court remanded these disputes back to the full Ho-Chunk Nation Legislature as it lacked conclusive evidence that the Legislature had vested final administrative authority in the Vice-President.</i>	Jan. 23, 2003
CV 00-46	Ho-Chunk Nation Department of Housing, Home Ownership Program v. Marshall Jerome Cloud <i>Order (Impounding Per Capita)</i> <i>The Court will impound 57% of the defendant's per capita distribution in order to prevent unjust enrichment and overpayment of defendant's debt.</i>	Jan. 23, 2001
CV 00-61	Victoria V. Cloud, v. Tribal Aging Unit,(Marian Donaldson) Motion for Summary Judgment (Granted) The defendant filed a <i>Motion for Summary Judgment</i> the plaintiff failed to show. The Court decided that the defendant had not acted in an arbitrary and capricious manner, furthermore, since the defendant had not showed up to the hearing the Trial Court granted the defendant's <i>Motion</i> .	Jan. 24, 2001
CV 00-115	In the Interest of Minor Child: N.J.O., DOB: 02/19/84 by Ho-Chunk Nation Children and Family Services, v. Ho-Chunk Nation Office of Tribal Enrollment	Jan. 24, 2001

	Order (Petition Granted) The guardian of the minor child petitioned the Court to release CTF funds for the minor child in order to purchase a computer and computer desk. There are no state, federal or tribal programs to cover the costs and the Court finds the computer to be a need.	
CV 00-114	In the Interest of the Adult Incompetent: Lucinda Tudahl, DOB 07/21/17, by Frank Tudahl, v. Ho-chunk Nation Office of Tribal Enrollment Order (Releasing Decedant's Per Capita Distribution) <ul style="list-style-type: none"> <li>• The Trial Court has Jurisdiction over ITF matters</li> <li>• The HCN does not have a probate code.</li> <li>• HCN Traditions and Customs does not clearly guide the Court in the disbursement of money.</li> <li>• The Trial Court looks to Wisconsin probate law for guidance.</li> </ul> After receiving correspondence from the La Crosse County Circuit Court and after receiving no objection from the defendants the Court releases the decedents per capita distribution to the plaintiff.	Jan 24, 2001
CV 98-18	In the interest of Kathy Branderburg (Miller), v. HCN Office of Tribal Enrollment Order (Accepting Accounting and Reimbursing Protective Payee) The protective payee requested compensation and reimbursement, in addition to providing the Court with the required accounting. The Court accepts the accounting and authorizes the release of money from plaintiff's ITF to compensate the protective payee.	Jan. 25, 2001
CV 00-61	Victoria V. Cloud, v. Tribal Aging Unit (Marian Donaldson) <i>Judgment</i> This is an employment dispute. The defendant filed a <i>Motion for Summary Judgment</i> the plaintiff failed to appear at the hearing. The Court granted the defendant's <i>Motion</i> .	Jan. 31, 2001
CV 99-76	In the Interest of Minor Child: S.S., DOB: 07/30/82, by Sharon Porter, Ho-Chunk Nation Office of Tribal Enrollment Order (Memorializing Hearing) The Court held a <i>Hearing</i> in which it decided to allow Ms. Porter to show that CTF money had been used in the interest of a minor by taking pictures of the items bought. The Court requires that the plaintiff submit the pictures or be the Court intends to impose a fine for contempt of court.	Jan. 31, 2001
CV 97-101	In the Interest of Susan Redfearn by William Turner, v. Ho-Chunk Nation Office of Tribal Enrollment Order (Requiring Status Report) The Court issued this <i>Order</i> to satisfy two questions. Whether Mr. Turner is still the legal guardian of Ms. Redfearn and if Mr. Turner was the legal guardian could the ITF account potentially be used to better the condition of the ward.	Feb. 07, 2001
CV 00-78 CV 00-79 CV 00-70	Mollie White, v. HCN Education Dept., Jeremy Rockman, Sheryl Cook & Fran Kearnes; Mollie White, v. HCN Education Dept., Jeremy Rockman, Sheryl Cook & Fran Kearnes; Mollie White, v. HCN Education Dept., and Scott Beard Order (Show Cause For Failure to Appear or Be Dismissed) Therefore, the Court gives the plaintiff notice that she must give good reason in writing for her non-appearance at the <i>Scheduling Conference</i> or all three cases will be dismissed.	Feb. 09, 2001
CV 99-59	In the Interest if the Minor Children: J.L.G., DOB 05/02/82, S.C.G., DOB 12/23/86, A.A.G., DOB 05/09/91, D.A.G., DOB 09/29/84, J.W.G., DOB 12/28/88, v. Ho-Chunk Enrollment Office Order (Demanding Accounting) The Trial Court released money from the plaintiff's CTF account for orthodontics. However, the plaintiff has not yet filed the proper accounting. Therefore, the Court orders the plaintiff to file the proper accounting.	Feb. 13, 2001
CV 01-02	Bonnie Smith, v. Ho-Chunk Nation Gaming Commission <i>Order</i> <ul style="list-style-type: none"> <li>• The Constitution of the Ho-Chunk Nation empowers the Judiciary with the sole authority to promulgate court procedures.</li> </ul>	Feb. 14, 2001

	<ul style="list-style-type: none"> <li>The Ho-Chunk Nation Supreme Court has adopted the Rules of Civil Procedure to guide all Court proceedings.</li> </ul> <p>The HO-CHUNK GAMING ORDINANCE is inconsistent with the HO-CHUNK NATION RULES OF CIVIL PROCEDURE. Therefore, the Court will abide by the HO-CHUNK NATION RULES OF CIVIL PROCEDURE rather than the HO-CHUNK GAMING ORDINANCE.</p>	
CV 00-64	<p>Ho-Chunk Nation Home Ownership Program, v. Jerome Marshall Cloud Order (Granting Damages and Returning Home to Nation)</p> <p>After hearing the evidence the Court returned the home that was in the defendant's possession to the home ownership program. Furthermore, the Court <i>ordered</i> the defendant to provide them with a <i>satisfaction of judgment</i>.</p>	Feb. 14, 2001
CV 01-07	<p>Ho-Chunk Nation Department of Labor, v. Chris Littlewolf, Kenneth Mitch, Jr. , Harry Funmaker, Murton Greengrass, Lori Pettibone, Melody Greengrass, Paul Sallaway, Garyland Rave, Jr., Jason Youngthunder, Chandra Decora, Roxanne Mudd, Karen WhiteEagle, Mike Greengrass, Justin Littlewolf, and Barb Littlewolf Order (Denial of Motion)</p> <p>The plaintiff failed to articulate any reason supporting their <i>Motion to Dismiss</i>. Therefore, the Court denies their <i>Motion</i>.</p>	Feb. 19, 2001
CV 99-107	<p><i>Ho-Chunk Nation Department of Housing, Home Ownership Program v. Tarilyn Boardman d/b/a T &amp; Son's General Contractors, individually, and Tarilyn Boardman and Mick Boardman, husband and wife</i>, (HCN Tr. Ct., Feb. 26, 2001). Notice (Intent to Issue Default Judgment)</p> <p>The Court informed the defendants that if they failed to file an <i>Answer</i> by March 15, 2001, the Court would issue a <i>Default Judgment</i>.</p>	Feb. 26, 2001
CV 01-12	<p>Bonnie Smith, v. Ho-Chunk Nation Gaming Commission Order (Denial of Motion for Reconsideration)</p> <p>The Court disagreed with the defendant's position for the <i>Motion for Reconsideration</i> therefore the <i>Motion</i> is denied.</p>	Feb. 27, 2001
CV 98-14	<p>In re: Berdine Littlejohn: by Shari Marg, Guardian, v. Ho-Chunk Nation Office of Tribal Enrollment Order (Petition Granted)</p> <p>The Court grants the release of money from an ITF in order to assist the plaintiff with placement in a less restrictive home setting.</p>	Mar. 02, 2001
CV 01-23	<p>In the Interest of Minnie D. Youngthunder, by John Ward and Elaina Lopez, v. Ho-Chunk Nation Office of Tribal Enrollment Order (Releasing Decedent's Per Capita Distribution)</p> <p>The plaintiff filed a request with the Court to have the decedents per capita distribution released to them. The defendant did not file any objection. The Court Orders the release of the decedent's ITF to the plaintiffs.</p>	Mar. 02, 2001
CV 00-104	<p>Mr.Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually ; and Ho-Chunk Nation Election Board Order (Regarding Injunction)</p> <p>The Trial Court noted timeline for the General Run-off Election.</p>	Mar. 05, 2001
CV 98-18	<p>In the Interest of Adult Incompetent: Kathy Brandenburg-Miller <i>Appointment of Protective Payee</i></p> <p>The Trial Court <i>Orders</i> Phyllis Smoke as the protective payee of the adult incompetent.</p>	Mar. 05, 2001
CV 01-23	<p>In the Interest of Minnie D. Youngthunder, by John Ward and Elaina Lopez, v. Ho-Chunk Nation Office of Tribal Enrollment <i>Erratum</i></p> <p>The Trial Court issues a correction as to the tribal identification numbers and to the reason for distributing the estate of Minnie D. Youngthunder.</p>	Mar. 08, 2001

DV 01-03	<p><i>Sadie Wesho v. Clifford Wesho</i>  Order (Denying Extension of Ex Parte Order for Protection)  The Court denied the Order because the petitioner failed to present corroborating evidence and did not allege any subjective apprehension or fear of domestic violence</p>	Mar. 9, 2001
CV 00-10 CV 00-38	<p><i>Margaret G. Garvin v. Donald Greengrass</i>  <i>Margaret G. Garvin v. Ho-Chunk Nation, Donald Greengrass, in his official and individual capacity, and Evans Littlegeorge, in his individual capacity</i>  Order (Ruling on Dispositive Motions)</p> <ul style="list-style-type: none"> <li>• According to the PERSONNEL MANUAL a Department Direct has the sole authority to terminate an employee.</li> <li>• A promotional probationary employee is entitled to grieve under the Administrative Review process if they held a permanent position prior to their promotion.</li> <li>• A permanent Employee maintains a property right in their continued employment.</li> <li>• Insufficient notice to an employee as to what they did wrong is tantamount to no notice, and therefore violates procedural due process.</li> <li>• The Court may only award declaratory and non-monetary injunctive relief against officials acting outside the scope of their authority.</li> </ul> <p>The plaintiff brought this claim against her employer in their official capacity. Using the points of law above the Court partially denied some of the <i>Motions</i>.</p>	Mar. 09, 2001
CV 00-104	<p>Mr.Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board  <i>Order (Lifting Injunction)</i>  The Court lifted its prior injunction allowing the election board to post the notice for the upcoming primary election.</p>	Mar. 12, 2001
CV 01-30	<p>Karen N. WhiteEagle, v. Ho-Chunk Nation Office of Tribal Enrollment  Order (Relief Granted)  The Court <i>Orders</i> the plaintiff and her Husband and Child receive DNA tests in order to be considered for enrollment in the Ho-Chunk Nation.</p>	Mar. 21, 2001
CV 99-59	<p>In the Interest if the Minor Children: J.L.G., DOB 05/02/82, S.C.G., DOB 12/23/86, A.A.G., DOB 05/09/91, D.A.G., DOB 09/29/84, J.W.G., DOB 12/28/88, v. Ho-Chunk Enrollment Office  <i>Order (Accepting Documentation)</i>  The plaintiff has submitted the required documentation and the Court accepts this documentation.</p>	Mar. 21, 2001
CV 00-104	<p><i>Mr.Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board</i>  This case convened on remand to be consistent with the appellate decision.</p> <ul style="list-style-type: none"> <li>• United States Supreme Court opinions provided the Ho-Chunk Nation with guidance for redistricting and reapportionment and the derivative principle of one person one vote.</li> <li>• The federal equal protection clause demanded the one person one vote representation.</li> <li>• There is a distinction between state and federal reapportionment and redistricting. Mainly the state uses a rational basis analysis which allows for some deviation, where the federal government emphasized a one person one</li> </ul>	Mar. 30, 2001

	<p>vote representation, requiring strict mathematical precision</p> <ul style="list-style-type: none"> <li>• In redistricting and reapportionment the Court had used a rational basis standard, rather than the strict one-person one vote.</li> <li>• The court shall now apply without utilizing a rational basis standard the plain language of the CONSTITUTION as pronounced by the HCN Supreme Court.</li> </ul>	
CV 99-62	<p><i>Joan Marie Whitewater, Dean Allen Whitewater Kathleen Lynn Whitewater, Kenneth Lee Whitewater, Barbara Ann Engen, Vicki Lee Johnson, Tina Marie Danielski, Gerald Ray Whitewaer, and Larry Edward Whitewater v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i></p> <p>Judgment The Court held that the defendants impermissibly placed the plaintiffs enrollment applications in a “pending” status until such time as a new enrollment code could be passed. The CONSTITUTION OF THE HO-CHUNK NATION, through the Savings Clause, required that Enrollment continue to process applications using the new criteria in the CONSTITUTION along with the WWBC ENROLLMENT ORDINANCE until such time as a new enrollment code could be passed. Also, the Court held that Enrollment violated the plaintiffs equal protection rights when they approved 58 other membership applications during the time in which the plaintiffs’ application were in a “pending status” waiting for a new membership code. The Court also declared Section 6(f) of the TRIBAL ENROLLMENT AND MEMBERSHIP ACT OF 1995 unconstitutional, as it impermissibly required persons with applications pending on the date of the passage of the Membership Act to resubmit applications.</p>	Apr. 03, 2001
CV 00-25	<p><i>In the Interest of Minor Children V.D.C., DOB 10/03/84; D.J.C., DOB 09/02/86; M.J.B., DOB 09/01/88; E.S&gt;B., DOB 06/21/91; and W.W.B., DOB 09/20/94 v. Ho Chunk Nation of Tribal Enrollment</i></p> <p>Order (Denial on Remand) The Court denied the petitioner’s request to release CTF monies for a family car. Additionally the Court clarified the four prong test utilized in CTF cases.</p>	Apr., 06, 2001
CV 00-91	<p><i>Ho-Chunk Nation v. B &amp; K Builders, Inc. and Ruka &amp; Associates</i></p> <p>Order (Insufficient Evidence) The Court required the plaintiff to file the specific evidence promised at the December 13, 2001 <i>Motion/Hearing Scheduling Conference</i></p>	Apr. 10, 2001
CS 99-29	<p><i>Rachel Winnesheik v. John C. Houghton, Jr.,</i></p> <p>Order The Court continued to withhold current child support from the defendant’s per capita distributions as he no longer resided with the minor child.</p>	Apr. 15, 2001
CV 99-77	<p><i>In the Interest of Minor Child: J.K.W., DOB 01/18/82 by Joy A. Buck, v. Ho-Chunk Nation Office of Tribal Enrollment</i></p> <p>Order (Contempt) The Court held the plaintiff in contempt for her failure to account for the monies released from the CTF account.</p>	Apr. 17, 2001
CV 00-104	<p><i>Mr. Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually ; and Ho-Chunk Nation Election Board</i></p> <p>Order (Granting Extension) The Court granted the defendants request for additional time to submit redistricting/reapportionment scenario(s).</p>	Apr. 18, 2001
CV 01-02 CV 01-28	<p><i>In the Interest of Minor Child: C.H., DOB 04/02/81, by Cyril Delarosa v. Ho-Chunk Nation Office of Tribal Enrollment &amp; In the Interest of Decedent: Cyril Hudson, by Stephanie Pate, v. Ho-Chunk Nation Office of Tribal Enrollment</i></p> <p>Order (Memorializing Hearing) The Court requires documentation that until one of the plaintiffs has been named the</p>	Apr. 18, 2001

	personal representative of the decedent's estate the Court would not release the balance of decedent's CTF.	
CV 99-107	<i>Ho-Chunk Nation Department of Housing, Home Ownership Program, v. Tarilyn Boardman d/b/a/ T &amp; Son's General Contractors, individually, and Tarilyn Boardman and Mick Boardman, husband and wife</i> Default Judgment The Court entered a <i>Default Judgment</i> against the defendant as they failed to file an <i>Answer</i> within the prescribed time.	Apr. 18, 2001
CV 00-115	<i>In the Interest of Minor Child: N.J.O., DOB: 02/19/84 by Ho-Chunk Nation Children and Family Services v. Ho-Chunk Nation Office of Tribal Enrollment</i> Order (Accepting Accounting and Releasing Additional Funds) The Court accepting the accounting for monies released from the CTF. The Court released additional money to reimburse the minor for the additional funds she had provided for the purchase.	Apr. 19, 2001
CV 01-27	Carol Jo-Garvin v. George W. Garvin Order (Granting Recognition and Enforcement of Foreign Judgments) The Court recognized and enforced the Cook County Illinois judgments.	Apr. 19, 2001
CV 00-28	Patrick O'Leary v. Ho-Chunk Casino (Slots Floor Department), CV 00-28 (HCN Tr. Ct., Apr. 20, 2001). <i>Order (Granting Defendant's Motion for Summary Judgment)</i> <i>The Court granted the defendant's Motion for Summary Judgment as the plaintiff had an absenteeism problem, even if he was given the benefit of the doubt for some of his absences.</i>	Apr. 20, 2003
CV 96-49	In the Interest of Adult Incompetent: Roberta GoodBear by Shirley Sahr, Guardian Order (Granting Release of Per Capita) The Court released ITF funds to repay an overpayment from the Wisconsin Department of Revenue received by the ward.	Apr. 24, 2001
CV 99-62	<i>Joan Marie Whitewater, Dean Allen Whitewater Kathleen Lynn Whitewater, Kenneth Lee Whitewater, Barbara Ann Engen, Vicki Lee Johnson, Tina Marie Danielski, Gerald Ray Whitewaer, and Larry Edward Whitewater, v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i> Order (Awarding Costs) In accordance with <i>Ho-Chunk Nation Rules of Civil Procedure</i> , Rule 53, the Court awarded the costs to plaintiffs.	Apr. 25, 2001
CV 01-05	Leslie J. Schmolke, v. Ho-Chunk Nation, Business Department Order (Denying Defendants' Motion for Summary Judgment) The Court denied the defendants' <i>Motion for Summary Judgment</i> as a material fact, whether or not the plaintiff had notice of a Status Change form, was in issue. Additionally, the Court noted the defendants had the difficult task of explaining why an employee hires to work up to 90 days can be labeled a Limited Term Employee when the <i>Ho-Chunk Nation Personnel Policies and Procedures Manual</i> explicitly limits such status to 30 days (with the possibility of a one moth extension).	Apr. 26, 2001
CV 01-51	Stewart J. Miller v. Ho-Chunk Nation Election Board Order (Denying Preliminary Injunction) The Court denied the plaintiff's request for a preliminary injunction as the harm to the plaintiff (holding the General Primary Election prior to the constitutionally mandated redistricting/reapportionment) did not outweigh the harm to the Nation as three positions on the ballot are not affected by the redistricting or reapportionment. Furthermore, the plaintiff has no likelihood of success on the merits as there was no applicable waiver of sovereign immunity. In addition, the granting of a preliminary injunction did not serve the public interest as the votes had an expected interest that the election would take place and there was insufficient time to notify them tot the contrary. The Court noted that many of these issues would best be addressed during the remedy	Apr. 30, 2001

	phase of the ongoing redistricting case.	
CV 01-06	John Kagigebi v. Amory Decora as Table Games Manager Ho-Chunk Casino Order (Denying Motion To Allow Evidence on Groupwise) The Court determined that it would not consider certain Groupwise® attachments as they lacked relevance.	May. 01, 2001
CV 00-104	<i>Mr. Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually ; and Ho-Chunk Nation Election Board</i> Order (Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenario) The Court held that Revised Scenario 1A, as the culmination of the Ho-Chunk Nation legislature's efforts to redistrict/reapportion, meets the standard announced by the Ho-Chunk Nation Supreme Court, and may therefore be put before the electorate by way of an election.	May. 04 2001
CV 00-83	<i>In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65 by Dolli Big John, v. Ho-Chunk Enrollment Office</i> Order (Demanding Accounting) The Court required the plaintiff to file the past due accounting from the release of ITF funds.	May 7, 2003
CV 01-07	<i>Ho-Chunk Nation Department of Labor, v Chris Littlewolf, Kenneth Mitch, Jr., Harry Funmaker, Murton Greengrass, Lori Petibone, Melody Greengrass, Paul Sallaway, Gayland Rave, Jr., Jason youngthunder, Chandra Decora, Roxanne Mudd, Karen WhiteEagle, Mike Greengrass, Justin Littlewolf, and Barb Littlewolf</i> Order (Granting Motion to Dismiss) The Court grated the plaintiff's <i>Motion to Dismiss</i> . The case was dismissed with prejudice as to all but one defendant as he had not filed an <i>Answer</i> and the plaintiff indicated that it wished to abandon its suit against all of the defendants but him.	May. 08, 2001
CV 01-41	<i>In the Interest of the Minor Child: P.W.H., DOB 3/13/84, by Vera Blackdeer Hodges v. HCN office of Tribal Enrollment</i> Order (Granting CTF monies for Football Camp) The Court granted the release of CTF monies for football camp as the minor child has an aptitude for the sport and attending camp will maximize his ability to receive an athletic scholarship for college.	May. 9, 2001
CV 96-46	<i>IN RE: Bruce Patrick O'Brien, by Elethe Nichols, Guardian, v. Ho-Chunk Nation Office of Tribal Enrollment</i> Order (Release of Funds) The Court released ITF funds for clothing and homeowner's insursnce.	May. 9, 2001
CV 98-38	In the Interest of : CHOICE ALAN DECORAH DOB: 3/18/80, By Wanda Decorah, v. HCN Office of Tribal Enrollment Order (Denying CTF monies for Graduation and Prom) The Court denied the plaintiff's request to release CTF monies as she failed to prove that she had exhausted other tribal resources, nor did she appear at the <i>Hearing</i> to present evidence that the money was necessary.	May. 10, 2001
CV 00-90	<i>In the Interest of the Minor Child: S.D.B. DOB 7/30/91, by Carol Barnes v. HCN Office of Tribal Enrollment</i> Order (Imposing Fine Until Receipts File) The Court imposed a daily fine, beginning on May 24, 2001, until such time as the plaintiff filed the required receipt from the release of CTF monies for orthodontics. The fine would be expunged if the plaintiff filed the receipt.	May. 10, 2001

CV 98-18	<i>In the Interest of Kathy Brandenburg (Miller) v. HCN Office of Tribal Enrollment</i> Order (Releasing ITF Monies) The Court released ITF funds to improve the quality of life of the ward.	May. 11, 2001
CV 00-93 CV 00-101	<i>Liana Bush, v. Clarence Pettibone in his official capacity as Vice-President of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk Nation Department of Personnel &amp; Darcy Funmaker-Rave, v. Clarence Pettibone in his official capacity as Vice-president of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk nation Department of Personnel</i> Order (Dismissal With Prejudice) The Court dismissed the case in accordance with the plaintiffs' <i>Motion to Dismiss</i> .	May. 15, 2001
CV 01-17	Clarence Pettibone, v. Robert Mudd, Elliot Garvin, Isaac Greyhair, WadeBlackdeer, Dallas Whitewing, Gerald Cleveland, Kevin Greengrass, Myrna Thompson, Kathyleen Lonetree-Whiterabbit, Sharyn Whiterabbit, and Karen Martin Judgment <ul style="list-style-type: none"> <li>• An administration is one that is constituted after an election.</li> <li>• A <i>President pro- tempore</i> is merely a caretaker of the previous administration until the electorate can install a successor.</li> <li>• A <i>President pro-tempore</i> may chose to remove Executive Directors and seek the appointment of others.</li> </ul> The Court held that for purposes of the CONFIRMATION PROCESS OF EXECUTIVE DIRECTORS FOR THE HO-CHUNK NATION ACT OF 1996, a president pro tempore is not a subsequent administration and need not re-nominate Executive Directors.	May. 16, 2001
CV 01-31	<i>In the Interest of Adult Incompetent: Elijah Matthew White, By Rachel G. Sheppo, v. HCN Office of Tribal Enrollment</i> Order (Releasing ITF Funds To Estate) The Court released the balance of the decedent's ITF account to the personal representative for his estate.	May. 18, 2001
CV 00-92	<i>Ho-Chunk Nation Department of housing, and Scholze Ace Home Center, Inc. v. Edward Perry, d/b/a/ Perry Construction</i> Order (Requiring Briefs) The Court required the parties to file briefs on the implication of the defendant's bankruptcy case within this case.	May. 22, 2001
CV 01-57	<i>Mr. Stewart J. Miller, Enrollment # 439A002566 v. Ho-Chunk Nation Election Board</i> Order (Election Challenge: Granting in Part and Denying in Part) <ul style="list-style-type: none"> <li>• The election board must certify election results within (3) days after the date of the election.</li> <li>• Tribal Member choosing to challenge the election must do so within ten days after the Election Board certifies the election results.</li> </ul> The Court required the Election Board to specify what date the election results had been certified on future election results posters. The Court held that a candidate seeking one (1) of two (2) seats of identical term length within a district need not specify which seat he/she sought. In addition, the Court held that the Ho-Chunk Nation Legislature's failure to redistrict and reapportion as required by the Constitution did not merit setting aside the results of the General Primary Election. To set aside the results would lead to the violation of the CONSTITUTION did not merit setting aside the results of the General Primary Election. To set aside the results would lead to the violation for the CONTITTUTION as the ate of the general Run-Off Election is mandated by the CONSTITUTION. Furthermore, the failure to redistrict and reapportion, except in the most egregious of circumstances, does not allow the Court to disturb election machinery that was already in progress.	May. 24, 2001
CV 01-25	Aleksandra Cichowski v. Ho-Chunk Nation Hotel and Convention Center Order	May. 24, 2001

	The Court informed the defendant that it was treating a correspondence from the plaintiff as a <i>Motion to Compel</i> . In addition, it required the defendant to provide additional arguments as to why the plaintiff could not be informed of her own records.	
CV 00-104A	Mr. Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually ; and Ho-Chunk Nation Election Board Petition The Court required Attorney John Swimmer to appear and show cause why should not be held in contempt for his willful or negligent conduct with regards to the posting of a notice within the <i>Hocak Worak</i>	May. 31, 2001
CV 99-32	Karen Raines v. Ho-Chunk Nation Order (Final Judgment) The Court held that at the time of the plaintiffs compensable injury, her employer was Four Winds, not the Ho-Chunk Nation. The plaintiff's injury was caused by the Interim Director of Four Winds, after Four Winds was in existence. The plaintiff therefore cannot sue the Nation for an injury that occurred at Four Winds, a LLC that may "sue and be sued" in its own name.	Jun. 1, 2001  LLC
CV 01-59	<i>Jessie Ann Rugg, Lori Ann Parker, Sheryl Ann Cook, Betty Jean Gerke, Davie Allen Hanson, Elmer Leroy, Timothy Wayne Hanson, and Debra K. Bundy v. Ho-Chunk Nation Office of Tribal Enrollment, Ho-Chunk Nation Legislature</i> Order (Granting Stay) The Court stayed the case until the Supreme Court issues a decision in <i>Joan Marie Whitewater, et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i> . The Decision in the Whitewater case would likely control the outcome in this case.	Jun. 1, 2001
CV 01-58	<i>Liana Desire'e Bush v. Ho-Chunk Nation Office of Tribal enrollment, Ho-Chunk Nation Legislature</i> Order (Granting Stay) The Court stayed the case until the Supreme Court issues a decision in <i>Joan Marie Whitewater, et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i> . The Decision in the Whitewater case would likely control the outcome in this case.	Jun. 1, 2001
CV 01-62	Nancy Lynn (WhiteWater) Johnston v. Ho-Chunk Nation Office of Tribal Enrollment, Ho-Chunk Nation Legislature Order (Granting Stay) The Court stayed the case until the Supreme Court issues a decision in <i>Joan Marie Whitewater, et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i> . The Decision in the Whitewater case would likely control the outcome in this case.	Jun. 1, 2001
CV 00-104A	Mr. Chloris Lowe Jr., Enrollment #439A001593; Mr. Stewart J. Miller Enrollment #439A002566, v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually ; and Ho-Chunk Nation Election Board Order (Granting Postponement) The Court granted the requested postponement as the alleged contemnor had pre-approved leave.	Jun. 5, 2001
CV 01-63	<i>The Baraboo National Bank and Trust Co. v. Charles and Janelle Hopinkah</i> Order (Denial of Relief Requested) The Court held that it could not withhold the defendants' per capita distribution to	Jun. 13, 2001

	repay the loan with the bank as the debt does not fall within Section 103 of the CLAIMS AGAINST PER CAPITA ORDINANCE.	
CV 01-15	F. William Johnson v. Ho-Chunk Nation Order (Granting Motion to Amend Scheduling Order) The Court amended the <i>Scheduling Order</i> for good cause shown.	Jun. 14, 2001
CV 00-91	Ho-Chunk Nation, v. B & K Builders, Inc. and Ruka & Associates Order (Lack of Subject Matter Jurisdiction) The Court had to determine whether to grant the Motion to Dismiss filed by the defendants. The plaintiff had failed to substantiate a proper delegation of contractual authority to the signatories of the contracts in question. Therefore, the contracts provided no binding law for the Court to apply, resulting in a lack of subject matter jurisdiction.	Jun. 20, 2001
CV 00-104A	In Re Contempt of the Ho-Chunk Nation Department of Justice Order (Re Contempt) <ul style="list-style-type: none"> <li>• In a contempt case the movant must make a prima facie case.</li> <li>• In a contempt claim the movant must not show that the actions of the respondent were disrespectful. Rather, the movant must show that there was a valid order, that the respondent had knowledge of the <i>order</i> and that respondent violated the order.</li> <li>• In a contempt hearing when the movant has made a prima facie case, the burden shifts to the respondent to show why they should not be held in contempt.</li> <li>• The Respondent can show that they should not be held in contempt in one of three ways. 1) Demonstrating that they had a reasonable inability to comply 2)that the underlying order was ambiguous or 3) that the alleged contemnor made a reasonable and diligent effort to comply.</li> <li>• It is not required that the movant show subjective intent. In that the movant must not show the alleged contemnor’s state of mind. Therefore, the Court must not determine intent, only whether or not the <i>order</i> was violated.</li> </ul> <p>The Court, the Ho. Mark Butterfield presiding, found the Ho-Chunk Nation Department of Justice in contempt of court for failing to include the consequences of the redistricting and reapportionment case within the legal notice that appeared in the May 23, 2001 edition of the Hocak Worak, in violation of the May 4, 2001 order issued by the Hon. Todd R. Matha.</p>	Jun. 22, 2001
CV 01-11	<i>Ho-Chunk Nation Legislature, v. Ho-Chunk Nation General Council, Robert Funmaker, Jr., as Presiding Officer of the October 21, 2000 General Council, and Darcy Funmaker-Rave, as Secretary of the October 21, 2000 General Council</i> Judgment <ul style="list-style-type: none"> <li>• If the General Council does not act beyond the scope of its authority then it is protected from suit under the bar of sovereign immunity.</li> <li>• If the act of the General Council is considered unconstitutional then an officer of the General Council may be sued. as long as the suit is for non-monetary equitable relief. This is consistent with the doctrine of <i>Ex Parte Young</i>.</li> <li>• If an Official acts in contravention of the HCN CONSTITUTION, which is the Supreme law of the HO-CHUNK NATION, HCN CONST. ART. III § 4, the official has acted “beyond the scope of his or her authority” and is subject to prospective non-monetary equitable and declaratory relief. This means that the actor must have themselves acted unconstitutionally or be required to implement an allegedly unconstitutional act.</li> </ul> <p>The Court dismissed the case for lack of jurisdiction, as the case is not ripe until the Legislature makes a determination of whether or not it will implement GENERAL COUNCIL RESOLUTION 10-21-00D.</p>	Jun. 22, 2001
CV 01-55	Hocak Federal Credit Union v. Michelle R. Decora	Jun. 25, 2001

	Order The Court notes that this debt was collectable through the presentation for the signed agreement to the Ho-Chunk Nation Department of Treasury, not through a Court action.	
CV 01-25	Aleksandra Cichowski v. Ho-Chunk Nation Hotel and Convention Center Order (Hearing) The Court informed the parties that it would convene a <i>Hearing</i> so as to deal with the numerous discovery issues in the case.	Jun. 27, 2001
CV 96-58 CS 99-29 CS 99-58	Vicki Houghton n/k/a Vicki Greendeer v. John Houghton; Rachel Winneshiek v. John Houghton; and Leslie Soulier v. John Houghton, CV 96-58, CS 99-29, and CS 99-58 (HCN Tr. Ct., June 28, 2001). Order (Amending Child Support Enforcement) <i>The Court equitably adjusted the enforcement of current child support obligations against the defendant's per capita distributions pursuant to the current formula utilized by the Court.</i>	Jun. 28, 2001
CV 96-58	Vicki Greendeer v. John Houghton, CV 96-58 (HCN Tr. Ct., June 28, 2001). Order (Requiring Proof of Continued Enrollment) <i>The Court required the parties to file continuing proof of enrollment in high school or its equivalent.</i>	June 28, 2001
CV 00-50	Delores Greendeer v. Randall Mann (HCN Tr. Ct., July 2, 2001) (Matha, T.) Order (Final Judgment) The Court will usually defer to the expertise of the agency in its decision-making capacity, in this instance the Court found that defendant's actions towards the plaintiff were arbitrary and capricious and therefore, granted equitable relief.	July 2, 2001
CV 01-05	Leslie J. Schmolke v. Ho-Chunk Nation; Ho-Chunk Nation Department of Business, (HCN Tr. Ct., July 3, 2001) (Butterfield, M.) Order (Judgment) <i>Held:</i> An official of the Nation cannot exceed the limits of the law, which is the official policy of the Nation in hiring employees. Mistakes in implementing those personnel rules give rise to liability and damages.	July 3, 2001
CV 01-22	Darlene Joyce Denny v. Ruth Ann Denny Order (Judgment) In a dispute between family members over money, the Court finds for the plaintiff. The Court also respectfully requests that the Legislature adopt a Statute of Frauds in order to lessen the likelihood of similar suits, having little objective proof, being brought before the Court in the future.	July 5, 2001
CV 01-34	Marvel J. Cloud v. Ho-Chunk Nation Tribal Enrollment (HCN Tr. Ct., July 10, 2001) (Matha, T.) Order (Denial Petition) The Court applies its four-part test to determine if CTF monies should be released: (1) for beneficiaries health, education, or welfare; (2) the benefit must represent necessity; (3) the parent(s) or guardian(s) must demonstrate financial need; and (4) plaintiff must provide evidence of exhaustion of tribal funds and public entitlement programs. Applying this test, the Court found that the plaintiff failed to satisfy wholly any one prong of the four-part test and denied release of CTF monies for purchase of an automobile.	July 10, 2001
CV 96-94	Joelene Smith v. Scott Beard as Director of Education and the Ho-Chunk Nation, (HCN Tr. Ct., July 10, 2001) (Butterfield, M) Order (Awarding and Denying Costs) The Court awarded the plaintiff \$35.00 for the filing fee in the appeal in which she prevailed. The Court denied the request for reimbursement for telephone calls because there was no bill shown to the Court. Also, the Court denied the reimbursement of postage and travel costs incurred by the plaintiff during time of employment with the Nation.	July 10, 2001
CV 01-37	In the Interest of the Minor Children: T.M.K., DOB 06/06/90; T.M.K., DOB 05/09/87;	July 13, 2001

	T.M.K, DOB 08/22/85; T.W.E. DOB 04/09/93, (HCN Tr. Ct., July 13, 2001) (Matha, T.) Order (Partial Denial Petition) The Court denied the petitioner's request for CTF monies to purchase an automobile, but granted the release of funds to purchase a computer for the minor child as it pertains to an educational need.	
CV 00-85 CV 01-14	Bernard Mountain, Jr., and Iris Lyons v. Ho-Chunk Nation Housing Authority and Bernard Mountain, Jr., v. Matt Estebo, Joe Estebo, and Wayne Decorah, (HCN Tr. Ct., July 13, 2001) (Matha, T.) Order (Dismissal without Prejudice) The Court dismissed the cause of action against the Housing Authority due to the lack of sovereign immunity. The Court also dismissed the case against the individually named defendants since the request for relief exceeded the Court's constitutional powers.	July 13, 2001
CV 01-50	David Smith v. Majestic Pines Casino, (HCN Tr. Ct., July 16, 2001) (Butterfield, M.) Order ( <i>Satisfaction of Settlement</i> ) The Court recognized the satisfaction of judgment by the defendants, and informed the parties of its intent to close the file if no objection was received within ten days.	July 16, 2001  Order
CV 01-61	Laura LaMere v. Ho-Chunk Nation Tribal Enrollment Order (Petition Denied) The Court denies the release of funds from the minor child's CTF fund for the purchase of an automobile, moving expenses, and to pay off a ticket.	July 17, 2001
CV 00-55	Libby Fairchild v. Ho-Chunk Nation Legislature, (HCN Tr. Ct., July 18, 2001) (Matha, T.) Order (Granting Defendant's Motion for Summary Judgment) The Court found that the plaintiff lacked standing to bring suit and granted the defendant's motion for summary judgment.	July 18, 2001
CV 01-72	Sandra Winneshiek v. William B. Collins, (HCN Tr. Ct., July 18, 2001) (Matha, T.) Order (Default Judgment) The Court ordered that the Department of Treasury garnish the defendant's wages from his employment with Rainbow Casino to satisfy a car loan debt.	July 18, 2001
CV 00-64	Ho-Chunk Nation Housing Authority v. Bernard Mountain, Jr., and Iris Lyons, (HCN Tr. Ct., July 18, 2001) (Matha, T.) Order (Stipulation and Order) The Court ordered the Ho-Chunk Nation Department of Treasury to withhold a portion of the defendant's Per Capita distribution to satisfy a debt with the Housing Authority.	July 18, 2001
CV 01-72	Sandra Winneshiek v. William B. Collins, (HCN Tr. Ct., July 23, 2001) (Matha, T.) Order (Setting Aside Default Judgment) The Court set aside the <i>Default Judgment</i> because the defendant showed good cause as to why his <i>Answer</i> with the Court was untimely.	July 23, 2001
CV 01-81	In the Interest of Minor Child: C.T.L. DOB 01/16/84, by Katherine R. Littlejohn, v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., July 23, 2001) (Matha, T.) Order (Petition Granted) The Court granted the release of CTF funds for the partial prepayment of public defender in accordance with Wis. Stat. § 977.075.	July 23, 2001
CV 01-05	Leslie J. Schmolke v. Ho-Chunk Casino, Ho-Chunk Nation Business Department, (HCN Tr. Ct., July 24, 2001) (Butterfield, M.) Order (Granting Costs) The plaintiff filed a Cost Bill for the amount of \$65.00 for the filing and personal service fees. The Court granted the plaintiff costs in the total amount of \$65.00.	July 24, 2001

CV 01-71	In the Interest of Decedent: Renee D. Blackdeer, v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., July 24, 2001) (Matha, T.) Order (Memorializing Hearing) The Court convened a Fact-Finding Hearing. The plaintiff failed to appear at the hearing, but in accordance with HCN Rules of Civil Procedure the hearing continued. The Court then entered its decision.	July 24, 2001
CV 01-11	Ho-Chunk Nation Legislature v. Ho-Chunk Nation General Council Presiding Officer Robert Funmaker, and Darcy Funmaker-Rave, as Secretary of the General Council, (HCN Tr. Ct. July 24, 2001) (Matha, T.) Order (Motion for Reconsideration (Denied)) The Court denied the Motion for Reconsideration due to the fact that General Council holds sovereign immunity. The Court further determined that the case was not ripe for judgment.	July 24, 2001
CV 96-58	Vicki Greendeer v. John Houghton Jr., (HCN Tr. Ct. July 30, 2003) (Matha, T.) <i>Emergency Order</i> The Court impounded a portion of the current child support withheld from Mr. Houghton's August 1, 2001 per capita distribution for payment to Ms. Greendeer.	July 30, 2001
CV 01-79	Diana Hellerud (#439A001282), Brenda J. Freehill (#439A001923), Linda Revels (439A001419), James E. Hellerud (#439A001283), Margaret Klonicke (#439A001294), Patricia A. Swartling (439A001361), Mark S. Hellerud (439A001291), Peggy Friske (#439A001926), Frank Dikeman (#439A000610), Claire L. Revels (#439A001924),v. Ho-Chunk Nation Office of Tribal Enrollment and the Ho-Chunk Nation Legislature (HCN Tr. Ct., July 31, 2001) (Butterfield, M.) Order (Granting Stay) The defendants requested that the case be stayed until the Ho-Chunk Supreme Court issued a decision in Joan Marie Whitewater et al v. HCN Office of Tribal Enrollment et al. The Court granted the stay.	July 31, 2001
CV 00-92	Ho-Chunk Nation Department of Housing and Scholze Ace Home Center, Inc., v. Edward Perry d.b.a. Perry Construction, (HCN Tr. Ct., July 31, 2001) (Matha, T.) Order (Default Judgment) The Court formally entered a default judgment against defendant. The defendant subsequently filed for Bankruptcy. The Court addressed issues of waiver of sovereign immunity and held that Congress did not unequivocally express waiver of Tribes' sovereign immunity in enacting the Bankruptcy Code. Additionally, the Nation did not expressly waive its sovereign immunity. Therefore, the Court retained the <i>Default Judgment</i> against defendant.	July 31, 2001
CV 01-08	David Abangan v. Ho-Chunk Nation Dep't of Business, (HCN Tr. Ct., Aug. 1, 2001) <i>Order (Requesting Attorney General Opinions)</i> The Court requested the Ho-Chunk Nation Attorney General to provide the Court with two written opinions on the legal authority of executive orders and the amount of deference afforded to trial court opinions.	August 1, 2001
CV 01-01	<i>Susan Bosgraaf v. Ho-Chunk Nation Security Dep't, (HCN Tr. Ct., Aug. 6, 2001). (Matha, T.)</i> Order (Granting Motion for Summary Judgment) <i>In determining whether or not plaintiff filed a timely Level 3 grievance, the Court finds no violation of due process which would justify plaintiff's failure to file a timely complaint. The Court relies upon its previous determinations of what constitutes minimal procedural due process in this jurisdiction.</i>	August 6, 2001
CV 01-87	<i>Ralph H. Babcock v. Ho-Chunk Nation Gaming Comm'n., (HCN Tr. Ct., Aug. 6, 2001).</i> Order (Absence of Bond Requirement) <i>Plaintiff filed a Motion Requesting Waiver of Bond. The Court previously addressed the continuing validity of the bond requirement and found that the Legislature "expressed its clear intent to delete the bond requirement and associated payment of investigative costs" by its action. Therefore, the Motion is not necessary in the present</i>	August 6, 2001

	<i>case.</i>	
CV 01-72	<i>Sandra S. Winneshiek v. William B. Collins, CV 01-72 (HCN Tr. Ct., Aug. 6, 2001). Order (Dismissal Without Prejudice) The Court, considering new information brought forth by the parties, dismisses this case without prejudice as moot for lack of case or controversy.</i>	August 6, 2001
CV 01-84	<i>Clarence Pettibone v. Ho-Chunk Nation Legislators Kathyleen Whiterabbit, Sharon Whiterabbit, George Lewis, Myrna Thompson, Gerald Cleveland, Christine Funmaker-Romano, Dallas Whitewing, Wade Blackdeer, Tracy Thundercloud and Elliot Garvin, CV 01-84 (HCN Tr. Ct., Aug. 6, 2001). Order (Granting Extension of Time) The Court granted the defendant's Motion for a Time Extension due to their conflicts of interest that prevented effective representation.</i>	August 6, 2001
CV 01-68	<i>HCN Division of Child and Family Services v. Orvilla Rae WhiteEagle, CV 01-68 (HCN Tr. Ct., Aug. 10, 2001). Default Judgment This case concerns a claim against per capita to satisfy a debt by defendant owed to the Ho-Chunk Nation, which is enforceable under HCN law. As defendant failed to file an Answer, the Court granted a default judgment in favor of plaintiff.</i>	Aug. 10, 2001
CV 01-26	<i>Julie Nakai v. Ho-Chunk Nation, and Bonnie Smith in her official and individual capacities., CV 01-26 (HCN Tr. Ct., Aug. 15, 2001). Dismissal of Bonnie Smith in her individual capacity The Court dismisses Ms. Smith in her individual capacity, following federal precedent which interprets the Federal Equal Employment Opportunity Act, 42 U.S.C. 2000e, as not subjecting individual supervisors, officials and employees personally liable for actions which subject the employer to Title VII liability.</i>	Aug. 15, 2001
CV 01-13	<i>Kathy A. Stacy v. Clarence Pettibone, former Vice President of the Ho-Chunk Nation and, Wade Blackdeer, present Vice President of the Ho-Chunk Nation in their individual and official capacities, (HCN Tr. Ct., Aug. 17, 2001). Judgment (for Defendants) The Court granted summary judgment to the defedants since the plaintiff did not receive a promotion as defined Personnel manual. while a Gaming Commissioner exercises more overall responsibility than a black jack shift supervisor, the positions exist within different governmental departments with the former being a regulatory position. the court declined to accept the doctrine of laches as a defense since the defedants could not show any undue prejudice in defending the cause of action</i>	Aug. 17, 2001
CV 01-83	<i>In the Interest of the Minor Child: M.C., DOB 08/21/92, CV 01-83 (HCN Tr. Ct., Aug. 17, 2001). Order (Denying CTF monies for automobile for family use) The Court strongly scrutinizes requests for CTF monies to purchase automobiles because this is not a purchase which "primarily advances the health, welfare or education of a child" required by Ho-Chunk Nation law."</i>	Aug. 17, 2001
CV 01-08	<i>David Abangan v. Ho-Chunk Nation Dep't of Business, (HCN Tr. Ct., Aug. 21, 2001). Order (Granting Extension) The Court granted the defendants a time extension due to the time and staffing constraints of the Department of Justice.</i>	Aug. 21, 2001
CV 00-17	<i>Ho-Chunk Nation Housing Authority v. Robin LaMere and Rueben Rave, CV 00-17 (HCN Tr. Ct., Aug. 21, 2001). Order (Modifying Judgment) Court grants defendant LaMere's request to lift the restraint upon loans against her per capita, as long as such loans do not disrupt any current withholdings from her per capita distributions.</i>	Aug. 21, 2001
CV 98-02	<i>Steven Camden v. Game Financial Corp. and Lisa Maulson, CV 98-02 (HCN Tr. Ct., Aug. 24, 2001).</i>	Aug. 24, 2001

	<p>Order (Determination of Personal and Subject Matter Jurisdiction)</p> <p><i>In this defamation action, the Court finds that it has personal jurisdiction over the non-Indian enterprise because of minimum contacts with the Nation, as well as a consensual commercial relationship between the parties. The Court finds it lacks subject-matter jurisdiction because the action does not arise “under the Constitution, laws [or] customs and traditions of the Ho-Chunk Nation.”</i></p>	
CV 00-39	<p><i>Roy J. Rhode v. Ona M. Garvin, as General Mgr. of Rainbow Casino, CV 00-39 (HCN Tr. Ct., Aug. 24, 2001).</i></p> <p>Order (Final Judgment)</p> <p><i>The Court does not uphold the termination of a gaming employee because that employee did not receive a pre-termination hearing required by the Ho-Chunk Nation Constitution. The Due Process Clause of the Ho-Chunk Nation provides the minimal procedural due process protections of notice and hearing.</i></p>	Aug. 24, 2001
CV 01-65	<p><i>Ho-Chunk Nation Housing Auth. v. Betty Jo White, CV 01-65 (HCN Tr. Ct., Aug. 27, 2001).</i></p> <p>Stipulation and Order</p> <p><i>Defendant and HCN Housing Authority agreed to various terms as defendant had previously admitted to delinquency of rent and some lease violations.</i></p>	Aug. 27, 2001
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment #439A001593, Mr. Stewart J. Miller, Enrollment #439A002566 v. Ho-Chunk Nation Legislature Members, et al., CV 00-104 (HCN Tr. Ct., Aug. 28, 2001).</i></p> <p>Order (Granting Extension of Time)</p> <p><i>Court grants defendant an extension of time to file an approved redistricting/reapportionment proposal in light of the Court’s continued commitment to fostering voter participation and awareness. The Legislature shall file the proposal on or before September 28, 2001.</i></p>	Aug. 28, 2001
CV 01-85	<p><i>Mr. Chloris Lowe, Jr., Enrollment #439A001593, Mr. Stewart J. Miller, Enrollment #439A002566 v. Ho-Chunk Nation Legislature Members, et al., CV 00-104 (HCN Tr. Ct., Aug. 28, 2001).</i></p> <p>Order (Granting Extension of Time)</p> <p><i>Court grants defendant an extension of time to file an approved redistricting/reapportionment proposal in light of the Court’s continued commitment to fostering voter participation and awareness. The Legislature shall file the proposal on or before September 28, 2001.</i></p>	Aug. 30, 2001
CS 98-58	<p><i>In the Interest of Mary Lou Blackdeer, by Lisa Blackdeer v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Aug. 30, 2001).</i></p> <p>Order (Releasing ITF Monies)</p> <p><i>The Court grants the release of funds to pay outstanding bills accumulated prior to the ward’s declaration of incompetency.</i></p>	Sept. 4, 2001
CS 96-58	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr., (HCN Tr. Ct., Sept. 4, 2001).</i></p> <p>Order (Requiring Submission of Foreign Judgment or Order)</p> <p><i>The Court determined whether or not to lift an impound placed upon monies in the instant child support case. While the Court is limited to what it may do in enforcing a foreign order (e.g., It may “not review the merits of the [foreign] child support order”), it will also “not stand idle, serving as an unwitting instrumentality in the furtherance of potential fraud, collusion or a clear mistake of law or fact, and will seek to impound funds in order to insure just and fair results.”</i></p>	Sept. 4 2001
CS 96-58	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr., (HCN Tr. Ct., September 11, 2001)</i> (Matha, T.)</p> <p>Order (Regarding Impound)</p> <p>The Court postponed the Trial due to the unique and difficult issues (pregnancy discrimination; sovereign immunity) presented in this case. The Court requested supplemental briefs on specific issues from both parties.</p>	Sept. 11, 2001
CV 01-26	<p><i>Julie Nakai v. Ho-Chunk Nation and Bonnie Smith, in her Official Capacity, (HCN Tr. Ct., Sept. 11, 2001).</i></p>	Sept. 11, 2001

	Order (Postponing Trial and Requesting Further Briefing) <i>The Court postponed the Trial due to the unique and difficult issues (pregnancy discrimination; sovereign immunity) presented in this case. The Court requested supplemental briefs on specific issues from both parties.</i>	
CV 01-25	<i>Aleksandra Chichowski v. Ho-Chunk Hotel Convention Center</i> , (HCN Tr. Ct., Sept. 14, 2001). Order (Motion to Prevent Harassment) <i>As the plaintiff failed to present any factual documentation substantiating the need for a protective order, using the “reasonable person” standard, the Court denies plaintiff’s Motion for a Protective Order. The Court shall uphold reasonable restrictions on time, place, and manner of contact for exchange of information between parties during the discovery process.</i>	Sept. 14, 2001
CV 01-37	<i>In the Interest of Minor Children: T.M.K., DOB 06/06/90; T.M.K., DOB 05/09/87; T.M.K., DOB 08/22/85; T.W.E., DOB 04/09/93, by Sara J. WhiteEagle v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Sept. 14, 2001). Order (Petition Denied) <i>In order to assess the merit of plaintiff’s request for release of monies from the CTF for the purchase of a computer, the Court employed the standard enunciated in the HCN AMENDED AND RESTATED PER CAPITA DISTRIBUTION ORDINANCE, § 6.01(b). The Court had previously requested additional information from plaintiff in order to make its determination. As the plaintiff failed to provide the requested information, the Court denied the release of funds.</i>	Sept. 14, 2001
CV 01-52	<i>Marie WhiteEagle v. Ho-Chunk Nation and Ho-Chunk Nation Wisconsin Dells Head Start Program</i> , (HCN Tr. Ct., Sept. 21, 2001). Order (Granting Defendants’ Motion to Dismiss) The limited waiver of sovereign immunity set forth in the Ho-Chunk Nation Resolution 6-9-98A requires a non-gaming grievant to file within thirty (30) days of the final Administrative Review Process decision. The Court determined that the Nation’s sovereign immunity barred plaintiff’s suit since she filed her <i>Complaint</i> in an untimely manner	Sept. 21, 2001
CV 01-49	<i>Marlene Littlewolf v. HCN Education Dep’t</i> , (HCN Tr. Ct., Oct. 3, 2001). Order (Granting Summary Judgment) The Court will give deference to employment decisions as long as they are reasonable ( <i>i.e.</i> , not “arbitrary and capricious”) and supported by substantial evidence. Applying this standard of review, the Court held that the Education Department satisfied both prongs of this test. THE COURT WILL GIVE GREATER LEEWAY WHEN REVIEWING DISCRETIONARY DECISIONS OF THE EXECUTIVE BRANCH THAN NON-DISCRETIONARY DECISIONS.	Oct. 3, 2001
CV 96-58 CS 99-29 CS 99-58	<i>Vicki J. Greendeer v. John C. Houghton, Jr.; and Rachel Winneshiek v. John C. Houghton, Jr.; and Leslie Soulier v. John C. Houghton, Jr.</i> , (HCN Tr. Ct., Oct. 16, 2001). Order (Regarding Impound) <i>The Court orders the Department of Treasury to continue its impound of that percentage of the August 1 per capita and to further impound an identical amount from the November 1 per capita until the Supreme Court issues its opinion on the respondent’s appeal. In addition, the Court impounded the percentage of respondent’s per capita distribution currently withheld for arrears for Case No. CS 99-58 until the petitioner in that case has a chance to respond to the respondent’s Motion to Dismiss.</i>	Oct. 16, 2001
CV 01-75	<i>In the Interest of Adult CTF Beneficiary: Renata White, DOB 02/27/81 v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Oct. 16, 2001). Order (Denial of Petition) <i>The Court employed the standard set forth in the AMENDED AND RESTATED PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of petitioner’s request to access her Children’s Trust Fund account to purchase a mobile home. The Court denied the petitioner’s request because she failed to show “special financial need” or exhaustion of tribal resources, as required under Ho-Chunk Nation law.</i>	Oct. 16, 2001

CV 01-80	<p><i>Ho-Chunk Nation Dep't of Housing, Prop. Mgmt. Div. v. Melody Whiteagle a/k/a Melody Whiteagle-Fintak</i>, (HCN Tr. Ct., Oct. 17, 2001).</p> <p>Order (Denial of Motion)</p> <p><i>As the defendant filed untimely, the Court denied her Motion to reconsider the Court's September 20, 2001 Order (For Damages). A Motion for Relief from Judgment under HCN R. Civ. P. 58(D) represents the only post-judgment motion without a ten (10) day filing deadline. The defendant failed to allege the presence of any of the grounds for granting a Motion for Relief from Judgment.</i></p>	Oct. 17, 2001
CV 00-104	<p><i>Mr. Chloris Lowe, Jr., Enrollment #439A001593; Mr. Stewart J. Miller, Enrollment #439A002566 v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Bd.</i>, (HCN Tr. Ct., Oct. 17, 2001).</p> <p>Order (Regarding Hearing)</p> <p><i>In response to the defendant's inquiry regarding the purpose of the October 19, 2001 Hearing: the purpose remains the same as the prior proceeding in this matter. Upon the Legislature's submission of "a redistricting/reapportionment proposals for Court review, the Court shall convene a Hearing allowing the defendants an "opportunity to advocate on behalf of the proposal(s)."</i></p>	Oct. 17, 2001
CV 01-93	<p><i>Housing Authority of the Village of Winnebago v. Denise J. Kearnes</i>, (HCN Tr. Ct., Oct. 19, 2001).</p> <p>Judgment (Denying Enforcement of Foreign Judgment/Order)</p> <p><i>The Court denied enforcement of the foreign order where the defendant had agreed to make payments out of her per capita distribution. The HO-CHUNK NATION CLAIMS AGAINST PER CAPITA ORDINANCE only permits garnishment of a tribal member's per capita distribution in four narrow circumstances: (1) debts owed to the Ho-Chunk Nation; (2) child support; (3) federal income tax levies; and (4) debts owed to the Hoc�k Credit Union. While the defendant has the ability to authorize voluntary deductions through the Ho-Chunk Nation Department of Treasury, the Court cannot force her to do so without violating Ho-Chunk Nation law.</i></p>	Oct. 19, 2001
CV 98-41	<p><i>In re: Shamus Daniel Layman v. Ho-Chunk Nation Enrollment Dep't</i>, (HCN Tr. Ct., Oct. 19, 2001).</p> <p>Order (Contempt)</p> <p><i>The Court found Mr. Layman in contempt of court for failing to provide an accounting for the release of monies from his Children's Trust Fund from December 28, 2000. The Court imposed a fine payable out of Mr. Layman's per capita distribution.</i></p>	Oct. 19, 2001
CS 96-58	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr.</i>, CS 96-58 (HCN Tr. Ct., Oct. 23, 2001).</p> <p>Order (Releasing Impound)</p> <p><i>The Court directs the HCN Department of Treasury to release the impounded monies to the respondent in compliance with an appellate decision of the Supreme Court of the Ho-Chunk Nation.</i></p>	Oct. 23, 2001
CS 96-58	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr.</i>, (HCN Tr. Ct., Oct. 30, 2001).</p> <p>Order (Denying Impound)</p> <p><i>The Court has the power to impound as the HCN CONSTITUTION expressly vests the Court with the authority to issue all remedies in law and in equity including injunctive and declaratory relief. The Court may grant a request to impound per capita for child support in limited circumstances (such as a form of preliminary injunctive relief to avoid potential ongoing or impending violations of federal, state or tribal law; to avoid detrimental affects on payors pending a just resolution of the matter through amendments to orders; or when the Court has insufficient time in which to draft an order prior to the deadline for processing per capita withholdings). As the petitioner's request to impound significantly differs from past precedent, the Court denied the request.</i></p>	Oct. 30, 2001
CV 00-104	<p><i>Chloris Lowe, Jr., et al. v. Ho-Chunk Nation Legislature Members et al.</i>, (HCN Tr. Ct., Nov. 1, 2001).</p>	Nov. 1, 2001

	Order (Determining Constitutionality of Proposed Redistricting/Reapportionment Scenario) <i>Scenario A, submitted by the defendants, was the same proposal as Reintroduced Revised Scenario 1A, but with different demographic figures. The fluctuations in population do not qualify Scenario A as a “different” proposal, and thus, it does not satisfy judicial review. Therefore, the Court required the defendants to submit a different, final redistricting/reapportionment proposal to the Court by November 9, 2001.</i>	
CV 01-84	Clarence Pettibone v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Legislators Kathleen Whiterabbit, Sharon Whiterabbit, George Lewis, Myrna Thompson, Gerald Cleveland, Christine Funmaker-Romano, Dallas Whitewing, Wade Blackdeer, Tracy Thundercloud, and Elliott Garvin, in their official capacity. Order (Granting Motion to Strike) The Court granted the defendant’s motion to strike the Amended Complaint since the plaintiff failed to request leave of the Court to file an amendment not contemplated by the Scheduling Order.	Nov. 5, 2001
DV 01-06	<i>Joyce St. Cyr v. Robert Mobley</i> Order (Dissolving Ex Parte Order for Protection) The Court granted the order prohibiting the respondent from entering the petitioner’s residence and also awarded petitioner temporary custody of the minor children and use of the family automobile.	Nov. 14, 2001
CV 00-10 CV 00-38	<i>Margaret G. Garvin v. Donald Greengrass; and Margaret G. Garvin v. Ho-Chunk Nation et al.</i> , (HCN Tr. Ct., Nov. 16, 2001). Order (Final Judgment) <i>The Court requires that the plaintiff show that she suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant. The plaintiff cannot access the broad equitable powers of the Court without first satisfying this element of standing. The determination of whether the plaintiff satisfies this first element of standing differs from the determination of whether the plaintiff received minimal procedural due process.</i>	Nov. 16, 2001
CV 00-104	<i>Chloris Lowe, Jr., et al. v. Ho-Chunk Nation Legislature Members et al.</i> , (HCN Tr. Ct., Nov. 19, 2001). Order (Determining Constitutionality of the Proposed Redistricting/Reapportionment Scenario) <i>The Court held that the legislatively approved redistricting/reapportionment proposal, Scenario E, satisfied the appellate standard of review. The Court further ordered that the Ho-Chunk Nation Election Board hold a special redistricting election on or before January 12, 2002, providing sufficient public notice prior to the election.</i>	Nov. 19, 2001
CV 01-25	<i>Alexsandra Cichowski v. Ho-Chunk Hotel and Convention Center</i> , (HCN Tr. Ct., Nov. 21, 2001). Order (Costs) <i>As the plaintiff’s discovery requests have bordered on the unreasonable, the Court shall award the defendant reasonable costs.</i>	Nov. 21, 2001
CV 01-25	<i>Alexsandra Cichowski v. Ho-Chunk Hotel and Convention Center</i> , (HCN Tr. Ct., Nov. 27, 2001). Motion for Summary Judgment on Workman’s Comp on February 14, 2001 (Denied) <i>As many of the facts are in dispute and the plaintiff has not asserted any law by which she would be entitled to a “judgment as a matter of law,” the Court denied the plaintiff’s Motion for Summary Judgment.</i>	Nov. 27, 2001
CV 01-135	<i>Karen A. Hammer v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Nov. 30, 2001). Order (Granting Release of CTF Monies for Funeral Expenses) <i>The Court granted the petitioner’s request for the release of her CTF monies for her funeral expenses, having determined that the petitioner fully satisfied the four-part test enunciated in the HO-CHUNK NATION PER CAPITA DISTRIBUTION ORDINANCE.</i>	Nov. 30, 2001

CV 01-125	<i>In the Interest of the Adult Incompetent: Norma WhiteBear, DOB 02/21/25, by Cecilia Rave v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 30, 2001). Order (Granting ITF Monies for Clothes, Air Purifier, Groceries and Cleaning Supplies) <i>The Court approved the release of ITF monies for miscellaneous expenses not covered by the ward's social security income.</i>	Nov. 30, 2001
CV 01-71	<i>In the Interest of Decedent: Renee Debra Blackdeer, DOB 11/11/72, by Marian E. Blackdeer v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Dec. 4, 2001). Order (Designation of Personal Representative) <i>The Court appointed the petitioner the personal representative of the decedent tribal member's estate in accordance with the LEGALLY Incompetent Member Protective Fund Administration Interim Ordinance.</i>	Dec. 4, 2001
CV 00-104	<i>Chloris Lowe, Jr., et al. v. Ho-Chunk Nation Legislature Members et al.</i> , (HCN Tr. Ct., Dec. 5, 2001). Order (Denying Motion to Amend Order) <i>The Court denied the defendants' December 3, 2001 Motion to Amend Order, where the defendants argued that the Trial Court lacked the authority to order the Election Board to hold a Special Redistricting Election. The Court held that it possesses such power by virtue of its broad constitutional power to grant injunctive relief and in light of established precedent authority.</i>	Dec. 5, 2001
CV 01-85	<i>In the Interest of Mary Lou Blackdeer, by Lisa Blackdeer v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Dec. 13, 2001). Order (Releasing ITF Monies) <i>Applying the standard enunciated in the Amended and Restated Per Capita Distribution Ordinance, the Court granted the release of the ward's ITF monies to pay for accumulated utility and health bills and miscellaneous expenses of the ward.</i>	Dec. 13, 2001
CV 97-117	<i>In the Interest of Adult Incompetent: Oliver S. Rockman v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Dec. 13, 2001). Order (Accepting Accounting and Granting Release of Per Capita) <i>The protective payee submitted an accounting for the September 11, 2001 release of the ward's ITF monies. In addition, the Court granted the release of ITF monies for the ward's usual spending allowance; money for coat, gloves, and a watch; and money for the payment of the protective-payee's expenses.</i>	Dec. 13, 2001
CV 96-46	<i>In re: Bruce Patrick O'Brien, by Elethe Nichols, Guardian v. Ho-Chunk Nation Office of Tribal Enrollment</i> , (HCN Tr. Ct., Dec. 17, 2001). Order (Release of Funds) <i>The Court granted the release of monies from the incompetent tribal member's Incompetent's Trust Fund (ITF) account for the purchase of tires, mounting and balance; plow and tire chains; and money for Christmas presents.</i>	Dec. 17, 2001

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Case No.	Case	Decided
CV 01-16 CV 01-19 CV 01-21	<i>Regina K. Baldwin v. Ho-Chunk Nation and Andrea Estebo v. Ho-Chunk Nation Home Ownership Program, Steve Davis, as Real Estate Manager, and Alvin Cloud, as Housing Director and Carolyn J. Humphrey v. Ho-Chunk Nation, Alvin Cloud, as Housing Director, and Bob Pulley, as Property Manager</i> , (HCN Tr. Ct., January 9, 2002). (Matha, T) Order (Determination of Judicial Deference) In determining whether to defer to an interpretation of the Ho-Chunk Preference Policy offered by the Ho-Chunk Nation Department of Personnel, the Court found that the interpretation warranted no deference due to its apparent departure from an earlier recognized interpretation. In an earlier interpretation of the Ho-Chunk Preference Policy offered by the Nation in the	Jan. 9, 2002

	context of layoffs. In the instant matter, the Nation failed to adhere to the prior interpretation. Absent any justification for the deviation, the second interpretation is not entitled to judicial deference.	
CV 01-87 CV 01-96	Ralph H. Babcock v. Ho-Chunk Nation Gaming Commission and John Holst v. Ho-Chunk Nation Gaming Commission, (HCN Tr. Ct., January 14, 2002) (Matha, T.) Order (Remand to Ho-Chunk Nation Gaming Commission) The Court vacated the May 17, 2001 and May 31, 2001 <i>Decision and Orders</i> of the Gaming Commission, finding that it had acted contrary to law by failing to require the establishment of an initial <i>prima facie</i> case in accordance with the GAMING ORDINANCE. The Court remanded the cases to the Gaming Commission to grant relief consistent with this opinion.	Jan. 14, 2002
CV 96-58 CS 99-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr. and Leslie Soulier v. John C. Houghton, Jr. and Rachel Winneshiek v. John Houghton, Jr.</i> (HCN Tr. Ct., January 16, 2002) (Matha, T.) Order (Amending Child Support Enforcement) The Court, utilizing equity and fairness, enforced two foreign child support orders against a serial payor's per capita distribution. In addition, as there is no obligation for current child support in Case No. CS 99-58, and the respondent has paid the arrears owing in that case in full, the Court gave its notice that it shall close that file in ten (10) days absent an objection from the parties.	Jan. 16, 2002
CV 00-64	<i>Ho-Chunk Housing Authority v. Bernard Mountain Jr. and Iris Lyons</i> , (HCN Tr. Ct., January 16, 2002) (Matha, T.) Order (Amending Judgment) The Court previously enforced a <i>Stipulation and Order</i> drafted by the plaintiff's counsel, wherein the Court required the defendant to pay a certain amount out of her next three (3) per capita distributions. In that <i>Order</i> , the terms of the numbers which resulted in an incorrect and lower amount deducted than what was agreed upon. Therefore, the Court corrected the clerical error and ordered the HCN Department of Treasury to withhold additional monies from the defendant's February 2002 per capita to satisfy the debt owed to the plaintiff.	Jan. 16, 2002
CV 01-121	<i>Anna M. Salinas v. Ho-Chunk Hotel &amp; Convention Center, Sherri Carlson and Tara Raese</i> , (HCN Tr. Ct., January 21, 2002) (Matha, T.) Order (Compelling Discovery Response) The Court ordered the plaintiff to respond to the defendant's discovery request and cautioned the plaintiff that failure to do so could result in the imposition of fines or other sanctions.	Jan. 21, 2002  Order
CV 00-111	<i>Roy Littlegeorge v. Ho-Chunk Nation Business Department, Majestic Pines Hotel and Christine Brown</i> , (HCN Tr. Ct., January 21, 2002) (Matha, T.) Order (Granting Defendants' Motion for Summary Judgment) Both the plaintiff and the defendants moved for summary judgment under Ho-Chunk Nation Rules of Civil Procedure, Rule 55. Only issues of law remain for the Court to decide: (1) by failing to wrongfully terminate the plaintiff; and (2) did the defendant employer make an arbitrary and capricious decision by terminating the plaintiff. On the second issue, the Court applied the two-prong test to determine if the defendants' decision to terminate the plaintiff was arbitrary and capricious. The Court found that the defendants' decision was both reasonable and supported by substantial evidence and, therefore, not arbitrary and capricious.	Jan. 21, 2002
CV 01-129	<i>Sandra S. Winneshiek v. William B. Collins</i> , (HCN Tr. Ct., January 23, 2002) (Matha, T.) Order (Dismissal Without Prejudice) The Court dismissed the plaintiff's <i>Complaint</i> without prejudice, as she failed to allege a jurisdictional basis for her claim.	Jan. 23, 2002

CV 01-148	<p>In the Interest of: Alice H. Funmaker, By Kenneth Freitag v. HCN Office of Enrollment, (HCN Tr. Ct., January 29, 2002) (Butterfield, M.)</p> <p>Order (Releasing ITF Funds to Estate)</p> <p>The Court released the remaining monies in the decedent tribal member's ITF to her estate. The personal representative and the attorney for the estate are responsible for the proper distribution of those monies as administrators of the estate.</p>	Jan. 29, 2002
CV 01-125	<p><i>In the Interest of Norma Whitebear, By Cecilia Rave v. Ho-Chunk Office of Enrollment, (HCN Tr. Ct., January 31, 2002) (Butterfield, M.)</i></p> <p>Order (Accepting Accounting and Granting Release of ITF Monies)</p> <p>As the petitioner adequately explained the expenditures made with the released ITF monies at the <i>Hearing of Accounting</i>, the Court accepted this accounting.</p>	Jan. 31, 2002
CV 02-02	<p><i>Gloria Visintin v. Ho-Chunk Nation General Council, Douglas Long, as Presiding Officer of the October 27, 2001 General Council, and Karen Martin, as the Secretary of the October 27, 2001 General Council, (HCN Tr. Ct., Jan. 31, 2002) (Butterfield, M.)</i></p> <p>Order (Granting Defendant's Motion to Extend Time to File Answer)</p> <p>The Court permitted the Department of Justice to secure outside legal counsel for the defendants due to a conflict of interest.</p>	Jan. 31, 2002
CV 02-09	<p><i>Interest of Decedent: Louella Jean Blackdeer, DOB 07/01/84, By Lani Blackdeer v. Ho-Chunk Nation Office of Enrollment, (HCN Tr. Ct., February 1, 2002) (Matha, T.)</i></p> <p>Order (Releasing CTF Funds to Estate)</p> <p>The Court released the remaining monies in the decedent tribal member's CTF to her estate. The personal representative for the estate is responsible for the proper distribution of those monies as administrator of the estate.</p>	Feb. 1, 2002
CV 02-07 CV 02-10	<p><i>Dion W. Funmaker v. Ho-Chunk Nation; Ho-Chunk Nation President Troy Swallow: Ho-Chunk Nation Legislators: Wade Blackdeer, Elliott Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas Whitewing, Gerald Cleveland, Sr., Christine Funmaker-Romano, Myrna Thompson, George Lewis, Kathyleen Lonetree-Whiterabbit, and Sharon Whiterabbit in their official capacity and as an individuals of the Legislature; and the Ho-Chunk Nation Election Board: Vaughn Pettibone, James Seymore, Wilma Thompson, Brandee Alderman, Ruth Decorah, Jo Ann Baker, Tara Blackdeer, Ermon Dick, Michelle DeCora, Winona Funmaker and Mary Ellen Dumas in their official capacity and as individuals of the Election Board and Demetrio D. Abangan v. Ho-Chunk Nation Election Board in their official capacity and Stuart Miller, Brenda Neff v. Ho-Chunk Nation Legislators: Wade Blackdeer, Elliott Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas Whitewing, Gerald Cleveland, Sr., Christine Funmaker-Romano, Myrna Thompson, George Lewis, Kathyleen Lonetree-Whiterabbit, and Sharon Whiterabbit in their official capacity and individually; and the Ho-Chunk Nation election Board, (HCN Tr. Ct., February 4, 2002) (Matha, T.)</i></p> <p>Order (Preliminary Determination)</p> <p>First, the plaintiff Dion Funmaker failed to appear or provide an explanation for his absence at the hearing. The burden is upon the plaintiff to prove his case, and the Court is already on an expedited timeline, thus, the Court dismissed Case No. CV 02-07.</p> <p>Second, the Court struck the cause of action raised by plaintiff Miller in which he challenged the constitutionality of the redistricting plan on the ballot. This issue was decided previously and cannot be relitigated.</p> <p>Third, the Court struck Exhibit E as it falls outside the Court's definition of relevant evidence.</p> <p>Fourth, the Court dismisses the named Legislators as defendants as the allegations and the relief requested within the <i>Complaint</i> does not necessitate the retention of individually named Legislators as parties.</p> <p>Finally, the Court required the parties to exchange <i>Exhibit Lists</i> by January 30, 2002, and stated the deadline for submission of subpoenas.</p>	Feb. 12, 2002

CV 02-08	<p>Demetrio D. Abangan v. Ho-Chunk Nation Election Board in their official capacity and Stewart J. Miller v. Ho-Chunk Nation Election Board (HCN Tr. Ct., February 12, 2002) (Matha, T.)</p> <p>Order (Denial of Election Challenge)</p> <p>The Court considered whether or not the defendants provided sufficient notice of the January 12, 2002 Special Election. The Court applied the “but-for” test enunciated in the ELECTION ORDINANCE, which mandates a clear and convincing showing of an ELECTION ORDINANCE violation or an unfairly conducted election, and that the outcome of the election would have been different but for the violation.</p> <p>As to the first prong of the test, the Court held that the plaintiff’s satisfied the requirement of a “clear and convincing showing of an ELECTION ORDINANCE violation.” The Election Board did not provide meaningful notice to the voters. The defendants did not allow for the delayed mailing of the Hocak Worak because of the holiday season. In addition, there was a significant period of time in between the time when the Court approved the redistricting plan and when the Election Board actually published the notice, therefore, notice could have been given sooner or the defendants could have guaranteed notice in other ways.</p> <p>The Court held that although notice was insufficient, the plaintiff did not prove that but for that deficiency the results would have voted against Scenario E. The plaintiff’s were unable to produce testimony by a sufficient number of voters. The Court cannot infer that simply because notice was deficient, that the voters would have voted another way had they had the opportunity.</p>	Feb. 12, 2002
CV 98-18	<p><i>Interest of Kathy Brandenburg, by Phyllis Smoke v. HCN Office of Enrollment (HCN Tr. Ct., Feb. 13, 2002) (Butterfield, M.)</i></p> <p>Order (Granting Release of ITF Monies)</p> <p>La Crosse County Human Services Department submitted a detailed report apprising the Court of ward’s current status. In addition, the Court wanted the release of ITF monies to help pay for medication and medical co-pays to which there was no tribal, state, or federal entitlement; personal hygiene products; clothing, haircuts, etc.; money to pay the ward’s former landlord for damages to the apartment; and money to pay court costs and fines owed to the Department of Corrections.</p>	Feb. 13, 2002
CV 01-76	<p><i>Ho-Chunk Housing Authority v. Continental Flooring Company (HCN Tr. Ct., February 19, 2002) (Matha, T.)</i></p> <p>Order (Granting Defendant’s Motion to Dismiss)</p> <p>The Court allowed the parties to proceed to arbitration as agreed upon through the mutual acceptance of certain contractual provisions. The defendant did not allege a defect in the delegation of signature authority, and therefore, the Court must examine the terms of the contract documents in arriving at its decision. The Court agrees that the parties must proceed to arbitration, but in no way rules as the extent of the plaintiff retains its sovereign immunity from suit.</p>	Feb. 19, 2002
CV 01-26	<p><i>Julie Nakai v. Ho-Chunk Nation (HCN Tr. Ct., February 21, 2002) (Butterfield, M.)</i></p> <p>Supplemental Order (Requiring Further Briefing)</p> <p>As this case raised important questions of first impression, the Court required further briefing on several issues such as whether or not the Nation waived its sovereign immunity by requiring itself to abide by and carry out” the Federal Equal Employment Opportunity Act in its Personnel Manual; and what test the Court should apply in pregnancy discrimination claims.</p>	Feb. 21, 2002
CV 01-25	<p><i>Aleksandra Cichowski v. Ho-Chunk Hotel &amp; Convention Center (HCN Tr. Ct., February 22, 2002) (Butterfield, M.)</i></p> <p>Order (Awarding Costs)</p> <p>The Court previously granted the defendant reasonable costs associated with complying with the plaintiff’s discovery requests. The defendant reasonable costs associated with complying with the plaintiff’s discovery requests. The defendant submitted an invoice in the amount of \$49.59, of which the court approved. The plaintiff had deposited a portion of</p>	Feb. 22, 2002

	<p>this money with the Court to pay the defendant; the Court issued this order requiring the plaintiff to pay the defendant the remaining balance within twenty (20) days.</p>	
CV 02-02	<p><i>Gloria Jean Visintin v. Ho-Chunk Nation General Council, Douglas Long, as Presiding Officer of the October 27, 2001 General Council and Karen Martin, as Secretary of the October 27, 2001 General Council, (HCN Tr. Ct., February 25, 2002) (Butterfield, M.)</i> Order (Dismissing Karen Martin as Defendant)</p> <p>The Court granted the plaintiff's motion to dismiss Karen Martin as a defendant.</p>	Feb. 25, 2002
CV 98-14	<p><i>In the Interest of Berdine Littlejohn, by Shari Marg v. HCN Enrollment Office, (HCN Tr. Ct., February 26, 2002) (Matha, T.)</i> Order (Partial Release of ITF Monies)</p> <p>The Court granted the release of ITF funds in part. As the Court granted the release of monies for furniture for the ward. As the petitioner had not yet shown there is not a reliable family vehicle available, the Court requires additional information as to the release of monies for a car. In addition, should the Court grant release of monies for a car, it shall require Property and Procurement to find a suitable car using the minimum of three bid process.</p>	Feb. 26, 2002
CV 00-44	<p><i>In the Interest of Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., February 28, 2002) (Matha, T.)</i> Order (Partial Release of ITF Monies)</p> <p>The Court granted a partial release of ITF monies to satisfy the petitioner's request for a washer/dryer, computer/software, travel allowance, clothing, television, microwave, toaster, and SSI reimbursement, as these are all expenditures routinely granted by the Court. The Court conditionally denied the remaining requests for collector dolls, telephone/answering machine: the Court had previously released monies for one of the requests; and housing authority reimbursement: the Court cannot grant a request for which there may be a state of federal entitlement and thus, requires additional information.</p>	Feb. 28, 2002
CV 02-17	<p><i>Dorothy Decorah v. Kim Whitegull, CV 02-17 Order (Permanent Injunction) (HCN Tr. Ct., March 1, 2002). (Matha, T.)</i> Order (Permanent Injunction)</p> <p>The Court granted the plaintiff's request for a permanent injunction against the defendant. On February 18, 2002, the Traditional Court recognized that in tradition and custom of the Ho-Chunk Nation, "the matriarch of a family has the final say on who can come onto her property (her house and her land)." Traditional Court Resolution, 02-18-02 A. The Traditional Court delivered this pronouncement after receiving a formal inquiry from the plaintiff. The defendant voluntarily agreed to abide by the restriction imposed by the plaintiff. After the Court explained the legal consequences, the defendant further agreed to the entrance of a permanent injunction against him from entering onto the property of the plaintiff.</p>	Mar. 1, 2002
CV 01-85	<p><i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, CV 01-85 Order (Establishing Allowance) (HCN Tr. Ct., Mar. 1, 2002). (Matha, T.)</i> Order (Establishing Allowance)</p> <p>The Court granted an ongoing release of funds from the ITF of the incompetent tribal member for her benefit. The Court applied the four-part test previously enunciated in HCN case law, which the Court derived from the language of the PER CAPITA ORDINANCE. In accordance with precedent, the Court required the guardian to distribute the monies to the ward at appropriate intervals based upon the expressed needs of the member. The Court further required the guardian to account for the monies with a financial report and relevant documentation on or before the 15<sup>th</sup> of the month following the next and future quarterly per capita distributions.</p>	Mar. 1, 2002
CV 01-06	<p><i>John Kagigebi v. Amory Decorah, (HCN Tr. Cts., March 6, 2002) (Butterfield, M.)</i> Order (Judgment)</p> <p>The Court found that the suspension of the plaintiff for supposed inattentiveness to an</p>	Mar. 6, 2002

	alleged occurrence of unwelcome sexual conduct was arbitrary and capricious. The Court therefore directed that the plaintiff be repaid for the improper suspension imposed on him and that the disciplinary action be removed from his work record.	
CV 01-16 CV 01-19 CV 01-21	<p>Regina K. Baldwin v. Ho-Chunk Nation; and Andrea Estebo v. Ho-Chunk Nation Home Ownership Prog., Steve Davis, as Real Estate Mgr., and Alvin Cloud, as Hous. Dir.; and Carolyn J. Humphrey v. Ho-Chunk Nation, Alvin Cloud, as Hous. Dir., and Bob Pulley, as Prop. Mgr., CV 01-16, 19, 21 Notice (Deadline for Briefs) (HCN Tr. Ct., Mar. 11, 2002). (Matha, T.)</p> <p>Notice (Deadline for Briefs)</p> <p>The Court granted the defendants' request to extend discovery for an additional forty-five (45) days. The Court had previously requested additional briefing on the legislative history of the Ho-Chunk Preference and Layoff Policies, which were due within one (1) month of the end of discovery. Since the Court extended the discovery deadline, it issued this notice that the parties shall submit their briefs no later than Monday, March 25, 2002.</p>	Mar. 11, 2002
CV 01-154	<p><i>In the Interest of the Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. Ho-Chunk Nation Enrollment Office, (HCN Tr. Ct., March 13, 2002) (Matha, T.)</i></p> <p>Order (Partial Release of CTF Monies)</p> <p>The petitioner petitioned the Court to access monies from her child's trust fund account for the following purposes: costs associated with automobile repairs; orthodontic procedures; household and bedroom furniture; telephone service; school meals; clothing; a washer/dryer; an air purifier; and a vacuum. The Court employed the standard enunciated in the PER CAPITA ORDINANCE to assess the merit of the petitioner's request. The Court granted a partial release of CTF monies to pay for the following requests, which it found to be for the benefit of the child: orthodontics; school meal expenses (only a one time disbursement as it is the parents' responsibility to provide for the basic needs of the child); and the vacuum and air purifier (because the child has a special medical condition which necessitates these purchases).</p> <p>The Court conditionally granted the request for automobile repairs, a leather couch and washer/dryer. The Court enunciated a rule of proportionality for requests which reflect a household, rather than an individual concern. As these requests will benefit the child (e.g., the automobile must be kept in good repair so that the parents can transport the child to regularly scheduled doctor's appointments; the child's medical condition necessitates a leather couch and the need for a washer/dryer in the home), but are not solely for the child's benefit, the Court required the petitioner to provide documentation she could pay two-thirds (2/3) of the expense. Once the petitioner submits this documentation, the Court will grant the release of the remaining one-third (1/3) from the child's trust fund account.</p> <p>Finally, the Court denied the remaining requests for the following reasons: the child should not have to bear the financial responsibility of providing a bed upon which to sleep. This falls into the category of shelter, and the parents must provide basic food, shelter and protection for their child. In addition, the Court denied the request for money to pay the family's telephone bill. The bill does not reflect the calling practices of the minor, and the Court holds a long-standing objection toward releasing money from the children's trust fund to satisfy parental debts.</p>	Mar. 13, 2002
CV 00-37	<p><i>Gerald F. Conley v. Christopher Cloud and Becky and Diane Peterson Cloud, CV 00-37 Order (Contempt) (HCN Tr. Ct., Mar. 18, 2002). (Matha, T.)</i></p> <p>Order (Contempt)</p> <p>The plaintiff proved a <i>prima facie</i> case of contempt against the defendants. The defendants, through their nonattendance, did not offer a rebuttal. Therefore, the Court found the defendants in contempt of Court and imposed a reasonable remedial sanction. The Court, in its discretion, granted the defendants an additional thirty (30) days to comply with the underlying <i>Judgment</i>, of which failure to satisfy caused the plaintiff to bring the contempt action. If at the end of the thirty (30) days the defendants make no effort to comply with the Court's order, the Court shall impose a fine of \$10.00 each day the defendants remain in contempt of Court.</p>	Mar. 18, 2002

CV 02-34	<p><i>Todd R. Matha, Mark D. Butterfield v. Ho-Chunk Nation Election Board Chairperson, Vaughn Pettibone; and Ho-Chunk Nation Election Board Members: Brandee Alderman, JoAnn Baker, Tara Blackdeer, Michelle Decorah, Ruth Decorah, Ermon Dick, Mary Ellen Dumas, Winona Funmaker, James Seymore, and Wilma Thompson, (HCN Tr. Ct., April 12, 2002) (Bossman, W.)</i></p> <p>Order (Denying Motion to Intervene)</p> <p>The Court denied movant Mark Butterfield's request to intervene. The Court was on the eve of rendering a decision and found that its holding was broad enough to encompass any person who took the majority of the vote in the Special Primary Election, thus, the movant would not suffer harm from the Court's denial of his <i>Motion</i>.</p>	Apr. 12, 2002
CV 02-34	<p><i>Todd R. Matha v. Ho-Chunk Nation Election Board Chairperson, Vaughn Pettibone; and the Ho-Chunk Nation Election Board Members: Brandee Alderman, JoAnn Baker, Tara Blackdeer, Michelle Decorah, Ruth Decorah, Ermon Dick, Mary Ellen Dumas, Winona Funmaker, James Seymore, and Wilma Thompson, (HCN Tr. Ct., April 12, 2002) (Bossman, W.)</i></p> <p>Order (Granting Summary Judgment)</p> <p>The plaintiff was a candidate for Seat No. 1 in a Special Primary Election held on March 23, 2002, to fill a seat on the Ho-Chunk Nation Supreme Court. On March 24, 2002, the Election Board certified the results, declaring that the plaintiff had received a majority of the votes in the Special Primary. The Election Board then proceeded to post a notice for a Special Run-Off Election to be held on April 27, 2002. The plaintiff initiated this action requesting declaratory and injunctive relief, asking the Court to affirm that a candidate who received over fifty percent (50%) of the vote in a Special Primary Election is not required to appear in a Special Run-Off; an injunction requiring the Election Board to withdraw its notice; requiring the Election Board to remove any reference of a vacant seat from its <i>Notice and Rules of Special Run-Off Election</i>; and an injunction requiring the Election Board to swear in the plaintiff in accordance with the CONSTITUTION OF THE HO-CHUNK NATION, ART. VIII, § 8; and any other relief the Court deemed appropriate. The Court distinguished an earlier case, <i>Greengrass v. HCN Election Bd.</i>, and held that any candidate who received a majority of the votes in a Special Primary Election need not appear in a Special Run-Off Election.</p>	Apr. 12, 2002
CV 98-38	<p>In the Interest of Choice A. Decorah, (HCN Tr. Ct., April 15, 2002) (Bossman, W.)</p> <p>Order (Appointing Successor Permanent Guardian)</p> <p>As the guardian recently passed away and the Court retains continuing jurisdiction over the ward, the Court appointed a successor guardian.</p>	Apr. 15, 2002
CV 01-147	<p><i>HCN Hous. Auth. v. John Dumpprope and Julia Dumpprope, CV 01-147 (HCN Tr. Ct., April 16, 2002). (Matha, T.)</i></p> <p>Order (Final Judgment)</p> <p>The Court granted a default judgment in favor of the plaintiff for the defendants' non-payment of rent, late fees, delinquent utility payments and clean-up costs. The defendants had since abandoned the unit and had left certain items of property in hopes that the plaintiff would sell these items to offset the defendants' debt. The Court agreed with the plaintiff that people often abandon property after they leave a housing unit, and the Nation does not have the resources to sell off these items to help offset any debts or damages a former lessor might owe. The plaintiff is not bound by state law (<i>i.e.</i>, Wis. Stat. § 704.05(5)) on this subject due to its civil/regulatory nature.</p>	Apr. 16, 2002
CV 01-146	<p><i>Judith McLendon v. HCN and Majestic Pines Casino Security, (HCN Tr. Ct., May 6, 2002). (Bossman, W.)</i></p> <p>Order (Denying Defendants' Motion for Summary Judgment)</p> <p>As an issue of material fact exists, and the defendants may not be entitled to judgment as a matter of law, the Court denied the <i>Defendants' Motion for Summary Judgment</i>.</p>	May 6, 2002

CV 01-84	<p><i>Clarence Pettibone v. HCN Legislature and HCN Legislators Kathyleen Whiterabbit, Sharyn Whiterabbit, George Lewis, Myrna Thompson, Gerald Cleveland, Christing Funmaker-Romano, Dallas Whitewing, Wade Blackdeer, Tracy Thundercloud and Elliott Garvin, in their official capacity, (HCN Tr. Ct., May 15, 2002). (Matha, T.)</i>  Order (Granting Plaintiff’s Motion for Summary Judgment)</p> <p>The Court performed an exhaustive review of its case law concerning justifiability, particularly in relation to the issue of standing. The Court began with a review of U.S. Supreme Court jurisprudence on standing, articulating the standard test and how the U.S. Supreme Court has narrowed its standing doctrine through prudential considerations. The Court then moves on to the Court’s own standing jurisprudence, which began with an incorporation of the <i>Valley Forge</i> test. The Court determined not to incorporate prudential considerations enunciated by the U.S. Supreme Court due to the vast divergence between the federal and tribal framework. The Court also discussed petitions for redress of grievances.</p> <p>In the case at bar, the plaintiff alleged a constitutional injury resulting from the defendants’ passage of HCN LEG. RES. 07/03/01 G. The defendants argued that the plaintiff must show an injury to either a liberty or property interest to properly allege standing, which the Court declined to require.</p> <p>As to the merits of the case, the Court held that a plain interpretation of the CONSTITUTION OF THE HO-CHUNK NATION reveals that a legislator’s designation as Vice President remains fully intact throughout his or her service as President <i>pro tempore</i>. Therefore, the Court declared HCN LEG. RES. 07/03/01 G unconstitutional and directed the defendants to return the plaintiff to the position of Vice President effective immediately.</p>	May 15, 2002
CV 96-46	<p><i>In the Interest of Adult Incompetent: Bruce O’Brien v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 20, 2002). (Bossman, W.)</i>  Order (Accepting Accounting and Granting of ITF Monies)</p> <p>The Court accepted the petitioner’s timely accounting for ITF monies previously released by the Court; and granted a release of ITF monies for the petitioner’s most recent requests (namely, taxes, respite camp, insurance and SSI reimbursement).</p>	May, 20 2002
CV 02-13	<p><i>HCN Whitetail Crossing – Tomah, HCN Dep’t of Bus., and HCN v. Patricia Letourneau, (HCN Tr. Ct., May 22, 2002) (Matha, T.)</i>  Order (Default Judgment)</p> <p>The Court entered a default judgment in favor of the plaintiff for the defendant’s embezzlement of funds from Whitetail Crossing in the amount of \$35,884.00.</p>	May 22, 2002
CV 02-31	<p><i>In the Interest of Claude Payer, DOB 12/19/61, by Dorothy Will v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 22, 2002). (Bossman, W.)</i>  Order (Releasing ITF Funds)</p> <p>The Court granted the guardian’s request for a release of ITF funds in order to purchase a house for the ward.</p>	May 22, 2002
CV 02-39	<p><i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., May 24, 2002). (Bossman, W.)</i>  Order (Granting Motion to Intervene, Postponing Scheduling Conference and Setting Date for Motion Hearing)</p> <p>The Court granted the movant Carson D. Combs’s <i>Motion to Intervene</i> and request to be named as party-defendant, pursuant to <i>HCN R. Civ. P. 24</i>. The Court granted the <i>Motion</i> after having determined that there exists “enough uncertainty regarding his legal status involving the lease to declare that at this time he is a party with an interest in an action” under Rule 24. The Court also included a notice of a motion hearing and scheduling conference within the <i>Order</i>.</p>	May 24, 2002
CV 96-58 CS 99-58 CS 99-29	<p><i>Vicki J. Greendeer v. John C. Houghton, Jr.; Leslie Soulier v. John C. Houghton, Jr.; and Rachel Winneshiek v. John C. Houghton, (HCN Tr. Ct., May 31, 2002). (Matha, T.)</i>  Order (Denying Motion to Reinstate Withholding for Arrears)</p> <p>The Court denied the petitioner’s <i>Motion</i> in Case No. CS 99-58 to reinstate per capita withholding for arrears. The remaining balance the respondent owes to the State of Wisconsin is for arrears interest and birthing costs. While these debts remain the obligation</p>	May 31, 2002

	of the respondent, Ho-Chunk Nation law limits the Court's ability to garnish a member's per capita distribution. As to arrears, the Court may only garnish for actual arrears, not interest or other fees. Therefore, the Court denied the petitioner's <i>Motion</i> .	
CV 02-16	<i>In the Interest of the Minor Child: R.T., DOB 01/09/85, by Roger Thundercloud v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., May 31, 2002). (Bossman, W.)</i> Order (Granting Request for Release of CTF Funds in Part and Denying in Part The petitioner petitioned the Court to access monies from his child's trust fund account for the following purposes: fines owed by the minor; a public defender fee; a hospital bill; money for damages caused by the minor to the parent's automobile; and the amount the parent's automobile insurance increased after automobile damages caused by the minor. The Court employed the standard enunciated in the PER CAPITA ORDINANCE to assess the merit of each of the petitioner's requests. The Court granted a partial release of CTF monies to pay for the fines owed by the minor, finding that payment of the debt was for the child's welfare in that he would be jailed for failure to pay the fines. The Court further found a special financial need and no state, federal or tribal entitlement to pay the debt. The Court denied the remaining requests finding that the requests were not for the child's health, benefit or welfare and/or not a special financial need	May 31, 2002
CV 02-39	<i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., June 3, 2002). (Bossman, W.)</i> Order (Denying Oral Motion to Dismiss, Denying Motion for Emergency Eviction Order, Denying Motion for Temporary Restraining Order and Ordering Rental Payments for Duration of Proceedings) The Court denied the defendants' oral <i>Motion to Dismiss</i> , which was made in open court. The defendants had alleged that the Court lacked jurisdiction over the instant matter. The Court denied the <i>Motion</i> in that it possesses both personal and subject matter jurisdiction by virtue of the CONSTITUTION OF THE HO-CHUNK NATION and the HCN EVICTION ORDINANCE. The Court further denied the plaintiff's <i>Motion for Emergency Eviction Order</i> made pursuant to <i>HCN R. Civ. P. 60(A)</i> , in that the plaintiff will not suffer "irreparable harm." Finally, the Court denied the defendants' <i>Motion for Temporary Restraining Order</i> , which was apparently filed in response to the plaintiff's <i>Motion for Emergency Eviction</i> . In that the Court denied the latter <i>Motion</i> , it deemed the defendants' <i>Motion unnecessary</i> and denied it.	June 3, 2002
CV 02-39	<i>HCN Hous. Auth. v. Karen Smith, a/k/a Karen Smith Combs, and Carson D. Combs, (HCN Tr. Ct., June 12, 2002). (Bossman, W.)</i> Order (Denying Motion for Reconsideration) The Court denied the plaintiff's <i>Motion for Reconsideration of Notice and Notice of Motion to Become Party-Defendant</i> , made pursuant to <i>HCN R. Civ. P. 58</i> . The Court considered the plaintiff's <i>Motion</i> in light of a previous HCN Trial Court decision, <i>Ralph Babcock v. HCN Gaming Comm'n, CV 95-08 Motion to Reconsider (Granted)</i> (HCN Tr. Ct., Mar. 14, 1996). In <i>Babcock</i> , the Court articulated four grounds upon which the Court may grant a <i>Motion for Reconsideration</i> . The Court deemed two grounds applicable in the instant matter: (1) whether the Court overlooked or misconceived some material fact or proposition of law; and (2) whether the Court overlooked or misconceived a material question. The Court answered both questions in the negative and, therefore, denied the plaintiff's <i>Motion</i> .	June 12, 2002
CV 01-125	<i>In the Interest of N.W., DOB 02/17/24, by Cecilia Rave v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., June 10, 2002). (Bossman, W.)</i> Order (Granting Release of ITF Monies) The Court granted the guardian's request for a release of ITF funds in order to pay for clothing items and miscellaneous expenses for the ward.	Jun. 19, 2002
CV 01-146	<i>Judith McLendon v. Ho-Chunk Nation and Majestic Pines Casino Sec., (HCN Tr. Ct., June 21, 2002). (Bossman, W.)</i> Order (Judgment) The case concerns a resignation by a Majestic Pines Casino employee, and whether the plaintiff voluntarily resigned or whether the defendants constructively discharged her from	Jun. 21, 2002

	<p>her position. The Court applied the three-pronged constructive discharge test, and held that the relevant provisions of the PERSONNEL MANUAL did not violate public policy. Therefore, the defendants' denial of the plaintiff's request for a leave of absence did not amount to a constructive discharge when they asked her to "return to work, resign, or be terminated." In addition, the Court examined whether or not the plaintiff was eligible for Family Medical Leave (FML). The Court stated that the burden was on the plaintiff to prove all elements of her claim, and that she failed to provide evidence that she had worked the requisite number of hours for FML eligibility to contradict the defendants' evidence that the plaintiff failed to meet the eligibility requirements. The Court entered judgment in favor of the defendants and denied the plaintiff the requested relief.</p>	
CV 02-08 CV 02-10	<p><i>Demetrio D. Abangan et al. v. HCN Election Bd. et al.</i>, (HCN Tr. Ct., June 21, 2002). (Matha, T.) Order (Determination upon Remand)</p> <p>This case concerns an election challenge, which the Supreme Court remanded to the Trial Court on March 25, 2002. The Supreme Court instructed the Trial Court to convene a rehearing to determine whether or not the plaintiffs had earlier met the proper evidentiary standard. The Supreme Court further held that the plaintiffs due process rights were violated.</p>	Jun. 21, 2002
CV 02-02	<p><i>Gloria Visintin v. HCN General Council Douglas Long as Presiding Officer of the October 27, 2001 General Council</i>, (HCN Tr. Ct., June 26, 2002). (Bossman, W). Order (Dismissal With Prejudice)</p> <p>This case was dismissed with prejudice for the plaintiff's failure to appear for court. While the Court received notification that the plaintiff would be late, the Court was not informed of when plaintiff would appear. No attempt was made to reschedule.</p>	Jun. 26, 2002
CV 01-13	<p><i>Kathy Stacy v. Ho-Chunk Nation and Clarence Pettibone, former Vice President of the Ho-Chunk Nation and, Wade Blackdeer, present Vice President of the Ho-Chunk Nation in their individual and official capacities</i>, (HCN Tr. Ct., June 28, 2002). (Bossman, W). Order (Judgment for Defendants)</p> <p>The plaintiff brought this action to receive a retroactive pay adjustment for a change in position that she asserted was a "promotion." Initially, summary judgment was granted for the defendants. The petitioner appealed, and the Supreme Court reversed and remanded the case. The Court found that the change in position here was not a "promotion," as the minimum qualifications for the position were not at a higher level than the previous position. Furthermore, this position did not require the approval of the Department Director, Division Administrator, and the Personnel Director. Approval by these administrators is necessary to call a position change a "promotion" under the <u>Promotions Policy</u> of the PERSONNEL MANUAL.</p>	Jun. 28, 2002
DV 02-02	<p><i>Eileen Snowball v. Martin Falcon</i> Order (Denying Extension of Ex Parte Order for Protection)</p> <p>The Court did not extend the ex Parte protective order since the petitioner declined to other evidence or testify at the hearing.</p>	Jul. 2, 2002
CV 01-26	<p><i>Julie Nakai v. Ho-Chunk Nation</i>, (HCN Tr. Ct., July 3, 2002). (Bossman, W). Order (Granting Motion to Dismiss)</p> <p>The Court ruled that the Ho-Chunk Nation did not waive its sovereign immunity to suit under the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT. The Court emphasized that language in the PERSONNEL MANUAL referring to the FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT did not constitute an express waiver. Without separate provisions for arbitration by an outside entity or choice of law, vague language cannot constitute an express waiver.</p>	Jul. 3, 2002
CV 01-132	<p><i>In the Interest of Adult CTF Beneficiary: Rory L. Deer, Jr., DOB 09/24/80</i>, (HCN Tr. Ct., Jul. 9, 2002). (Matha, T). Order (Denial of Petition)</p> <p>The issue presented to the Court was whether an adult can access his CTF account to secure legal counsel for criminal representation. The petitioner has not yet received those</p>	Jul. 9, 2002

	funds as he failed to complete the graduation requirement. The Court stated that petitioner could not receive special access to the account without a proper showing that he had exhausted all forms of state or federal entitlement.	
CV 02-36	<i>In the Interest of Minor Child: D.A.S., DOB 10/14/87, by Larry Swan v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 15, 2002). (Matha, T).</i> Order (Petition Granted) The petitioner requested access to the funds of his child for automobile repairs. The petitioner demonstrated an educational necessity given that the child requires transport to and from tutoring sessions at the school. Additionally, the petitioner made a showing of special financial need since the family subsists solely on SSI.	Jul. 15, 2002
CV 02-15	<i>In the Interest of Adult CTF Beneficiary, Roger L. Houghton, Jr., DOB 12/19/81 v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 16, 2002). (Matha, T).</i> Order (Petition Granted) The Court had to determine whether an adult could access his Children's Trust Fund account to pay for an orthodontics procedure. Petitioner had not graduated from high school, but submitted proof of a neurochemical disorder that has severely hindered his ability to meet the graduation requirement. Given the unique facts surrounding this case alone, the Court grants the request for a release of CTF funds to pay for orthodontic work.	Jul. 16, 2002
CV 02-12	<i>In the Interest of Adult CTF Beneficiary, Calvin Whiteagle, DOB 01/03/84 v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., July 24, 2002). (Matha, T).</i> Order (Denial of Petition) The petitioner requested the release of funds from his CTF account in order to repay a debt obligation. The Court denied the release of monies given that petitioner failed to demonstrate that release was necessary for his health, education, and welfare. Furthermore, the Court has a long-standing objection to withdrawing money for the purpose of retiring personal debts.	Jul. 24, 2002
CV 96-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., CV96-58; Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Aug. 1, 2002). (Matha, T).</i> Order (Retention of Status Quo) The Court may only withhold a statutory maximum of thirty-four percent (34%) for child support and a maximum of twenty-six percent (26%) for arrears. Given that the combined <i>Orders</i> in this case would reach a percentage higher than the statutory maximum, the Court must only direct that the maximum amount be withheld from the respondent's per capita. Therefore, the Court declined to amend the current child support <i>Order</i> in such a way as to allow a greater percentage to be withheld.	Aug. 1, 2002
CV 02-26	<i>Blaine R. Twinn v. Mike Smith, (HCN Tr. Ct., Aug. 23, 2002). (Bossman, W).</i> Order (Granting Motion for Summary Judgment) The Court determined that there was no genuine issue of material fact in dispute to warrant a <i>Trial</i> . The plaintiff did not follow the grievance procedures as set forth in the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. Therefore, the Court grants the <i>Motion for Summary Judgment</i> .	Aug. 23, 2002
CV 01-58	<i>Liana Desire'e Bush, Enrollment #439A001783 v. Ho-Chunk Nation Office of Tribal Enrollment &amp; Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i> Order (Lifting Stay and Granting Defendants Leave to Amend Answer) On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i> . The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and	Sept. 13, 2002

	grants the defendants thirty (30) days to amend their answer.	
CV 01-79	<p><i>Diana Hellerud, Enrollment #439A001282 et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On July 31, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
CV 01-62	<p><i>Nancy Lynn (Whitewater) Johnston, Enrollment #439A002643 v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
CV 01-59	<p><i>Jessie Ann Rugg (Enrollment #439A002960), Lori Ann Parker (Enrollment #439A001365), Sheryl Ann Cook (Enrollment #439A000422), Betty Jean Gerke (Enrollment #439A000893), Davie Allen Hanson (Enrollment #439A001185), Elmer Leroy (Enrollment #439A001186), Timothy Wayne Hanson (Enrollment #439A001218), Debra K. Bundy (Enrollment #439A001127) v. Ho-Chunk Nation Office of Tribal Enrollment and the Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order (Lifting Stay and Granting Defendants Leave to Amend Answer)</p> <p>On June 1, 2001, the Court entered an order that stayed this action until such time as the Ho-Chunk Nation Supreme Court issued a decision in <i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Tribal Enrollment and Ho-Chunk Nation Legislature</i>. The Supreme Court issued a <i>Decision</i> on October 31, 2001. Now the Court lifts the stay and grants the defendants thirty (30) days to amend their answer.</p>	Sept. 13, 2002
CV 99-62	<p><i>Joan Marie Whitewater et al. v. Ho-Chunk Nation Office of Enrollment and Ho-Chunk Nation Legislature, (HCN Tr. Ct., Sept. 13, 2002). (Bossman, W).</i></p> <p>Order on Remand</p> <p>On October 31, 2001, the Ho-Chunk Nation Supreme Court issued its <i>Decision</i> in this case. The Supreme Court reversed the <i>Judgment</i> of the Trial Court and remanded the case for dismissal. Therefore, the Court dismissed this matter.</p>	Sept. 13, 2002
CV 00-106	<p><i>In the Interest of: Lucinda V. Littlesoldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 19, 2002). (Bossman, W).</i></p> <p>Order (Granting ITF Release)</p> <p>The petitioner sought access to the adult's ITF account for Christmas gifts, bills, and basic living needs. The Court found that these expenditures represented necessities that would enhance the adult's quality of life. The Court agreed to release the funds.</p>	Sept. 19, 2002
CV 02-44	<p><i>In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 20, 2002). (Bossman, W).</i></p> <p>Order (Denying Petition)</p> <p>The petitioner requested funds from the above minor's CTF account for the purchase of a car. In order to receive such funds, the petitioner was required to argue her circumstances under the Court's four-prong test. The petitioner could not meet the last three requirements under the four-prong test, and the Court denied her petition.</p>	Sept. 20, 2002
CV 02-44	<p><i>In the Interest of Minor Child: P.S., DOB 04/10/87, by Pearl Light Storming v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Sept. 23, 2002). (Bossman, W).</i></p> <p>Erratum Order</p> <p>The Court entered this <i>Order</i> in order to correct a clerical error in the September 20, 2002 <i>Order (Denying Petition)</i>.</p>	Sept. 23, 2002

CV 01-85	<i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment (HCN Tr. Ct., Oct. 4, 2002). (Matha, T).</i> Order (Releasing ITF Monies) The Court had to determine whether Shari Marg, as guardian for Mary Lou Blackdeer, could access her ITF funds for travel expenses. The petitioner was able to meet the Court's four-prong test. Therefore, the Court granted the release of funds.	Oct. 4, 2002
CS 96-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Oct. 7, 2002). (Matha, T).</i> Notice (Child Turning 18) The Court issued this Notice (Child Turning 18) informing the parties of their duty to show proof of high school enrollment. Without such proof, P.L.H., DOB 10/24/84, would be considered emancipated and child support would cease. The parties were informed of the need to file such proof with the Court on or before the child's birthday.	Oct. 7, 2002
CV 02-75	<i>Troy S. Westphal v. Ho-Chunk Nation and Ho-Chunk Nation Casino, CV 02-75 (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).</i> Order (Granting Plaintiff Leave to Reschedule) On July 24, 2002, the plaintiff initiated the current action by filing a <i>Complaint</i> . The Court scheduled a <i>Scheduling Conference</i> for October 8, 2002, at 1:30 P.M. CDT. The plaintiff failed to appear, but the Court granted the plaintiff three (3) weeks to reschedule or risk dismissal.	Oct. 11, 2002
CS 02-12 CS 00-28	<i>Kelli O' Connor v. Domonic D. Bell, Nicky L. Woolhouse v. Domonic D. Bell, (HCN Tr. Ct., Oct. 11, 2002). (Matha, T).</i> Order (Release of Impound and Enforcing Child Support) The Court had to determine whether to release an impound created by the issue of violations of federal, state and tribal law through foreign state practices. The Court determined that the funds could be released after the issues were resolved. The Court performed an equitable distribution of the funds and released them to the respective petitioners.	Oct. 11, 2002
CS 02-12 CS 00-28	<i>Kelli O' Connor v. Domonic Bell, Nicky L. Woolhouse v. Domonic Bell, (HCN Tr. Ct., Oct. 17, 2002). (Matha, T).</i> Erratum Order The Court issued an <i>Erratum Order</i> to correct a clerical error resulting from misinformation supplied by the State of Minnesota.	Oct. 18, 2002
CV 02-85	<i>In the Interest of Minor Children: J.A.L., DOB 1/20/91, and K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment, CV 02-85 (HCN Tr. Ct., Oct. 21, 2002). (Matha, T).]</i> Order (Petition Granted) The Court received a request to access monies on behalf of the minor children in this case for orthodontic surgery, musical instruments and lessons. The Court noted that the petitioner had met the requirements under the Court's four-prong test. In reference to the musical instruments and lessons, the Court granted these requests due to the fact that the children were exceptionally talented and dedicated musicians.	Oct. 21, 2002
CV 02-47	<i>Joseph Decorah v. Ho-Chunk Nation and Ho-Chunk Casino, (HCN Tr. Ct., Oct. 22, 2002). (Bossman, W).</i> Pre-Trial Order On October 21, 2002, a <i>Pre-Trial Conference</i> was held in this matter. The plaintiff made a motion before the Court pertaining to the production of documents in discovery. The defendant had previously refused the requests on grounds of privilege. The Court determined that where substantial need is shown, certain requests for documents may overcome a presumption of confidentiality.	Oct. 22, 2002
CV 96-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Oct. 24, 2002). (Matha, T).</i> Order (Impounding Funds) In the instant case, the Court found it necessary to impound the child support funds for Case No.: CV 96-58. The motion before the Court was one requesting that the Court cease	Oct. 24, 2002

	<p>per capita payments for child support in the previously mentioned case. The respondent alleged that he met the child support obligation entirely through wages. However, the respondent submitted no pay stubs or confirmation from the county regarding this assertion. In addition, the respondent alleges that cessation of support shall be considered at a hearing that is scheduled for a later date. This Court cannot act upon a potential order, but must wait for a final decision from the county in order to proceed. In order to allow the parties to resolve the factual dispute, the Court shall impound the funds until further notice. The Court may only grant impounds in cases where a standing withholding currently exists in accordance with the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE. In determining whether to grant an impound, the Court considers the follows factors: (1) whether an adequate remedy exist at law; (2) whether the injury outweighs the harm of an injunction; (3) the likelihood of success; and (4) whether granting an injunction would serve the public interest.</p>	
CV 97-79	<p><i>In the Interest of Annette Funmaker, DOB 05/10/79, by Doreen Thompson v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Oct. 29, 2002). (Bossman, W).</i> Order (Releasing ITF Monies) The petitioner requested funds from the ITF account of Annette Funmaker, DOB 05/10/79, for the purchase of a handicapped vehicle. The Court used the four-prong test to determine eligibility. The petitioner met the four-prong test, and the Court granted the use of ITF funds.</p>	Oct. 29, 2002
CV 01-125	<p><i>In the Interest of Norma Whitebear, DOB 02/17/24, by Cecilia Rave v. HCN Office Tribal Enrollment, (HCN Tr. Ct., Nov. 1, 2002). (Bossman, W).</i> Order (Granting Release of ITF Funds) The petitioner requested a release of funds to pay for clothing and miscellaneous bills. The respondent stated no objection to the release of funds. The Court granted the petitioner's request.</p>	Nov. 1, 2002
CV 01-153	<p><i>Melody Whiteagle-Fintak v. HCN Department of Social Services - Youth Services Division, (HCN Tr. Ct., Nov. 7, 2002). (Matha, T).</i> Order (Final Judgment) The Court had to determine whether the plaintiff should receive additional money damages from a successful grievance during the Administrative Review Process. The focal point of this decision stemmed from the fact that family medical leave should have begun from the date of her approval and not retroactively applied in a convenient manner for personnel. Therefore, family medical leave was still in effect and the plaintiff could not properly be terminated. Furthermore, while the plaintiff appeared to agree to a layoff, this agreement stemmed from a form of administrative relief proffered upon the realization that her termination was improper. Therefore, the plaintiff was entitled to additional money damages.</p>	Nov. 7, 2002
CV 01-58	<p><i>Liana D. Bush v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i>. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.</p>	Nov. 12, 2002
CV 01-62	<p><i>Nancy Lynn (Whitewater) Johnston v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i>. On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-</p>	Nov. 12, 2002

	06. The Court notified the plaintiff of its intent to close the case unless there is an objection and a request for a hearing.	
CV 01-79	<i>Diana Hellerud, Brenda J. Freehill, Linda Revels, James E. Hellerud, Margaret R. Klonicke, Patricia A. Swartling, Mark S. Hellerud, Peggy A. Friske, Frank W. Dikeman, Claire L. Revels v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i> . On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.	Nov. 12, 2002
CV 01-59	<i>Jessie Ann Rugg, Lori Ann Parker, Sheryl Ann Cook, Betty Jean Gerke, David Allen Hanson, Elmer Leroy Hanson, Jr., Timothy Wayne Hanson, Debra K. Bundy v. HCN Office of Tribal Enrollment and HCN Legislature, (HCN Tr. Ct., Nov. 12, 2002). (Bossman, W).</i> Order (Intent to Dismiss/Granting Plaintiff Leave to Request Hearing) The Court issued a stay of action pending the outcome of the Supreme Court's decision regarding the previous <i>Judgment of Joan Marie Whitewater et al. v. HCN Office of Tribal Enrollment and HCN Legislature, CV 99-62 (HCN Tr. Ct., Apr. 3, 2001)</i> . On October 31, 2001, the Supreme Court issued its decision for the aforementioned case, Case No. SU 01-06. The Court notified the plaintiffs of its intent to close the case unless there is an objection and a request for a hearing.	Nov. 12, 2002
CS 02-12 CS 00-28	<i>Kelli O'Connor v. Domonic D. Bell, Nicky L. Woolhouse, (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).</i> <i>Order (Updating Arrearage Withholding)</i> In a previous decision for the instant case, the Court insisted that the parties provide the Court with an updated arrearage amount. <i>See Order (Releasing Impound and Enforcing Child Support) (HCN Tr. Ct., Oct. 11, 2002)</i> . One party has complied with the Court's previous decision. The other party must comply by a given date in order for the Court to properly calculate an equitable distribution. If this party cannot comply, the Court shall suspend arrears in that case and distribute for arrears in one case alone.	Nov. 14, 2002
CV 01-02 CV 01-28	<i>In the Interest of Decedent Member: Cyril S. Hudson, Jr., DOB 04/02/81, by Cyril Delarosa v. HCN Office of Tribal Enrollment, In the Interest of Decedent Member: Cyril S. Hudson, Jr, DOB 04/02/81, by Stephanie Pate v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Nov. 14, 2002). (Matha, T).</i> Order (Releasing CTF to Estate) The petitioners requested a release of funds from the CTF account of the deceased. One petitioner produced a personal representative for the estate. The Court released the finds into the care of the personal representative.	Nov. 14, 2002
CV 02-53	<i>Nancy A. Pedersen v. Ho-Chunk Treasury and Casper Haas, (HCN Tr. Ct., Nov. 15, 2002). (Bossman, W).</i> Order (Judgment) The plaintiff was denied paid funeral leave for attendance at her cohabitant's uncle's funeral. The provision pertaining to paid funeral leave contained within the POLICIES AND PROCEDURES MANUAL does not refer to uncles or aunts of cohabitants. Therefore, the Court ruled in favor of the defendants.	Nov. 15, 2002
CV 01-56	<i>Donna Kowalkowski v. Ho-Chunk Nation, HCN Education Department, HCN Headstart Program, Diana Goree, Marie White Eagle, and Sybil Winneshiek, (HCN Tr. Ct., Nov. 18, 2002). (Matha, T).</i> Order (Granting Defendants' Motion to Dismiss) The defendants brought a <i>Motion to Dismiss</i> . The plaintiff could not articulate a basis under Ho-Chunk law for her claim. The Court dismissed the action and later wrote this	Nov. 18, 2002

	opinion to memorialize its ruling from the bench.	
CV 02-86	<i>Interest of Minor Child: B.L., DOB 11/22/96, by Michelle Lewis v. Ho-Chunk Tribal Enrollment</i> Order (Petition Granted) The Court granted that monies be accessed by petitioner for child's private school tuition.	Nov. 26, 2002
CV 02-79	<i>Cassandra Little Bear, DOB 09/06/80 v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Dec. 10, 2002). (Bossman, W).</i> Order (Denying Petition in Part and Granting Petition in Part with Conditions) The petitioner requested funds from her CTF account for past due bills and the purchase of a motor vehicle. The Court used its four-prong test in order to determine her eligibility to obtain the funds. The Court felt that the requests for bills met the second prong of the test, but the request for a motor vehicle did not. In addition, the petitioner did not satisfy the last prong of the test, requiring her to exhaust all other forms of financial assistance, in her request for a vehicle. Also, the petitioner did not provide proper addresses for each payee that must receive the funds as payment of past bills. Within thirty (30) days, the petitioner must bring forth documentation and invoices showing the bills paid in full to this Court.	Dec. 10, 2002
CV 02-94	<i>In the Interest of Minor Child: W.S.S., DOB 01/26/94, by Tina S. Smith-Kelly v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Dec. 11, 2002). (Matha, T).</i> Order (Petition Granted) The petitioner requested funds from the minor's trust fund for a professional tutoring program. The Court used its four-prong test to determine the petitioner's eligibility to access the funds. The Court found the petitioner's claim meritorious and granted the request.	Dec. 11, 2002
CV 01-85	<i>In the Interest of Mary Lou Blackdeer, DOB 11/18/30, by Shari Marg v. HCN Office of Tribal Enrollment, (HCN Tr. Ct. Dec. 12, 2002). (Matha, T).</i> Order (Partial Release of ITF Monies) The petitioner/guardian requested funds on behalf of the tribal member. The Court used its four-prong test to determine the eligibility of the petitioner to access funds. However, the Court also noted that the tribal member had retained excess funds leftover from a previous release and had not returned such to the court. The Court granted the current request minus the leftover funds that were not returned to the trust account	Dec. 12, 2002
CV 02-52	<i>Rae Anna Garcia v. Joan Greendeer-Lee, Loa Porter, Hattie Walker, and Greg Garvin, as Officials of the Ho-Chunk Nation; Ho-Chunk Nation Personnel Department and Ho-Chunk Nation Health and Human Services Department, (HCN Tr. Ct., Dec. 20, 2002). (Bossman, W.)</i> Order (Granting Motion for Summary Judgment) The plaintiff asserted that she was wrongfully denied Waksik Wosga Leave. The defendants requested summary judgment and asserted that no material fact was in dispute. The Personnel Manual clearly indicates the religious events that qualify for religious leave. The plaintiff's asserted holiday did not qualify, and the Court granted summary judgment.	Dec. 20, 2002
CV 00-108	<i>Daniel W. Green v. Real Estate Manager, Home Ownership Program, in his official capacity, (HCN Tr. Ct., Dec. 31, 2002). (Matha, T).</i> Order (Granting Defendant's Motion for Summary Judgment) The Court ruled in favor of the defendant due to a lack of any case or controversy on the part of the plaintiff. The parties argued various legal positions ranging from equal protection to ex post facto laws and the doctrine of laches. Before the Court can consider arguments under any of these legal headings, it must determine whether it has personal and subject matter jurisdiction. Once such a determination is made, the Court then moves on to consider whether the matter is justifiable. One component of justifiability is whether the plaintiff has standing. The Court found that the plaintiff had no standing for this action, and therefore the Court did not need to reach an answer to the legal claims raised. In order to show standing, the plaintiff must show concrete	Dec. 31, 2002

	injury, ability to redress, and a nexus between the injury and the body being sued. At this time, the plaintiff could not prove concrete injury to maintain standing in this action.	
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Case No.	Case	Decided
CV 98-14	<i>In the Interest of Berdine Littlejohn, by Shari Marg v. HCN Office of Tribal Enrollment, (HCN Tr. Ct., Jan. 2, 2003). (Matha, T).</i> Order (Release of ITF Monies) The petitioner requested ITF funds for expenses associated with cancer treatment. The defendant requested an inquiry into the exhaustion of assistance prong. The Court made the requisite inquiries and found that funding was available for cancer treatment assistance, but not within the time frame needed by the petitioner. Therefore, the Court granted the release of funds.	Jan. 2, 2003
CV 95-58, CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Jan. 3, 2003). (Matha, T).</i> Order (Final Request for Documentation) The respondent previously requested a cessation of child support concerning one child that allegedly did not live at home. The Court requested further documentation to support the respondent's claim. As the Court has not received such documentation, the Court now directs the respondent to file by January 13, 2003 or risk the denial of such <i>Motion</i> .	January 3, 2003
CS 02-12 CS 00-28	<i>Kelli O'Connor v. Domonic Bell, Nicky L. Woolhouse v. Domonic Bell, (HCN Tr. Ct., Jan. 8, 2003). (Matha, T).</i> Order (Updating Arrearage Withholding) This action stems from an admonition the Court made to the parties in a previous action. <i>See Order (Releasing Impound and Enforcing Child Support)</i> (HCN Tr. Ct., Oct. 11, 2002) at 25 n.5. The petitioners brought forth updated arrears statements in order for the Court to perform a proper equitable adjustment. The subsequent action reflects the proper equitable distribution of the respondent's per capita for the payment of arrears.	Jan. 8, 2003
CV 02-76	<i>Tara L. Blackdeer v. Vaughn Pettibone, (HCN Tr. Ct., Jan. 9, 2003). (Bossman, W).</i> Order (Denying Motion to Dismiss, Granting Attorney Fees and Costs and Setting Deadlines) The defendant filed a <i>Motion to Dismiss</i> for failure to prosecute. The plaintiff did not appear for the <i>Hearing</i> . The Court denied the motion but permitted the imposition of attorney fees and costs against the plaintiff for her failure to take action and to appear.	Jan. 9, 2003
CV 02-24	<i>Jason Cvengros v. Sheryl Neulreich and Ho-Chunk Nation Hotel and Convention Center, (HCN Tr. Ct., Jan. 13, 2003). (Bossman, W).</i> Judgment (for Defendants) The petitioner brought an action for reinstatement to his former position and lost wages. The plaintiff was terminated for violations of the POLICY AND PROCEDURES MANUAL. The Court found that the evidence as a whole supported the plaintiff's termination as reasonable. Because the plaintiff could not show that he was <i>wrongfully terminated</i> , the Court granted <i>Judgment</i> to the defendants.	Jan. 13, 2003
CV 96-58 CS 99-29	<i>Vicki J. Greendeer v. John C. Houghton, Jr., Rachel Winneshiek v. John C. Houghton, Jr., (HCN Tr. Ct., Jan. 13, 2003). (Matha, T).</i> Order (Modification of Child Support and Release of Impound) The respondent asserted that a change in circumstances ended his child support obligation for the first case. Initially, the Court impounded these contested funds and awaited further documentation to either negate or confirm the allegations. In addition, she brought a motion to modify, requesting the Court to amend the figure of the second case to a dollar figure. Neither petitioner responded to the respondent's motions. The Court granted the motions and released all impounded funds.	Jan. 13, 2003

CV 01-122	<i>Richard Walker v. Jonette Pettibone</i> , (HCN Tr. Ct., Jan. 16, 2003). (Matha, T). Order (Dismissal with Prejudice and Assessment of Costs and Fees) The Court assessed costs and fees against the plaintiff for failure to appear at the <i>Pre-Trial Conference</i> and the <i>Trial</i> . The plaintiff failed to inform the Court or the defendant of his intention to abandon the case. The defendant filed a formal motion requesting costs, to which the plaintiff never responded. Thus, the Court granted the motion in favor of the defendant.	Jan. 16, 2003
CV 03-01	<i>Robert A. Mudd v. HCN Legislature: Elliot Garvin, Clarence Pettibone, Tracy Thundercloud, Wade Blackdeer, Dallas Whitewing, Gerald Cleveland, Sr., Christine Romano, Myrna Thompson, George Lewis, Kathyleen Whiterabbit, Sharyn Whiterabbit; and the Ho-Chunk Nation</i> , (HCN Tr. Ct., Jan. 17, 2003). (Matha, T). Order (Preliminary Injunction Hearing) The plaintiff in the instant case properly requested a preliminary injunction after filing an <i>Amended Complaint</i> on January 15, 2003. The defendants must answer the pleading on or before January 27, 2003. The Court shall schedule a <i>Preliminary Injunction Hearing</i> to determine whether to grant the plaintiff's request.	Jan 17, 2003
CV 96-46	<i>In re: Bruce Patrick O'Brien, by Elethe Nichols, Guardian v. HCN Office of Tribal Enrollment</i> , (HCN Tr. Ct., Jan. 27, 2002). (Bossman, W). Order (Release of Funds) The guardian for Mr. O'Brien requested ITF funds for his use. The petitioner demonstrated all four prongs of the Court's test for the release of funds. Therefore, the Court released the requested funds.	Jan. 27, 2003
CV 03-01	<i>Robert A. Mudd v. HCN Legislature: Elliot Garvin, Clarence Pettibone, Tracy Thundercloud, Wade Blackdeer, Dallas Whitewing, Gerald Cleveland, Sr., Christine Romano, Myrna Thompson, George Lewis, Kathyleen Whiterabbit, Sharyn Whiterabbit; and the Ho-Chunk Nation</i> , (HCN Tr. Ct., Jan. 30, 2003). (Matha, T). Order (Requiring Traditional Court Consultation) The defendants argued a lack of standing in their January 27, 2003 <i>Answer</i> . The plaintiff responded with a cultural argument suggesting that the eldest male of a family may speak for all the members. In addition, the plaintiff asserted that a combat veteran may also assert standing as an elevated member of the community speaking on community issues. The Court insisted that the parties seek the advice of the Traditional Court before proceeding with the case in the Trial Court.	Jan. 30, 2003
CV 01-125	In the Interest of Norma Whitebear, DOB 02/17/24, by Cecelia Rave v. Ho-Chunk Nation Office of Tribal Enrollment, (HCN Tr. Ct., January 31, 2003) Order (Granting Release of ITF Funds) The Court granted the access of monies to satisfy property taxes and miscellaneous bills.	Jan. 31, 2003
CV 99-22	<i>Stewart Miller v. Clarence Pettibone et al.</i> , (HCN Tr. Ct., Feb. 3, 2003). (Bossman, W). Order (Allowing Parties Time to Request New Pro tem Judge and New Trial) On August 19, 1999, Pro tem Judge Rebecca Weise presided over the trial for the instant case. Despite numerous attempts at contact, the Pro tem Judge has not provided the Court with a decision in this matter. On January 28, 2003, the case was reassigned to Judge William Bossman. The Court shall permit the parties thirty (30) days to formally request a new trial and a new Pro tem Judge.	Feb. 3, 2003
CV 99-71	<i>Berna Big Thunder v. Ho-Chunk Nation</i> , (HCN Tr. Ct., Feb. 4, 2003). (Bossman, W). Judgment (for Defendants) The plaintiff brought an action for unlawful demotion, requesting reinstatement and back pay as damages. The plaintiff's primary assertion rested on a late employee evaluation. However, the Court found that the employee evaluation was a required task and the completion of such tasks, irrespective of deadlines, is not unlawful. Without evidence of more, the plaintiff could not prove the allegations of her case, and the Court found in favor of the defendants.	Feb. 4, 2003
CV 02-72	<i>George R. Davis, Jr. v. HCN Slot Department</i> , CV 02-02 (HCN Tr. Ct., Feb. 7, 2003). (Bossman, W).	Feb. 7, 2003

	<p>Order (Granting Motion to Dismiss)</p> <p>The plaintiff claimed that the Slot Department gave him an improper demotion. However, the defendant filed a <i>Motion to Dismiss</i> and asserted that the plaintiff did not file in a timely fashion. The general Statute of Limitations is thirty (30) days, and the plaintiff filed well after such a deadline. The Court granted the request to dismiss.</p>	
CV 03-05	<p><i>In the Interest of Ward/Minor Child: Travis W. Greengrass, DOB 12/08/84, by Judy Schmidt v. HCN Office of Tribal Enrollment</i>, (HCN Tr. Ct., Feb. 17, 2003). (Matha, T).</p> <p>Order (Denial of Petition)</p> <p>The Court denied the <i>Petition</i> in the instant case due to insufficient pleading. The declared minor had already reached the age of majority, thereby divesting the alleged guardian of any power over the other. In the case of an adult CTF beneficiary, the adult CTF beneficiary must bring the <i>Petition</i>, unless other documents show a continuation of legal guardianship.</p>	Feb. 17, 2003
CV 02-92	<p><i>Dennis Alt v. HCN Table Games Department</i>, CV 02-92 (HCN Tr. Ct., Feb. 19, 2003). (Bossman, W).</p> <p>Order (Granting Motion to Dismiss)</p> <p>The plaintiff claimed that he was improperly demoted from his position in the Table Games Department. The defendant asserted that the plaintiff had failed to file in a timely fashion. Given that the general Statute of Limitations is thirty (30) days, the plaintiff filed far beyond this deadline. The Court granted the defendant's <i>Motion to Dismiss</i>.</p>	Feb. 19, 2003
CV 03-07	<p><i>Robert and Alice Yellowbank v. Robert Ulysses Yellowbank, Jr.</i>, (HCN Tr. Ct., Feb. 20, 2003). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>The plaintiffs requested a court <i>Order</i> to compel DNA testing on their son. The plaintiffs requested this action for the sake of an enrollment application for their grandson. Their son is currently incarcerated at a correctional facility, and the facility required a court <i>Order</i> before they would extend permission for the testing. The respondent gave his written assent to the procedure, and the Court granted the <i>Petition</i>.</p>	Feb. 26, 2003
CV 01-08	<p><i>David Abangan v. HCN Department of Business</i>, CV 01-08 (HCN Tr. Ct., Mar. 25, 2003). (Matha, T).</p> <p>Order (Granting Defendant's Motion for Summary Judgment)</p> <p>While the Court analyzed the arguments of both parties, it ruled in favor of the defendant for a lack of subject matter jurisdiction. The reason for this decision is that the controversial executive decision was not deemed a source of law upon which a plaintiff could bring court action. In prior rulings, the Court stated that <i>pro tempore</i> administrations are not subsequent administrations, but extensions of the former administration. Thus, the Court had to consider whether executive decisions created by the first administration were annulled by a <i>pro tempore</i> administration's presence. The Court was not persuaded by such reasoning and held that executive decisions of former administrations continue whilst the <i>pro tempore</i> administration stands absent explicit revocation. Because the Court can only hear cases and controversies arising out of the laws of the Ho-Chunk Nation, the instant case lacks jurisdiction. In other words, executive decisions are determinations made without legislation and are not considered law in the strictest sense of the word.</p>	Mar. 25, 2003
CV 02-115	<p><i>Justina Littlegeorge v. HCN Office of Tribal Enrollment</i>, (HCN Tr. Ct., Apr. 1, 2003). (Bossman, W).</p> <p>Order (Denying Petition)</p> <p>The petitioner requested the release of her entire trust fund before she had received her diploma. The petitioner had turned eighteen (18) and expected to graduate in June. The Court denied her request and insisted on the physical receipt of the diploma.</p>	Apr. 1, 2003  Order
CV 02-104	<p><i>In the Interest of Minor Child C.Y.B., DOB 05/04/92, by Charles A. Brown v. HCN Office of Tribal Enrollment</i>, (HCN Tr. Ct., Apr. 3, 2003). (Bossman, W).</p> <p>Order (Denying Petition)</p> <p>The petitioner requested the release of funds for school and household expenses. The petitioner failed to meet the four elements of the Court's test. The Court denied the</p>	Apr. 3, 2003

	request.	
CV 02-97	<i>In the Interest of Minor Children: S.C.M.J., DOB 06/25/92, D.M.J., DOB 12/17/98, by Gregory Charles Johnson v. HCN Office of Tribal Enrollment</i> , (HCN Tr. Ct., Apr. 4, 2003). (Bossman, W). Order (Granting Petition in Part) The petitioner requested funds for school clothes for the children. The petitioner met the four part test on some of his requests. The Court granted those requests alone.	Apr. 4, 2003
CV 03-24	<i>In the Interest of Minor Child: A.F.L., DOB 04/16/85 By Marcella Patton v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 4, 2003). (Bossman, W). Order (Denying Petition) The Court denied a release of CTF monies for the purpose of a high school band trip since the DOE provided an independent source of funding.	Apr. 4, 2003
CV 03-15	<i>Jason Nathaniel Hopinka, DOB 12/17/83, by Wesley T. Martin v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 7, 2003). (Bossman, W). Order (Granting Petition in Part) The petitioner requested the entirety of his trust for use in legal proceedings. The Court felt that the petitioner established his burden of meeting the four prongs on most of his requests. However, the Court only granted sufficient funds for the articulated expenses of the petitioner's legal proceedings. The Court distinguishes this case as the petitioner was unable to use the services of the public defender given the special nature of his legal proceedings.	Apr. 7, 2003
CV 96-64	<i>In re the Children of Joni Munnell: D.J.M., DOB 12/26/87, A.S.W., DOB 01/24/89, J.S.W., DOB 01/24/89, D.W.W., DOB 07/06/92, S.G.W., DOB 06/26/93 v. HCN Office of Tribal Enrollment</i> , (HCN Tr. Ct., Apr. 11, 2003). (Matha, T). Order (Requesting Further Documentation) The guardian of the estate submitted annual accounting reports for the trust instrument. However, further documentation was required for this trust. Therefore, the Court requires the guardian to file further documentation as specified in its decision.	Apr. 11, 2003
CV 00-106	<i>In the Interest of Lucinda V. Littlesoldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment</i> , (HCN Tr. Ct., Apr. 22, 2003). (Bossman, W). Order (Show Cause) The Court had previously granted release from the trust account of the aforementioned incompetent for living expenses. The Court required the petitioner to bring forth an accounting and documentation regarding the expenditures. The Court has formally reminded the petitioner in writing of her legal obligation. The Court now recommends a <i>Hearing</i> to determine whether the petitioner has violated the CONTEMPT ORDINANCE.	Apr. 22, 2003
CV 02-47	<i>Joseph E. Decorah v. Ho-Chunk Nation and Ho-Chunk Casino</i> , (HCN Tr. Ct., Apr. 25, 2003). (Bossman, W). Judgment (for Defendants) The plaintiff filed with the Court in protest of his demotion with the Ho-Chunk Casino. He requested reinstatement and lost wages. The defendants presented evidence of misconduct to support the demotion. Based upon violations of the PERSONNEL MANUAL, the Court granted <i>Judgment</i> for the defendants.	Apr. 25, 2003
CV 00-106	<i>In the Interest of Lucinda V. Littlesoldier, DOB 02/16/49, by Isabelle Mallory v. HCN Office of Tribal Enrollment</i> , (HCN Tr. Ct., May 2, 2003). (Bossman, W). Order (Finding of Contempt) On September 19, 2002, the Court released funds from the account of the aforementioned person. The Court made two formal written reminders indicating that the petitioner must provide a documented accounting of all expenditures. Due to the petitioner's failure to comply with the Court's formal written requests, the Court convened a <i>Show Cause Hearing</i> on May 2, 2003. The petitioner could not adequately account for the expenditures nor her failure to comply with previous requests. The Court found her in contempt and issued a fine payable through per capita.	May 2, 2003
CV 01-97	<i>Janette Smoke v. Steve Garvin, in the capacity of Table Games Manager, Majestic Pines</i>	May 7, 2003

	<p><i>Casino and Ho-Chunk Nation</i>, (HCN Tr. Ct., May 7, 2003). (Matha, T). Order (Final Judgment)</p> <p>The issue in this case was whether the defendants had enacted and implemented the Unit Operating Rules in a manner that violated the PERSONNEL MANUAL. The defendants attempted to characterize the rules in question as a mechanism for scheduling job time only. The defendants asserted that these rules were not Unit Operating Rules. If they were considered such, the defendants asserted that these rules did not require approval by the Personnel Board of Directors. The Court insisted that these rules were Unit Operating Rules. In addition, the PERSONNEL MANUAL insists that such rules must not contradict anything in the MANUAL itself. The PERSONNEL ORGANIZATION ACT and the MANUAL must be read together. The PERSONNEL ORGANIZATION ACT decrees that the Personnel Board of Directors must approve Unit Operating Rules. Therefore, failure to do so results in a violation of the PERSONNEL MANUAL.</p>	
CS 98-56	<p><i>Carol Jo Garvin v. George W. Garvin</i>, (HCN Tr. Ct., May 13, 2003). (Matha, T). Order (Designation of Filing)</p> <p>The petitioner filed a <i>Petition to Register and Enforce a Foreign Judgment for Child Support</i>. Since the Court already had a case file in this action, the new filing was designated a formal <i>Motion</i>. Consequently, the Court rendered this <i>Order</i> to inform the respondent of his rights under the law.</p>	May 13, 2003
CV 02-51	<p><i>Natallia Tyschanka v. Ho-Chunk Nation</i>, (HCN Tr. Ct., May 15, 2003). (Matha, T). Order (Granting Defendant's Motion for Summary Judgment)</p> <p>The plaintiff initiated this action claiming improper termination regarding the expiration of her resident alien employment authorization. In order to maintain employment within the United States, an alien must present valid employment authorization. The plaintiff failed to comply with the requirements of reauthorization. Without valid authorization, the Nation cannot legally continue employment of an alien.</p>	May 15, 2003
CV 02-116	<p><i>Harry Cholka v. Ho-Chunk Casino</i>, (HCN Tr. Ct., May 16, 2003). (Bossman, W). Order (Denying Motion to Dismiss)</p> <p>The plaintiff asserts that he was improperly denied a position at the Ho-Chunk Casino. The defendant requested that the Court dismiss the action on the grounds of timeliness. The Court denied the request.</p>	May 16, 2003
CV 03-31	<p><i>In the Interest of Minor Child: N.J.L., DOB 09/24/85, by Sarah Littlegeorge v. HCN Office of Tribal Enrollment</i>, (HCN Tr. Ct., May 19, 2003). (Matha, T). Order (Petition Granted)</p> <p>The petitioner requested funds for the home schooling of the minor child. The Court used its four-part test to determine whether to release the funds for such purposes. The Court granted the request.</p>	May 19, 2003
CV 02-93	<p><i>Ho-Chunk Nation v. Bank of America, N.A.</i>, (HCN Tr. Ct., May 19, 2003). (Bossman, W). Order (Denying Motion to Dismiss)</p> <p>The defendant filed a <i>Motion to Dismiss</i> the instant case. The parties referred to several sections contained within a contract agreement concerning choice of law provisions and jurisdiction. The defendant insisted that the jurisdiction section limited jurisdiction and venue to several specific courts exclusively. The plaintiff insisted that such jurisdictional questions were not limited to certain courts exclusively when considered in conjunction with several other provisions of the contract. After reading the contract in its entirety, and looking at all provisions within the agreement, both discarded and included, the Court was persuaded by the plaintiff. The Court denied the request.</p>	May 19, 2003
CV 03-42	<p>Greg Littlejohn v. Ho-Chunk Nation Election Board, Chairperson, Mary Ellen Dumas; and Ho-Chunk Nation Election Board Members: Eugene Topping Jr., Darlene Funmaker, Georgianne Funmaker, Brandee Alderman, Bonnie Stroessner, Wilma Thompson, Tari Pettibone, Mary Taylor, Elliot Funmaker Sr., and Tara Blackdeer, (HCN Tr. Cts., June 2, 2003) Order (Denying Requests for Emergency Injunctive Relief and Scheduling Hearing)</p>	Jun. 2, 2003

	<p>The plaintiff requested an injunction of the June 3, 2003 General Run-off Election in response to the Election Board's decision to declare a winner of the May 20, 2003 Special Primary Election for a District 5 Seat. The Court considered the request against the long-standing for-prong test for granting a preliminary injunction, and determined that the plaintiff could not satisfy the second prong of the test, namely; "the threat and injury to the plaintiff outweighs the threat and harm of the injunction." Inadequate time remained prior to the General Election, and the Court concluded that any potential relief could still be afforded prior to the scheduled swearing-in ceremony.</p>	
CS 98-56 CV 01-27	<p><i>Carol Jo Garvin v. George W. Garvin</i>, (HCN Tr. Ct., June 4, 2003). (Matha, T). Order (Modifying and Enforcing Child Support) The Court had to determine whether to enforce a foreign child support order against the respondent. The respondent failed to respond within the specified time frame. The Court granted the requests of the petitioner in part.</p>	Jun. 4, 2003
CV 01-12	<p><i>Bonnie Smith v. Ho-Chunk Nation Gaming Commission</i>, (HCN Tr. Ct., June 4, 2003). (Matha, T). Order (Final Judgment) The plaintiff brought an action claiming improper termination and the imposition of fines. The defendant fined and terminated the plaintiff for violations of subordinate employees. The defendant asserted a common law claim of <i>respondeat superior</i>. The Court analyzed the relevant laws of the Nation to determine if the Nation has adopted such a concept. The Court determined that the Nation has not yet formally adopted the common law concept of <i>respondeat superior</i>. The decision of the Gaming Commission was reversed and remanded for dismissal.</p>	Jun. 4, 2003
CV 03-42	<p><i>Greg Littlejohn v. HCN Election Board Chairperson, Mary Ellen Dumas and HCN Election Board Members: Eugene Topping, Jr.; Darlene Funmaker; Georgianne Funmaker; Brandee Alderman; Bonnie Stroessner; Wilma Thompson; Tari Pettibone; Mary Taylor; Elliot Funmaker, Sr.; and Tara Blackdeer</i>, (HCN Tr. Ct., June 17, 2003). (Bossman, W). Order (Granting Election Challenge) The plaintiff filed a Complaint regarding the District 5, Seat 2 election that occurred on May 20, 2003. The incumbent won fifty-one percent (51%) of the vote, and the HCN Election Board certified her as the winner. Essentially, the plaintiff contended that the election was a primary for the general election, thus requiring a runoff with the top two candidates. The defense contended that the election was a special election requiring only fifty percent (50%) plus one vote for a final win. The Court granted the plaintiff's request for a runoff between the candidates. The Court ruled in this manner under the theory that the election's origin was the end of a legislative term, thereby indicating that it was a general election and not a special one.</p>	Jun. 17, 2003
CV 01-15	<p><i>F. William Johnson v. Ho-Chunk Nation</i>, CV 01-15 (HCN Tr. Ct., June 18, 2003). (Matha, T). Order (Granting Defendant's Motion to Dismiss) The plaintiff disputed his termination according to the terms of an Executive Employment Agreement. The plaintiff asserted that the Executive Agreement caused his case to fall under a separate Statute of Limitations, thereby allowing him more time to file his <i>Complaint</i>. First, the Court had to decide whether the Executive Agreement superceded the Ho-Chunk Nation Statute of Limitations. If not, the Court had to determine which provision under the Statute of Limitations should govern the action. The Court asserted that all laws of the Nation in <i>pari materia</i>. Thus, without express language suggesting superiority, the Executive Agreement could not supercede the Ho-Chunk Nation Statute of Limitations. As to which provision should be used, the plaintiff sought to use a provision held exclusively for indemnity and contribution. These concepts reference areas of Tort law that do not appear in the instant case. While the plaintiff asserted various other provisions and arguments for the Statute of Limitations, the Court was not persuaded and deemed ninety (90) days to be the appropriate measure. For this reason, the plaintiff's action was untimely, and the Court granted dismissal.</p>	Jun. 18, 2003

CV 03-46	<i>Wade Blackdeer v. HCN Election Board</i> , (HCN Tr. Ct., June 19, 2003). (Bossman, W). Order The parties involved dispute the previous election. The Court ordered the parties to appear for a <i>Hearing</i> .	Jun. 19, 2003
CV 03-47	<i>Thomas Yellow Thunder v. HCN Election Board</i> , (HCN Tr. Ct., June 19, 2003). (Bossman, W). Order The parties involved dispute the previous election. The Court ordered the parties to appear for a <i>Hearing</i> .	Jun. 19, 2003
CV 96-64	<i>In re the Children of Joni Munnell: D.J.M, DOB 12/26/87, A.S.W., DOB 01/24/89, J.S.W., DOB 01/24/89, D.W.W., DOB 07/06/92, S.G.W., DOB 06/26/93</i> , CV 96-64 (HCN Tr. Ct., June 23, 2003). (Matha, T). Order (Acceptance of Accounting) The guardian of the estate filed an accounting report in accordance with directions from the Court. The Court received no information that might indicate errors with the accounting. The Court accepted the accounting.	Jun. 23, 2003
CV 03-47	<i>Thomas Yellow Thunder v. HCN Election Board</i> , (HCN Tr. Ct., June 26, 2003). (Bossman, W). Order Dismissing Election Challenge The Court dismissed the <i>Complaint</i> challenging the election. The plaintiff did not appear at the scheduled <i>Hearing</i> .	Jun. 26, 2003
CV 03-46	<i>Wade Blackdeer v. HCN Election Board</i> , (HCN Tr. Ct., June 26, 2003). (Bossman, W). Order Denying Election Challenge The Court dismissed the <i>Complaint</i> challenging the election. The <i>Complaint</i> was not timely filed.	Jun. 26, 2003
CV 02-14	<i>Ho-Chunk North, Wittenberg, Wisconsin, Division of Ho-Chunk Nation Department of Business and Ho-Chunk Nation v. Wayne's Transport, Inc.; Wayne's Trucking, Inc.; Wayne L. Hirt and Lisa Hirt et al.</i> , HCN Tr. Ct., June 26, 2003). (Matha, T). Order (Denial of Motion for Expedited Consideration) The Court denied the <i>Motion for Expedited Consideration</i> citing a failure to comply with the two elements of the rule.	Jun. 26, 2003
CV 03-18	<i>In the Interest of Minor Children: T.M.K., DOB 08/22/85, T.M.K., DOB 05/09/87, T.M.K., DOB 06/06/90, and T.M.W., DOB 04/09/93, by Sara J. White Eagle v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., July 2, 2003). (Matha, T). Order (Denial of Petition) The petitioner requested funds from the CTF accounts of the minor children for costs associated with household furnishings, a driveway, and a sun porch. The Court held that the release of monies would not result in a direct and tangible health, education or welfare benefit for the children.	Jul. 2, 2003
CV 03-23	<i>HCN Dep't of Hous. Prop. Mgmt. Div. v. Summer Martin &amp; Dustin Jackson</i> , (HCN Tr. Ct., July 3, 2003). (Matha, T). Order (Granting Extension) The defendants requested more time to properly file an <i>Answer</i> . The defendants indicated that their attorney had not represented them properly. The Court granted the extension in light of the difficulties experienced with outside legal counsel.	Jul. 3, 2003
CV 03-47	<i>Thomas Yellow Thunder v. HCN Election Board</i> (HCN Tr. Ct., July 18, 2003). (Bossman, W). Order (Denying Motion for Costs, Attorney's Fees and Sanctions) On June 13, 2003, the plaintiff filed an election challenge. The Court scheduled a hearing for June 25, 2003. However, the plaintiff failed to appear. On June 26, 2003, the Court dismissed the action. On June 30, 2003, the defendant filed a motion requesting costs, attorneys' fees and sanctions. The plaintiff based its request on three theories: the	Jul. 18, 2003

	<p>plaintiff's failure to appear at the hearing, the plaintiff's failure to respond to requests for discovery, and the plaintiff's filing of an election challenge that was "frivolous and/or wholly without merit" under the HO-CHUNK NATION ELECTION ORDINANCE. The Court held that sanctioning the plaintiff for non-appearance would be harsh and excessive under the circumstances of this case. In addition, the Court held because the discovery response was not due until the day of the hearing, the defendant was not prejudiced by the failure of the plaintiff to submit to a discovery response. Finally, the Court held that the defendant had failed to provide evidence that the election challenge in question was "frivolous" or "without merit." Therefore, the Court denied the defendant's motion.</p>	
CV 02-04	<p><i>HCN Hous. Auth. v. Martha Martinez</i> (HCN Tr. Ct., July 18, 2003). (Matha, T). Order (Dismissal)</p> <p>On January 11, 2002, the plaintiff filed a <i>Complaint</i> requesting a judgment for past due rent and reasonable costs. The defendant failed to respond within the specified time frame. The plaintiff then filed a motion for a default judgment. The Court denied the motion of the plaintiff and dismissed the case. The Court held that the plaintiff was barred from bringing this action under the principle of <i>res judicata</i>. In addition, the Court precluded the plaintiff from bringing the action under the <i>Ho-Chunk Nation Rules of Civil Procedure</i>.</p>	Jul. 18, 2003
CV 03-20	<p><i>Tammy J. Ross v. Ho-Chunk Nation</i> (HCN Tr. Ct., July 18, 2003). (Bossman, W). Order (Granting Motion to Dismiss)</p> <p>The plaintiff brought an action against the Ho-Chunk Nation for monetary damages to her motor vehicle because of actions of the defendant's employees. The defendant filed a motion to dismiss on the ground of lack of jurisdiction because of the defendant's sovereign immunity from suit. The Court granted the motion to dismiss.</p>	Jul. 18, 2003
CV 03-09	<p><i>Faye Begay v. Jean Ann Day, HCN Dep't of Educ., Greg Garvin, HCN Executive Admin. Officer and the Ho-Chunk Nation</i> (HCN Tr. Ct., July 23, 2003). (Bossman, W). Order (Denying Defendants' Motion for Summary Judgment)</p> <p>The plaintiff alleged that the defendants wrongfully discharged her from employment. The defendants filed a motion requesting summary judgment. The Court concluded that there was a genuine issue of material fact and denied the motion.</p>	Jul. 23, 2003
CV 02-42	<p><i>Hope B. Smith v. Ho-Chunk Nation</i> (HCN Tr. Ct., July 31, 2003). (Matha, T). Order (Final Judgment)</p> <p>The plaintiff alleged that the defendant had wrongfully discharged her from employment for reasons associated with improper usage of a tribal credit card. The Court employed the arbitrary and capricious standard of review in accordance with standing HCN Supreme Court precedent. The Court held that the disciplinary action against plaintiff represented a clear error of judgment.</p>	Jul. 31, 2003
CG 03-11	<p><i>State Collection Serv. v. Rick Hernandez, a/k/a Vincent Richard Hernandez</i> (HCN Tr. Ct., Aug. 14, 2003). (Matha, T). Order (Petition Granted)</p> <p>The Court had to determine whether to grant full faith and credit to a foreign judgment. The Court had previously conditionally denied the petition since the respondent claimed an exemption to the earnings garnishment. The Court informed the petitioner of the need to file a certified foreign judgment. The petitioner properly filed such document. The Court granted the petitioner's request for recognition and enforcement.</p>	Aug. 14, 2003
CV 03-17	<p><i>Vaughn Pettibone v. HCN Election Board, and Michele Decorah (HCN Election Board Chairperson) in her representative capacity, and HCN Office of the President, and Troy Swallow (HCN President) in his representative capacity, and Ho-Chunk Nation</i> (HCN Tr. Ct., August 19, 2003). (Bossman, W). Order (Granting Motion to Dismiss in Part and Denying in Part)</p> <p>The plaintiff claims that she was improperly removed from her position as Ho-Chunk Nation Election Board Chairperson. The defendants moved to dismiss on the grounds of sovereign immunity and the statute of limitations. The Court granted the motion as to the claim for monetary compensation for lost wages and benefits. The Court denied all other portions of the motion.</p>	Aug. 19, 2003

CV 03-27	<i>Elaine Sine, DOB 02/01/55, by Cecelia Sine, Legal Guardian v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 22, 2003). (Bossman, W). Order (Granting Petition) The Court had to determine whether to grant a release of funds from the ITF account of Elaine Sine for the purchase of a home. The Court granted the request.	Aug. 22, 2003
CV 02-78	<i>Francis L. Williams v. Alex B. Chown, Mktg. Dir. of Majestic Pines Casino and Ho-Chunk Nation</i> (HCN Tr. Ct., Sept. 5, 2003). (Bossman, W). Order (Denying Motion to Reopen Case and Modify Order) The defendants requested that the Court reopen the case and modify its order by granting the defendant a judgment on its counterclaim. The Court held that the defendant had failed to properly raise the counterclaim within its answer. Therefore, the Court denied the motion.	Sept. 5, 2003
CV 03-53	<i>Patricia A. Ennis v. Representatives: Tracy Thundercloud, George Lewis, Myra Thompson, Sharyn Whiterabbit, Elliott Garvin, Clarence Pettibone, Wade Blackdeer, Dallas White Wing, Gerald Cleveland, Christine Romano, Kathyleen Whiterabbit and Cash Systems</i> (HCN Tr. Ct., Sept. 8, 2003). (Bossman, W). Order (Dismissal without Prejudice) The defendants requested that the Court dismiss the action because the administrative review process under the TRIBAL EMPLOYMENT RIGHTS ORDINANCE was not completed, and therefore, the action was brought prematurely. The Court dismissed the action without prejudice.	Sept. 8, 2003
CV 01-88	<i>Joseph D. Ermenc v. HCN Whitetail Crossing</i> (HCN Tr. Ct., Sept. 11, 2003). (Matha, T). Order (Final Judgment) The Court had to determine whether the defendant improperly terminated the employment of the plaintiff. The plaintiff failed to produce any evidence at trial either through testimony or production of documents. The Court granted a judgment in favor of the defendant.	Sept. 11, 2003
CU 95-18	<i>In the Interest of Minor Child: J.H.R., DOB 01/09/95</i> (HCN Tr. Ct., Sept. 18, 2003). (Bossman, W). Order (Petition Granted) The Court had to determine whether to grant a release of funds from the CTF account of the minor child for the purchase of a handicapped accessible van. The Court granted the request.	Sept. 18, 2003
CV 02-111	<i>Janet M. Funmaker v. Ho-Chunk Nation, HCN Pers. Dep't, HCN Bus. Dep't, and HCN Gift Shop</i> (HCN Tr. Ct., Sept. 24, 2003). (Bossman, W). Order (Denying Motion for Partial Dismissal) The plaintiff claims that she was improperly demoted from the position of manger and that she was subsequently improperly terminated from the position of retail associate. The defendants moved to dismiss the portion of the action relating to the plaintiff's demotion because of estoppel. The Court denied the motion.	Sept. 24, 2003
CV 96-46	<i>In Re: Bruce Patrick O'Brien, by Elethe Nichols, Guardian</i> (HCN Tr. Ct., Oct. 2, 2003). (Bossman, W). Order (Release of Funds) The Court received a request for funds from the guardian. No objection to the request was filed. The Court granted the request.	Oct. 2, 2003
CV 03-37	<i>JAMES MENORE V. HO-CHUNK NATION, HCN CASINO COMPLIANCE</i> (HCN TR. CT., OCT. 2, 2003). (BOSSMAN, W). Order (Denying Motion for Summary Judgment) The defendant filed a <i>Motion for Summary Judgment</i> . The Court held that the defendants are not entitled to judgment as a matter of law and denied the defendants' motion.	Oct. 2, 2003
CV 01-16-19-21	<i>Regina K. Baldwin v. Ho-Chunk Nation; Andrea Estebo v. HCN Home Ownership Program, Steve Davis, as Real Estate Manager, and Alvin Cloud, as Hous. Dir.; Carolyn J. Humphrey v. Ho-Chunk Nation, Alvin Cloud, as Hous. Dir., and Bob Pulley, as Prop.</i>	Oct. 3, 2003

	<p><i>Manager</i> (HCN Tr. Ct., Oct. 3, 2003). (Matha, T).  Order (Final Judgment)  The plaintiffs challenged the layoffs they received from their respective departments within the Housing Department. The Court had to determine whether the defendants had properly applied the Ho-Chunk Preference and Layoff Policies. The Court upheld the constitutionality of the Ho-Chunk Preference Policy. The Court held that the Ho-Chunk Preference and Layoff Policies had been properly applied and denied the relief sought by the plaintiffs.</p>	
CV 03-75	<p><i>Gerald L. Cleveland v. President, Gen. Council and Timothy WhiteEagle</i> (HCN Tr. Ct., Oct. 10, 2003). (Matha, T).  Order (Denying Injunction)  The Court had to determine whether to grant an injunction on the basis of a request for an emergency order. The plaintiff failed to allege the imminent presence of irreparable harm. The Court declined to enter an injunction.</p>	Oct. 10, 2003
CS 98-56	<p><i>Carol Jo. Garvin v. George W. Garvin</i> (HCN Tr. Ct., Oct. 15, 2003). (Matha, T).  Order (Denying Motion to Modify)  The petitioner filed a motion to modify, requesting that per capita distributions be redirected to her home. The Court has no authority to unilaterally modify the foreign court decision it previously enforced in the case. Therefore, the Court denied the petitioner's motion.</p>	Oct. 15, 2003
CV 00-37	<p><i>Gerald F. Conley v. Christopher Cloud &amp; Diane Cloud Peterson</i> (HCN Tr. Ct., Oct. 16, 2003). (Matha, T).  Order (Suspension of Remedial Sanctions)  The Court had previously held the defendants in contempt for failure to abide by an earlier Court decision. The Court imposed a remedial monetary sanction, which the plaintiffs could discontinue by showing that they had begun to satisfy the money judgment entered against them. Although the defendants have made no attempt to comply with the default judgment, the Court held the ongoing remedial sanction may represent an inappropriate civil penalty if it has failed to induce the defendants to act and accordingly temporarily suspended withholding for the contempt fines.</p>	Oct. 16, 2003
CV 02-99	<p><i>In the Interest of Minor Child: J.H.D., DOB 05/24/86, by Janelle H. Hopinkah</i> (HCN Tr. Ct., Oct. 20, 2003). (Bossman, W).  Order (Denial of Petition)  The Court had to determine whether to grant a release of funds from the CTF account of the minor child for costs associated with winter clothing, household furnishings, and county fines. The Court denied the request.</p>	Oct. 20, 2003
CV 03-77	<p><i>Clarence Pettibone v. HCN Gen. Council, Alvin Cloud, Acting Chair of the Gen. Council; Roberta Funmaker (aka Roberta Greendeer), Sec'y of the Gen. Council; Gloria Visintin; Wade Blackdeer, Dallas Whitewing, Myrna Thompson, Christine Romano, Gerald Cleveland, Sharon Whiterabbit, Kathyleen Lonetree Whiterabbit, John Dall, Tracy Thundercloud, and Elliot Garvin, Legislators in the HCN Legislature; and Maryann Dumas, Chair of the Election Bd.</i> (HCN Tr. Ct., Oct. 17, 2003). (Bossman, W).  Order (Preliminary Injunction Hearing)  The plaintiff filed a motion requesting a preliminary injunction. The Court scheduled a hearing on the motion.</p>	Oct. 27, 2003
CV 02-116	<p><i>Harry J. Cholka v. HCN Casino</i> (HCN Tr. Ct., Sept. 23, 2003). (Bossman, W).  Order (Final Judgment)  The Court had to determine whether the defendant's failure to hire the plaintiff violated the Ho-Chunk Preference Policy. The Court held that the Ho-Chunk Preference Policy required the hiring of the plaintiff. The Court granted the plaintiff his requested relief.</p>	Oct. 28, 2003
CV 03-63	<p><i>Stanley J. Decorah v. Linda Decorah</i> (HCN Tr. Ct., Oct. 30, 2003). (Matha, T).  Order (Granting Extension)  The plaintiff filed a petition that failed to establish a basis for the Court's exercise of subject matter jurisdiction. The plaintiff requested an extension of time to amend his</p>	Oct. 30, 2003

	complaint. The Court granted the request.	
CV 03-77	<i>Clarence Pettibone v. HCN Gen. Council, Alvin Cloud, Acting Chair of the Gen. Council; Roberta Funmaker (aka Roberta Greendeer), Sec’y of the Gen. Council; Gloria Visintin; Wade Blackdeer, Dallas Whitewing, Myrna Thompson, Christine Romano, Gerald Cleveland, Sharon Whiterabbit, Kathyleen Lonetree Whiterabbit, John Dall, Tracy Thundercloud, and Elliot Garvin, Legislators in the HCN Legislature; and Maryann Dumas, Chair of the Election Bd.</i> (HCN Tr. Ct., Nov. 5, 2003). (Bossman, W). Order (Granting Preliminary Injunction) The Ho-Chunk Nation General Council enacted a resolution providing for the removal of the plaintiff from the Ho-Chunk Nation Legislature. The plaintiff sought a <i>Preliminary Injunction</i> to enjoin the defendants from acting in furtherance of the resolution. The Court granted the request for a <i>Preliminary Injunction</i> .	Nov. 5, 2003
CV 03-40	<i>Loretta Patterson v. Four Winds Comm’n &amp; Susan Van Riper</i> (HCN Tr. Ct., Nov. 13, 2003). (Bossman, W). Order (Granting Motion to Dismiss) The plaintiff claimed she was wrongfully denied workers’ compensation benefits. The defendants moved to dismiss for lack of jurisdiction. The Court granted the motion to dismiss due to lack of jurisdiction and due to the failure of the plaintiff to appear at a hearing.	Nov. 13, 2003
CV 01-98	<i>Lorna M. Hach v. HCN C-Store, Baraboo, and Deb Hindes, Manager</i> (HCN Tr. Ct., Nov. 14, 2003). (Matha, T). Order (Granting Defendants’ Motion for Summary Judgment) The Court had to determine whether to grant the defendants’ motion for summary judgment. The Court held that the defendants acted within the scope of the Ho-Chunk Nation progressive discipline policy. Therefore, the Court granted the motion for summary judgment.	Nov. 14, 2003
CV 02-75	<i>Troy S. Westphal v. HCN, Ho-Chunk Casino &amp; Bally Gaming, Inc.</i> (HCN Tr. Ct., Nov. 19, 2003). (Matha, T). Order (Dismissal) Both the plaintiff and the defendants filed motions to dismiss the instant action. The Court had to determine whether to dismiss the instant case with or without prejudice. With respect to the defendant that had not filed an answer in the action, the case was dismissed without prejudice. With respect to the remaining defendant the case was dismissed with prejudice.	Nov. 19, 2003
CG 03-64	<i>American General Finance, Inc. v. Cleo Littlegeorge</i> (HCN Tr. Ct., Nov. 21, 2003). (Matha, T). Order (Suspension of the Judgment) The Court had to determine whether to grant the respondent’s motion in which she requested a termination of the judgment. The respondent presented documentation that appeared to demonstrate satisfaction of an earlier default judgment. The Court granted a suspension of the judgment.	Nov. 21, 2003
CV 03-63	<i>Stanley J. Decorah v. Linda Decorah</i> (HCN Tr. Ct., Nov. 24, 2003). (Matha, T). Order (Dismissal Without Prejudice) The Court had to determine whether to dismiss the instant case. The plaintiff requested a dismissal of the action. The Court dismissed the case without prejudice.	Nov. 24, 2003
CV 97-117	<i>In the Interest of Adult Incompetent: Oliver S. Rockman</i> (HCN Tr. Ct., Dec. 5, 2003). (Bossman, W). Order (Granting Release of Per Capita Funds) The Court received a request for a release of funds from the ITF account for Christmas gifts, clothing, a personal allowance, and payment for the protective payee’s services. The Court granted the release.	Dec. 5, 2003
CV 01-90	<i>Aleksandra Cichowski v. Four Winds Ins. Agency, LLC</i> (HCN Tr. Ct., Dec. 15, 2003). (Matha, T). Order (Granting Defendants’ Motion for Summary Judgment)	Dec. 15, 2003

	The Court had to determine whether the defendant demonstrated the absence of compensable injury for worker's compensation purposes. The plaintiff failed to present any evidence to the contrary. Therefore, the Court granted the defendant's motion for summary judgment.	
CV 03-08	<i>Joshua Francis Smith v. Adam Estes &amp; Jonette Pettibone</i> (HCN Tr. Ct., Dec. 18, 2003). (Matha, T). Order (Final Judgment) The Court had to determine whether the defendants exhibited unlawful behavior in conjunction with the denial of leave for and ultimate suspension of the plaintiff. The Court concluded that the defendants acted in conformance with applicable law and granted a judgment in favor of the defendants.	Dec. 18, 2003

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Case No.	Case	Decided
CS 03-65	<i>State of WI/Juneau Co. and Annette Powless v. Eldon D. Powless</i> (HCN Tr. Ct., Jan. 8, 2004). (Matha, T). Order The Court had to determine whether to grant full faith and credit to a foreign judgment against a respondent's wages. The respondent objected to enforcement of the foreign order while he challenges paternity. The Court has determined not to enforce the foreign child support order at this time.	Jan. 8, 2004
CV 03-56	<i>Joshua Francis Smith, Sr. v. Rainbow Casino, HCN, Adam Estes, Jonette Pettibone, and Ida Carrier</i> (HCN Tr. Ct., Jan. 9, 2004). (Bossman, W). Order (Granting Motion for Summary Judgment) The defendants filed a motion for summary judgment in the instant case. The Court found no genuine issues of material fact in dispute. The Court held that the defendants were entitled to a judgment as a matter of law.	Jan. 9, 2004
CV 03-23	<i>HCN Dep't of Hous., Prop. Mgmt. Div. v. Summer Martin &amp; Dustin Jackson</i> (HCN Tr. Ct., Jan. 13, 2004). (Matha, T). Order (Default Judgment) The Court had to determine whether to grant the relief requested by the plaintiff. The defendants failed to appear at the <i>Pre-Trial Conference</i> . The Court rendered a default judgment against the defendant, awarding the plaintiff permissible relief sought in the <i>Complaint</i> . In addition, the Court dismissed the defendants' counterclaim. The Court maintains discretion to grant involuntary dismissals with or without prejudice. The consistent inaction of the plaintiff led the Court to dismiss the counterclaim with prejudice.	Jan. 13, 2004
CV 03-82	<i>In the Interest of Adult CTF Beneficiary: Ashley J. Webster, DOB 09/17/85 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 15, 2004). (Matha, T). Order (Petition Granted in Part and Denied in Part) The petitioner filed a petition requesting a release from her CTF accounts for typical household bills, an outstanding balance on automobile and traffic fines and to purchase children's presents. The petitioner had satisfied her testing requirements by obtaining a High School Equivalency Diploma, but cannot receive a high school diploma until after the conclusion of the spring semester. Despite this fact, the Court determined to not afford more preferable treatment to the pending request. However, the Court found that the petitioner's request differed from a typical adult petition because she based the request upon the purported needs of her minor children. The Court found that the needs of the child represent the needs of the adult. Therefore, the Court focused on the health, education and welfare of the petitioner and her minor children.	Jan. 15, 2004

	<p>In a departure from previous decisions, the Court granted the request for rental assistance. The Court has repeatedly denied housing requests because the financial plight of the parents should not be shifted to children. However, that principle had no application here because the petitioner occupies the role of the parent, and the parent's children need housing.</p> <p>The Court denied the request for automobile payment assistance. The petitioner had already purchased the vehicle. In addition, the Court denied the request because the vehicle does not prove commercially reasonable since it exceeds 75,000 miles on the odometer. However, the Court did grant the automobile insurance request.</p> <p>The Court granted childcare assistance co-payments and the requests for electric and telephone service. The Court found that each of these items represent either a health or welfare necessity. However, the Court denied the request for a release for television cable billings and children's presents, finding these requests to constitute a want or a desire. Finally, the Court denied the request to satisfy the petitioner's traffic fines.</p>	
CV 03-89	<p><i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., Jan. 21, 2004). (Matha, T). Order (Default Judgment)</p> <p>The petitioner requested the Court enter a judgment against the defendant for an unpaid debt obligation and enforce the judgment against the defendant's per capita. The respondent failed to respond within the specified time frame. The Court granted the petitioner's request for a judgment. However, the Court lacks statutory authority to enforce such judgment against the respondent's per capita.</p>	Jan. 21, 2004
CV 03-61	<p><i>Laura L. Snake v. Douglas Greengrass</i> (HCN Tr. Ct., Jan. 22, 2004). (Matha, T). Order (Dismissal with Prejudice)</p> <p>The Court had to determine whether to dismiss the instant case. The plaintiff failed to appear for a pre-trial conference. The Court dismissed the case with prejudice.</p>	Jan. 22, 2004
CV 03-62	<p><i>Ronald Kent Kirkwood v. HCN Housing Dep't &amp; HCN Legislature</i>, (HCN Tr. Ct., Jan. 26, 2004). (Matha, T). Order (Granting Defendants' Motion to Dismiss)</p> <p>The Court had to determine whether to grant the defendants' motion to dismiss. The plaintiff failed to identify an express waiver of the Ho-Chunk Nation's sovereign immunity from suit. Therefore, the Court granted a dismissal in favor of the defendants on this issue.</p>	Jan. 26, 2004
CV 02-95	<p><i>In the Interest of Beatrice F. Reyes, DOB 09/18/19, by Dorothy Lenard v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 2, 2004). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether the permanent guardian could access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with ongoing nursing home care. The Court granted a release of the funds to satisfy the request.</p>	Feb. 2, 2004
CV 03-83	<p><i>In the Interest of Minor Child: T.J.M., DOB 10/25/88, &amp; A.M.M., DOB 07/02/90, by Kenda Tarr v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 3, 2004). (Matha, T). Order (Petition Granted)</p> <p>The petitioner requested a release from the CTF to pay for costs associated with the family mortgage. While the Court has uniformly denied requests for housing assistance in the past, the facts in issue in this case demonstrated an egregious circumstance. The petitioner faced the possible loss of the family home through foreclosure.</p> <p>The Court held the home constituted a health and welfare necessity of the minor children. In addition, the Court distinguished this case from prior case law. The Court granted the release of funds to satisfy the request of the petitioner.</p>	Feb. 3, 2004
CV 03-83	<p><i>In the Interest of Minor Children: T.J.M., DOB 10/25/88, &amp; A.M.M., DOB 07/02/90, by Kenda Tarr v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 4, 2004). (Matha, T). Order (Addendum to Judgment)</p> <p>The Court previously entered a judgment granting a release from the CTF to satisfy an outstanding mortgage debt. The Court has instituted a rule of proportionality for those</p>	Feb. 4, 2004

	requests reflecting a household concern. The Court ordered the petitioner to repay one-third ( $\frac{1}{3}$ ) of the total distributed amount within one (1) year.	
CV 96-49	<i>In the Interest of Adult Incompetent Roberta Goodbear, by Patrick Rebman, Guardian v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 4, 2004). (Bossman, W). Order (Granting Petition for Release of Per Capita Distributions)  The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member for the ITF to pay for costs associated with her criminal defense. The Court granted a release of the funds to satisfy the request.	Feb. 4, 2004
CV 98-18	<i>In the Interest of Kathy Brandenburg v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 5, 2004). (Bossman, W). Order (Granting Request for Discharge of Protective Payee and Determining Lack of Jurisdiction)  The Court had to consider whether to grant the request of Phyllis Smoke to be discharged as protective payee for the adult incompetent member. The Court determined that there has never been a finding that the adult tribal member has ever been found legally incompetent, that no guardian has ever been appointed, and that this Court lacks jurisdiction to continue supervision of an incompetent trust fund. The Court discharged the protective payee.	Feb. 5, 2004
CV 03-81	<i>Owen Cyrus Mike v. Victoria V. Stacy Good-Thunder</i> (HCN Tr. Ct., Feb. 5, 2004). (Matha, T). Order (Final Judgment)  The Court had to determine whether to enforce a debt obligation against the defendant. The defendant admitted to the standing obligation. Therefore, the Court entered the following order, granting a wage garnishment and other relief.	Feb. 5, 2004
CV 02-37	<i>Michelle Mary Krowiorz v. HCN Dep't of Pers.</i> (HCN Tr. Ct., Feb. 5, 2004). (Matha, T).  Order (Granting Defendant's Motion for Summary Judgment)  The Court had to determine whether the defendant unfairly denied Bridged Service Credit and back pay to the plaintiff. The defendant terminated the plaintiff after the Gaming Commission's revocation of her gaming license. The plaintiff argued that upon the Gaming Commission's rescission of its decision revoking the plaintiff's gaming license, the termination became nullified.  The plaintiff failed to show any persuasive evidence demonstrating an improper termination. The plaintiff risked termination if she could not maintain a gaming license. Her failure to disclose various charges resulted in the revocation of her gaming license.  The defendants filed a motion for summary judgment in the instant case. The Personnel Manual provides that terminated employees may not receive Bridge Service Credit. The Court held that the defendants were entitled to a judgment as a matter of law.	Feb. 5, 2004
CV 03-25	<i>Cornelius Decora v. Adam Hall, HCN Tribal Enrollment Office; George Greendeer, Tribal Genealogist; Tribal Enrollment Comm.; HCN Legislature; &amp; Ho-Chunk Nation</i> (HCN Tr. Ct., Feb. 6, 2004). (Bossman, W). Order (Denying Motion to Dismiss)  The plaintiff filed a complaint requesting that his four children be enrolled as members of the Ho-Chunk Nation. The defendants moved to dismiss the complaint. The Court denied the motion to dismiss.	Feb. 6, 2004
CV 01-143	<i>Janeta Doede v. Ho-Chunk Hotel &amp; Convention Ctr.</i> (HCN Tr. Ct., Feb. 11, 2004). (Matha, T). Order (Final Judgment)  The Court had to determine whether the plaintiff could bring the instant action. The plaintiff failed to reasonably adhere to the timelines set forth in the Administrative Review Process. As a result of defendant's failure to adhere to such timelines, the defendant's sovereign immunity from suit remained fully in tact. The Court held that the defendants were entitled to a judgment as a matter of law.	Feb. 11, 2004
CV 03-27	<i>In the Interest of Elaine Sine, DOB 02/01/55, by Cecilia Sine v. HCN Office of Tribal</i>	Feb. 12, 2004

	<p><i>Enrollment</i> (HCN Tr. Ct., Feb. 12, 2004). (Bossman, W). Order (Petition Granted)</p> <p>The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member for the ITF to pay for delinquent taxes. The Court granted a release of the funds to satisfy the request.</p>	
CV 02-50	<p><i>Michael R. Stanley v. HCN &amp; Ho-Chunk Casino</i> (HCN Tr. Ct., Feb. 16, 2004). (Matha, T). Order (Final Judgment)</p> <p>The Court had to determine whether the defendant unfairly denied Bridged Service Credit to the plaintiff. The defendant terminated the plaintiff after the Gaming Commission's revocation of his gaming license. The Personnel Manual provides that terminated employees may not receive Bridge Service Credit.</p> <p>The plaintiff argued that because no one served him with termination paperwork or informed him of the same, he occupied a special undefined status. However, the plaintiff offered no legal explanation justifying his hiatus of eighty-two (82) days. The Court held that the defendants were entitled to a judgment as a matter of law.</p>	Feb. 16, 2004
CV 03-28	<p><i>Majestic Pines Hotel v. Jeremy Samstad</i> (HCN Tr. Ct., Feb. 18, 2004). (Bossman, W). Order (Default Judgment)</p> <p>The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the complaint. The Court rendered a default judgment against the defendant.</p>	Feb. 18, 2004
CV 02-88	<p><i>Helen M. Willson v. HCN &amp; Amy Peterson</i> (HCN Tr. Ct., Feb. 20, 2004). (Matha, T). Order (Final Judgment)</p> <p>The Court had to determine whether the defendants improperly laid off the defendant. The plaintiff alleged the existence of a concerted campaign to remove her in light of a perceived excessive usage of Family Medical Leave. The defendants contended that they based the decision upon permissible indicators of the plaintiff's ability. The Court granted the defendants a directed verdict following the plaintiff's case in chief due to her inability to satisfy her burden of proof.</p>	Feb. 20, 2004
CV 03-62	<p><i>Ronald Kent Kirkwood v. HCN Hous. Dep't &amp; HCN Legislature</i> (HCN Tr. Ct., Feb. 20, 2004). (Matha, T). Order (Dismissal Without Prejudice)</p> <p>The Court previously granted a dismissal but afforded the parties an opportunity to present arguments concerning the effect of the judgment. The Court had to determine whether to dismiss the action with or without prejudice. The Court distinguished this action from prior Court precedent dismissing an action with prejudice because of the Court's lack of subject matter jurisdiction. However, sovereign immunity and subject matter jurisdiction should not bar any future request for relief in this matter. The Court granted the dismissal without prejudice.</p>	Feb. 20, 2004
CV 02-68	<p><i>Nina K. Garvin v. Ho-Chunk Nation, John Kregenow, &amp; Janet Greendeer</i> (HCN Tr. Ct., Feb. 26, 2004). Order (Final Judgment)</p> <p>The Court had to determine whether the defendants repeatedly harassed the plaintiff, culminating in several alleged retaliatory actions. The plaintiff offered no credible evidence to substantiate her claims. The Court granted the defendants' motion for a directed verdict.</p>	Feb. 26, 2004
CV 96-46	<p><i>In re: Bruce Patrick O'Brien, by Elethe Nichols v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 26, 2004). (Bossman, W). Order (Petition Granted)</p> <p>The Court had to determine whether the legal guardian could access funds from the ITF account of the adult incompetent to pay for property taxes, vehicle upkeep, home furniture, Easter Seal Camp, car insurance, home heating, fuel, and clothing. The Court granted the release.</p>	Feb. 26, 2004
CV 02-71	<p><i>Loa Porter v. Jay Toth, Exec. Dir., HCN Dep't of Health &amp; Soc. Servs.; Greg Garvin,</i></p>	Feb. 27, 2004

	<p><i>Exec. Admin. Officer, HCN; &amp; Troy Swallow, President, Ho-Chunk Nation</i> (HCN Tr. Ct., Feb. 27, 2004). (Matha, T).</p> <p>Order (Failure to Present Justiciable Cause of Action)</p> <p>The plaintiff received a layoff due to the elimination of her position. The funds in the Division of Social Services Administrator line item remained unaffected following the elimination of the position. The plaintiff filed a suit alleging a violation of the APPROPRIATIONS AND BUDGET PROCESS ACT. However, the defendants have not utilized the earmarked funds for another purpose. Therefore, the Court held that the plaintiff failed to allege a ripe cause of action.</p>	
CG 04-01	<p><i>State Collection Serv. v. Sarah Martin a/k/a Sarah Acevedo</i> (HCN Tr. Ct., Mar. 9, 2004). (Matha, T).</p> <p>Order (Dismissal Without Prejudice)</p> <p>The petitioner requested that the Court dismiss the instant case. The petitioner indicated that he had received information that the respondent had filed for bankruptcy. The Court granted the dismissal without prejudice.</p>	Mar. 9, 2004
CV 03-84	<p><i>Kenneth Lee Twin v. Douglas Greengrass &amp; HCN Dep't of Pers.</i> (HCN Tr. Ct., Mar. 9, 2004). (Bossman, W).</p> <p>Order (Denying Motion for Order Granting Leave to File Amended Complaint)</p> <p>The Court had to determine whether to allow the plaintiff the ability to file an <i>Amended Complaint</i>. The defendants did not consent to such action. The Court denied the plaintiff's request.</p>	Mar. 9, 2004
CV 04-16	<p><i>Marx Adver. Agency, Inc. v. HCN d/b/a Ho-Chunk Casino &amp; Bingo, Majestic Pines Casino &amp; Bingo, Rainbow Casino &amp; Bingo, DeJope Bingo; Al Miller; and Robert Mudd</i> (HCN Tr. Ct., Mar. 11, 2004). (Matha, T).</p> <p>Order (Denying Special Appearance)</p> <p>The Court had to determine whether to grant the motion for special appearance filed on behalf of the plaintiff. The Court denied the request due to a failure to adhere to the requirements of the relevant rules.</p>	Mar. 11, 2004
CV 00-44	<p><i>In the Interest of: R.L.W., DOB 11/23/64, by Violet Vilbaum v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 16, 2004). (Matha, T).</p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with the purchase of a residence. The Court held that the purchase of a dwelling and related appliances represents a necessary health and welfare benefit. The Court granted a release of the funds to satisfy the request.</p>	Mar. 16, 2004
CV 96-49	<p><i>In the Interest of Adult Incompetent: Roberta Goodbear v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 19, 2004). (Bossman, W).</p> <p>Order (Granting Additional Release of Per Capita Distribution)</p> <p>The Court previously released money from the ITF account of the adult incompetent member to satisfy expenses related to her criminal defense. The Court had authorized the release of an additional amount upon the request of the guardian and proper documentation of the need for additional legal expenses. The guardian filed the necessary documentation, requesting a further release of additional attorney fees and court costs. The Court granted the additional release.</p>	Mar. 19, 2004
CV 00-44	<p><i>In the Interest of: R.L.W., DOB 11/23/64, by Violet Vilbaum v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 22, 2004). (Matha, T).</p> <p>Order (Addendum to Judgment)</p> <p>The Court previously granted the petitioner's request relating to a release of ITF monies for the purchase of a dwelling. The adult incompetent member incurred additional expenses in connection with the move due to the Court's requirement that the petitioner obtain tribal funding in the form of Ho-Chunk Housing Authority down payment assistance. The petitioner requested hotel expenses. The Court granted the request.</p>	Mar. 22, 2004

CV 00-104	<p><i>Chloris Lowe, Jr. &amp; Stewart J. Miller v. HCN Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Dallas White Wing, &amp; Clarence Pettibone; &amp; HCN Election Bd.</i> (HCN Tr. Ct., Mar. 22, 2004). (Matha, T). Order (Denying Attorney Fees)</p> <p>The Court had to determine whether the plaintiffs could receive attorney fees and costs against the Ho-Chunk Nation for prevailing in a suit to enjoin an unreasonable and unconstitutional action of agents of the Nation. The Court reviewed prior case law from this jurisdiction and the current status of federal law on this issue. The Ho-Chunk Nation Trial Court has previously awarded expenses and fees against the Nation. The Ho-Chunk Nation Supreme Court affirmed one such decision after reviewing the judgment for an abuse of discretion in granting attorneys fees and costs. However, later Trial Court opinions denied attorney fees as relief not specifically granted within the Ho-Chunk Nation’s limited waiver of sovereign immunity, while awarding costs.</p> <p>The United States Supreme Court has traditionally applied the “American rule” that a litigant is not ordinarily entitled to attorney fees, absent one (1) of three (3) exceptions. However, the Supreme Court has approved an award of attorney fees as an ancillary cost to a grant of prospective injunctive relief. However, the HCN Supreme Court has never adopted the American rule and exceptions for use in this jurisdiction.</p> <p>In this matter, the Court held that the case law does not reveal any clear guidance for purposes of resolving the issue at hand. The Court held that it was unable to deduce the HCN Supreme Court’s opinion on prospective injunctive relief given the seemingly conflicting precedential authority. The Court questioned whether the Supreme Court envisioned allowing attorney fees and costs to a party that prevails in approximately eighty percent (80%) of its cases. Furthermore, the Court held that the plaintiffs presented a valid claim for bad faith litigation strategy. However, the Court denied the plaintiffs’ request for relief.</p>	Mar. 22, 2004
CV 04-02	<p><i>HCN DEP’T OF HEALTH AND HUMAN SERVS. v. CAROL ROCKMAN</i> (HCN TR. CT., MAR. 23, 2004). (BOSSMAN, W). Order (Denying Motion for Default Judgment)</p> <p>The Court had to determine whether to grant the plaintiff’s motion for default judgment. The defendant filed a timely answer in the case. The Court denied the plaintiff’s motion.</p>	Mar. 23, 2004
CV 02-49	<p><i>Anna Kaufman v. Dennis Gager, Dir. of Gaming; HCN Bus. Dep’t; Ida Carrier, Rainbow Casino Exec. Manager; Lindley Thompson, Slot Dir.; Rainbow Casino; and Ho-Chunk Nation</i> (HCN Tr. Ct., Mar. 30, 2004). (Matha, T). Order (Final Judgment)</p> <p>Two (2) fellow employees filed grievances objecting to the plaintiff’s promotion. The Court had to determine whether the Director of Gaming improperly reversed the supervisory promotion decision. The Court could not detect any irregularities plaguing the underlying promotion decision. During the trial, the Director of Gaming, General Manager, and Personnel Specialist all acknowledged the great deference generally afforded to supervisory employment decisions. The Court deemed the administrative reversal contrary to law. The Court overturned the plaintiff’s demotion.</p>	Mar. 30, 2004
CV 04-23	<p><i>In the Interest of Minor Child: T.L.M., DOB 04/10/94, by Sherry McKinley v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 30, 2004). (Matha, T). Order (Petition Granted)</p> <p>The petitioner requested a release from the CTF account of her minor child to pay for costs associated with the purchase of hearing aid devices. The Court granted the request.</p>	Mar. 30, 2004
CV 02-77	<p><i>Debra Hall-Shoemaker v. Ho-Chunk Nation &amp; Sandra Plawman</i> (HCN Tr. Ct., Apr. 7, 2004). (Matha, T). Order (Final Judgment)</p> <p>The defendants terminated the plaintiff after she attached work-related documents to a <i>Complaint</i> filed with the Court. The Court overturned the plaintiff’s termination. The Court awarded the plaintiff back pay and ordered the removal of negative references from the plaintiff’s personnel file.</p>	Apr. 7, 2004

CV 03-89	<p><i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., Apr. 13, 2004). (Matha, T). Order (Denial of Motion)</p> <p>The Court previously issued a judgment in favor of the plaintiff. The Court had to determine whether to grant the plaintiff's motion for contempt of court. The movant failed to appear at the <i>Show Cause Hearing</i> despite proper notice. The Court dismissed the plaintiff's motion.</p>	Apr. 13, 2004
CV 02-41	<p><i>Debra Hall-Shoemaker v. Ho-Chunk Nation</i> (HCN Tr. Ct., Apr. 20, 2004). (Matha, T). Order (Denial of Motion)</p> <p>The Court had to determine whether to grant the plaintiff's motion for contempt of court. The defendant alleged non-receipt of the Court's original order. The Court denied the plaintiff's motion.</p>	Apr. 20, 2004
CV 04-18	<p><i>Citizens Cmty. Fed. v. Anjanette Neperud</i> (HCN Tr. Ct., Apr. 26, 2004). (Matha, T). Order (Final Judgment)</p> <p>The Court had to determine whether to award the plaintiff the relief requested in its initial pleading. The Court afforded the defendant an opportunity to respond. The defendant failed to file an answer. The Court declined to grant a default judgment due to the Court's lack of subject matter jurisdiction over the dispute.</p>	Apr. 26, 2004
CV 04-22	<p><i>In the Interest of: W.E.S., DOB 12/23/36, by Frank E. Bichanich</i> (HCN Tr. Ct., Apr. 30, 2004). (Matha, T). Order (Petition Granted)</p> <p>The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with state property taxes and guardianship fees and costs. In addition, the guardian requested the establishment of a monthly allowance. The Court found that each request represented a necessary health and/or welfare benefit. The Court granted a release of funds to satisfy the requests.</p>	Apr. 30, 2004
CV 04-35	<p><i>HCN Child &amp; Family Servs. v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 11, 2004). (Matha, T). Order (Granting Petition in Part and Denying in Part)</p> <p>The Court had to determine whether to enter an order for the purpose of facilitating the DNA testing of an incarcerated tribal member. The petitioner also requested that the member bear the costs of the testing. The Court granted the former request in the absence of an objection from the respondent, but denied the latter request due to the absence of consent from the tribal member.</p>	May 11, 2004
CV 02-101	<p><i>In the Interest of Minor Child: Z.G.D., DOB 04/20/86, by Sheila M. Pagel v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 18, 2003). (Matha, T). Order (Contempt)</p> <p>The Court previously released money from the CTF account of the minor child for costs related to orthodontic care. The petitioner has not complied with Court orders requiring an accounting of proper use of the released funds. The Court held the petitioner in contempt.</p>	May 18, 2004
CV 00-83	<p><i>In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65, by Dolli Big John v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 18, 2004). (Matha, T). Order (Motion Granted in Part)</p> <p>The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with household accommodation. The Court found that the request represented a necessary health and/or welfare benefit. The Court granted a release of funds to satisfy the request.</p>	May 18, 2004
CV 03-15	<p><i>Jason Nathaniel Hopinka, DOB 12/17/83, by Wesley T. Martin, Jr. v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 19, 2004). (Bossman, W). Order (Granting Additional Release of Funds)</p> <p>The Court had to determine whether to grant a release of monies for expenses related to criminal defense of the minor child. The Court granted the request.</p>	May 19, 2004

CV 03-88	<p><i>Kenneth L. Twin v. Douglas Greengrass, Executive Dir. of Admin.</i> (HCN Tr. Ct., May 24, 2004). (Matha, T). Order (Partial Summary Judgment)</p> <p>The Court had to determine whether to grant the defendant's request for summary judgment. The Court granted partial summary judgment. However, the Court reserved the possibility of trial depending on the outcome of the briefing schedule.</p> <p>The Court determined that the plaintiff's requests for a cessation of compliance investigation and retaliatory behavior became moot upon the plaintiff's release from employment. In addition, the Court held that it lacks the constitutional authority to terminate an Executive Branch employee. The CONSTITUTION OF THE HO-CHUNK NATION delegates such power specifically to the executive. For similar constitutional reasons, the Court held that it lacks the authority to restructure the Executive Branch or force the modification of statutory law.</p> <p>The Court further determined that it would be unable to grant monetary damages in the instant case because the plaintiff failed to name the Ho-Chunk Nation or a governmental sub-entity. Instead, the plaintiff named an individual official of the Ho-Chunk Nation. The CONSTITUTION prohibits the Court from entering monetary awards against an official or employee.</p>	May 24, 2004
CG 04-47	<p><i>Alliance Collection Agencies, Inc. v. Jonathan M. Thompson</i> (HCN Tr. Ct., May 24, 2004). (Matha, T). Order (Conditional Denial of Petition)</p> <p>The Court had to determine whether to grant full faith and credit to a foreign judgment. The respondent filed a timely response stating that the respondent receives supplemental security income and medical assistance, which constitute reasons for garnishment exemption under state law. The Court denied the petition.</p>	May 24, 2004
CV 03-86, 04-01	<p><i>Daniel Brown v. Sandra Plawman</i> (HCN Tr. Ct., May 25, 2004). (Matha, T). Order (Dismissal with Prejudice)</p> <p>The Court had to determine whether to dismiss the instant case. The plaintiff failed to appear for a hearing for which he received proper notice. The Court dismissed the case</p>	May 25, 2004
CV 98-18	<p><i>In the Interest of Kathy Brandenburg v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., June 17, 2004). (Bossman, W). Order (Terminating Incompetent Trust Fund Account)</p> <p>The Court previously determined that a tribal member had never been judicially held incompetent. The Court dissolved the tribal member's trust fund.</p>	June 17, 2004
CV 03-89	<p><i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., June 22, 2004). (Matha, T). Order (Garnishment)</p> <p>The Court had to determine whether to grant the plaintiff's motion for execution of judgment. The plaintiff requested garnishment of the defendant's per capita distribution pursuant to recently passed legislation that enable an elder to seek reimbursement of outstanding debt obligations from a member's per capita payments. The Court granted the uncontested motion</p>	June 22, 2004
CG 04-64	<p><i>Alliance Collection Agencies v. Michael Terry</i> (HCN Tr. Ct., June 22, 2004). (Bossman, W). Order (Granting Twenty Days to File Amended Petition)</p> <p>The petitioner requested enforcement of a Wisconsin state court <i>Judgment</i> filed on November 28, 1994. Under Wisconsin law, no execution on a judgment shall issue after five years of the rendition of the judgment. The Court granted the petitioner twenty days to file an <i>Amended Petition</i>.</p>	June 22, 2004
CV 03-81	<p><i>Owen Cyrus Mike v. Victoria V. Stacy Good-Thunder, Erratum</i> (HCN Tr. Ct., June 22, 2004). (Matha, T). Order (Final Judgment)</p> <p>The court entered this <i>Erratum Order</i> to correct a clerical error within a previous order.</p>	June 22, 2004
CG 04-51	<p><i>Alliance Collection Agencies, Inc. v. Wendy Dickerson</i> (HCN Tr. Ct., July 1, 2004).</p>	July 1, 2004

	(Matha, T). Order (Petition Granted) The Court had to determine whether to grant full faith and credit to a foreign judgment. The respondent filed a response denying liability. The respondent could not validate the claim at the Fact-Finding Hearing. The Court granted the petitioner's request for recognition and enforcement.	
CG 04-56	<i>State Collection Service v. Rick Hernandez</i> (HCN Tr. Ct., July 1, 2004). (Matha, T). Order (Conditional Denial of Petition) The Court had to determine whether to grant full faith and credit to a foreign judgment. The respondent filed a response indicating satisfaction of the judgment. Both the petitioner and respondent failed to appear at the <i>Fact-Finding Hearing</i> . The Court denied the petitioner's request for recognition and enforcement.	July 1, 2004
CV 03-80	<i>Jill C. Adair v. Dan Brown</i> (HCN Tr. Ct., July 6, 2004). (Bossman, W). Judgment for Defendant The plaintiff sought injunctive relief from the Ho-Chunk Nation. However, she failed to name either the Ho-Chunk Nation or the defendant in his official capacity as an employee of the Ho-Chunk Nation as a party. Because the relief requested could not be granted against the named defendant in his individual capacity, the Court granted a judgment in favor of the defendant.	July 6, 2004
CV 04-19	<i>Debra M. Jones v. Majestic Pines Casino, Laura Mortenson</i> (HCN Tr. Ct., July 6, 2004). (Bossman, W). Order (Dismissal with Prejudice) The Court had to determine whether to dismiss the instant case. The plaintiff failed to appear for a hearing for which she received proper notice. The Court dismissed the case.	July 6, 2004
CV 04-05	<i>Maria L. Adamiuk v. Ho-Chunk Casino</i> (HCN Tr. Ct., July 8, 2004). (Bossman, W). Order (Denying Defendant's Motion for Summary Judgment) The Court had to determine whether to grant the defendant's request for summary judgment. Because genuine issues of material fact remain the Court denied the motion.	July 8, 2004
CV 03-89	<i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., July 9, 2004). (Matha, T). Order (Motion Hearing) The plaintiff filed a post judgment motion and the defendant filed a motion for relief from judgment. The Court ordered a motion hearing at which the parties will argue their respective motions.	July 9, 2004
CV 96-46	<i>In re: Bruce Patrick O'Brien, by Elethe Nichols v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., July 13, 2004). (Bossman, W). Order (Motion Granted) The Court had to determine whether the guardian could access monies on behalf of an adult incompetent member from the ITF to pay costs associated with respite care. The Court found that the request represented a necessary health and/or welfare benefit. The Court granted a release of funds to satisfy the request.	July 13, 2004
CV 03-81	<i>Owen Cyrus Mike v. Victoria V. Stacy Good-Thunder</i> (HCN Tr. Ct., July 16, 2004). (Matha, T). Order (Garnishment) The Court had to determine whether to grant plaintiff's motion for execution of judgment. The plaintiff's motion requested garnishment of defendant's per capita distribution and was made at a properly convened <i>Show Cause Hearing</i> . The defendant failed to appear despite receipt of notice. The Court granted plaintiff's motion.	July 16, 2004
CV 03-81	<i>Owen Cyrus Mike v. Victoria V. Stacy Good-Thunder</i> (HCN Tr. Ct., July 23, 2004). (Matha, T). Order (Denial of Motion) The defendant filed an undefined motion and request for a hearing. Because the	July 23, 2004

	defendant's post judgment motion failed to state a ground for reconsideration, the Court denied the motion.	
CV 03-89	<i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., July 26, 2004). (Matha, T). Order (Granting Defendant's Post-Judgment Motion) The Court had to determine whether to grant the post-judgment motions of both the plaintiff and the defendant. The plaintiff withdrew her motion. Due to ineffective service of process, the Court granted the defendant partial relief from judgment and scheduled a fact-finding hearing to address the plaintiff's remaining requests for relief.	July 26, 2004
CV 04-05	<i>Maria L. Adamiuk v. Ho-Chunk Casino</i> (HCN Tr. Ct., July 30, 2004). (Bossman, W). Order (Final Judgment) The Court had to determine whether the defendant improperly terminated the plaintiff and also whether the plaintiff's <i>Complaint</i> was timely filed. The Court held that the plaintiff's complaint was filed eighty-eight days late and that the plaintiff failed to meet her burden of proving her case by a preponderance of the evidence. The Court granted judgment in favor of the defendant.	July 30, 2004
CV 04-70	<i>In the Interest of Adult CTF Beneficiary: Selina Littlewolf, DOB 01/29/84 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 3, 2004). (Matha, T). Order (Denial of Motion) The Court had to determine whether to grant respondent's motion for a more definite statement. The Court held that the petitioner had satisfied the procedural requisites in her filing and denied the motion.	Aug. 3, 2004
CV 04-04	<i>Timothy G. Whiteagle &amp; Gretchen Eagleman v. Alvin Cloud, Chair of the Gen. Council, in his official capacity; Roberta Funmaker, Gen. Council Sec'y, in her official capacity; and HCN Gen. Council Planning Comm.</i> (HCN Tr. Ct., Aug. 5, 2004) (Matha, T). Order (Granting Defendants' Motion to Dismiss) The Court had to determine whether to grant defendants' motion to dismiss. The Court dismissed the case against the Committee on the basis of sovereign immunity. The Court dismissed the suit against the individual defendants because they no longer retained official authority and therefore the Court would be unable to redress the plaintiff's alleged harm through such parties. The Court noted that even if it was enabled to grant declaratory judgments, the plaintiffs still failed to present a justiciable cause of action as they had no standing.	Aug. 5, 2004
CV 04-22	<i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 6, 2004). (Matha, T). Order (Motion Granted) The Court had to determine whether a permanent guardian could access ITF monies on behalf of an adult incompetent member for costs associated with the designation of a successor permanent guardian. The Court granted the request.	Aug. 6, 2004
CV 04-52	<i>In the Interest of Minor Child: S.M.T., DOB 03/12/87, by Donna L. Thundercloud v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 6, 2004). (Matha, T). Order (Petition Granted) The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with college attendance and transportation. The Court granted the request.	Aug. 6, 2004
CV 04-62	<i>In the Interest of Minor Child: K.R.D., DOB 02/06/87, by Karena M. Nichols v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 6, 2004). (Matha, T). Order (Petition Granted) The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with the purchase of a lap top computer and attendance at college. The Court granted the request.	Aug. 6, 2004
CG 04-102	<i>Alliance Collection Agencies, Inc. v. Carson Funmaker</i> (HCN Tr. Ct., Aug. 20, 2004). (Matha, T). Order (Granting Twenty Days to File Amended Petition) The Court granted the petitioner twenty days to file an <i>Amended Petition</i> with the Court to	Aug. 20, 2004

	establish that the judgment in question had been revived under state law within the previous five years.	
CV 04-16	<i>Marx Advertising Agency, Inc. v. Ho-Chunk Nation d/b/a Ho-Chunk Casino &amp; Bingo, Majestic Pines Casino &amp; Bingo, Rainbow Casino &amp; Bingo, DeJope Bingo &amp; Al Miller &amp; Robert Mudd</i> (HCN Tr. Ct., Aug. 24, 2004). (Matha, T). Order (Conditionally Compelling Discovery Response and Scheduling Motion Hearing) The Court had to determine whether to grant the plaintiff's <i>Motion for Order to Compel Discovery</i> . The defendants failed to respond to the motion. The Court granted the uncontested motion, conditioned upon the plaintiff's ability to overcome the defenses of sovereign immunity from suit and/or lack of subject matter jurisdiction.	Aug. 24, 2004
CV 04-24	<i>Kenneth Lee Twin v. Douglas Greengrass, Francis Decorah, George Lewis, Ho-Chunk Nation and HCN Dep't of Pers.</i> (HCN Tr. Ct., Aug. 24, 2004). (Bossman, W). Order (Denying Motion for Summary Judgment) The Court had to determine whether to grant the plaintiff's <i>Motion for Summary Judgment</i> . The Court held that there were genuine issues as to material fact and that the plaintiff was not entitled to judgment as a matter of law. The Court denied the plaintiff's motion.	Aug. 24, 2004
CV 04-69	<i>Sandra Orozco v. Natividad Orozco</i> (HCN Tr. Ct., Aug. 24, 2004). (Matha, T). Order (Default Judgment) The plaintiff filed a <i>Complaint</i> alleging breach of contract by the defendant. The defendant failed to respond to the complaint within the specified time frame. The Court granted the plaintiff's requested relief.	Aug. 24, 2004
CV 02-93	<i>Ho-Chunk Nation v. Bank of America, N.A.</i> (HCN Tr. Ct., Aug. 31, 2004). (Bossman, W). Order (Denying Motion for Protective Order) The defendant filed a <i>Motion for Protective Order</i> against the plaintiff taking depositions of the corporate entity. The Court denied the defendant's motion.	Aug. 31, 2004
CV 97-117	In the Interest of Adult Incompetent: Oliver S. Rockman ( <i>HCN Tr. Ct., Sept. 3, 2004</i> ). (Bossman, W). Order (Granting Release of Per Capita Funds) The Court had to determine whether a protective payee could access ITF monies on behalf of an adult incompetent member for costs associated with the protective payee's expenses and the member's spending allowance. The Court granted the request.	Sept. 3, 2004
CV 04-16	<i>Marx Adver. Agency, Inc. v. HCN d/b/a Ho-Chunk Casino &amp; Bingo, Majestic Pines Casino &amp; Bingo, Rainbow Casino &amp; Bingo, DeJope Bingo &amp; Al Miller &amp; Robert Mudd</i> (HCN Tr. Ct., Sept. 10, 2004). (Matha, T). Order (Granting Motion to Dismiss) The Court had to determine whether to grant the defendants' <i>Motion to Dismiss</i> based on a claim of sovereign immunity. The Court held that the limited waiver contained in the contract addressed "payment for services delivered," and not payment for anticipated services as the plaintiff was requesting. The Court granted defendants' motion.	Sept. 10, 2004
CG 04-76	<i>Check Advance v. Megan Ray</i> (HCN Tr. Ct., Sept. 13, 2004). (Matha, T). Order (Conditional Denial of Petition) The Court had to determine whether to grant full faith and credit to a foreign judgment. The petitioner failed to submit a superseding judgment in order to rebut respondent's claimed exemptions. The Court denied the petitioner's request for recognition and enforcement.	Sept. 13, 2004
CV 04-83	<i>In the Interest of Minor Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 29, 2004). (Matha, T). Order (Partial Conditional Granting of Petition) The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with the purchase of clothing and a washer and dryer. The Court granted the request as to clothing, conditioned upon the petitioner identifying a	Sept. 29, 2004

	<p>vendor and needed clothing. As to the washer and dryer, the Court conditioned the granting of the request upon the petitioner demonstrating the ability to pay half the total cost.</p>	
CG 04-67	<p><i>Alliance Collection Agencies v. Deborah Thompson</i> (HCN Tr. Ct., Oct. 7, 2004). (Bossman, W).  Order (Petition Granted)  The Court convened a <i>Fact-Finding Hearing</i> to determine whether to grant full faith and credit to a foreign judgment. The Court granted the petitioner's request for recognition and enforcement.</p>	Oct. 7, 2004
CV 03-88	<p><i>Kenneth Lee Twin v. Douglas Greengrass, Executive Dir. of Admin.</i> (HCN Tr. Ct., Oct. 7, 2004). (Matha, T).  Order (Final Judgment)  The Court had to determine whether to grant the defendant's request for summary judgment as to the remaining claims. The Court considered whether the plaintiff filed a timely initial pleading for purposes of satisfying the applicable statute of limitations. HCN STATUTE OF LIMITATIONS &amp; COMMENCEMENT OF CLAIMS, § 1.03(b).  The defendant alleged that the plaintiff's early filing of his cause of action in the Trial Court prior to filing his Level 3 grievance denied the plaintiff's supervisor the ability to answer the grievance and denied the defendant's rights addressed in the HCN STATUTE OF LIMITATIONS. The Court noted that the HCN STATUTE OF LIMITATIONS does not create administrative rights and that depriving an administrator the duty to respond is a ripeness or exhaustion of remedies concern, rather than a statute of limitations issue. The Court also noted that the plaintiff did not, and could not, deny the defendant's assertion of the statute of limitations defense.  While the plaintiff's claim was not stale or late, the Court held that the HCN STATUTE OF LIMITATIONS was applicable because of the explicit language of the statutory provision. The plaintiff could not file his initial pleading with the Court <i>within</i> the prescribed time frame because he neglected to file the Level 3 grievance prior to filing his <i>Complaint</i> with the Court. The Court granted summary judgment in favor of the defendant as to the remaining claims and denied the plaintiff's requests for relief.</p>	Oct. 7, 2004
CV 00-44	<p><i>In the Interest of R.L.W., DOB 11/23/64, by Clarence R. Skinner v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Oct. 8, 2004). (Matha, T).  Order (Second Addendum to Judgment)  The Court previously released funds from the ITF account of an adult incompetent for costs associated with the purchase of a dwelling. The petitioner submitted a motion requesting the additional release of funds for the installation of a lawn. The Court convened a <i>Fact-Finding Hearing</i>. The Court granted the petitioner's request.</p>	Oct. 8, 2004
CV 04-77	<p><i>Patrick L. Houghton v. HCN Office of Tribal Enrollment</i> CN Tr. Ct., Oct. 8, 2004). (Bossman, W).  Order (Denial of Petition)  The Court had to determine whether the petitioner could access his CTF monies to pay for costs associated with his mother's mortgage payments. The Court denied the request.</p>	Oct. 8, 2004
CV 04-55	<p><i>HCN Dep't of Treasury &amp; Ho-Chunk Nation v. Jeff Miller</i> (HCN Tr. Ct., Oct. 11, 2004). (Matha, T).  Order (Requiring Explanation)  The Court required the plaintiffs to adequately explain how the Court may derive subject matter jurisdiction from the APPROPRIATIONS AND BUDGET PROCESS ACT. In the alternative, the Court informed the parties that the plaintiffs could file an amended pleading, provided the plaintiffs could articulate good cause for doing so.</p>	Oct. 11, 2004
CG 04-104	<p><i>Robert Mobley v. Sarah Lemieux</i> (HCN Tr. Ct., Oct. 11, 2004). (Bossman, W).  Judgment  A trial was convened in the instant case. The Court granted a judgment for the plaintiff for the unpaid balance due for the purchase of a motor vehicle.</p>	Oct. 11, 2004

CV 04-43	<p><i>Rick Mattison v. Joan Whitewater</i> (HCN Tr. Ct., Oct. 12, 2004). (Bossman, W). Judgment</p> <p>The Court had to determine whether to grant the defendant's motion to dismiss the instant case. The plaintiff failed to establish the right to relief because neither the plaintiff nor the defendant was a party to the contract for which the plaintiff sought enforcement. The Court granted defendant's motion.</p>	Oct. 12, 2004
CV 03-89	<p><i>Betty J. White v. Dion W. Funmaker</i> (HCN Tr. Ct., Oct. 12, 2004). (Matha, T). Order (Reinstating Garnishment)</p> <p>The Court had to determine whether to garnish the defendant's per capita distribution pursuant to recently passed legislation that enables an elder to seek reimbursement of outstanding debt obligations from a member's per capita payments. The defendant waived his opportunity to rebut the plaintiff's offers of proof by failing to attend the fact-finding session. The Court granted the plaintiff's uncontested requests.</p>	Oct. 12, 2004
CV 04-33	<p><i>Ronald Kent Kirkwood v. Francis Decorah as Dir. of HCN Housing Dep't, and all predecessor directors; Levi Thunder, Iris Cleveland, Donald Greengrass, Mike Goze &amp; Frank Johnson as members of the Hous. Bd. of the Ho-Chunk Nation, and their predecessors; and Wade Blackdeer, Elliot Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas WhiteWing, Gerald Cleveland, Sr., Christine Romano, Myrna Thompson, John Dall, Kathyleen Whiterabbit, and Sharyn Whiterabbit as Legislators of the Ho-Chunk Nation, and all predecessor Legislators</i> (HCN Tr. Ct., Oct. 18, 2004). (Matha, T). Order (Granting Plaintiff's Motion)</p> <p>The plaintiff filed a motion requesting the Court to direct the defendants to comply with his discovery request. The Court deemed the plaintiff's requests for admission permissible under the discovery rules. The Court granted the plaintiff's motion and modified the scheduling order.</p>	Oct. 18, 2004
CV 04-55	<p><i>HCN Dep't of Treasury &amp; Ho-Chunk Nation v. Jeff Miller</i> (HCN Tr. Ct., Oct. 18, 2004). (Matha, T). Order (Accepting Amended Complaint)</p> <p>Plaintiffs filed an <i>Amended Complaint</i>. The Court accepted the pleading, and informed the defendant of his right to respond.</p>	Oct. 18, 2004
CV 02-85	<p><i>In the Interest of Minor Children: J.A.L., DOB 11/20/91 &amp; K.A.L., DOB 08/14/89, by Gary L. Lonetree, Jr. v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Oct. 18, 2004). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a parent could access CTF monies on behalf of his minor children for costs associated with orthodontic procedures, the purchase of musical instruments and continuing lessons, and a European orchestral tour. The Court granted the request.</p>	Oct. 18, 2004
CV 04-32	<p><i>Marcy J. Hawkins v. Ho-Chunk Nation/Casino</i> (HCN Tr. Ct., Oct. 19, 2004). (Matha, T). Order (Dismissal with Prejudice)</p> <p>The plaintiff failed to appear at the <i>Motion Hearing</i>. The Court dismissed the case with prejudice.</p>	Oct. 19, 2004
CV 04-70	<p><i>In the Interest of Adult CTF Beneficiary: Selina Littlewolf, DOB 01/29/84 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Oct. 19, 2004). (Matha, T). Order (Denial of Petition)</p> <p>The Court had to determine whether an adult could access her CTF account to pay for costs associated with the acquisition of medical insurance and legal counsel and</p>	Oct. 19, 2004

	reimbursement of a personal debt obligation to a third party. The Court denied the request. Pertaining to the two (2) former requests, the petitioner could not satisfy the exhaustion requirement.	
CV 04-79	<i>Dorothy Decorah v. Harold A. Lewis</i> (HCN Tr. Ct., Oct. 19, 2004) (Bossman, W). Judgment The Court convened a trial in the instant matter. The Court found that the plaintiff failed to meet her burden of proof. The Court granted judgment in favor of the defendant and dismissed the case.	Oct. 19, 2004
CV 04-24	<i>Kenneth Lee Twin v. Douglas Greengrass, Francis Decorah, George Lewis, Ho-Chunk Nation &amp; HCN Dep't of Pers.</i> (HCN Tr. Ct., Oct. 22, 2004). (Bossman, W). Order (Final Judgment) The Court had to determine whether to grant the plaintiff's request for a <i>Writ of Mandamus</i> requiring a defendant to terminate two other defendants based on the passage of a General Council Resolution. The Court held that it could not provide a remedy for the plaintiff because the plaintiff did not name the Ho-Chunk Legislature as a party. The Court denied the plaintiff's claims and granted judgment for the defendants.	Oct. 22, 2004
CG 04-56	<i>State Collection Serv. v. Rick Hernandez</i> (HCN Tr. Ct., Oct. 29, 2004). (Matha, T). Order (Petition Granted) The Court previously denied the petitioner's request to enforce a foreign judgment because the respondent claimed an exemption to the earnings garnishment. The petitioner filed a certified foreign judgment affirming the respondent's debt obligation. The Court granted the petitioner's request for recognition and enforcement.	Oct. 29, 2004
CV 04-55	<i>HCN Dep't of Treasury &amp; Ho-Chunk Nation v. Jeff Miller</i> (HCN Tr. Ct., Nov. 1, 2004). (Matha, T). Order (Default Judgment) The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to respond within the specified timeframe. The Court granted the plaintiffs' requested relief.	Nov. 1, 2004
CV 97-117	<i>In the Interest of Adult Incompetent: Oliver S. Rockman</i> (HCN Tr. Ct., Nov. 4, 2004). (Bossman, W). Order (Granting Release of Per Capita Funds) The Court had to determine whether a protective payee could access ITF monies on behalf of the adult incompetent for a spending allowance and costs associated with household items. The Court granted the request.	Nov. 4, 2004
CV 04-38-39-40	<i>Daniel M. Brown v. Jim Webster, HCN Exec. Dir. of Bus.</i> (HCN Tr. Ct., Nov. 8, 2004). (Bossman, W). Order (Denying Defendant's Motion to Dismiss & Denying Plaintiff's Motion for Leave of Court) The Court had to determine whether to grant the respective motions filed by the plaintiff and the defendant. The Court denied the defendant's motion because it did not articulate an adequate ground for dismissal. The Court denied the plaintiff's motion since it was filed untimely.	Nov. 8, 2004
CV 04-88	<i>Wehuh Cloud v. Jonette Pettibone &amp; Majestic Pines Casino</i> (HCN Tr. Ct., Nov. 8, 2004). (Matha, T). Order (Dismissal without Prejudice) The plaintiff requested that the Court dismiss the case. The Court dismissed the case without prejudice.	Nov. 8, 2004
CV 04-99	<i>Dallas White Wing v. HCN Gen. Council, through Alvin Cloud, in his official capacity as Acting Chair of the Gen. Council; Judy Whitehorse-Hilmer, in her official capacity as Sec'y of the Gen. Council; and the Ho-Chunk Legislature through Wade Blackdeer,</i>	Nov. 9, 2004

	<p><i>Myrna Thompson, Christine Romano, Gerald Cleveland, Sharon Whiterabbit, Kathyleen Lonetree Whiterabbit, John Dall, Tracy Thundercloud, Elliott Garvin &amp; Clarence Pettibone, in their official capacities as Legislators; and the HCN Election Boards through Mary Ellen Dumas, in her official capacity as Chair of the Election Board</i> (HCN Tr. Ct., Nov. 9, 2004). (Bossman, W).</p> <p>Order (Preliminary Injunction Hearing)</p> <p>The plaintiff filed a motion requesting a preliminary injunction. The Court scheduled a <i>Preliminary Injunction Hearing</i> in order to address the matter.</p>	
CV 04-99	<p><i>Dallas White Wing v. HCN Gen. Council, through Alvin Cloud, in his official capacity as Acting Chair of the Gen. Council; Judy Whitehorse-Hilmer, in her official capacity as Sec'y of the Gen. Council; and the Ho-Chunk Legislature through Wade Blackdeer, Myrna Thompson, Christine Romano, Gerald Cleveland, Sharon Whiterabbit, Kathyleen Lonetree Whiterabbit, John Dall, Tracy Thundercloud, Elliott Garvin &amp; Clarence Pettibone, in their official capacities as Legislators; and the HCN Election Boards through Mary Ellen Dumas, in her official capacity as Chair of the Election Board</i> (HCN Tr. Ct., Nov. 9, 2004). (Bossman, W).</p> <p>Order (Granting Preliminary Injunction)</p> <p>In the instant matter, the Court applied a four-part standard previously adopted by the Court and upheld by the HCN Supreme Court. The Court first had to determine whether the plaintiff possessed an adequate remedy at law. In other words, the Court had to determine whether the plaintiff could reasonably be compensated through money damages. The Court held that monetary relief was not available for any damages the plaintiff might suffer under the laws of the HCN.</p> <p>Under the second prong of the relevant standard, the Court had to determine whether the threatened harm to the plaintiff outweighed the harm of issuing the injunction. The Court held that the possible harms to the plaintiff in fact outweighed the harms posed by issuance of an injunction. The Court then examined the third prong of the applicable standard: whether the plaintiff has a reasonable likelihood of success. The Court held the plaintiff has a reasonable likelihood of success in proving that either his notice or opportunity to be heard was constitutionally deficient.</p> <p>Finally, the Court held that the fourth prong of the test, whether issuing the injunction serves the public interest, was met because granting the injunction as requested by the plaintiff would allow for a full presentation of the issues of this controversy. Because the four prongs of the relevant standard were satisfied, the Court granted the preliminary injunction.</p>	Nov. 9, 2004
CV 04-08	<p><i>Patricia C. Boyles v. Christine Steeples, Exec. Dir. of Health &amp; Soc. Servs.; Hattie Walker, HSS Div. Admin'r.; Toni McDonald, Exec. Dir. of Pers.; George Lewis, HCN Pres.; and Ho-Chunk Nation</i> (HCN Tr. Ct., Nov. 10, 2004). (Bossman, W).</p> <p>Order (Granting Motion for Summary Judgment)</p> <p>The defendants filed a motion requesting that the Court grant summary judgment in their favor. The Court held that there was no genuine issue of material fact in dispute. Additionally, the Court found that the plaintiff failed to follow the administrative procedures required by the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. The Court granted judgment as a matter of law in favor of the defendants.</p>	Nov. 10, 2004
CV 04-27	<p><i>Kenneth Lee Twin v. Toni McDonald, Ho-Chunk Nation &amp; HCN Dep't of Pers.</i> (HCN Tr. Ct.,). (Matha, T).</p> <p>Order (Granting Defendants' Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the defendants' request for summary judgment. The Court found that plaintiff filed his initial pleading in the Trial Court prior to filing any formal grievances pursuant to the Administrative Review Process contained in the HO-CHUNK NATION PERSONNEL POLICIES &amp; PROCEDURES MANUAL. The Court noted the standing precedent from the HCN Supreme Court that grieving employees must exhaust administrative remedies prior to seeking judicial remedies. The Court did not find</p>	Nov. 12, 2004

	material differences in the instant case capable of distinguishing the instant case from precedent. The Court held that the asserted legal issues were not ripe for adjudication and granted the defendants' requested relief.	
CV 04-22	<i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 16, 2004). (Matha, T). Order (Motion Granted) The Court had to determine whether a protective payee could access ITF monies on behalf of the adult incompetent for costs associated with guardianship expenses and fees and purchasing a glider chair. The protective payee also requested a modification of the established quarterly allowance. The Court granted the requests.	Nov. 16, 2004
CG 04-64	<i>Alliance Collection Agencies, Inc. v. Michael Terry</i> (HCN Tr. Ct., Nov. 19, 2004). (Bossman, W). Order (Dismissal Without Prejudice) The petitioner failed to file an <i>Amended Petition</i> within the specified timeframe. The Court dismissed the case.	Nov. 19, 2004
CG 04-102	<i>Alliance Collection Agencies, Inc. v. Carson Funmaker</i> (HCN Tr. Ct., Nov. 19, 2004). (Matha, T). Order (Dismissal Without Prejudice) The petitioner failed to file an <i>Amended Petition</i> within the specified timeframe. The Court dismissed the case.	Nov. 19, 2004
CV 04-60	<i>Kathy Dlask v. Ho-Chunk Casino</i> (HCN Tr. Ct., Dec. 6, 2004). (Bossman, W). Order (Granting Motion to Dismiss) The Court had to determine whether to grant the defendant's <i>Motion to Dismiss</i> . The Court concluded that the plaintiff did not file her <i>Complaint</i> within the timeframe provided in the HCN PERSONNEL POLICIES AND PROCEDURES MANUAL and in the HCN STATUTE OF LIMITATIONS. The Court granted the defendant's <i>Motion to Dismiss</i> .	Dec. 6, 2004
CV 04-71	<i>Kathy Dlask v. Ho-Chunk Casino &amp; Steve Anderson</i> (HCN Tr. Ct., Dec. 6, 2004). (Bossman, W). Order (Granting Motion to Dismiss) The Court had to determine whether to grant defendants' <i>Motion to Dismiss</i> . The Court concluded that the plaintiff did not file her <i>Complaint</i> within the timeframe provided in the HCN PERSONNEL POLICIES AND PROCEDURES MANUAL and in the HCN STATUTE OF LIMITATIONS. The Court also concluded that the doctrine of <i>respondeat superior</i> did not apply. The Court granted the defendants' <i>Motion to Dismiss</i> .	Dec. 6, 2004
CV 04-83	<i>In the Interest of Minor Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 6, 2004). (Matha, T). Order (Requesting Respondent's Recommendations) The Court previously conditionally granted the petitioner's request, provided that the petitioner submit the proper documentation to the Court. Both Ho-Chunk Nation and federal law impose the condition of necessity pertaining to expenditures concerning a child's welfare. The Court requested the assistance of the policy-making branch of government in erecting reasonable guidelines for use in this, and other, CTF cases.	Dec. 6, 2004
CV 04-101	<i>In the Interest of Minor Child: J.L.G., DOB 07/24/92, by Willa RedCloud v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 6, 2004). (Matha, T). Order (Petition Granted) The Court had to determine whether the temporary guardian could access CTF monies on behalf of the minor child for costs associated with orthodontics and eyewear. The Court granted the request.	Dec. 6, 2004
CG 04-130	<i>Larry Richardson v. Kimberly Lynn Kuhn</i> (HCN Tr. Ct., Dec. 14, 2004). (Matha, T).	Dec. 14, 2004

	<p>Order (Petition Granted)</p> <p>The Court had to determine whether to grant full faith and credit to a foreign judgment. The respondent filed a timely response, but failed to provide a cognizable objection to the action. The Court granted the petitioner's request for recognition and enforcement.</p>	
CV 04-47	<p><i>HCN Heath &amp; Soc. Servs. and Ho-Chunk Nation v. Sterling Greenwood &amp; Roseann Mann a/k/a Roseann Mann Greenwood</i> (HCN Tr. Ct., Dec. 15, 2004). (Matha, T).</p> <p>Order (Partial Default Judgment)</p> <p>The defendants failed to answer the <i>Amended Complaint</i> despite proper service of process. The Court granted a default judgment against the defendants. However, the Court granted only that relief requested by the plaintiffs that is permissible under the laws of the HCN.</p>	Dec. 15, 2004
CG 04-87	<p><i>Discover Bank by its Servicing Agent v. Jaime Syens</i> (HCN Tr. Ct., Dec. 15, 2004). (Bossman, W).</p> <p>Order (Granting Sixty Days to Achieve Service)</p> <p>The Court has been unable to provide the respondent service of process. The Court granted a sixty (60) day extension so that the Court may achieve service of process upon the respondent.</p>	Dec. 15, 2004
CV 04-83	<p><i>In the Interest of Minor Children: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 16, 2004). (Matha, T).</p> <p>Order (Partial Granting of Petition)</p> <p>The Court had to determine whether the temporary guardian could access CTF monies on behalf of the minor child for costs associated with the purchase of clothing and a washer and dryer. The Court previously requested that the respondent provide the Court with suggested guidelines for use in such cases, as well as a recommendation. The Court granted the petitioner's clothing request. In addition, the Court authorized the release of funds for a washer and dryer, provided that the petitioner submit a revised purchase order for a washer and dryer in a more moderate price range. The Court denied the petitioner's request for clothing from an on-line retailer, since the items of clothing did not constitute necessities.</p>	Dec. 16, 2004
CV 97-117	<p><i>In the Interest of Adult Incompetent: Oliver S. Rockman</i> (HCN Tr. Ct., Dec. 21, 2004). (Bossman, W).</p> <p>Order (Granting Release of Per Capita Funds)</p> <p>The Court had to determine whether the protective payee could access ITF monies on behalf of the ward for costs associated with family Christmas gifts. The Court granted the request.</p>	Dec. 20, 2004
CG 04-53	<p><i>Alliance Collection Agencies, Inc. v. Donna R. Pabst</i> (HCN Tr. Ct., Dec. 21, 2004). (Matha, T).</p> <p>Order (Modifying Garnishment)</p> <p>The Court previously recognized and enforced a foreign civil judgment against the respondent's wages. The petitioner filed a motion to amend garnishment, requesting accrued interest until the debt obligation is paid in full. The respondent failed to respond within the specified time frame. The Court granted the uncontested motion.</p>	Dec. 21, 2004
CV 04-72	<p><i>Joyce L. Warner v. Ona Garvin, Dir. of Gaming &amp; James Webster, Dir. of Bus.</i> (HCN Tr. Ct., Dec. 28, 2004). (Bossman, W).</p> <p>Order (Denying Motion for Continuance)</p> <p>The plaintiff requested a continuance of the <i>Motion Hearing</i>. The Court denied the plaintiff's request.</p>	Dec. 23, 2004

Case No.	Description	Decision Date
CV 02-94	<p><i>In the Interest of Minor Child: W.S.S., DOB 01/26/94, by Tina S. Smith-Kelly v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 11, 2005). (Matha, T). Order (Contempt)</p> <p>The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The Court previously released funds from the CTF account of a minor child for costs associated with professional reading and mathematics tutoring. Despite receiving additional judgments from the Court requesting accounting, the petitioner failed to submit accounting confirming the proper use of the funds. The petitioner subsequently failed to attend the <i>Show Cause Hearing</i>, resulting in her inability to rebut the prima facie showing of contempt. The court held the petitioner in contempt and imposed a reasonable remedial sanction.</p>	Jan. 11, 2005
CV 04-58	<p><i>Sarita White v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 14, 2005). (Bossman, W). Order (Granting Defendant's Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the defendant's request for summary judgment. The Court determined that the decision of the Committee on Tribal Enrollment was "supported by substantial evidence and not arbitrary, capricious or an abuse of discretion." The Court accordingly upheld the Committee's decision and granted the defendant's motion for summary judgment.</p>	Jan. 14, 2005
CV 04-22	<p><i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 24, 2005). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the adult incompetent for costs associated with maintaining a residence. The Court granted the request.</p>	Jan. 24, 2005
CV 96-46	<p><i>In re: Bruce Patrick O'Brien, by Elethe Nichols v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 3, 2005). (Bossman, W). Order (Petition Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward for costs associated with the payment of property taxes. The Court granted the request.</p>	Feb. 3, 2005
CV 02-82	<p><i>Casimir T. Ostrowski v. Ho-Chunk Nation, HCN Pers. Dep't &amp; Ho-Chunk Casino</i> (HCN Tr. Ct., Feb. 8, 2005). (Bossman, W). Judgment (For Defendants)</p> <p>The plaintiff was terminated from his position as a cage cashier at the HCC. He filed an action for reinstatement to his former position, lost wages and benefits, and other relief. The Court granted a judgment in favor of the defendants and upheld the termination. The Court found that the plaintiff did not meet his burden of proving that the termination was contrary to the laws of the Nation.</p>	Feb. 8, 2005
CV 98-18	<p><i>In the Interest of Kathy Brandenburg v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 9, 2005). (Bossman, W). Order (Directing Submission of Documents)</p> <p>The case was previously closed by order of the Court. The petitioner recently filed a new <i>Petition</i> in the matter. The Court directed the petitioner to submit certified copies of foreign court orders determining incompetence and appointing a guardian. The Court also directed the petitioner to make a written request to reopen the case.</p>	Feb. 9, 2005

CV 04-33	<p><i>Ronald Kent Kirkwood v. Francis Decorah, in his official capacity as Dir. of HCN Hous. Dep't, and all predecessor directors, in their official capacity; Levi Thunder, Iris Cleveland, Donald Greengrass, Mike Goze &amp; Frank Johnson, in their official capacity as members of the Hous. Bd. of the Ho-Chunk Nation, and their predecessors; and Wade Blackdeer, Elliot Garvin, Clarence Pettibone, Tracy Thundercloud, Dallas WhiteWing, Gerald Cleveland, Sr., Christine Romano, Myrna Thompson, John Dall, Kathyleen Whiterabbit &amp; Sharyn Whiterabbit, in their official capacity as Legislators of the Ho-Chunk Nation, and all predecessor Legislators</i> (HCN Tr. Ct., Feb. 11, 2005). (Matha, T).</p> <p>Order (Partially Granting Plaintiff's Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the plaintiff's motion for summary judgment. The Court granted the motion in part, but required further discovery and submission of legal memoranda in order to address the remaining issues. The Court addressed each of the enumerated defenses offered by the defendants: laches, immunity from suit and failure to state a claim. The Court declined to address the latter defense, due to its constitutional nature, citing the principle that courts should avoid constitutional questions if a judgment may rest on other grounds. <i>Crowell v. Benson</i>, 285 U.S. 22, 62 (1932).</p> <p>The Court also dispensed with the sovereign immunity defense offered by the defendants, finding that the Court could consider granting prospective injunctive relief, which can possess an ancillary monetary impact. The defense under the doctrine of laches reflected the equitable, rather than legal nature of the suit. Within the decision, the Court provided a history of the legal/equitable dichotomy within court systems. The Court noted that the difference between legal and equitable relief is marked by the distinction between retroactive and prospective application.</p> <p>In order to assess the application of the laches defense to the case at hand, the Court set forth the previously adopted three-part test for determining the proper application of the doctrine of laches. A defendant must demonstrate: "1) unreasonable delay, 2) lack of knowledge on the part of the party asserting the defense that the other party would assert the right on which he bases his suit, and 3) prejudice to the party asserting the defense in the even the action is maintained." <i>Funmaker v. Jones et al.</i>, CV 97-72 (HCN Tr. Ct., Nov. 26, 1997) at 14. The Court found that the defendants did not produce any allegations of prejudice, and held the laches defense inapplicable.</p> <p>After dispensing with the proffered defenses, the Court considered the plaintiff's substantive claims and examined the legislative resolution at issue. <i>See</i> HCN LEG. RES. 08-18-98B. The Court determined that had the plaintiff filed his suit after Resolution 08-18-98B was passed, but before the resolution regarding "Elder Point Criteria" was passed in 2003, the Court could have entered appropriate injunctive relief. However, at this point in time, the granting of retroactive injunctive relief against officials would constitute compensation for a past statutory violation, which directly equates with a legal claim for monetary damages. The Court could not consider this option absent an express waiver of sovereign immunity from suit. CONST. ART. XII, § 1. The Court therefore reopened the discovery period in order for the parties to facilitate a further disclosure of relevant facts. The Court foresaw a two-fold inquiry: 1) whether the practical effect of the "Elder Point Criteria" is to absolutely bar the plaintiff from housing assistance, thereby violating the Membership Act, and 2): if the "Elder Point Criteria" does not constitute an absolute bar, whether it is constitutional. The Court directed the parties to prepare answers to questions relevant to this inquiry.</p>	Feb. 11, 2005
CV 05-16	<p><i>In the Interest of Gerald Greendeer, by Alma Miner v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 25, 2005). (Bossman, W).</p> <p>Order (Petition Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward for costs associated with the payment of fines. The Court granted the request.</p>	Feb. 25, 2005

CV 98-18	<p><i>In the Interest of Kathy Brandenburg v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 10, 2005). (Bossman, W).</p> <p>Order (Reopening Case and Directing Submission of Documents)</p> <p>The Court determined to reopen the case and directed the guardian to submit further information.</p>	Mar. 10, 2005
CV 97-117	<p><i>In the Interest of Adult Incompetent: Oliver S. Rockman</i> (HCN Tr. Ct., Mar. 22, 2005). (Bossman, W).</p> <p>Order Granting Release of Funds and Releasing Protective Payee</p> <p>The Court had to determine whether a protective payee could access ITF monies on behalf of the adult incompetent member for costs associated with the purchase of electronics, a computer for a family member and protective payee services. The Court granted the request as to the electronics and protective payee expenses. The Court also granted the protective payee's request to be relieved of her duties.</p>	Mar. 22, 2005
CV 04-43	<p><i>Guy Frederick Beebe v. Ho-Chunk Nation</i>, CV 04-34 (HCN Tr. Ct., Mar. 24, 2005). (Matha, T).</p> <p>Order (Final Judgment)</p> <p>The plaintiff initiated the cause of action after his termination for the alleged revelation of the nature and contents of a confidential meeting. The plaintiff's supervisor received an incident report from a member of the HCN Gaming Commission, indicating that the plaintiff informed her that he had tipped off a vendor in regards to a confidential meeting held a few days earlier. The plaintiff's supervisor brought the report to the department's Executive Director, who subsequently terminated the plaintiff. The plaintiff received no forewarning, nor an opportunity to be heard, prior to his termination. The plaintiff subsequently exhausted his remedies under the Administrative Review Process. The Court had to determine whether to uphold the plaintiff's termination.</p> <p>The Court declined to uphold the plaintiff's termination since the plaintiff did not receive a pre-termination hearing. The Court noted the recurring history and explanation of the requirement of a meaningful opportunity to be heard prior to an employee's termination, which appears in the binding precedent of the HCN Judiciary. Furthermore, the Court declined to proceed to determining whether the plaintiff's termination was justified for breach of confidentiality, since the justification for an employment decision is irrelevant when an employee does not receive constitutionally mandated due process protections.</p> <p>While the Court overturned the plaintiff's termination, the Court denied the plaintiff's requested injunctive relief because the plaintiff did not properly request the injunction. The Court awarded the plaintiff \$10,000.00 in monetary damages and directed the HCN Department of Personnel to reinstate the plaintiff to a position with a comparable wage. The Court also ordered the Personnel Department to remove negative references from the plaintiff's personnel file, award the plaintiff bridged service credit, and restore the plaintiff's seniority.</p>	Mar. 24, 2005

CV 05-17	<p><i>In the Interest of Minor Children: J.J.N., DOB 06/23/88; J.D.N., DOB 08/27/91; J.D.N., DOB 08/27/91, by Mary Frances Ness v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 30, 2005). (Bossman, W).</p> <p>Order (Petition Granted)</p> <p>The Court had to determine whether a parent could access CTF monies on behalf of her minor children for costs associated with a home mortgage. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8c, to assess the merits of the parent’s request. The Court noted the similarity of the instant case to <i>In the Interest of Minor Children: T.J.M., DOB 10/25/88; A.M.M., DOB 07/02/90, by Kendra Tarr v. HCN Office of Tribal Enrollment</i>, wherein there were “egregious circumstances” warranting the release of CTF funds to pay home mortgage expenses. <i>Order (Petition Granted) CV 03-83</i> (HCN Tr. Ct., Feb. 3, 2004). In the case at hand, as in <i>Tarr</i>, the family faced the possible loss of the family home through foreclosure. The Court also noted that the petitioner satisfied her burden of proof, that the petitioner had no other available recourse to tribal or any other programs or funds, and that the petitioner had requested assistance on an already existing mortgage, representing a significant commercial investment on behalf of the family. The Court further noted that the petitioner limited her request to mortgage assistance, that she requested a relatively minimal amount, and that she did not request either full satisfaction of the mortgage or an ongoing payment scheme. Taking these factors into account, the Court granted the petitioner’s request.</p>	Mar. 30, 2005
CV 05-02	<p><i>Corinna M. Climer v. CFS; Betty Kingsley, CFS Dir.; Liz Haller, Div. Adm’r; and Mollie White, Clinical Dir.</i> (HCN Tr. Ct., Apr. 13, 2005). (Bossman, W).</p> <p>Order (Dismissal)</p> <p>The defendants filed a <i>Motion to Dismiss</i>. The respondent failed to respond within the specified timeframe.</p> <p>The Court granted the motion.</p>	Apr. 13, 2005
CV 04-05	<p><i>HCN Legislature, Tracy Thundercloud, in his official capacity as Chair of the HCN Legislature Finance Committee v. HCN President, George Lewis</i> (HCN Tr. Ct., Apr. 18, 2005). (Bossman, W).</p> <p>Order (Denying Plaintiff’s Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the plaintiff’s motion for summary judgment. The Court determined that the plaintiff failed to establish that there were no genuine issues as to material fact. The Court denied the plaintiff’s motion.</p>	Apr. 18, 2005
CV 04-22	<p><i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 25, 2005). (Matha, T).</p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward for costs associated with his adult child’s wedding expenses. The Court partially granted the request.</p>	Apr. 25, 2005
CV 05-16	<p><i>In the Interest of Gerald Greendeer, DOB 01/03/43, by Alma Miner v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 29, 2005). (Bossman, W).</p> <p>Order (Release of Per Capita Distribution)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward for costs associated with the ward’s court fines, civil judgments, and other expenses. The Court granted the request.</p>	Apr. 29, 2005

CV 05-38	<p><i>Kenneth Lee Twin v. Ho-Chunk Nation, Ho-Chunk Nation Legislature, and Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., May 04, 2005). (Bossman, W).</p> <p>Order</p> <p>The plaintiff, Mr. Twin, filed an election challenge, and the court scheduled a trial. The plaintiff has the burden of proving by clear and convincing evidence that there was a violation of the Election Ordinance, and that the outcome of the election would have been different but for the violation. The Court consolidated this case with the case of <i>Anna R. Funmaker v. Ho-Chunk Nation Election Board and Mary Ellen Dumas as Chair of the Ho-Chunk Nation Election Board</i>, CV 05-36 due to their similarity of the issues presented.</p>	May 4, 2005
CV 05-39	<p><i>Isaac (Ike) Wayne Greyhair v. Ho-Chunk Nation and Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., May 04, 2005). (Matha, T).</p> <p>Scheduling Order</p> <p>The plaintiff, Mr. Greyhair, timely challenged the results of the General Primary Election. The Court enters this <i>Order</i> to facilitate and ensure a just and fair proceeding within the condensed timeframe required by the CONSTITUTION.</p>	May 04, 2005
CV 05-40	<p><i>Dennis M. Funmaker Sr. v. Ho-Chunk Nation Election Board: Mary Ellen Dumas et al.</i> (HCN Tr. Ct., May 05, 2005). (Matha, T).</p> <p>Scheduling Order</p> <p>The Court issued this <i>Scheduling Order</i> to establish dates and deadlines for the instant case. The plaintiff, Mr. Funmaker, timely challenged the results of the General Primary Election. The Court entered this <i>Order</i> to facilitate and ensure a just and fair proceeding within the condensed timeframe required by the CONSTITUTION.</p>	May 05, 2005
CV 04-26	<p><i>In the Interest of Minor Child: N.L.S., DOB 02/15/92 by Jennifer L. White Eagle v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., May 06, 2005). (Matha, T).</p> <p>Order (Partial Release of Contempt Fine)</p> <p>The Court must determine whether to retain the entire contempt fine withheld from (Ms. White Eagle's) the petitioner's per capita distribution. The petitioner failed to submit an accounting prior to the date upon which the Court indicated that it would purge the fine. Yet, the contempt fine served its remedial purpose of compelling obedience with standing judicial directives. The Court will release the majority of the accumulated contempt fine to the petitioner.</p>	May 06, 2005
CV 05-40	<p><i>Dennis M. Funmaker, Sr. v. Ho-Chunk Nation Election Board: Mary Ellen Dumas et al.</i> (HCN Tr. Ct., May 13, 2005). (Matha, T).</p> <p>Order (Preliminary Determinations)</p> <p>The Court must rule upon a challenge to the General Primary Election. In its preliminary determinations, the Court performed an exhaustive review of nineteen (19) cases dealing with recusal, and none of decisions directly dealt with the current factual situation. However the Court drew comparisons. First, the Supreme Court sought the appointment of <i>pro tempore</i> justices on four (4) occasions due to a current or past working relationship between the sitting justice and the parties. Second, no sitting justice should hear an appeal involving an incumbent justice's challenge to his or her election. As no conflict exists, the presiding judge will fully adjudicate the case. Furthermore the Court joined Associate Justice Jo Deen B. Lowe as a party to the instant suit.</p>	May 13, 2005

CV 02-14	<p><i>Ho-Chunk North, Wittenberg, Wisconsin, Division of Ho-Chunk Nation Department of Business, and Ho-Chunk Nation v. Wayne's Transport, Inc.: Wayne's Trucking, Inc.: Wayne L. Hirt and Lisa Hirt et al.</i> (HCN Tr. Ct., May 17, 2005). (Matha, T).  Order (Granting Plaintiffs' Motion to Reopen and Modify)  The Court must determine whether to modify its previous decision, which amended payment terms of a settlement agreement that the Court incorporated into the decision. The plaintiffs filed a motion requesting that the Court enter a judgment against the defendants due to a failure to adhere top the conditions of the settlement agreement. The defendants admitted to the infractions. The Court grants the plaintiffs' motion in light of the admission.</p>	May 17, 2005
CV 05-36	<p><i>Anna R. Funmaker v. Ho-Chunk Nation Election Board, Mary Ellen Dumas, as Chair of the Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., May 19, 2005). (Bossman, W).  Order Denying Election Challenge  The plaintiff, Ms. Funmaker, has the burden of proving by clear and convincing evidence that there was a violation of the Election Ordinance, and that the outcome of the election would have been different but for the violation. The violation alleged in this case is that the recount conducted on April 24, 2005 was not done according to the applicable law. The programming error that led to the incorrect official results being made available to the public was extremely unfortunate. However, the Court cannot find that there has been a violation of the Election Ordinance.</p>	May 19, 2005
CV 05-38	<p><i>Kenneth Lee Twin v. Ho-Chunk Nation, Ho-Chunk Nation Legislature, and Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., May 19, 2005). (Bossman, W).  Order Denying Election Challenge  The plaintiff, Mr. Twin, has the burden of proving by clear and convincing evidence that there was a violation of the Election Ordinance, and that the outcome of the election would have been different but for the violation. The violation alleged in this case is that the recount conducted on April 24, 2005 was not done according to the applicable law. The programming error that led to the incorrect official results being made available to the public was extremely unfortunate. However, the Court cannot find that there has been a violation of the Election Ordinance.</p>	May 19, 2005
CV 05-40	<p><i>Dennis M. Funmaker, Sr. v. Ho-Chunk Nation Election Board: Mary Ellen Dumas et al.</i> (HCN Tr. Ct., May 20, 2005). (Matha, T).  Order (Granting Motion for Discovery)  Previously the Court chose to join defendant Lowe to afford her an opportunity to protect her interests. As a result, the defendant had a diminished ability to conduct discovery.</p>	May 20, 2005
CV 05-39	<p><i>Isaac (Ike) Wayne Greyhair v. Ho-Chunk Nation Election Board</i>, (HCN Tr. Ct., May 23, 2005). (Matha, T).  Order (Denying Election Challenge)  The Court must determine whether to grant the plaintiff's request fro relief. However, the plaintiff, Mr. Grayhair, failed to satisfy the statutorily imposed burden of proof. Thus the Court denies the election challenge.</p>	May 23, 2005

CV 05-40	<p><i>Dennis M. Funmaker Sr. v. Ho-Chunk Nation Election Board: Mary Ellen Dumas et al.</i> (HCN Tr. Ct., May 24, 2005). (Matha, T).</p> <p>Order (Final Judgment)</p> <p>A strict application of the Election Ordinance to the facts would result in a victory for the plaintiff, Mr. Funmaker. The Supreme Court has identified a difference that separates the constitutional judicial election provisions and its presidential and legislative counterparts, namely the addition of the phrase, “unless otherwise provide.” Please see, CONST., ART. VII, § 10. The Court enjoined the holding of a run-off election for Associate Justice, and directs the Election Board to declare the plaintiff the winner of the General Election.</p>	May 24, 2005
CV 05-13	<p><i>Mary Stone v. Robin A. Stone</i> (HCN Tr. Ct., May 26, 2005). (Bossman, W.).</p> <p>Order (Default Judgment)</p> <p>The Court must determine whether to award the plaintiff, Ms. Mary Stone, the relief requested in her <i>Complaint</i>. The defendant failed to file a timely answer, leading the Court to grant a default judgment in favor of the plaintiff.</p>	May 26, 2005
CV 05-15	<p><i>In the Interest of D.P.G., DOB 08/28/82, by Regina Taylor and Tony Salo v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 27, 2005). (Matha, T).</p> <p>Order (Motion Granted in Part)</p> <p>The Court must determine whether the general conservators can access monies on behalf of an adult incompetent member from the Incompetent’s Trust Fund (ITF) to pay for costs associated with housing, household items, and entertainment-related expenses. The Court grants a release of funds to satisfy the requests of the conservators.</p>	May 27, 2005
CV 05-29	<p><i>In the Interest of Adult CTF Beneficiary: Alicia Blackhawk, DOB 10/25/81 v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., May 27, 2005). (Matha, T).</p> <p>Order (Granting Petition)</p> <p>The Court must determine whether an adult can access her Children’s Trust Fund (CTF) account to secure funds to purchase an automobile. The Court grants a release of funds because the petitioner has satisfied the standard erected for consideration of an automobile request.</p>	May 27, 2005
CV 04-99	<p><i>Dallas White Wing v. Ho-Chunk Nation General Council, through Alvin Cloud, in his official capacity as Acting Chair of the General Council; Judy Whitehorse-Hillmer, in her official capacity as Secretary of the General Council; and the Ho-Chunk Legislature through Wade Blackdeer, Myrna Thompson, Christine Romano, Gerald Cleveland, Sharon Whiterabbit, Kathyleen Lonetree Whiterabbit, John Dall, Tracy Thundercloud, Elliott Garvin, and Clarence Pettibone, in their official capacities as Legislators; and the Ho-Chunk Nation Election Board through Mary Ellen Dumas, in her official capacity as Chair of the Election Board</i> (HCN Tr. Ct. June 03, 2005). (Bossman, W).</p> <p>Order (Denying Motion to Dismiss and Denying Motion for Reconsideration)</p> <p>The Court had to determine whether to grant the defendant’s <i>Motion to Dismiss and Motion for Reconsideration</i>. The Court denied both motions.</p>	June 03, 2005
CV 05-31	<p><i>In the Interest of Minor Child: S.R.D., DOB 04/08/02, by Jason Decorah v. Ho-Chunk Nation Office of Enrollment</i> (HCN Tr. Ct., June 03, 2005). (Matha, T).</p> <p>Order (Petition Denied)</p> <p>The Court had to determine whether a parent could access CTF monies on behalf of his minor child for costs associated with child care. The Court applied the four-part test enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8c to assess the merits of the parent’s request. The Court determined that the petitioner failed to satisfy the second prong of the four-part test, <i>i.e.</i>, a failure to show necessity as presented at the <i>Fact Finding Hearing</i>. The Court accordingly denied the request.</p>	June 03, 2005

CG 05-56	<p><i>In the Matter of the Outstanding Obligations of: Joseph H. Coon</i> (HCN Tr. Ct., June 07, 2005). (Matha, T).</p> <p>Order (Extension of Full Faith &amp; Credit)</p> <p>The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. Dane County Circuit Court filed a certified copy of its money judgment against the debtor, representing an assessment of judicial fines and penalties. The Court recognized and enforced the foreign judgment out of due respect to its state counterpart.</p>	June 07, 2005
CV 04-75-76	<p><i>Elizabeth Deere v. Annette Littlewolf, Individually and in her Individual Capacity; Elizabeth Deere v. Willard Lonetree, Individually and in his Individual Capacity, Monty Green, Individually and in his Individual Capacity, HCN Personnel Dep't; and Ho-Chunk Nation</i> (HCN Tr. Ct., June 15, 2005). (Bossman, W).</p> <p>Order (Denying Motion to Compel Discovery and Postponing Pre-Trial Conference)</p> <p>The plaintiff failed to request for an extension of the discovery deadline in a timely manner. The Court accordingly denied the plaintiff's <i>Motion to Compel Discovery</i>. The Court also granted plaintiff's request for a postponement of the <i>Pre-Trial Conference</i>.</p>	June 15, 2005
CV 05-48-49	<p><i>Christine Funmaker-Romano v. Ho-Chunk Nation Election Board, Mary Ellen Dumas Chairman; Gerald Cleveland, Sr. v. Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., June 29, 2005). (Bossman, W).</p> <p>Judgment</p> <p>Both cases are election challenges filed by two (2) incumbent legislators who were defeated by their challengers in the June 7, 2005 General Election. The Court found clear and convincing evidence that there were two (2) violations of the Election Ordinance. First, the Final Notice and Rules of General Election gave notice of the incorrect location for the Madison polling place for the June 7, 2005 election. And second, the election officials at the Wisconsin Dells polling place exceeded the authority granted under the Election Ordinance by requiring documentary proof of identity even when the identity of the prospective voter was well known to one or more of the election officials. However, the Court also found that neither plaintiff met the statutory burden of proof by clear and convincing evidence that the outcome of the election would have been different but for the violations. Therefore, the election challenges filed by the plaintiffs were both denied.</p>	June 29, 2005
FM 05-01	<p><i>Carol La Mere v. Mike La Mere</i>, (HCN Tr. Ct., June 30, 2005). (Bossman, W).</p> <p>Order (Granting Divorce)</p> <p>The Court had to determine whether to grant dissolution of the marriage of the parties by divorce. The Court found that all jurisdictional and factual requirements were met and granted a decree of divorce.</p>	June 30, 2005
CV 05-48-49	<p><i>Christine Funmaker-Romano v. Ho-Chunk Nation Election Board, Mary Ellen Dumas, Chairperson; Gerald Cleveland, Sr. v. Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., July 5, 2005). (Matha, T).</p> <p>Order (Granting Preliminary Injunction)</p> <p>The Court had to determine whether to enjoin the swearing-in of two (2) legislators-elect scheduled for Wednesday, July 6, 2005. On Friday, July 1, 2005, the plaintiffs filed the instant motion in conjunction with an appeal of the June 29, 2005 final judgment. The Court granted the preliminary injunction to afford appellate review of the trial level decision.</p>	July 5, 2005

CV 05-48-49	<p><i>Christine Funmaker-Romano v. Ho-Chunk Nation Election Board, Mary Ellen Dumas Chairman; Gerald Cleveland, Sr. v. Ho-Chunk Nation Election Board</i> (HCN Tr. Ct., July 5, 2005). (Matha, T).</p> <p>Erratum Order</p> <p>The Court had to clarify its previous <i>Order</i>. The Court, in its haste to enter a timely decision, errantly described the granted injunction as preliminary in nature. To clarify, the Court granted the equitable injunction pursuant to its authority under the COURT OF THE HO-CHUNK NATION, ART. VII, §6(a).</p>	July 5, 2005
CV 04-97	<p><i>Kristin K. White Eagle v. Ho-Chunk Casino, Ho-Chunk Nation</i> (HCN Tr. Ct., July 14, 2005). (Matha, T).</p> <p>Order (Final Judgment)</p> <p>The Court needed to determine whether to uphold the plaintiff's termination for reasons associated with unexcused absences. The plaintiff attempted to seek approval of an Unpaid Leave of Absence in accordance with the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. The defendants denied the plaintiff's leave request, which conflicted with the plaintiff's traditional obligations. Consequently, the defendants terminated the plaintiff's employment. The Court, in an effort to acknowledge and accommodate tribal law and Ho-Chunk traditions and customs, finds the termination unreasonable. The Court overturns the termination and awards the plaintiff appropriate relief.</p>	July 14, 2005
CV 96-46	<p><i>In Re: Bruce Patrick O'Brien by Elethe Nichols, Guardian v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., July 25, 2005). (Gouty-Yellow, T).</p> <p>Order (Motion Granted &amp; Hearing Ordered)</p> <p>The Court needed to determine whether to release the monies from an incompetent tribal member's trust fund for respite care and the purchase of a vehicle. The Court directed the partial release of the ITF account to satisfy the request of the guardian and in part orders a hearing to address the remainder of the request.</p>	July 25, 2005
CV 04-36	<p><i>Ho-Chunk Casino &amp; Hotel, et al. v. Rory Emerson Thundercloud et al.</i> (HCN Tr. Ct., Aug. 17, 2005). (Matha, T).</p> <p>Order (Requiring Amended Complaint)</p> <p>The Court needed to determine whether to grant a default judgment against the defendants. The defendants failed to answer the <i>Complaint</i> despite proper service of process. The Court, however, declines to enter a decision due to the plaintiffs' failure to articulate a basis for the exercise of subject matter jurisdiction. The Court required the plaintiffs to file an amended pleading.</p>	Aug. 17, 2005
CV 98-18	<p><i>In the Interest of Adult Incompetent: K.B., by Jon B. Bahr, River Valley Guardians, Inc. v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 19, 2005). (Gouty-Yellow, T).</p> <p>Order</p> <p>The Court had to determine whether the corporate guardian can access monies on behalf of an adult incompetent from the member's ITF. The Court granted the release of funds to satisfy the request of the guardian and sets forth a monthly fee for the ongoing administration of this ward's circumstances.</p>	Aug. 19, 2005

CV 04-27	<p><i>Kenneth Lee Twin v. Toni McDonald et al.</i> (HCN Tr. Ct., Aug. 25, 2005). (Matha, T). Order (Determination upon Remand)</p> <p>The Supreme Court of the Ho-Chunk Nation reversed and remanded a decision that this Court rendered in an employment action. The Supreme Court instructed the Court to convene further proceedings, suggesting the scheduling of a pre-trial motion phase. The Court determined the remand on the basis of a motion to dismiss. The plaintiff did not properly file a minimum of two (2) administrative grievances to his department director and Office of the President. The Court grants the defendants' request for dismissal on the same grounds as its earlier grant of summary judgment.</p>	Aug. 25, 2005
CV 03-27	<p><i>In the Interest of: E.S., DOB 02/01/55, by Cecelia Sine, Legal Guardian v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 29, 2005). (Gouty-Yellow, T). Order (Granting Petition)</p> <p>The Court had to determine whether to grant a release of funds from the Incompetent's Trust Fund. The Court grants the request for release of ITF Funds for home modification, reimbursements, and a monthly living allowance.</p>	Aug. 29, 2005
CG 05-76	<p><i>State Collection Service v. Patrick Roberge</i> (HCN Tr. Ct., Sept. 7, 2005). (Matha, T). Order (Declining to Enter Judgment)</p> <p>The Court has instituted standard procedures for the processing of civil garnishment actions. After the filing of a <i>Petition to Register &amp; Enforce a Foreign Judgment or Order</i> (hereinafter <i>Petition</i>), the Court will confirm the employment status of the respondent correspondence with the Ho-Chunk Nation Department of Personnel. The Court will return the initial pleading and filing fee of the petitioner in the event that the Ho-Chunk Nation has severed the employment relationship with the respondent. In the instant case, the petitioner informed the Court of its desire to release the current garnishment with the express approval of the creditor.</p>	Sept. 7, 2005
CV 04-51	<p><i>Ho-Chunk Nation Department of Treasury et al. v. Amanda Colburn</i> (HCN Tr. Ct., Sept. 8, 2005). (Matha, T). Order (Dismissal without Prejudice)</p> <p>The Court must determine whether to dismiss the instant action due to a failure to effectuate service of process. Agents of the Court could not locate the defendant at the address provided in the initial pleading, and the Court has no information regarding the defendant's present whereabouts. The Court dismisses the case without prejudice.</p>	Sept. 8, 2005
CV 05-42	<p><i>In the Interest of Minor Child: J.M.M., DOB 11/12/91, by Ayako Thundercloud-Poff v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 8, 2005). (Matha, T). Order (Petition Denied)</p> <p>The Court employs the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the parent's request. The Court denies a release of funds to acquire a personal computer because the adult family members have not demonstrated a proportionate ability to pay for the computer. When an adult family member "derives a direct, if not primary, benefit from the purchase" of a household item, the Court applies the rule of proportionality.</p>	Sept. 8, 2005

CV 04-66	<p><i>Clariss Falcon v. HCN Office of Tribal Enrollment CV 04-66 Order (Final Judgment)</i> (HCN Tr. Ct., Sept. 9, 2005). (Matha, T).  Order (Final Judgment)</p> <p>The Court must determine whether to enter an order for the purposes of facilitating the DNA testing of an incarcerated tribal member. The Court denies the plaintiff's request for relief on several constitutional grounds. The HO-CHUNK NATION CONSTITUTION imparts authority to the Ho-Chunk Nation Supreme Court "to establish written rules for the Judiciary." Consequently, the Supreme Court adopted the <i>HCN R. Civ. P.</i> to "govern all proceedings." The instant case is void of any reference to the grounds for subject matter jurisdiction.</p>	Sept. 9, 2005
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CV 04-99	<p><i>Dallas White Wing v. Ho-Chunk Nation General Council et al.</i> (HCN Tr. Ct., Sept. 13, 2005). (Matha, T).</p> <p>Order (Regarding Settlement Conference)</p> <p>The Court had informed the non-presiding judge, Chief Judge Todd R. Matha of the scheduled <i>Settlement Conference</i>. Chief Judge Matha recognizes the obvious merit in convening a mediation session, but respectfully questions the authority of the General Council’s legal representative to accept settlement terms. Only the General Council can either consent to an offer of settlement or delegate an individual or entity to do so on its behalf. The Court declined to convene the <i>Settlement Conference</i> absent an offer of proof of such delegation.</p>	Sept. 13, 2005
CV 05-79	<p><i>Gloria J. Visintin v. Robert Pulley Ho-Chunk Housing Rental Management</i> (HCN Tr. Ct., Sept. 19, 2005). (Gouty-Yellow, T).</p> <p>Order (Denial of Emergency Order)</p> <p>The petitioner asserted that she cannot meet the directives as issued by the respondents regarding the extension to vacate the property. However the petitioner has failed to meet her burden as defined by <i>Rule 60</i>. Essentially, the petitioner could not establish the presence of irreparable harm.</p>	Sept. 19, 2005
CV 05-53	<p><i>In the Interest of Adult CTF Beneficiary: Jennifer M. Orozco, DOB 07/03/85 v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 22, 2005). (Matha, T).</p> <p>Order (Conditional and Partial Granting of the Petition)</p> <p>The Court employs different reasoning when the petitioner seeks a release from his or her CTF for the purposes of providing shelter for their own minor children. In adult CTF cases, the Court refrains from granting extensive or ongoing housing assistance requests because to do so would nullify the intent of the graduation requirement. However, the Court grants the request for children’s clothing and a child’s bed.</p>	Sept. 22, 2005
CV 05-58	<p><i>In the Interest of Minor Child, M.L.D., DOB 04/05/01, by Terry T. Deloney v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 23, 2005). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>This case concerns whether the petitioner can access monies from the Children’s Trust Fund to pay for minimal emergency housing benefits when prior residence was destroyed by fire. The Court granted such request.</p>	Sept. 23, 2005
CV 05-20	<p><i>In the Interest of Minor Child, A.T.H., DOB 03/24/88, by Tom Hopinkah v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 27, 2005). (Gouty-Yellow, T).</p> <p>Order</p> <p>This case concerns whether CTF monies can be accessed for fees associated with a juvenile action, i.e. attorneys. fees and restitution along with the cost of private school. The Court grants a release of funds in part and denies the request in part. The decision to hire counsel, specifically the attorney chosen was the guardian’s decision and as such is the guardian’s responsibility to pay. Similarly, restitution is the juvenile’s responsibility to pay, and in the event he or she is unable to pay, the cost falls to the guardian. The cost of private school expenses shall be held open per the petitioner’s request.</p>	Sept. 27, 2005

CV 05-23	<p><i>Kevin Kuehl v. Ho-Chunk Casino Table Games</i> (HCN Tr. Ct., Sept. 28, 2005). (Gouty-Yellow, T).</p> <p>Order (Denying Motion to Amend Scheduling Order)</p> <p>A <i>Trial</i> was scheduled to occur. However, defendant's counsel submitted a <i>Motion and Order to Amend Scheduling Order</i> one (1) day prior to the <i>Trial</i> based solely upon the agreement of the parties. The motion as filed was denied based upon the discretion of the Court.</p>	Sept. 28, 2005
CV 05-60	<p><i>In the Interest of Minor Child, M.S.P., DOB 09/28/90, by Shannon Ann Pierce v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Sept. 30, 2005). (Matha, T).</p> <p>Order</p> <p>This case concerns whether CTF monies can be accessed to acquire children's clothing and miscellaneous school supplies and to pay for contact lenses. The Court grants a release of funds in part and denies the request in part. The petitioner sustains her family on an annual income above the poverty level. The Court denies the release of CTF monies to purchase clothing. The provision of school supplies does not constitute a basic necessity of life, but certainly implicates an educational concern. The Court shall grant these expenses given the special financial need of the family. The Court shall also grant the request for contact lenses expenses, representing a health and welfare necessity, since it has granted similar past requests.</p>	Sept. 30, 2005
CV 05-86	<p><i>Forrest Funmaker et al. v. Alvin Cloud et al.</i> (HCN Tr. Ct., Oct. 8, 2005). (Matha, T.)</p> <p>Order (Denial of Motion)</p> <p>The Court denied the plaintiff's October 6, 2005 <i>Motion for Expedited Consideration</i>. A plaintiff may not seek expedited consideration of an initial pleading. The applicable rules do not contemplate judicial resolution of a cause of action within less than five (5) days. Rather, a party may seek expedited consideration of a motion, provided that the movant first satisfies the standard set forth within the rule.</p>	Oct. 8, 2005
CV 04-50	<p><i>In the Interest of Minor Child: L.V.L., DOB 02/16/49, by Isabelle Mallory v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Oct. 11, 2005). (Matha, T).</p> <p>Order (Imposing Contempt Sanction)</p> <p>The Court previously released funds from the ITF account for the welfare of an incompetent member. The petitioner failed to submit an accounting confirming the use of the funds within the specified timeframe. The Court convened a <i>Sanction Hearing</i> to allow the petitioner the opportunity to explain why the Court should not impose contempt sanctions. The Court ordered the guardian to replenish the depleted ITF account of the incompetent member, since the petitioner admitted that she failed to fulfill her statutory duty.</p>	Oct. 11, 2005

CV 05-67	<p><i>In the Interest of Adult CTF Beneficiary: Rainelle M. Decorah, DOB 01/26/05 v. Ho-Chunk Nation Office of Tribal Enrollment (HCN Tr. Ct., Oct. 18, 2005).</i> (Matha, T).</p> <p>Order (Partial Granting of Petition)</p> <p>The Court routinely denies attorney fees in criminal matters due to the presence of an absolute right to be represented by counsel as conferred by the CONSTITUTION OF THE UNITED STATES. The petitioner set forth an obvious welfare necessity as well as an educational necessity since potential incarceration could interrupt her progress in obtaining a high school diploma. More importantly, the petitioner was deemed ineligible for public defender services. The Court shall accordingly grant the petitioner's request for an attorney retainer fee. The Court shall deny the request for an Alcohol &amp; Other Drug Assessment because the petitioner has failed to satisfy the exhaustion requirement. The Ho-Chunk Nation likely offers assessments free of charge to tribal members.</p>	Oct. 18, 2005
CV 05-72	<p><i>In the Interest of Adult Incompetent: H.C., DOB 01/31/31 v. Ho-Chunk Nation Office of Tribal Enrollment (HCN Tr. Ct., Oct. 20, 2005).</i> (Gouty-Yellow, T).</p> <p>Order (Motion Granted)</p> <p>The Court must determine whether the permanent guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with ongoing care, GAL fees and cost of adversary counsel. The Court grants a release of the funds to satisfy the request of the guardian.</p>	Oct. 20, 2005
CV 02-98	<p><i>In the Interest of Minor Children: C.E.H., DOB 07/13/91; T.R.H., DOB 12/19/92; B.F.H., 03/13/94, v. Ho-Chunk Nation Office of Tribal Enrollment (HCN Tr. Ct., Oct. 24, 2005).</i> (Matha, T).</p> <p>Order (Conditional Denial of Petition)</p> <p>The Court must determine whether the parent can access monies on behalf of her minor children from the Children's Trust Fund (hereinafter CTF) to pay for the costs associated with the purchase of clothing, bedroom furniture and bedding, and satisfy unpaid medical bills. Regrettably, the Court must deny the request due to the extreme passage of time.</p>	Oct. 24, 2005

CV 05-90, -93	<p><i>Ona Garvin v. Ho-Chunk Nation Election Board et al.; Dallas White Wing v. Ho-Chunk Nation Election Board et al.</i> (HCN Tr. Ct., Nov. 2, 2005). (Gouty-Yellow, T).</p> <p>Order (Denying Preliminary Injunction)</p> <p>On September 17, 2005, the Ho-Chunk Nation General Council enacted General Council Resolution “O” providing for the recall of plaintiff, Ona Garvin, from her office as a member of the Ho-Chunk Nation Legislature. On September 17, 2005, the Ho-Chunk Nation General Council enacted General Council Resolution “N” providing for the recall of plaintiff, Dallas White Wing from his office as a member of the Ho-Chunk Nation Legislature. Both plaintiffs seek a Preliminary Injunction to enjoin the defendants from acting in furtherance of the General Council resolutions. The Court denies the request for a Preliminary Injunction. The Court adopted a four-part test for the purpose of evaluating requests for preliminary injunctions. The Ho-Chunk Nation Supreme Court later sanctioned the use of the incorporated federal standard. The only issue before the Court was the question of whether the plaintiff could establish by a reasonable likelihood that he or she would prevail at trial. The answer to this question depends primarily on the plain language of the constitutional provision in question. This is a case of first impression.</p> <p>The issue of reasonableness does not apply to notice as there are no notice requirements. The opportunity to be heard does not attach to this section as there is not a requirement to be heard. As this Court and the Ho-Chunk Supreme Court have held on prior occasions, the removal provisions of the Ho-Chunk Constitution are substantially different than the recall provisions. The Court denied the plaintiffs’ request for an injunction.</p>	Nov. 2, 2005
CV 05-16	<p><i>In the Interest of Gerald Greendeer, DOB 01/31/31 by Alma Miner v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 4, 2005). (Gouty-Yellow, T).</p> <p>Order (Petition Granted)</p> <p>The Court must determine whether the guardian can access monies on behalf of the ward from the ITF to pay for the costs associated with satisfying debts that the ward has incurred. The Court grants a release of funds to satisfy the stated requests.</p>	Nov. 4, 2005
CV 03-25	<p><i>Cornelius Decora v. Adam Hall et al.</i> (HCN Tr. Ct., Nov. 7, 2005). (Gouty-Yellow, T).</p> <p>Order (Denying Motion to Dismiss &amp; Granting Motion to Amend)</p> <p>The plaintiff seeks an order directing that his four named children be enrolled as members of the Ho-Chunk Nation. The defendants have moved to dismiss the <i>Complaint</i>. The Court denies the <i>Motion to Dismiss</i>. The plaintiff has moved to amend the <i>Complaint</i>. The Court grants the <i>Motion to Amend</i>.</p>	Nov. 7, 2005
CV 05-66	<p><i>In the Interest of Minor Child: K.A.L., DOB 08/14/89 by Gary L. Lonetree, Jr. v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 9, 2005). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>The Court must determine whether the parent can access monies on behalf of the minor child from the Children’s Trust Fund (hereinafter CTF) to pay for costs associated with private school tuition and expenses for a musically-gifted student. The Court grants a release of funds to satisfy the stated requests.</p>	Nov. 9, 2005

CV 04-99	<p><i>Dallas White Wing v. Ho-Chunk Nation Election Board et al.</i> (HCN Tr. Ct., Nov. 10, 2005). (Gouty-Yellow, T).</p> <p>Order (Denying Motion to Amend Complaint)</p> <p>On October 23, 2004, the Ho-Chunk Nation General Council enacted General Council Resolution 25 providing for the removal of the plaintiff from his office as a member of the Ho-Chunk Nation Legislature. On November 18, 2004, the Court issued its <i>Preliminary Injunction</i>. On January 31, 2005, the plaintiff filed the <i>Motion to Amend the Complaint</i> and the <i>Amended Complaint</i>. Defendants Legislature and Election Board filed a letter in response on February 14, 2005. Defendant HCN General Council filed a reply on February 15, 2005. The petitioner filed a response to defendant HCN General Council on February 16, 2005. A number of considerations must be reviewed to find good cause. Principally good cause focuses on whether, an issue that according to Black's Law Dictionary, "a substantial reason amounting in law to a legal excuse for failing to perform an act required by law" exists. In the case at hand, the plaintiff was not required to file a <i>Motion to Amend</i>, he was only required to file said matter in a specified manner. The plaintiff failed to file the motion according to the permissive deadline, which then requires the Court to provide leave and a showing of good cause. The plaintiff fails to provide any good cause explanation in <i>this Motion to Amend</i>. The only discernable reason is to provide additional facts that were not available at the time of filing of the Complaint. The Ho-Chunk Trial Court has permissive rules regarding both complaints and answers and expects additional facts to come forward throughout the proceedings. The Court denies the <i>Motion to Amend</i> as good cause does not exist.</p>	Nov. 10, 2005
CV 05-90, 93	<p><i>Ona Garvin v. Ho-Chunk Nation Election Board et al.; Dallas White Wing v. Ho-Chunk Nation Election Board et al.</i> (HCN Tr. Ct., Nov. 18, 2005). (Gouty-Yellow, T).</p> <p>Order (Remand Granting Preliminary Injunction)</p> <p>On September 17, 2005, the Ho-Chunk Nation General Council enacted General Council Resolution "O" providing for the recall of plaintiff, Ona Garvin, from her office as a member of the Ho-Chunk Nation Legislature. On September 17, 2005 the Ho-Chunk Nation General Council enacted General Council Resolution "N" providing for the recall of plaintiff, Dallas White Wing from his office as a member of the Ho-Chunk Nation Legislature. Both plaintiffs seek a <i>Preliminary Injunction</i> to enjoin the defendants from acting in furtherance of the General Council resolutions. The Court grants the request for a <i>Preliminary Injunction</i>.</p> <p>Upon remand after a <i>Fact Finding Hearing</i>, the plaintiffs further defined and presented arguments pertaining to separation of powers, as defined in the HCN CONSTITUTION ART. III. §3, which provides that one branch of government cannot "exercise" the powers of another branch and how that article interacts with ART. V. §6, which mandates that districts' elect their own legislative representatives. This issue is placed squarely against the backdrop of governmental responsibility. Herein, a member of the Ho-Chunk Nation submitted a resolution that was presented at the 2005 Ho-Chunk General Council meeting that contained language that mandated a tribal-wide recall election. This action creates a conflict in which one branch of government, the Ho-Chunk General Council is exercising the power of another branch of government by mandating an action that is in conflict with another article of the same Constitution. These issues weigh in favor of the plaintiffs reasonable likelihood of success on the merits.</p>	Nov. 18, 2005

CV 05-21	<p><i>Sheryl A. Cook v. Tammi Modica et al.</i> (HCN Tr. Ct., Nov. 22, 2005). (Matha, T). Order (Final Judgment)</p> <p>The Court must determine whether to reverse the defendants' decision to terminate the plaintiff's employment. The Court concurs with the defendants' conclusion due to the level of the infraction, <i>i.e.</i>, leaving a front casino door unlocked after closing. Additionally, the Court holds the plaintiff's legal arguments unpersuasive.</p>	Nov. 22, 2005
CV 04-99	<p><i>Dallas White Wing v. Ho-Chunk Nation Election Board et al.</i> (HCN Tr. Ct., Nov. 28, 2005). (Gouty-Yellow, T). Order (Denying Motion to Continue Trial Date)</p> <p>On November 15th, 2005, the Court conducted a <i>Pre-Trial Conference</i> to review the case. At that time counsel, for defendant Ho-Chunk Nation General Council, Attorney Michael Mullen, verbally requested an adjournment of the trial date. The stated basis was a generalized statement that pending litigation involving Dallas Whitewing under Case No. CV 05-93 may in fact render the issues in this case moot. Plaintiff Whitewing's counsel, Glenn C. Reynolds joined in this issue and added that his client would not be available for the trial based on an injury. The Court directed both Counsel Mullen and Reynolds to submit a motion and brief in support of said motion, not to exceed five (5) pages on the mootness issue no later than November 22, 2005, at 4:30 p.m. On November 22, 2005, Counsel Mullen submitted a motion entitled, <i>General Council Defendants Motion for Continuance of Trial Date</i> without a brief on the mootness issue. On November 22, 2005, Counsel Reynolds submitted a letter and the doctor's report from Dallas Whitewing's surgery. The letter neither contained a brief regarding the mootness issue, nor provided a prognosis regarding Mr. Whitewing's ability to attend the trial as scheduled for the week of December 5, 2005. The Court could not find good cause to grant an adjournment.</p>	Nov. 28, 2005
CV 05-01	<p><i>Nicholas Joseph Kedrowski v. Gaming Commissioners et al.</i> (HCN Tr. Ct., Nov. 28, 2005). (Matha, T). Order (Granting Motion to Dismiss)</p> <p>The defendants contend that the plaintiff filed an untimely initial pleading, constituting a violation of the relevant statute of limitations. The Court agrees that this defense bars the plaintiff's claims as indicated by the clear language of the legislation</p>	Nov. 28, 2005
CV 04-99	<p><i>Dallas White Wing v. Ho-Chunk Nation General Council et al.</i> (HCN Tr. Ct., Dec. 1, 2005). (Gouty-Yellow, T). Order (Denying Request to Reconsider)</p> <p>The Court issued an Order Denying Motion to Continue Trial Date. The petitioner, through counsel, submitted a letter to the Court with attached documents. The letter appeared to be requesting the Court to reconsider the Order. The Court denied the request because counsel failed to provide the necessary evidence, either through testimony or in writing, to substantiate good cause for a continuance of a trial.</p>	Dec. 1, 2005
CV 05-93, -90	<p><i>Dallas White Wing v. Ho-Chunk Nation General Council et al.; Ona Garvin v. Ho-Chunk Nation General Council et al.</i> (HCN Tr. Ct., Dec. 6, 2005). (Gouty-Yellow, T). Order (Granting Continuance of Trial Date)</p> <p>The Court grants a continuance of trial based upon documentation provided by counsel that the petitioner is under doctor's orders to remain at the hospital.</p>	Dec. 6, 2005

CV 03-36	<p><i>Ho-Chunk Housing Authority v. Ronald D. Martin</i> (HCN Tr. Ct., Dec. 6, 2005). (Matha, T).  Order (Final Judgment)  The Court must determine whether to extend the temporary restraining order. The Court denies the plaintiff's request for a temporary injunction due to the failure of the Court to effect service of process. Additionally, unfortunate judicial inaction may have rendered the cause of action moot.</p>	Dec. 6, 2005
CV 02-118	<p><i>Ho-Chunk Housing Authority v. Brenda Anhalt</i> (HCN Tr. Ct., Dec. 6, 2005). (Matha, T).  Order (Denial of Motion)  The Court must determine whether to stay the issuance of a writ of restitution in a housing eviction action. The defendant requested a hardship hearing within thirty (30) days after the issuance of the writ of restitution. The Court denies the defendant's request for relief on constitutional grounds. The case has been rendered moot due, in large part, to its prolonged inactive status while assigned to former Chief Judge William H. Bossman.</p>	Dec. 6, 2005
CV 98-49	<p><i>Louella A. Kely v. Jonette Pettibone and Ann Winneshiek</i> (HCN Tr. Ct., Dec. 16, 2005). (Matha, T).  Order (Determination Upon Remand)  The Supreme Court declared that on remand, the Court may address the issue as to the application of the Ho-Chunk Preference Provision and whether Native American preference could be applied to the case at hand. The defendant improperly laid off the plaintiff from her position while retaining eight (8) other employees who were not entitled to preference. Under the Ho-Chunk Preference Clause, the plaintiff was entitled to preference. Therefore, the Court awarded the plaintiff reassignment and other relief.</p>	Dec. 16, 2005
CV 05-100	<p><i>In the Interest of Adult CTF Beneficiary: John M. Lowe, DOB 01/24/86 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 19, 2005). (Matha, T).  Order (Denial of Petition)  The Court determined that an adult cannot access his Children's Trust Fund (CTF) account to pay for costs associated with securing legal counsel and satisfying criminal fines and an automobile loan. The Court has erected a general rule against retiring the personal debts of adult CTF petitioners through a release of funds, especially when the debt arises in conjunction with a foreign law enforcement process. Similarly, the Court denies the request for payment of an automobile loan. The petitioner has already purchased a vehicle, and the chosen vehicle does not satisfy the long-standing requirements for determining automobile appropriateness. Finally, the Court routinely denies requests for attorney fees in criminal matters due to the presence of an absolute right to be represented by counsel as conferred by the CONSTITUTION OF THE UNITED STATES.</p>	Dec. 19, 2005
CV 05-86	<p><i>Forest Funmaker et al. v. Alvin Cloud et al.</i> (HCN Tr. Ct., Dec. 20, 2005). (Gouty-Yellow, T).  Order (Denial of Motion)  The Court denied the plaintiffs' <i>Motion for Expedited Consideration</i>. A plaintiff may seek expedited consideration of motions. However the plaintiffs combined four (4) motions, and did not meet the requirements of the rule. The applicable rule does not contemplate judicial resolution of motions that do not require less than five days.</p>	Dec. 20, 2005

CV 98-18	<p><i>In re the Interest of Kathy Brandenburg by Jon B. Bahr, River Valley Guardians, Inc. v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 27, 2005). (Gouty-Yellow, T).</p> <p>Order</p> <p>The Court determined that the permanent guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with bad check writing by the ward, to increase the ward's allowance to include for personal items, and an activity fee, as well as payment for a Public Defender fee and payment on a bill from the county regarding the cost of her past care.</p>	Dec. 27, 2005
CV 05-08	<p><i>Fran Kernes v. George Lewis, et al.</i> (HCN Tr. Ct., Dec. 28, 2005). (Gouty-Yellow, T).</p> <p>Order (Final Judgment)</p> <p>The Court must determine whether to reverse the defendant's denial of a four percent merit increase from an unscheduled discretionary performance evaluation. The Court, however, concurs with the defendants' interpretation of the HO-CHUNK NATION PERSONNEL POLICIES AND PROCEDURES MANUAL. The Court holds the plaintiff's legal arguments unpersuasive. The Personnel Director creates policy and procedure through written memorandum, which provides direction to supervisors for the purpose of clarification and actual practice to provide consistent and fair treatment to all employees. The Nation proved that it is not the practice of the Nation to allow for merit increases at any time but during the annual performance evaluation.</p>	Dec. 28, 2005
CV 05-65	<p><i>In the Interest of Minor Child: T.K., DOB 12/05/87, by Amy K. Littlegeorge v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 29, 2005). (Matha, T).</p> <p>Order (Petition Denied)</p> <p>The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with an automobile. The Court denied the request. The Court cannot determine the presence of special financial need since the petitioner provided no information regarding the income generated within the household. The Court rarely grants vehicle requests because petitioners usually cannot establish the presence of a necessity.</p>	Dec. 29, 2005
CV 05-73	<p><i>In the Interest of Minor Child: T.W.E., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 29, 2005). (Gouty-Yellow, T).</p> <p>Order (Petition Granted)</p> <p>The Court determined that a parent could, in part, access monies on behalf of the minor child to pay for private school tuition.</p>	Dec. 29, 2005
CV 05-80	<p><i>In the Interest of Shawn W. Maisells, DOB 01/23/86 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 30, 2005). (Gouty-Yellow, T).</p> <p>Order (Petition Granted In Part, Denied In Part)</p> <p>The Court determined that an adult can access his Children's Trust Fund (CTF) account to pay for costs associated with clothing, toiletries, mandatory release fund, electronics, fines and court costs associated with his incarceration. The Court grants a release of funds, in part, to satisfy the request of the petitioner and denies the request in part. The Court grants a release of funds for clothing, incidentals and his release fund. The Court denies the electronics, fines and court costs requests.</p>	Dec. 30, 2005

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Case No.	Case	Decided
CV 05-43	<p><i>Sherry Wilson v. Ho-Chunk Nation Department of Personnel</i>, (HCN Tr. Ct., Jan. 4, 2006). (Matha, T).  Order (Final Judgment)  The Court had to determine whether it disagrees with the defendant’s characterization of the events that led to the plaintiff’s release from employment. The Court recognized the legitimacy of the plaintiff’s argument and proffered testimony, but the Court denied the request for relief on the basis of sovereign immunity. The defendant maintained sovereign immunity from suit unless expressly waived by the Legislature. The ERA contains a limited waiver of sovereign immunity, but it does not incorporate the plaintiff’s cause of action. The plaintiff could have perhaps partially overcome this defense, but she failed to name an individual defendant in the initial pleading, and likewise, neglected to amend her Complaint.</p>	Jan. 4, 2006
CV 05-16	<p><i>In the Interest of Adult Incompetent: G.D.G., DOB 01/03/43, by Alma Miner v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 6, 2005). (Matha, T).  Order (Conditional Granting of Motion)  The Court had to determine whether the permanent guardian could access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with securing temporary residential care. The residential care facility will not admit G.D.G. until the completion of a background check, as well as determine whether G.D.G. can positively interact with the residential care surroundings. Therefore, once the facility makes these determinations, the Court will grant the release of funds to satisfy the request of the guardian.</p>	Jan. 6, 2006
CV 05-92	<p><i>In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87, et al. v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 9, 2006). (Matha, T).  Order (Petition Granted in Part and Denied in Part)  The Court had to determine whether the physical custodian and maternal grandmother and an adult can access CTF accounts to pay for costs associated with clothing, bedroom furniture and bedding, graduation expenses, eye care, personal grooming, telephone expenses, electric costs, and automobile repair. The Court partially granted a release of funds, to satisfy the request of the petitioner. The Court granted a release for clothing, bedroom furniture and bedding, eye care, personal grooming, and automobile repair, due, in large part, to the voluntary assumption of care by the traditional relative. The Court denied the graduation expenses, and partially granted the utility expenses using the rule of proportionality.</p>	Jan. 11, 2006
CV 04-31	<p><i>Majestic Pines Hotel et al. v. Any Time Towing and/or Richard Olson and/or David Olson and/or Mark Olson</i> (HCN Tr. Ct., Jan. 13, 2006). (Matha, T).  Order (Dismissal without Prejudice)  The Court had to determine whether to dismiss the instant action due to a failure to effectuate service of process. Agents of the Court could not locate the defendants at the addresses provided in the initial pleading, and the Court has no information regarding the defendants’ present whereabouts. The Court, therefore, dismissed the case without prejudice.</p>	Jan. 13, 2006

CV 04-50	<p><i>Ho-Chunk Nation Home Ownership Program and Ho-Chunk Nation v. Greendeer Construction et al.</i> (HCN Tr. Ct., Jan. 16, 2006). (Matha, T).  Order (Granting Defendant’s Motion)  The Court granted a default judgment against the defendants due to a failure to submit a timely response. The defendant, Deanna L. Greendeer later filed a <i>Motion to Modify Default Judgment Entered on October 3, 2005</i>. In response, the Court entered an <i>Order (Motion Hearing)</i>. The Court convened the <i>Hearing</i>. At the <i>Hearing</i>, the plaintiffs stipulated that Ms. Greendeer was neither an officer, nor co-owner of Greendeer Construction. The Court needed to determine whether the motion constituted “a timely showing of good cause.” In light of the plaintiffs’ stipulation, the Court grants the defendant’s motions, thereby discharging Ms. Greendeer’s liability for the debt.</p>	Jan. 16, 2006
CV 04-16	<p><i>Marx Advertising Agency, Inc. v. Ho-Chunk Nation et al.</i> (HCN Tr. Ct., Jan. 20, 2006). (Matha, T).  Order (Conditional Dismissal without Prejudice)  The Court urged the parties to mutually resolve any potential billing concerns. However, the Court informed the parties that it “would convene a fact-finding hearing upon motion of a party, if necessary.” The plaintiff subsequently appealed the above decision, and the Ho-Chunk Nation Supreme Court affirmed the Trial Court and remanded for the final disposition. The Court has awaited a possible request from the parties for a fact-finding hearing. Regardless, neither party has presented such a request in nearly nine (9) months. Consequently, the Court informs the parties that it shall dismiss the remaining cause of action with prejudice due to case inactivity in excess of six (6) months, unless the plaintiff demonstrates good cause to the contrary within the prescribed time frame.</p>	Jan. 20, 2006
CV 98-30	<p><i>Karen M. Redhawk v. Ho-Chunk Nation and Ho-Chunk Housing Authority</i> (HCN Tr. Ct., Jan. 20, 2006). (Matha, T).  Order (Denial of Motion)  The defendants filed <i>Defendants’ Motion to Dismiss for Lack of Activity</i>, arguing that the Court should dismiss the instant action on the basis of case inactivity in excess of six (6) months. Three (3) judges have presided over this matter since its filing on April 15, 1998. Current Chief Judge Todd R. Matha accepted the assignment by virtue of his predecessors’ inability to enter a final decision. At present, the Court is actively attempting to resolve long-standing suits that remained dormant during prior judicial assignments. The Court maintains jurisdiction over seventeen (17) such suits, and provides monthly reports to the Ho-Chunk Nation Supreme Court in regards to the status of these cases. The Court shall not grant a dismissal of the instant case since the plaintiff cannot be held responsible for judicial neglect. The Court will enter a decision as soon as practicable despite its present lack of a full contingent of judicial officers.</p>	Jan. 20, 2006
CV 05-83	<p><i>In the Interest of Minor Child: A.F., DOB 01/13/96 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 25, 2006). (Matha, T).  Order (Partial Granting of Petition)  The Court had to determine whether the parent can access CTF account to pay for costs associated with household rent, child’s clothing, and an automobile and automobile insurance. The Court partially granted a release of funds to satisfy the request of the petitioner. The Court granted a release of funds for the purchase of an automobile and automobile insurance due to the medical needs of the child. The Court denied the request for household rent and children’s clothing.</p>	Jan. 25, 2006

CV 02-93	<p><i>Ho-Chunk Nation v. Bank of America, N.A.</i> (HCN Tr. Ct., Jan. 31, 2006). (Matha, T). Order (Regarding Pending Motions)</p> <p>The Court had to determine whether to grant the outstanding motions filed by the plaintiff. The Court entered this order to facilitate and explain the discovery process, including identifying the applicable procedure and law that governs the instant case. While the Legislature may promulgate law, the Legislature cannot enact judicial procedural rules. The defendant questioned “whether New York procedural law or Ho-Chunk procedural law applies to this litigation.” The Court is constitutionally obligated to apply the procedural rules adopted by the Ho-Chunk Nation Supreme Court. The Court will interpret and apply New York substantive law, <i>i.e.</i>, laws of the Nation, in resolving certain issues presented within pending motions. New York statutory law in effect upon the execution of the <i>Agreement</i>, including any final judicial interpretations of such law by the New York Court of Appeals, comprises the applicable substantive law. All other lower foreign court decisions are deemed persuasive authority since the Legislature could not act to supersede either this Court’s or the Supreme Court’s interpretations of the law. As warranted, the Court shall apply the <i>HCN R. Civ. P.</i> or <i>FED R. EVID.</i> to other issues presented within the pending motions. The Court addressed and resolved four (4) distinct issues. The defendant, Bank of America asserted that certain documents, which the plaintiff requested within its Interrogatories/Requests for Documents, qualified for immunity or attorney-work product privilege under New York law. In order to judge whether or not the documents qualified, the Court would need to view the documents <i>in camera</i>. The defendant questioned the propriety of the presiding judge conducting an <i>in camera</i> inspection, and therefore the Court appointed a <i>pro tempore</i> judge to view the documents <i>in camera</i>. The defendant reasonably objected to the scope of the plaintiff’s request for a full disclosure of a voluminous amount of swap or hedging agreements entered into during an established timeframe. The Court held that the defendant must provide the plaintiff with the requested information, but in a manner that adheres to confidentiality concerns. Therefore, the Court required the plaintiff to identify an expert witness to modify the discovery request. Finally, the plaintiff requested attorney fees and costs as a result of the defendant designating a deponent who allegedly lacked knowledge of the matters identified in the plaintiff’s deposition notice. The Court denied such requests due to the plaintiff’s failure to clearly articulate the scope of its deposition, as well as the Court’s propensity to deny litigation expenses.</p>	Jan. 31, 2006
CV 05-108	<p><i>In the Interest of Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Jan. 31, 2006). (Matha, T). Order (Partial Granting of Petition)</p> <p>The Court had to determine whether an adult can access CTF account to pay for costs associated with tuition and related high school expenses, eyeglasses purchase, and personal computer acquisition. The Court partially granted a release of funds to satisfy the request of the petitioner. The Court granted a release of funds for costs associated with tuition and related high school expenses and eyeglasses purchase. The Court declined the request for a personal computer in line with standing case law.</p>	Jan. 31, 2006
CV 05-28	<p><i>Adriane Walker v. Amy Kirby et al.</i> (HCN Tr. Ct., Feb. 1, 2006). (Matha, T). Order (Denying Defendant’s Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the defendants’ request for summary judgment. The Court deduced that genuine issues of material fact exist within the instant case. The Court accordingly declined to grant defendants’ motion, and notified the parties of its intent to convene trial.</p>	Feb. 1, 2006

CV 04-06-07	<p><i>Patricia A. Lowe-Ennis and Cash Systems v. Ho-Chunk Nation Tribal Employment Rights Ordinance Commission</i> (HCN Tr. Ct., Feb. 7, 2006). (Matha, T).  Order (Reversing and Remanding)  The Court must determine whether to uphold the adjudicative decision of the Ho-Chunk Nation Tribal Rights Ordinance Commission (hereinafter TERO Commission). Regrettably, the TERO Commission failed to adhere to the clear dictates of the TERO, thereby necessitating a reversal of the decision and order and a remand to the executive agency. The TERO Commission failed to address the majority of the complainant's issues within its <i>Decision Order</i>. The petitioners have advocated conflicting factual accounts to the Court due to the lack of the agency's factual findings.</p>	Feb. 7, 2006
CV 06-05	<p><i>In the Interest of Adult CTF Beneficiary: Amber S. Kruse, DOB 03/06/83 v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 9, 2006). (Matha, T).  Order (Partial Granting of Petition)  The Court had to determine whether an adult can access her CTF account to pay for costs associated with continuing education and the acquisition of a personal computer. The Court granted the request for tuition and related school expenses. However, the Court shall decline the request for a personal computer in line with standing case law.</p>	Feb. 9, 2006
CV 04-82	<p><i>Sherry Fitzpatrick v. Ho-Chunk Nation et al.</i> (HCN Tr. Ct., Feb. 20, 2006). (Matha, T).  Order (Final Judgment)  The Court must determine whether to grant the plaintiff's request for relief. The Court held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. Quite simply, an employee must receive a meaningful opportunity to be heard before their property can be taken away. In the instant case, the supervisor did not believe that she maintained discretion in a termination decision. A pre-termination hearing is not a mere technicality. Therefore, the Court reverses the plaintiff's termination and awards appropriate relief.</p>	Feb. 20, 2006
CV 05-72	<p><i>In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara A. Meltesen v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Feb. 21, 2006). (Matha, T).  Order (Motion Granted)  The Court had to determine whether the permanent guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with ongoing nursing home care and professional guardianship service fees. The Court grants a release of funds to satisfy the request of the guardian.</p>	Feb. 21, 2006
CV 98-49	<p><i>Louella A. Kelty v. Jonette Pettibone and Ann Winneshiek</i> (HCN Tr. Ct., Feb. 22, 2006). (Matha, T).  Order (Denying Defendants' Motion to Modify)  The Court must determine whether to grant the <i>Defendant's Motion to Modify</i>. The defendants contest the Court's award of monetary damages in the instant case, but the defendants failed to assert the defense of sovereign immunity within their responsive pleading. Therefore, the Court denies the motion.</p>	Feb. 22, 2006

CV 00-65	<p><i>Lisa Wathen v. Ho-Chunk Nation Gaming Commission</i> (HCN Tr. Ct., Mar. 7, 2006). (Matha, T).</p> <p>Order (Granting Defendant's Motion for Summary Judgment)</p> <p>The plaintiff alleged the defense of constructive discharge in response to the defendant's assertion that she voluntarily resigned her position. The Court previously adopted a three-prong test to determine the validity of the defense. The plaintiff failed to adequately allege that the defendant's purported actions violated a fundamental public policy, which constitutes the first prong. As a result, the Court granted the defendant's request for summary judgment.</p>	Mar. 7, 2006
CV 06-07	<p><i>Ho-Chunk Nation Housing &amp; Community Development Agency v. LaVetta Cloud</i> (HCN Tr. Ct., Mar. 8, 2006). (Matha, T).</p> <p>Order (Staying Writ of Restitution)</p> <p>The defendant filed a <i>Motion for Hardship Hearing</i> accompanied by an affidavit. The Court granted the defendant's request and stays the execution of the <i>Writ of Restitution</i>. The stay of the eviction shall expire thirty (30) days from the issuance of the <i>Eviction Order (Default Judgment)</i>. The defendant may ultimately avoid eviction only by independently resolving the matter with the plaintiff.</p>	Mar. 8, 2006
CV 98-30	<p><i>Karen Redhawk v. Ho-Chunk Nation and Ho-Chunk Housing Authority</i> (HCN Tr. Ct., Mar. 10, 2006). (Matha, T).</p> <p>Order (Denying Defendants' Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the defendants' request for summary judgment. The defendants contend that the plaintiff filed her amended pleading after the relevant statute of limitation period expired and is likewise barred by the doctrine of laches. The Court denies the defendants' motion since it failed to incorporate either defense within its responsive pleading. The Court requests that the plaintiff alert the Court within thirty (30) days as to whether or not she wishes to proceed with the case.</p>	Mar. 10, 2006
CV 05-90, 93	<p><i>Ona Garvin v. Ho-Chunk Nation et al., Dallas White Wing v. Ho-Chunk Nation General Council et al.</i> (HCN Tr. Ct., Mar. 14, 2006). (Vele, K).</p> <p>Order</p> <p>Having heard the parties' statements and having reviewed the file herein, the Court orders that the cases remain consolidated and counsel for the plaintiff, Dallas White Wing, shall provide the Court with a written update on his client's medical condition and anticipated date his client may proceed with trial.</p>	Mar. 14, 2006
CV 05-86	<p><i>Forrest Funmaker et al. v. Alvin Cloud et al.</i> (HCN Tr. Ct., Mar. 14, 2006). (Vele, K).</p> <p>Order</p> <p>The Court had a hearing on the petitioners' <i>Motion to Compel Discovery</i>. The Court issued this <i>Order</i> to establish deadlines for the instant case.</p>	Mar. 14, 2006
CV 05-107	<p><i>In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. Ho-Chunk Nation Office of Tribal Enrollment</i> (HCN Tr. Ct., Mar. 15, 2006). (Matha, T).</p> <p>Order (Petition Granted in Part and Denied in Part)</p> <p>The Court had to determine whether an adult can access her CTF account for the purposes of purchasing a mobile home. The Court employs the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court declines the specific request, but conditionally grants housing assistance.</p>	Mar. 15, 2006

CV 05-82	<p><i>HCN Treasury Department et al. v. Corvettes on the Isthmus, et al.</i> (HCN Tr. Ct., Apr. 03, 2006). (Matha, T).</p> <p>Order (Partial Grant of Motion to Dismiss)</p> <p>The Court had to determine whether to grant the defendant’s motion to dismiss, which includes a request to compel a discovery response. The Court partially grants the request, dismissing the individually named defendants as parties to the suit. The Court also extended the discovery period.</p>	Apr. 3, 2006
CV 06-04	<p><i>In the Interest of Adult Beneficiary: Vanity S. Bartlett, DOB 12/31/87 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 05, 2006). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>The Court had to determine whether an adult can access her CTF account to pay for medical costs. The Court granted the request.</p>	Apr. 5, 2006
CV 03-15	<p><i>In the Interest of Adult CTF Beneficiary: Jason N. Hopinka, DOB 12/17/83 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Apr. 13, 2006). (Matha, T).</p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether an adult can access his Children’s Trust Fund account to pay for additional costs associated with his criminal defense and the underlying events. The Court granted the request.</p>	Apr. 13, 2006
CV 06-25	<p><i>Dallas White Wing v. HCN Legislature through Wade Blackdeer, in his official capacity as its Vice President, and the HNC Election Board through Mary Ellen Dumas, in her official capacity as Chair of the Election Board</i> (HCN Tr. Ct., Apr. 19, 2006) (Jones, J).</p> <p>Order (Granting Preliminary Injunction)</p> <p>The Court had to determine whether to grant the plaintiff’s motion for a preliminary injunction of the Special Election. The standard for issuing injunctive relief is that a movant must demonstrate by a preponderance of the evidence that (1) there is no adequate remedy at law, (2) the threatening injury to the person seeking the injunction outweighs the harm of the injury, (3) the party seeking the injunction has at least a reasonable likelihood of prevailing on the merits of the case, and (4) the issuance of the injunction serves the public interest. First, the Court found that both parties conceded to the fact that plaintiff could not be compensated by monetary damages. Second, the Court determined that it would be a grave harm if the plaintiff’s seat was filled by Special Election, and the legislative action was later found to be improper. Furthermore, great financial and human resources are expended during an election, so it could potentially be a waste of such resources if the action is later found improper. Thus, delaying the election would be less harmful than the harm suffered by the plaintiff. Third, there was no factual basis for the decision by the Legislature to declare the District III seat vacant provided. The plaintiff was not given notice, nor afforded the opportunity to be heard regarding his incapacity. Moreover, there was an instance of another legislator who had a physical disability that prevented him from attending meetings. Minutes from these meetings show that this legislator was excused for three (3) months. However, in the instant case the seat was declared vacant. Additionally, the Court found that plaintiff’s suit survives any purported immunity defense. Last, the Court found that a plaintiff requesting that due process protections and laws of the Nation be followed is a public interest. Based upon this analysis, the Court determined that plaintiff satisfied all the requirements of this well-established standard for issuing this manner of injunctive relief. The Court enjoined the Special Election.</p>	Apr. 19, 2006

CV 06-25	<p><i>Dallas White Wing v. Wade Blackdeer, in his official capacity as its Vice President, and Mary Ellen Dumas, in her official capacity as Chair of the Election Board</i> (HCN Tr. Ct., May 04, 2006) (Jones, J).</p> <p>Order (Default Judgment)</p> <p>The Court had to determine whether to grant the relief requested by the plaintiff. The defendants failed to answer the Complaint for Declaratory Relief. The Court rendered a default judgment against defendants.</p>	May 4, 2006
CV 05-107	<p><i>In the Interest of Adult CTF Beneficiary: April Webster, DOB 08/30/87 v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 08, 2006). (Matha, T).</p> <p>Order (Subsequent Release of Monies)</p> <p>The Court previously released funds from the CTF account of the adult child for rental assistance. The petitioner failed to provide an attendance report in a timely manner. Thus, the Court did not grant the release of funds for April's rental payment. The petitioner then provided documentation of enrollment in summer school. The Court granted the release of monies from the CTF, with the requirement that petitioner provide a summer school attendance report.</p>	May 8, 2006
CV 99-15	<p><i>Jeanette M. Lieb v. Annette R. Littlewolf, et al.</i> (HCN Tr. Ct., May 10, 2006). (Jones, J).</p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether the plaintiff's cause of action met the test for tortious constructive discharge as adopted by the Court. The plaintiff did not establish a violation of fundamental public policy, thereby failing to satisfy the first part of the test.</p>	May 10, 2006
CV 04-38-40	<p><i>Daniel M. Brown v. James Webster, HCN Executive Director of Business</i> (HCN Tr. Ct., May 10, 2006). (Matha, T).</p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether to uphold the defendant's decision to terminate the plaintiff's employment. There are three questions that must be asked when trying to determine the constitutionality of a termination of employment based upon statements made by an employee. First, did the plaintiff's speech deserve constitutional protection when examined in the context of his status as a former government employee? When attempting to answer this question, the Court must weigh several factors. These factors are: whether the statement would create problems in maintaining discipline by immediate supervisors or harmony among co-workers; whether the employment relationship is one in which personal loyalty and confidence are necessary; whether the speech impeded the employee's ability to perform [his or] her daily responsibilities; the time, place, and manner of the speech; the context in which the underlying dispute arose; whether the matter was one on which debate was vital to informed decisionmaking; and whether the speaker should be regarded as a member of the general public. The second question is did the plaintiff's speech represent a substantial or motivating factor in relation to his discharge from employment? Last, the Court must ask if the defendant presents sufficient evidence to establish that the plaintiff's termination would have occurred in the absence of the protected conduct? After answering these three questions, the Court held in favor of the plaintiff due to an infringement upon his constitutional right of free speech. However, the Court upholds the defendant's actions in relation to a suspension and annual performance evaluation because the plaintiff either failed to satisfy his burden of proof or establish a statutory violation.</p>	May 10, 2006

CV 96-87	<p><i>In the Interest of Adult Incompetent: M.A.F., DOB 04/26/66, by Kyle M. Funmaker v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 16, 2006). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward to pay for costs associated with a day services program, which includes vocational and education training and communal integration. The Court granted the request.</p>	May 16, 2006
CV 05-16	<p><i>In the Interest of Adult Incompetent: G.D.G., DOB 01/03/43, by Alma Miner v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 19, 2006). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward to satisfy outstanding debts, including judicially imposed fines. The Court granted the request.</p>	May 19, 2006
CV 05-59	<p><i>In the Interest of Adult Incompetent: B.N.F., DOB 09/03/86, by Alaine A. Yingst v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 19, 2006). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward to pay for the acquisition of a personal computer and satisfy attorney's fees. The Court granted the request.</p>	May 19, 2006
CV 05-72	<p><i>In the Interest of Adult Incompetent: H.C., DOB 01/31/31, by Barbara Meltesen v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 23, 2006). (Matha, T). Order (Motion Granted)</p> <p>The Court had to determine whether a guardian could access ITF monies on behalf of the ward to pay for costs associated with ongoing nursing home care, medical-related debts, and professional guardianship fees. The Court granted the request.</p>	May 23, 2006
CV 05-20	<p><i>In the Interest of Minor Child: A.T.H., DOB 03/24/88, by Tom Hopinkah v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., May 24, 2006). (Matha, T). Order (Denying Petitioner's Motion)</p> <p>The Court had invited the petitioner to present a justification for his failure to offer the additional information requested by the Court in its final decision. The petitioner had not presented a good cause explanation for failing to submit the earlier requested private school expense invoice. The Court dismissed the instant case.</p>	May 24, 2006
CV 01-25	<p><i>Aleksandra Cichowski v. Ho-Chunk Hotel and Convention Center</i> (HCN Tr. Ct., May 30, 2006). (Jones, J). Order (Final Judgment)</p> <p>The Court had to determine whether to dismiss the plaintiff's complaint for failure to exhaust the Administrative Review Process. The Court found that the plaintiff had failed to exhaust the Administrative Review Process as outlined in the Ho-Chunk Nation Personnel Policies and Procedures Manual. The Court dismissed the plaintiff's cause of action.</p>	May 30, 2006

CV 02-76	<p><i>Tara L. Blackdeer v. Vaughn Pettibone</i> (HCN Tr. Ct., June 08, 2006). (Jones, J).  Order (Granting Motion to Dismiss and Granting Attorney Fees and Costs)</p> <p>The Court had to determine whether to grant the defendant’s <i>Motion to Dismiss</i>. The Court also had to determine whether to grant the defendant’s request for a judgment denying all claims asserted against her in the <i>Complaint</i> on the merits, as well as partial reimbursement for attorney fees and costs. The Court granted the <i>Motion to Dismiss</i> on the ground that the plaintiff failed to state a claim upon which relief can be granted. Furthermore, the Court granted the attorneys fees and costs entered in the January 9, 2003 order, but denied any further fees and costs. The Court stated that according to the “American Rule” where “the prevailing litigant is ordinarily not entitled to collect a reasonable attorneys’ fee from the loser” no further fees or costs can be imposed unless the party meets one of the exceptions to this rule. However, the party did not fit any of these exceptions. In addition, fees and costs may be awarded if it is found that a party acted in “bad faith.” Here, the plaintiff did not file her <i>Complaint</i> in bad faith, so the Court limits the award to the attorneys fees and costs entered in the January 9, 2003 order.</p>	June 8, 2006
CV 06-26	<p><i>In the Interest of Minor Children: D.L., DOB 05/27/91, M.L., DOB 10/21/93, and M.L., DOB 05/28/99, by Doracita Lonetree v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., June 16, 2006). (Matha, T).  Order (Petition Granted in Part)</p> <p>The Court had to determine whether the parent can access CTF accounts to pay for costs associated with education, clothing, music lessons, sports camps, and a personal computer. The Court partially granted a release of funds, to satisfy the request of the petitioner. The Court granted a release for eye care, education, eye wear, and music lessons. The Court denied the request for clothing. Furthermore, the Court denied the request for a personal computer in line with standing case law. The Court denied the request for monies to pay the costs of sports camps because the petition lacked a coach recommendation. Last, the Court further denied the request for a Microsoft X-box and summer camps due to the fact that they are recreational in nature.</p>	June 16, 2006
CV 02-93	<p><i>Ho-Chunk Nation v. Bank of America, N.A.</i> (HCN Tr. Ct., June 29, 2006). (Matha, T).  Order (Regarding Conclusion of Discovery)</p> <p>The Court issued an order requiring the parties to file a joint declaration within sixty (60) days of this judgment, establishing a concluding date for discovery. The Court also required that the defendant inform the Court whether it has fully complied with the expert discovery request.</p>	June 29, 2006

CV 02-82	<p><i>Casimir T. Ostrowski v. HCN et al.</i> (HCN Tr. Ct., July 07, 2006). (Jones, J). Order (Final Judgment)</p> <p>This case was remanded to the Trial Court after the Supreme Court determined that the record in the previous Trial Court decision lacked any factual basis regarding the standard for determining when accommodations to an employee cause the employer to operate at less than peak efficiency. The Court established that the standard relied upon by the Wisconsin Fair Employment Act (WFEA) is that an employer must prove that even with reasonable accommodations, the employee would not be able to perform his/her job responsibilities adequately, or where reasonable accommodations would enable the employee to do the job, hardship would be placed on the employer. The Court determined that even with the accommodations provided to the plaintiff for two and a half (2½) years, he could not perform all of the duties he was originally assigned including the lifting requirements. Furthermore, he required a ten (10) minute break every hour, thus the Casino needed to ensure that other employees were available to cover for his hourly ten minute break and to lift heavy bags on occasion. Because of the accommodations provided, the Casino was prevented from operating at its peak efficiency, and thus created hardship. The Court also determined that the plaintiff had received adequate notice of the policies and procedures that were violated. For these reasons the Court again decided for the defendants.</p>	July 7, 2006
CS 98-76	<p><i>State et al. v. Michael Gromoff</i>, CS 98-76 (HCN Tr. Ct., July 10, 2006). (Matha, T). Order (Establishing Impound Conditions)</p> <p>The Court had to determine whether to suspend enforcement of the respondent's child support obligation. The respondent presented genetic documentation establishing a lack of paternity. The Court convened a <i>Fact-Finding Hearing</i> to advise the parties of their respective rights and responsibilities. The Court does not possess the authority to modify the substantive merits of an underlying foreign judgment. Therefore, the Court ordered the petitioner's per capita monies to be impounded until the parties resolve the issue within the issuing jurisdiction.</p>	July 10, 2006
CV 06-30	<p><i>In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., July 24, 2006). (Matha, T). Order (Conditional Granting of Petition)</p> <p>The Court had to determine whether a parent could access CTF monies on behalf of her minor child for costs associated with private school tuition and expenses. The Court conditionally granted the request, with the condition being that the petitioner pay for the miscellaneous and board fees.</p>	July 24, 2006
CV 03-17	<p><i>Vaughn Pettibone v. HCN Election Board et al.</i> (HCN Tr. Ct., July 27, 2006). (Jones, J). Order (Granting Motion for Reconsideration and Granting Motion to Dismiss)</p> <p>The Court had to determine whether to grant the <i>Motion to Dismiss</i>. The Court had previously granted a partial dismissal of the cause of action. The petitioner requested that the Court fully dismiss the <i>Complaint</i>. The Court granted the request and dismissed the entire <i>Complaint</i> because the case was moot due to the fact that Ms. De Cora had resigned prior to the filing of the <i>Complaint</i>. The plaintiff had sought her removal from the position of Election Board Chairperson, which she had previously held.</p>	July 27, 2006

CV 04-33	<p><i>Ronald Kent Kirkwood v. Francis Decorah et al.</i> (HCN Tr. Ct., July 27, 2006). (Matha, T). Order (Granting Plaintiff's Motion for Summary Judgment)</p> <p>The Court previously granted <i>Plaintiff's Motion for Summary Judgment</i>. The Court then had to determine whether the Housing Department's use of the Elder Point Criteria in HCN LEG. RES. 08-06-03A violates the TRIBAL ENROLLMENT &amp; MEMBERSHIP ACT OF 1995, § 6(e) and whether HCN LEG. RES. 08-06-03A properly amended the selection criteria of the HOMEBUYER PROGRAM POLICY MANUAL. Based upon the date of the plaintiff's request for relief, the MEMBERSHIP ACT is the controlling law and not HCN LEG. RES. 08-06-03A. This is because the plaintiff filed before the selection criteria in HCN LEG. RES. 08-06-03A became <i>properly</i> codified (based upon the rules for amending as established in the LEGISLATIVE ORGANIZATION ACT).</p> <p>Because the Membership Act grants benefits equally to all tribal members, without regard to length of enrollment, the Legislature was barred from creating selection criteria that treated tribal members unfairly. However, the Court reserved judgment on the issue of whether application of the Elder Point Criteria violated the plaintiff's constitutional right to equal protection in the interest of finding resolution under a non-constitutional question first.</p>	July 27, 2006
CV 06-36	<p><i>Nellie Darlene Long v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., July 31, 2006). (Matha, T). Order (Dismissal with Prejudice)</p> <p>The Court had to determine whether to dismiss this action. The plaintiff had revealed during the <i>Scheduling Conference</i> that she could not satisfy the blood quantum requirement for enrollment with the HCN, thereby fatally undermining her enrollment appeal. The Court lacked a justiciable case or controversy, and accordingly dismissed the case with prejudice.</p>	July 31, 2006
CV 06-22	<p><i>Virgil Bullshoe v. Marilyn Costello</i>, CV 06-22 (HCN Tr. Ct., Aug. 7, 2006). (Matha, T). Order (Petition Granted)</p> <p>The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent filed a timely response. The Court conducted a <i>Fact-Finding Hearing</i>. However, the respondent failed to demonstrate to the Court any reason why it should preclude granting full faith and credit to the foreign judgment. Thus, the Court granted the petitioner's request.</p>	Aug. 7, 2006
CV 05-109	<p><i>Leilani Jean Chamberlain v. Adam Hall, Enrollment Office of the Ho-Chunk Nation</i> (HCN Tr. Ct., Aug. 07, 2006). (Matha, T). Order (Denying Petitioner's Request for Costs &amp; Fees)</p> <p>The Court had to determine whether to impose costs and attorney's fees against the respondent due to his failure to timely respond to the petitioner's discovery requests. The respondent neglected to request a modification to the scheduling order for the purpose of extending the response period. The Court refrained from imposing discovery sanctions, and instead cautioned the respondent to exercise due diligence in the future.</p>	Aug. 7, 2006
CV 06-24	<p><i>HCN Home Ownership Program et al. v. Robert Mobley et al.</i> (HCN Tr. Ct., Aug. 8, 2006). (Matha, T). Findings of Fact, Conclusions of Law, and Order for Default Judgment, Including Costs</p> <p>The Court determined that the Court lacked personal jurisdiction over certain defendants. The Court further decided that no issue of law or fact had been joined and the time for joining issue had expired, thus the plaintiff was entitled to a default judgment against the defendants pursuant to <i>HCN R. Civ. P. 54</i>.</p>	Aug. 8, 2006

CV 06-34	<p><i>In the Interest of B.G.S., DOB 02/07/80, by Teresa Iverson v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 15, 2006). (Matha, T).</p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with assisted vacation expenses. The Court granted the request.</p>	Aug. 15, 2006
CV 05-102	<p><i>In the Interest of Minor Child: G.F., DOB 03/01/93, by Mary Fletcher v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 16, 2006). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>The Court had to determine whether the legal guardian could access CTF monies on behalf of a minor child for costs associated with purchasing a therapeutic lap pool. The Court granted the request.</p>	Aug. 16, 2006
CV 06-44	<p><i>In re: The Name Change of Courtney Candace White</i> (HCN Tr. Ct., Aug. 21, 2006). (Rockman, A).</p> <p>Order (Granting Name Change)</p> <p>The Court had to determine whether to grant the request of the petitioner to have her name legally changed. The petitioner had substantiated the basis for the name change. The Court granted the request.</p>	Aug. 21, 2006
CS 01-19, 06-32	<p><i>Angela Maria Regalia v. Roger Lee Houghton, Jr. and Jessica A. Ysquierdo v. Roger L. Houghton, Jr.</i> (HCN Tr. Ct., Aug. 22, 2006). (Matha, T).</p> <p>Petition Granted (Equitable Adjustment)</p> <p>The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent filed a timely answer in which he did not object to the recognition and enforcement of the foreign child support order, but merely requested a <i>Fact-Finding Hearing</i>. At the <i>Hearing</i>, the respondent again failed to object to the recognition and enforcement of the foreign child support order. Alternatively, the respondent requested information on how to terminate his parental rights. The Court lacks the authority to terminate a parent's rights. Thus, the Court granted the recognition and enforcement of the foreign judgment, and performed an equitable adjustment due to the respondent's serial payor status.</p>	Aug. 22, 2006
CV 06-30	<p><i>In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Aug. 25, 2006). (Rockman, A).</p> <p>Order (Directing Release of Funds)</p> <p>The Court conditionally approved the petitioner's request to access CTF monies on behalf of her minor child for costs associated with private school and expenses. The Court had required the petitioner to document personal payment of miscellaneous and board fees as required in a previous order. The petitioner offered documentation of successive payments to the private school. The Court found that petitioner had demonstrated a good faith effort to satisfy her parental obligation. The Court directed the release of the funds.</p>	Aug. 25, 2006
CV 04-99	<p><i>Dallas White Wing v. HCN General Council et al.</i> (HCN Tr. Ct., Aug. 28, 2006). (Vele, K).</p> <p>Order (Amending Scheduling Order &amp; Setting Motion Hearing)</p> <p>The Court had to determine whether to again modify the scheduling order to accommodate the parties' request to resolve the case through the presentation of a dispositive motion. The Court granted the modification in an effort to conclude this long-standing matter. The Court incorporated the briefing schedule agreed upon by the parties and reminded the parties of the date, time, and location of the <i>Motion Hearing</i>.</p>	Aug. 28, 2006

CV 05-44	<p><i>Stephany Hughes v. HCN Gaming Comm'n et al.</i> (HCN Tr. Ct., Aug. 29, 2006). (Matha, T). Order (Granting Defendants' Motion to Dismiss)</p> <p>The Court had to determine whether to grant a dismissal of the instant action. The defendants contended that the plaintiff filed an untimely appeal of the <i>Decision and Order</i> rendered by the HCN Gaming Commission. The Court dismissed the case due to the plaintiff filing beyond the statute of limitation.</p>	Aug. 29, 2006
CV 06-63	<p><i>In the Interest of Minor Child: M.W., DOB 04/05/95, by Miriam Whiteagle v. HCN Office of Tribal Enrollment</i>, CV 06-63 (HCN Tr. Ct., Sept. 5, 2006). (Rockman, A). Order (Denial of Petition)</p> <p>The Court had to determine whether the parent could access CTF monies on behalf of a minor child for costs associated with purchasing clothing. The Court denied the request.</p>	Sept. 5, 2006
CV 04-72	<p><i>Joyce L. Warner v. Ho-Chunk Nation et al.</i>, CV 04-72 (HCN Tr. Ct., Sept. 11, 2006). (Matha, T). Order (Denying Plaintiff's Motion for Summary Judgment)</p> <p>The Court had to determine whether to grant the plaintiff's request for summary judgment. The Court had previously analogized to federal due process jurisprudence for purpose of defining the scope of the tribal due process clause, and the parties have acknowledged this practice. The plaintiff asserted a constitutional right to minimum procedural due process prior to the imposition of a non-disciplinary demotion. The Court performed an examination of persuasive case law, which runs contrary to this assertion. Furthermore, the employer did not impose a disciplinary measure and the PERSONNEL MANUAL is otherwise devoid of any procedural requirements for instituting the demotion. The CONSTITUTION, and not subordinate legislation, will establish the degree of procedural due process, but legislation must first secure the benefit of employment against demotion. The PERSONNEL MANUAL does not grant such security. Thus, an employee accepts and maintains employment with full awareness that he/she may be subjected to a non-disciplinary demotion. The Court accordingly denies the plaintiff's request.</p>	Sept. 11, 2006
FM 06-05	<p><i>In re the Marriage of: Dolly M. Finn v. Daniel Santo Soto</i>, FM 06-05 (HCN Tr. Ct., Sept. 14, 2006). (Rockman, A). Order (Dismissal)</p> <p>The Court previously convened an <i>Initial Hearing</i> at which the parties revealed that neither individual satisfied the personal jurisdiction requirements as stated in the applicable statute. Specifically, the petitioner, while an enrolled member of the Ho-Chunk Nation, has not "resided in the state of Wisconsin for at least six (6) months." DIVORCE &amp; CUSTODY ORDINANCE, 4 HCC § 9.2. The respondent, is a non-member and has not been "a resident of the Ho-Chunk Nation for at least six (6) months." <i>Id.</i> Therefore, the Court dismissed this action for lack of personal and/or territorial jurisdiction.</p>	Sept. 14, 2006

CV 05-104	<p><i>Robert Gerhartz v. HCN Gaming Comm'n</i>, CV 05-104 (HCN Tr. Ct., Sept. 14, 2006). (Matha, T).  Order (Final Judgment)  The Court had to determine whether to grant the petitioner's request for relief. The HCN Gaming Commission suspended the petitioner's gaming license for a period of one (1) month prior to conducting a <i>Show Cause Hearing</i>. The petitioner seeks judicial review of the Commission decision that resulted from such <i>Hearing</i>. Although the Court found that the respondent has broad authority to regulate not only gaming, but its employees as well, the Court found that in the case at hand, the respondent lacked the authority to suspend the petitioner based upon a violation of GAMING ORDINANCE § 1203(b). This is because the Court found no violation of such section, or any other section that would warrant the suspension of a gaming license. Therefore, the Court remanded the case to the respondent with the instructions to award the petitioner with one (1) month of backpay pursuant to GAMING ORDINANCE, § 1101(b)(vii)(b), and that it expunge the petitioner's record.</p>	Sept. 14, 2006
CV 06-08	<p><i>HCN Housing and Community Development Agency v. Margaret Hoffman</i>, CV 06-08 (HCN Tr. Ct., Sept. 22, 2006). (Matha, T).  Order (Denying Plaintiff's Motion for Summary Judgment)  The Court had to determine whether to grant the plaintiff's request for summary judgment. The plaintiff improperly attempted to shift the burden of establishing an essential element of its cause of action to the defendant. The Court found that genuine issues of material fact remained to be resolved and accordingly denied the plaintiff's request.</p>	Sept. 22, 2006
CV 05-104	<p><i>Robert Gerhartz v. HCN Gaming Comm'n</i>, CV 05-104 (HCN Tr. Ct., Oct. 6, 2006). (Matha, T).  Order (Erratum)  The Court issued this order to correct a clerical mistake made in the previous order.</p>	Oct. 6, 2006
CV 98-64	<p><i>In the Interest of Adult Incompetent: R.A.H., DOB 07/01/21, by Gerald L. Paar v. HCN Office of Tribal Enrollment</i>, CV 98-64 (HCN Tr. Ct., Oct. 12, 2006). (Matha, T).  Order (Motion Granted)  The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with a tombstone for a departed spouse. The Court granted the request.</p>	Oct. 12, 2006
CV 01-78	<p><i>Ona Garvin v. HCN, Silas Cleveland, in his individual capacity et al.</i>, CV 01-78 (HCN Tr. Ct., Oct. 30, 2006). (Rockman, A).  Order (Motion to Dismiss Granted)  The Court had to determine whether to grant the defendants' <i>Motion to Dismiss</i> whereby the defendants moved to dismiss the plaintiff's cause(s) of action. The plaintiff claimed that she was subjected to an involuntary termination from her position. The Court determined that the officials did not act outside the scope of their authority. Instead, the Court found that the defendants were exercising business judgment based upon their knowledge of the business. With regards to the plaintiff's claims regarding her late annual evaluation, the Court determined that the PERSONNEL POLICIES AND PROCEDURES MANUAL (hereinafter PERSONNEL MANUAL) had already provided the plaintiff with the sole relief for such a violation by her supervisors. The Court also held that the plaintiff's action for involuntary termination be dismissed because the plaintiff failed to establish that a termination ever occurred. Additionally, the Court determined that the plaintiff had been afforded sufficient procedural due process during the demotional transfer. This was evidenced by the fact that it was these due process protections that allowed the plaintiff to save her employment by reasoning with her superiors to allow a demotional transfer rather than a termination. Therefore, the Court granted the <i>Motion to Dismiss</i>.</p>	Oct. 30, 2006

CV 02-45	<p><i>Morning Star Leonard v. Julie Nakai, Floor Sales Supervisor of Ho-Chunk Bingo et al.</i>, CV 02-45 (HCN Tr. Ct., Nov. 3, 2006). (Matha, T).</p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether the defendants improperly denied the plaintiff a minimum full-time employee work schedule. The Court concluded that the relevant statutory language does not create an entitlement to work a defined amount of hours. The Court accordingly denied the plaintiff's request for relief.</p>	Nov. 3, 2006
CV 06-12	<p><i>HCN Dep't of Labor et al. v. Contingency Planning Solutions, Inc. et al.</i>, CV 06-12 (HCN Tr. Ct., Nov. 6, 2006). (Matha, T).</p> <p>Order (Denying Post Judgment Motion)</p> <p>The Court had to determine whether to grant the defendants' motion for relief from the default judgment. The defendants argued that they mistakenly delivered their responsive pleading only to the plaintiffs. The Court examined the defendants' argument under the standard for granting reconsideration of a final judgment in these instances. Based upon this review, the Court declined to upset the standing default judgment.</p>	Nov. 6, 2006
CV 03-09	<p><i>Faye Begay v. Jean Day, Executive Director of the HCN Education Dep't et al.</i>, CV 03-09 (HCN Tr. Ct., Nov. 8, 2006). (Rockman, A).</p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether to grant the plaintiff's request for relief. The Court held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. Specifically, the Court found that the defendants failed to provide the plaintiff with a meaningful opportunity to be heard. Thus, the Court reverses the plaintiff's termination and awards appropriate relief.</p>	Nov. 8, 2006
CV 06-41	<p><i>Patricia A. Lowe-Ennis v. Cash Systems, Inc.</i>, CV 06-41 (HCN Tr. Ct., Nov. 8, 2006). (Matha, T).</p> <p>Order (Requiring Joinder of Party)</p> <p>The Court had to determine whether to uphold the adjudicative decision of the HCN Tribal Rights Ordinance Commission (hereinafter TERO Commission). The petitioner failed to name the TERO Commission as a respondent in this administrative appeal. The Court utilizes its discretion to join the TERO Commission in this suit, and requires the TERO Commission to file a response brief and supplement the administrative record.</p>	Nov. 8, 2006

CV 99-22	<p><i>Stewart A. Miller v. HCN Legislature, et al.</i>, CV 99-22 (HCN Tr. Ct., Nov. 9, 2006). (Rockman, A). Order (Final Judgment)</p> <p>The Court had to determine whether to grant the plaintiff's request for relief. The plaintiff requested both declaratory and monetary relief against the defendants. The plaintiff claimed that the defendants acted outside the scope of their authority in suspending the plaintiff. The Court determined that the Legislature did not act outside the scope of its authority granted to them by the CONSTITUTION as it relates to internal legislative procedures. Thus, the plaintiff could not receive equitable relief on that ground, as the Legislature did not waive its sovereign immunity. However, the Legislature still had to abide by the constitutional mandates of due process as articulated within CONSTITUTION, ART. X, § 1(a)(8). The Court determined that the Legislature failed to afford the plaintiff his minimal procedural due process protections. Namely, the plaintiff was not provided with adequate notice of a hearing that would take place on the matter, nor that any disciplinary action would be taken against him. Thus, the Court granted the plaintiff's request that the Department of Personnel remove all negative references connected to the proceedings that led to the plaintiff's suspension. However, the Court did not award any monetary relief despite a denial of due process because there was no waiver of sovereign immunity, and the plaintiff failed to adhere to the terms of the limited waiver of sovereign immunity within the former PERSONNEL MANUAL.</p>	Nov. 9, 2006
CV 04-02	<p><i>HCN Dep't of Health &amp; Human Services v. Carol Rockman</i>, CV 04-02 (HCN Tr. Ct., Nov. 9, 2006). (Rockman, A). Order (Final Judgment)</p> <p>The Court had to determine whether to grant the relief requested by the plaintiffs. The Court held that the defendant is immune from suit under the doctrine of official immunity, and therefore was not subject to monetary penalties in connection with her actions.</p>	Nov. 9, 2006
CV 02-93	<p><i>HCN v. Bank of America, N.A.</i>, CV 02-93 (HCN Tr. Ct., Nov. 13, 2006). (Matha, T). Order (Requiring Status Updates)</p> <p>The HCN Judiciary has continually recognized the principle that a plaintiff maintains the burden to prosecute its case. The plaintiff had requested a continuance on August 28, 2006. The Court granted the request. However, the plaintiff still must prosecute its case. Thus, the Court ordered that the plaintiff file status updates at minimum six (6) month intervals beginning on or before December 1, 2006.</p>	Nov. 13, 2006
CV 06-107	<p><i>In the Interest of Minor Child: D.R.M., DOB 05/12/99, by Sherry McKinley v. HCN Office of Tribal Enrollment</i>, CV 06-107 (HCN Tr. Ct., Nov. 15, 2006). (Rockman, A). Order (Petition Granted)</p> <p>The Court had to determine whether a parent can access his Children's Trust Fund account to pay for costs associated with the purchase of hearing instruments. The Court granted the request.</p>	Nov. 15, 2006
CV 06-109	<p><i>George Lewis v. HCN Election Board, Mary Ellen Dumas, in her official capacity as Chair of the Election Board, and Wilma Thompson in her official capacity as Vice-Chair of the Election Board, Wade Blackdeer, in his official capacity as Vice President and President pro tempore, Becky Albert, in her official capacity as Treasurer of the HCN, and Francis Decorah, in his capacity as General Council Chairperson, November 11, 2006</i>, CV 06-109 (HCN Tr. Ct., Nov. 17, 2006). (Rockman, A). Order (Inviting Participation of Amicus Curiae)</p> <p>Because the resolution of the issues raised in the plaintiff's <i>Complaint</i> may affect actions made and contemplated by the General Council and its representatives, the Court invited the General Council Agency to submit an <i>amicus</i> brief on the issues involved in this matter.</p>	Nov. 17, 2006

CV 04-22	<p><i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i>, CV 04-22 (HCN Tr. Ct., Nov. 22, 2006). (Matha, T). Order (Motion Denied)</p> <p>The Court had to determine whether the legal guardian could access ITF monies on behalf of an adult incompetent member for costs associated with maintaining a residence, <i>i.e.</i>, replacing carpeting and purchasing new furniture. The Court denied the request because the member has never resided in the home.</p>	Nov. 22, 2006
CV 03-25	<p><i>Cornelius Decora, on behalf of Minors: J.D., DOB 09/17/85; S.D., DOB 03/20/87; F.D., DOB 06/14/88; and B.D., DOB 11/22/89 v. Adam Hall, HCN Tribal Enrollment Officer et al.</i>, CV 03-25 (HCN Tr. Ct., Dec. 4, 2006). (Vele, K). Decision and Order</p> <p>Plaintiff filed this action on behalf of his minor children in order to seek enrollment of the children. Plaintiff sought the assistance of both the Clan Mothers and the Traditional Court. The Clan Mothers made clear that they supported the enrollment of the children. They indicated that the Ho-Chunk Nation follows the lineage of the father. The Clan Mothers then encouraged the plaintiff to seek the assistance of the Traditional Court. The plaintiff sought the assistance of the Traditional Court. The Traditional Court provided the plaintiff with a written description of what the traditions and customs of the HCN are with regards to lineage. Despite the articulation of tradition and custom by the Clan Mothers and Traditional Court, several changes in the enrollment process ultimately led to the denial of the children's enrollment with the HCN. The Trial Court ruled that the writing provided by the Traditional Court was a decision rendered by such Court, rather than an articulation of tradition and custom. As a decision, it was found not to be appealable to the Trial Court.</p>	Dec. 4, 2006
CV 05-22	<p><i>Mary Bernhardt v. HoCak Construction, LLC and HCN Dep't of Housing</i>, CV 05-22 (HCN Tr. Ct., Dec. 5, 2006). (Vele, K). Decision and Order</p> <p>The Court had to determine whether the plaintiff's action was barred by the STATUTE OF LIMITATIONS AND COMMENCEMENT OF CLAIMS, 2 HCC § 14c1. The Court determined that the statute of limitations began tolling when the final payments were tendered, and more importantly when the plaintiff first discovered the deficiencies in the defendant-builder's work as evidenced by her refusing to move into the residence. Because this occurred in September 2000, the plaintiff's claims are barred because the action for breach of contract should have commenced within three years of this occurrence.</p>	Dec. 5, 2006
CV 02-119	<p><i>Pamela K. Snowball v. HCN et al.</i>, CV 02-119 (HCN Tr. Ct., Dec. 8, 2006). (Matha, T). Order (Final Judgment)</p> <p>The Court had to determine whether to reverse the decision to terminate the plaintiff's employment. The Court declined to take such action since it found that the plaintiff violated federal, state and tribal requirements for the reporting of suspected child abuse. Specifically, the Court determined that the plaintiff inappropriately disclosed the alleged incident of abuse to an unauthorized individual. Thus, the Court denied the plaintiff's request for relief. The Court upheld the termination decision of the defendants.</p>	Dec. 8, 2006
CV 06-55	<p><i>In the Interest of Adult CTF Beneficiary: Bruce Sanford, DOB 01/17/84 v. HCN Office of Tribal Enrollment</i>, CV 06-55 (HCN Tr. Ct., Dec. 11, 2006). (Rockman, A). Order (Denial of Petition)</p> <p>The Court had to determine whether an adult can access monies from his CTF to pay for costs associated with the purchase of an automobile. The Court denied the request.</p>	Dec. 11, 2006

CV 06-77	<p><i>Kenneth Lee Twin v. Toni McDonald et al.</i>, CV 06-77 (HCN Tr. Ct., Dec. 18, 2006). (Matha, T).</p> <p>Order (Remanding to Grievance Review Board)</p> <p>The Court had to determine whether to uphold the decision of the Grievance Review Board (hereinafter GRB). The GRB failed to adhere to the directives of the HCN Supreme Court. The Court accordingly remanded the matter to the GRB, directing it to comply with the appellate decision.</p>	Dec. 18, 2006
CV 97-117	<p><i>In the Interest of O.S.R., DOB 05/14/68, by Jean Ann Day v. HCN Office of Tribal Enrollment</i>, CV 97-117 (HCN Tr. Ct., Dec. 19, 2006). (Rockman, A).</p> <p>Order (Recusal Request Granted)</p> <p>The petitioner requested that the judge recuse herself due to a distant familial relationship. In accordance with <i>HCN Judicial Ethics</i>, § 4-2 (B), a judge or justice may recuse him/herself on his or her own discretion to avoid the appearance of impropriety.” Therefore, the judge granted the recusal request.</p>	Dec. 19, 2006
CV 05-43	<p><i>Sherry Wilson v. HCN Dep’t of Personnel</i>, CV 05-43 (HCN Tr. Ct., Dec. 21, 2006). (Matha, T).</p> <p>Order (Order upon Remand)</p> <p>The Supreme Court previously reversed and remanded a decision that the Court rendered in an employment action. The Supreme Court instructed the Court to conduct further proceedings, which the Court deemed unnecessary due to the fact that the matter previously proceeded to trial. Within this decision, the Supreme Court announced and imposed a liberal pleading requirement for <i>pro se</i> litigants. However, the Court has always acknowledged the disadvantages of a <i>pro se</i> litigant, and has thus attempted to provide an appropriate level of assistance without overstepping the ethical line of judge versus advocate. The Supreme Court cast the issue as one concerning amendment to pleadings. However, the Court questions whether the issue should instead be one of joinder. If joinder was the issue, the case would not have been dismissed because the supervisor would have not proven to be an indispensable party. Instead, the Court would have joined the supervisor pursuant to <i>Ho-Chunk Nation Rules of Civil Procedure</i>, Rule 24.</p> <p>The defendant, within its <i>Answer</i>, had instructed the plaintiff that she failed to name her supervisor as a defendant, and thus her claim of negligence by this supervisor should fail. Even with this notice, it did not appear that the plaintiff wished to name the supervisor as a defendant. First, the Court and parties understood that the matter could still progress through the GRB. Second, the plaintiff did not pursue the allegation of negligence against the supervisor at trial in any way. And last, the plaintiff did not portray her supervisor as acting outside the scope of his authority at trial, but instead that she could expect his willing cooperation. For these reasons, the Court reasserts its dismissal given Supreme Court precedent on the issue of joinder.</p>	Dec. 21, 2006

CV 06-84, - 91	<p><i>In the Interest of Adult CTF Beneficiary: Joseph R. Hammer, DOB 09/02/82 v. HCN Office of Tribal Enrollment and In the Interest of minor child: K.T., DOB 09/25/89, by Roger Thundercloud v. HCN Office of Tribal Enrollment, CV 06-84, 91 (HCN Tr. Ct., Dec. 28, 2006). (Matha, T).</i></p> <p>Order (Petition Granted in Part)</p> <p>The Court had to determine whether an adult can access monies from his CTF to pay for costs associated with emergency housing assistance and replacement of personal belongings due to a residential fire. In a consolidated action, the Court must also determine whether the parent can access monies on behalf of his minor child from the child's CTF for the same expenses. The Court granted the request in part. Specifically, the Court granted a release of monies associated with emergency rental assistance, appliances, furniture, modestly priced clothing, and renters insurance. However, the Court denied the requests for televisions and expensively priced clothing due to the fact that these requests did not represent necessities.</p>	Dec. 28, 2006
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**Ho-Chunk Nation Opinions  
2007**

Case No.	Case	Decided
CV 05-82	<p><i>HCN Treasury Dep't, Ho-Chunk Casino Hotel &amp; Convention Center and Ho-Chunk Nation v. Corvettes on the Isthmus, CV 05-82 (HCN Tr. Ct., Jan. 5, 2007). (Matha, T).</i></p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether to grant plaintiffs' request for relief. The plaintiffs sought to hold the defendant liable for alleged violations of a contract. The Court has previously stated that a contract will serve as the law of the case, provided that the governmental signatory acted pursuant to a proper delegation of legislative authority. CONST., ART. VII, § 5(a). In the case at hand, the Court determined that the plaintiffs improperly executed the contract because there was not a proper delegation of such authority. Thus, the Court denied the plaintiff's request due to a lack of subject matter jurisdiction.</p>	Jan. 5, 2007
CV 06-62	<p><i>Karen Bowman v. HCN Ins. Review Comm'n, CV 06-62 (HCN Tr. Ct., Jan. 10, 2007). (Rockman, A).</i></p> <p>Order (Final Judgment)</p> <p>The Court had to determine whether to uphold the adjudicative decision of the Ho-Chunk Nation Insurance Review Commission (hereinafter HIRC). The HIRC denied the petitioner's claim for worker's compensation benefits. The Court, in conducting its judicial review, must determine if the administrative decision is supported by substantial evidence and whether the rule escapes a designation of arbitrary and capricious. The Court found that the record fully supported the denial of workers compensation benefits. Thus, the Court denied the plaintiff's request and upheld the HIRC decision.</p>	Jan. 10, 2007
CV 06-109	<p><i>George Lewis v. HCN Election Board et al., CV 06-109 (HCN Tr. Ct., Jan. 15, 2007). (Rockman, A).</i></p> <p>Order (Motion Denied)</p> <p>The Court denies the defendant's motion for reconsideration on the grounds of mootness. Since the Court had previously granted the plaintiff's request for an injunction to preserve the status quo, and since the scheduled special election was not held, the motion was denied for lack of a case or controversy.</p>	Jan. 15, 2007
CV 06-67	<p><i>In the Interest of Minor Child: B.K.W.B., DOB 02/10/91 v. HCN Office of Tribal Enrollment, CV 06-67 (HCN Tr. Ct., Jan. 19, 2007). (Rockman, A).</i></p> <p>Order (Granting Petition)</p> <p>The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with private school tuition and expenses. The Court granted the request.</p>	Jan. 19, 2007
CV 06-56	<p><i>Joseph P. Marinan v. Ho-Chunk Gaming Commission, CV 06-56 (HCN Tr. Ct., Jan. 29, 2007).</i></p>	Jan. 29, 2007

	2007). (Matha, T). Order (Final Judgment) The Court declined to reverse the agency decision due to the petitioner's failure to truthfully respond to an unambiguous request for information on the gaming license application.	
CV 02-40	<i>Kathy Stacy v. Ho-Chunk Nation Legislature</i> , CV 02-40 (HCN Tr. Ct., Feb. 1, 2007). (Matha, T). Order (Granting Motion to Dismiss) The Court had to determine whether to grant the petitioner's dispositive motion. While the actions of the agency violated the hearing provision of the GAMING ORDINANCE, this procedural shortcoming did not compel the Court to award the petitioner's requested relief. The petitioner did not adequately present a constitutional violation, and the Gaming Ordinance differentiated between the conduct of Commissioners and employees for purposes of determining gaming license violations. The Court denied the petitioner's request for relief.	Feb. 1, 2007
CV 06-114	<i>In the Interest of Minor Child: D.T.L., DOB 04/25/89 v. HCN Office of Tribal Enrollment</i> , CV 06-114 (HCN Tr. Ct., Feb. 2, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with securing legal counsel. The minor child was not entitled to a public defender, and, therefore, the Court granted the request.	Feb. 2, 2007
CV 06-80	<i>In the Interest of Adult CTF Beneficiary: Neva J. Littlegeorge, DOB 09/24/85 v. HCN Office of Tribal Enrollment</i> , CV 06-80 (HCN Tr. Ct., Feb. 2, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with purchasing an automobile. The Court granted the request.	Feb. 2, 2007
CV 06-113	<i>In the Interest of Adult CTF Beneficiary: Marcella Redbird, DOB 10/24/85 v. HCN Office of Tribal Enrollment</i> , CV 06-113 (HCN Tr. Ct., Feb. 2, 2007). (Matha, T). Order (Partial Granting of Petition) The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with continuing education and an automobile loan. The Court granted the request for educational funding, but denied the request to satisfy the automobile loan.	Feb. 2, 2007
CV 04-73	<i>Ho-Chunk Nation Legislature, Tracy Thundercloud in his official capacity as chair of the Ho-Chunk Nation Finance Committee v. Ho-Chunk Nation President, George Lewis</i> , CV 04-73 (HCN Tr. Ct., Feb. 13, 2007). (Rockman, A). Reissued Judgment (Awarding Attorney's Fees) The court had to determine whether to grant attorney's fees to the defendant in this matter. The Court granted the defendant's request for fees in this matter, since the parties had previously stipulated to such fees.	Feb. 13, 2007
CV 07-06	<i>In the Interest of Minor Children: M.L.P., DOB 05/21/95 and D.M.P., DOB 07/21/99 v. HCN Office of Tribal Enrollment</i> , CV 07-06 (HCN Tr. Ct., Feb. 15, 2007). (Matha, T). Order (Granting Petition) The Court had to determine whether a parent can access monies from her minor children's CTF to pay for emergency housing assistance. The Court granted the request.	Feb. 15, 2007
CV 05-86	<i>Forest Funmaker, Rita Cleveland, Wilfrid Cleveland, Angelina Waege &amp; Loa Porter v. Alvin Cloud in his capacity as Chairperson for 2005 Gen. Council, Tonie Lewis in her capacity as Sec'y for 2005 Gen. Council and the HCN Election Bd.</i> , CV 05-86 (HCN Tr. Ct., Feb. 16, 2007). (Vele, K). Decision The Court had to determine whether to grant summary judgment in the matter of the legality of the General Council's vote on resolutions calling for a special election to replace named elected tribal officials. The Court found that the Chair and Secretary had acted within their delegated authority. The Court deemed that the General Council acquiesced in voting by an	Feb. 16, 2007

	absolute majority, i.e., requiring more affirmative votes than negative votes and abstentions combined. Accordingly, the Court granted summary judgment in favor of the defendants, which entitled President George Lewis to retain his seat following an attempt to recall him from office.	
CV 05-90, 05-93	<i>Ona Garvin v. Ho-Chunk Nation Election Bd., Mary Ellen Dumas, as Election Bd. Chair, and Wilma Thompson, as Election Bd. Vice Chair and Dallas White Wing v. Ho-Chunk Nation Gen. Council, through Alvin Cloud, in his capacity as Chairperson of the Gen. Council; and HCN Election Bd., through Mary Ellen Dumas, as Chair of the Election Bd.</i> , CV 05-90, CV 05-93 (HCN Tr. Ct., Mar. 1, 2007). (Vele, K). Decision The Court had to determine whether to grant summary judgment in the matter of who may vote in a Special Election called by the General Council to recall named elected officials. The Court found that while the Nation's Constitution guaranteed the General Council the right to call such an election, it did not guarantee a tribal-wide right to vote in the election. A tribal-wide vote was found to unfairly dilute the interests of members within Districts 3 and 4. The Court additionally found that according to the plain language of the underlying resolution, the Special Elections were recall, not removal, actions. Accordingly, the Court granted partial summary judgment in favor of the plaintiffs.	Mar. 1, 2007
CV 07-01	<i>In the Interest of Adult CTF Beneficiary: Marvel Jean Cloud, DOB 12/12/82 v. HCN Office of Tribal Enrollment</i> , CV 07-01 (HCN Tr. Ct., Mar. 6, 2007). (Rockman, A). Order (Petition Conditionally Granted) The Court had to determine whether an adult CTF beneficiary can access monies from her CTF to pay for costs associated with automobile repairs. The Court granted the request, so long as the petitioner provided proof of school enrollment and proof of financial assistance.	Mar. 6, 2007
CV 06-61	<i>Janet Funmaker v. Libby Fairchild, in her capacity as Executive Director of HCN Dep't of Pers., HCN Dep't of Pers., and Ho-Chunk Nation</i> , CV 06-61 (HCN Tr. Ct., Mar. 9, 2007). (Rockman, A). Order (Remand) The Court remanded this case to the Grievance Review Board for a specific finding of monetary relief. The Court determined that the limits established by the Employment Relations Act's sovereign immunity waiver do not apply to the Board's grants of relief.	Mar. 9, 2007
CV 06-74	<i>Willard Lonetree v. Larry Garvin, in his official capacity as Executive Director of Ho-Chunk Nation Heritage Preservation</i> , CV 06-74 (HCN Tr. Ct., Mar. 9, 2007). (Matha, T). Order (Reversing and Remanding) The Court reversed and remanded this case to the Grievance Review Board due to the supervisor's failure to afford the petitioner pre-deprivation minimal due process. The Court reiterated that the supervisor conducting the pre-deprivation hearing must possess discretionary authority to determine the level of appropriate discipline.	Mar. 9, 2007
CV 07-16	<i>Kenneth L. Twin v. Ho-Chunk Nation, HCN Legislature, HCN Election Bd.</i> , CV 07-16 (HCN Tr. Ct., Mar. 19, 2007). (Rockman, A). Order (Denying Candidate Certification) The Court denied the candidate's request for certification in the coming General Election, due to the member's failure to properly inform the Nation of his change in residence.	Mar. 19, 2007
CV 07-07	<i>In the Interest of Minor Child: T.K., DOB 06/06/90 v. HCN Office of Tribal Enrollment</i> , CV 07-07 (HCN Tr. Ct., Mar. 26, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with private school tuition and expenses. The Court granted the request.	Mar. 26, 2007
CV 97-79	<i>In the Interest of A.F., DOB 05/10/79 v. HCN Office of Tribal Enrollment</i> , CV 97-79 (HCN Tr. Ct., Mar. 28, 2007). (Rockman, A). Order (Motion Granted)	Mar. 28, 2007

	The Court had to determine whether a guardian can access monies from an incompetent member's ITF to remodel the ward's bedroom and bathroom. The Court granted the request.	
CV 06-109	<i>George Lewis v. Ho-Chunk Nation Election Bd. et al.</i> , (HCN Tr. Ct., Apr. 17, 2007). (Rockman, A). Order (Final Judgment) The Court found that the removal of President George Lewis at the November 11, 2006 General Council fit within the prior procedural safeguards, such as timeliness of the notice and a reasonable opportunity to be heard as interpreted by the HCN Supreme Court.	Apr. 17, 2007
CV 06-108	<i>In the Interest of L.L.L., DOB 09/18/48 v. HCN Office of Tribal Enrollment</i> , CV 06-108 (HCN Tr. Ct., May 1, 2007). (Rockman, A). Order (Motion Granted) The Court had to determine whether a guardian can access monies from an incompetent member's ITF to accommodate residential care expenses. The Court granted the request.	May 1, 2007
DV 07-02	<i>Vanessa Carriaga v. Jordan Vidana</i> , DV 07-02 (HCN Tr. Ct., May 2, 2007). (Rockman, A). Order (Dismissal) The Court dismissed the instant action, since the petitioner failed to articulate reasonable grounds to believe the respondent had committed acts of domestic violence.	May 2, 2007
CV 96-87	<i>In the Interest of M.A.F., DOB 04/26/66 v. HCN Office of Tribal Enrollment</i> , CV 96-87 (HCN Tr. Ct., May 10, 2007). (Rockman, A). Order (Motion Granted) The Court had to determine whether a guardian can access monies from an incompetent member's ITF to pay costs associated with a day services program. The Court granted the request.	May 10, 2007
CV 07-34	<i>Dallas White Wing v. Ho-Chunk Nation Election Bd. et al.</i> , CV 07-34 (HCN Tr. Ct., May 11, 2007). (Rockman, A). Order (Denying Preliminary Injunction) The Court issued this order denying the plaintiff's request for a preliminary injunction, enjoining the Special Runoff Primary Election scheduled for May 11, 2007; and the Special Recall Election scheduled for May 15, 2007. Since the plaintiff failed to exhaust his administrative remedies and had previously litigated the same issue in a prior case, the present claim was barred by <i>res judicata</i> , and the injunction was denied.	May 11, 2007
CV 07-27	<i>Michael Sallaway v. Ho-Chunk Nation Election Board</i> , CV 07-27 (HCN Tr. Ct., May 14, 2007). (Matha, T). Order (Preliminary Determinations) The Court issued this Order to memorialize actions taken at the May 11, 2007 <i>Pre-Trial Hearing</i> .	May 14, 2007
CV 07-30	<i>Joyce L. Warner v. Ho-Chunk Nation Election Bd. et al.</i> , CV 07-30 (HCN Tr. Ct., May 21, 2007). (Matha, T). Order (Granting Motion to Dismiss) The Court issued this order to grant the defendant's <i>Motion to Dismiss</i> , since legislative candidate Gerald Cleveland obtained the requisite amount of electoral signatures on his Official Nomination Petition despite the presence of some seemingly fraudulent signatures.	May 21, 2007
CV 07-34	<i>Dallas White Wing v. Ho-Chunk Nation Election Bd. et al.</i> , CV 07-34 (HCN Tr. Ct., May 22, 2007). (Rockman, A). Order (Candidacy Appeal) The Court issued this order holding that due to the Election Board's failure to timely notify the plaintiff that he had been removed from the election ballot, a Special Runoff Election	May 22, 2007

	must be held to meet statutory notification requirements.	
CV 07-27	<i>Michael Sallaway v. Ho-Chunk Nation Election Board</i> , CV 07-27 (HCN Tr. Ct., May 24, 2007). (Rockman, A). Order (Election Challenge) The Court denied the request of the plaintiff regarding the proposed removal of presidential candidate Wilfrid Cleveland from the ballot since the plaintiff failed to prove by clear and convincing evidence that the candidate had been convicted of a felony.	May 24, 2007
CV 05-72	<i>In the Interest of Adult Incompetent: H.C., DOB 01/31/31 v. HCN Office of Tribal Enrollment</i> , CV 05-72 (HCN Tr. Ct., June 5, 2007). (Rockman, A). Order (Motion Granted) The Court had to determine whether a guardian can access monies from an incompetent member's ITF to pay for residential care and outstanding debts to vendors. The Court granted the request.	Jun. 5, 2007
CV 06-41	<i>Patricia A. Lowe-Ennis v. Cash Systems, Inc. and TERO Commission</i> , CV 06-41 (HCN Tr. Ct., June 8, 2007). (Matha, T). Order (Final Judgment) The Court found that since the petitioner failed to fall within the class of persons permitted under the TERO Ordinance to bring a harassment claim, her claim of harassment by her former employer must be dismissed. The Court upheld the Commission's imposition of fees against the respondent for failure to timely comply with the requirements of the TERO. Finally, the Court found that due to specific passages within her original employment application, the petitioner held an at-will employment arrangement with the respondent, and thus was not guaranteed procedural due process prior to her termination.	Jun. 8, 2007
CV 96-49	<i>In the Interest of Ward: R.G., DOB 10/08/62 v. HCN Office of Tribal Enrollment</i> , CV 96-49 (HCN Tr. Ct., June 19, 2007). (Rockman, A). Order (Partially Granting Request for Release of Funds) The Court had to determine whether a guardian can access monies from an incompetent member's ITF to pay for air conditioners, retainer of an attorney, and an independent psychological evaluation. The Court granted the request for the air conditioners, but denied the attorney retainer and independent evaluation, since the petitioner has shown no notable improvement since her last assessment.	Jun. 19, 2007
CV 07-22	<i>In the Interest of Adult CTF Beneficiary: Cha-ska Prescott, DOB 05/16/86 v. HCN Office of Tribal Enrollment</i> , CV 07-22 (HCN Tr. Ct., June 25, 2007). (Rockman, A). Order (Release of Funds) The Court had to determine whether an adult CTF beneficiary can access monies from his CTF to pay for costs associated with an outstanding electric bill. The Court granted the request.	Jun. 25, 2007
CV 07-23	<i>In the Interest of Minor Child: M.W., DOB 07/09/95, by Melody Whiteagle-Fintak v. HCN Office of Tribal Enrollment</i> , CV 07-23 (HCN Tr. Ct., June 29, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether a parent can access monies from her minor child's CTF to pay for costs associated with a professional tutoring program. The Court granted the request.	Jun. 29, 2007
CV 07-48	<i>Gregory Blackdeer v. Ho-Chunk Nation et al.</i> , CV 07-48 (HCN Tr. Ct., June 30, 2007). (Matha, T). Order (Compelling Discovery) The Court issued this <i>Order</i> to compel the defendant(s) to comply with the plaintiff's timely discovery request.	Jun. 30, 2007

CV 03-25	<p><i>Cornelius Decora, on behalf of Minors: J.D., DOB 09/17/85; S.D., DOB 03/20/87; F.D., DOB 06/14/88; B.D., DOB 11/22/89 v. Adam Hall et al.</i>, CV 03-25 (HCN Tr. Ct., Jul. 2, 2007). (<i>Pro tempore</i> Vele, K).</p> <p>Order</p> <p>The Court had to determine whether to find the defendants in contempt for failing to enroll the children as previously court ordered. A <i>Show Cause Hearing</i> was conducted. The Court found that the children’s tribal membership in another tribe needed to be relinquished before enrollment with the Ho-Chunk Nation could proceed.</p>	Jul. 2, 2007
CV 04-99	<p><i>Dallas White Wing v. HCN General Council et al.</i>, CV 04-99 (HCN Tr. Ct., Jul. 2, 2007). (<i>Pro tempore</i> Vele, K).</p> <p>Order (Conditional Dismissal with Prejudice)</p> <p>The Court had to determine whether to dismiss this case. The Court previously ordered the plaintiff to provide response as to whether he wished to proceed with the case. The plaintiff failed to respond within the timeframe provided. The Court dismissed the action with prejudice.</p>	Jul. 2, 2007
CV 03-09	<p><i>Faye Begay v. Jean Day et al.</i>, CV 03-09 (HCN Tr. Ct., Jul. 18, 2007). (Rockman, A).</p> <p>Order (Addressing Contempt Action)</p> <p>The Court had to determine whether to find the Executive Director of the Department of Personnel in contempt of court. The Court previously held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. Specifically, the Court found that the defendants failed to provide the plaintiff with a meaningful opportunity to be heard. Thus, the Court reversed the plaintiff’s termination and awarded the appropriate relief. The plaintiff contended that the HCN failed to reinstate her to a position of comparable wage as required by court order. The Court found that the Director of Personnel demonstrated reasonable compliance by relying upon the representations of counsel in relation to Personnel’s statutory role in the case. Thus, the alleged contemnor had adequately rebutted the prima facie case of contempt. However, the Court disagreed with the legal position advocated by counsel, namely that the employment given to the plaintiff after the termination, but before the final judgment, was complying with the court order. The Court directed the Executive Director of Personnel to fulfill Personnel’s responsibility under the final judgment.</p>	Jul. 18, 2007
CV 07-26	<p><i>In the Interest of Minor Child: A.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment</i>, CV 07-26 (HCN Tr. Ct., Jul. 20, 2007). (Matha, T).</p> <p>Order (Petition Granted)</p> <p>The Court had to determine whether a parent can access her child’s CTF account to pay for costs associated with automobile repair. The Court granted the request.</p>	Jul. 20, 2007
CV 07-31	<p><i>In the Interest of Minor Child: T.W., DOB 04/09/93, by Sara WhiteEagle v. HCN Office of Tribal Enrollment</i>, CV 07-31 (HCN Tr. Ct., Jul. 27, 2007). (Rockman, A).</p> <p>Order (Granting Petition)</p> <p>The Court had to determine whether a parent can access her child’s CTF account to pay for costs associated with private school tuition and expenses. The Court granted the request.</p>	Jul. 27, 2007
CV 07-38	<p><i>In the Interest of Minor Child: D.H., DOB 06/07/95, by Marjorie Hopinkah v. HCN Office of Tribal Enrollment</i>, CV 07-38 (HCN Tr. Ct., Jul. 27, 2007). (Rockman, A).</p> <p>Order (Petition Denied)</p> <p>The Court had to determine whether a parent can access monies from her child’s CTF to pay for costs associated with a residential college preparatory summer program offered at the University of California, Berkeley by Renaissance Learning, Inc. The Court denied the request.</p>	Jul. 27, 2007
CV 07-27	<p><i>Michael Sallaway v. Ho-Chunk Nation Election Board</i>, CV 07-27, (HCN Tr. Ct., July 27, 2007) (Rockman, A)</p> <p>Order (Motion for Reconsideration Denied)</p> <p>The Court had to determine whether to grant the plaintiff’s motion for reconsideration. The</p>	Jul. 27, 2007

	<p>plaintiff previously requested relief regarding an election challenge to the April 24, 2007 General Primary Election. The Court denied the plaintiff's request regarding the proposed removal of presidential candidate Wilfrid Cleveland from the ballot since the plaintiff failed to prove by clear and convincing evidence that the candidate had been convicted of a felony. The Court denied the motion for reconsideration because it was untimely, as it was filed twenty (20) days after the entrance of the order.</p>	
CV 07-36	<p><i>HCN and HCN Election Bd. v. Gerald Lee Cleveland</i>, CV 07-36 (HCN Tr. Ct., Jul. 31, 2007). (Rockman, A). Order (Default Judgment) The Court had to determine whether to grant the relief requested by the plaintiffs. The defendant failed to answer the <i>Complaint</i> despite proper service of process. Thus, the Court rendered a default judgment against the defendant, awarding the plaintiffs permissible relief sought in the <i>Complaint</i>.</p>	Jul. 31, 2007
CV 06-70	<p><i>Jeneile Luebke v. Patricia Boyles c/o HCN Health Dep't</i>, CV 06-70 (HCN Tr. Ct., Aug. 6, 2007). (Rockman, A). Order The Court had to determine whether to direct the Ho-Chunk Nation Department of Personnel to adhere to the decision of the Grievance Review Board (hereinafter GRB). The plaintiff received a favorable decision at the GRB level; however the Department of Personnel has failed to remit the recommended pay differential. The Court remanded the decision to the GRB for a specific finding of monetary relief.</p>	Aug. 6, 2007
CV 04-22	<p><i>In the Interest of Adult Incompetent: W.E.S., DOB 12/23/36, by Frank E. Bichanich v. HCN Office of Tribal Enrollment</i>, CV 04-22 (HCN Tr. Ct., Aug. 9, 2007). (Matha, T). Order (Requiring Further Documentation) The Court convened a <i>Fact-Finding Hearing</i> for the purpose of considering a request for reimbursement of dwelling renovation expenses from the Incompetent's Trust Fund. The petitioner indicated that the incompetent member may spend one weekend a month at the former dwelling, which is now occupied by another family. The family submitted several receipts and invoices into evidence, but the Court requires an itemization of costs for refurbishing the bedroom of W.E.S., DOB 12/23/36.</p>	Aug. 9, 2007
CV 07-54	<p><i>Gale S. White v. Jean Day</i>, CV 07-54 (HCN Tr. Ct., Aug. 10, 2007). (Matha, T). Order (Granting Continuance) The Court had to determine whether to grant the plaintiff's motion. The plaintiff requested a continuance in the matter based upon general difficulty in adhering to the established timeframe due to her <i>pro se</i> status. The Court, within its discretion to grant continuances upon showing of good cause, granted the motion and continued the action to a different date.</p>	Aug. 10, 2007
CV 06-31	<p><i>Marlene C. Cloud et al. v. HCN et al.</i>, CV 06-31 (HCN Tr. Ct., Aug. 21, 2007). (Matha, T). Order (Granting Motion to Dismiss in Part) The Court had to determine whether to grant the defendants' motion to dismiss. The Court dismissed the causes of action against the governmental entities on the grounds of an asserted sovereign immunity from suit, thereby removing any claim for retroactive monetary damages. The Court, however, denied the dismissal request against the individually named defendants since the Court deems that it may grant equitable relief in certain employment cases regardless of whether a grievant proceeds through the administrative grievance structure. Namely, the employment cases that fall outside the realm of suspensions, terminations, discrimination, and/or harassment; the four areas that the EMPLOYMENT RELATIONS ACT requires a grievant to follow the administrative process, may be heard by the Court. The Court has been entrusted the power to hear cases and controversies by the Constitution. Thus, the Legislature may not deprive the Court of subject matter jurisdiction over equitable causes of action that do not fit into the administrative grievance structure.</p>	Aug. 21, 2007
CV 07-58	<p><i>In the Interest of Adult CTF Beneficiary: Myra Jo Blackdeer, DOB 09/01/88 v. HCN Office of Tribal Enrollment</i>, CV 07-58 (HCN Tr. Ct., Aug. 29, 2007). (Matha, T). Order (Requiring Further Documentation)</p>	Aug. 29, 2007

	The Court convened a <i>Fact-Finding Hearing</i> , at which both parties made an entry of appearance. The Court required that the petitioner present a photocopy of a valid driver's license prior to entertaining the request for a vehicle purchase. Furthermore, the Court required the petitioner present proof of enrollment at Western Wisconsin Technical College prior to releasing rental monies.	
CV 96-46	<i>In the Interest of Adult Incompetent: B.P.O., DOB 04/03/34, by Elethe Nichols v. HCN Office of Tribal Enrollment</i> , CV 96-46 (HCN Tr. Ct., Sept. 4, 2007). (Rockman, A). Order (Motion Granted) The Court had to determine whether the permanent guardian can access monies on behalf of an adult incompetent member from the ITF to pay for costs associated with respite care. The Court granted the request.	Sept. 4, 2007
CV 07-36	<i>HCN and HCN Election Bd. v. Gerald Lee Cleveland</i> , CV 07-36 (HCN Tr. Ct., Sept. 6, 2007). (Rockman, A). Order (Rescinding Default Judgment) The Court had to determine whether to grant the relief requested by the defendant. The Court previously entered <i>Order (Default Judgment)</i> . The defendant filed a <i>Motion for Reconsideration</i> claiming to have timely sent his <i>Answer</i> to all parties. The Court granted the <i>Motion</i> and rescinded the <i>Order (Default Judgment)</i> .	Sept. 6, 2007
CV 07-35	<i>HCN and HCN Election Bd. v. Danielle Lewis</i> , CV 07-35 (HCN Tr. Ct., Sept. 12, 2007). (Rockman, A). Motion to Dismiss The Court had to determine whether to grant the plaintiff's motion for a voluntary dismissal. The Court granted the <i>Motion to Dismiss</i> with prejudice.	Sept. 12, 2007
CV 07-72	<i>In the Interest of Minor Child: E.L., DOB 02/06/01, by Shannon Petersen v. HCN Office of Tribal Enrollment</i> , CV 07-72 (HCN Tr. Ct., Sept. 18, 2007). (Rockman, A). Order (Petition Granted in Part) The Court had to determine whether a parent can access his child's CTF account to pay for costs associated with orthodontic procedures and legal fees related to the payment of the orthodontic procedures. The Court granted the request with regards to procedures themselves, but denied the request for monies associated with legal fees.	Sept. 18, 2007

Case No.	Case	Decided
CV 05-104	<i>Robert Gerhartz v. HCN Gaming Comm'n</i> , CV 05-104 (HCN Tr. Ct., Oct. 4, 2007). (Matha, T). Order The Court remanded the decision to the HCN Gaming Commission to reconsider its decision consistent with the ruling of the HCN Supreme Court. The Supreme Court found that the Trial Court did not err in ruling that the Gaming Commission should have applied GAMING ORDINANCE 1803(b) and not 1203(b). The Supreme Court went on to say that the Trial Court did however err in failing to find that the petitioner violated the Internal Control Manual (hereinafter ICM). At the Trial Court level the Gaming Commission made no argument that the ICM represented "rules promulgated pursuant to th[e Gaming] Ordinance, as provided in Chapter 18." GAMING ORDINANCE, § 1212. As the Court surmised, the only rules referenced in Chapter 18 are the <i>Commission's Rules of Procedure and Practice. Order (Final J.)</i> at 17 (citing GAMING ORDINANCE, § 1801(e)). Therefore, the Trial Court concluded that "the respondent failed to provide this Court with any evidence of a violation that it could punish by the suspension of a gaming license." <i>Id.</i> The Supreme Court failed to scrutinize Chapter 18 for language impliedly referring to the ICM. Instead, the Supreme Court focuses merely on contemporaneous dates of adoption and other inferences to reach the decision that the ICM should be considered a rule promulgated pursuant to the GAMING ORDINANCE. Regardless, the Supreme Court directed the Trial Court to remand the decision to the Gaming Commission allowing them a second	Oct. 4, 2007

	opportunity to utilize the correct law. The Court remanded the decision.	
CV 07-39	<p><i>Steve Garvin, Exec. Manager of Majestic Pines Casino v. Jan Rousey</i>, CV 07-39 (HCN Tr. Ct., Oct. 19, 2007). (Matha, T).</p> <p>Order</p> <p>The Court had to determine whether to uphold the decision of the Grievance Review Board (hereinafter GRB). The petitioner urged the Court to abandon the deferential review of the GRB decision by asserting that the GRB had exceeded its statutory authority by substituting its own judgment for that of the supervisor. The petitioner concedes that the authority of the GRB is broad, but says that it is ambiguous. Without statutory clarification by the HCN Legislature, the Court shall not deprive the GRB of its discretion to review and permissibly rectify inappropriate supervisory decisions. “[I]t is not the Court’s job to essentially rewrite legislation by interpreting the law so broadly as to change its meaning.” <i>Robert Gerhartz v. HCN Gaming Comm’n</i>, SU 06-06 (HCN S. Ct., July 3, 2007) at 5. The petitioner also stated that the GRB ignored the supervisor’s attempt to employ progressive discipline. However, the GRB did recognize the prior disciplinary action, but determined that the action was unreasonable for the type of violation that was committed. The GRB’s decision was neither lacking substantial evidence nor arbitrary and capricious. The Court declined the petitioner’s invitation to abandon employing a deferential standard of review and accordingly affirmed the agency decision.</p>	Oct. 19, 2007
CV 07-84	<p><i>Timothy G. Whiteagle v. HCN Legislature, and, as individuals, Elliot Garvin, Clarence Pettibone, Douglas Greengrass, Roberta Decorah, Lawrence Walker, Jr. Daniel Brown, Ona Garvin, Alvin Cloud, Kathyleen Lone-Tree Whiterabbit, Greg Littlejohn, Scott Sussman, Sheila Corbine and Wilfrid Cleveland</i>, CV 07-84 (HCN Tr. Ct., Oct. 23, 2007). (Matha, T).</p> <p>Order (Requiring Filing of Initial Pleading)</p> <p>The plaintiff filed a <i>Motion for Preliminary Injunction Enjoining the Ho-Chunk Nation Legislature from Entering into Contracts that Are Signed by Wilfred [sic] Cleveland and Enjoining Wilfred [sic] Cleveland, the Pseudo-President of the Ho-Chunk Nation from Attempting to Delegate His Wrongfully Assumed Signature Authority</i> prior to filing an initial pleading. A plaintiff may only present a motion to the Court in conjunction with or following the filling of a pleading. <i>HCN R. Civ. P.</i>, Rule 19(B). Therefore, the Court refrained from processing or considering the <i>Motion</i> until the plaintiff rectified the deficiency.</p>	Oct. 23, 2007
CV 07-24	<p><i>Timothy G. Whiteagle v. Wade Blackdeer, Dist. II Rep., former Vice-President, and Presently President Pro Tempore for the HCN; et al.</i>, CV 07-24 (HCN Tr. Ct., Nov. 19, 2007). (Matha, T).</p> <p>Amended Scheduling Order</p> <p>The Court issued this <i>Scheduling Order</i> to establish dates and deadlines for the instant case.</p>	Nov. 1, 2007
CV 07-84	<p><i>Timothy G. Whiteagle v. HCN Legislature et al.</i>, CV 07-84 (HCN Tr. Ct., Nov. 8, 2007). (Matha, T).</p> <p>Order (Preliminary Injunction Hearing)</p> <p>The plaintiff filed a <i>Motion for Preliminary Injunction Enjoining the Ho-Chunk Nation Legislature from Entering into Contracts that Are Signed by Wilfred [sic] Cleveland and Enjoining Wilfred [sic] Cleveland, the Pseudo-President of the Ho-Chunk Nation from Attempting to Delegate His Wrongfully Assumed Signature Authority</i> prior to filing an initial pleading. Because a plaintiff may only present a motion to the Court in conjunction with or following the filling of a pleading the Court refrained from processing or considering the <i>Motion</i> until the plaintiff rectified the deficiency. The plaintiff later informed the Court that his <i>Complaint</i> and this <i>Motion</i> were not two (2) separate cases as</p>	Nov. 8, 2007

	previously stated, but meant to be one. Therefore, the Court consolidated the two (2) cases and scheduled a <i>Preliminary Injunction Hearing</i> .	
CV 07-46	<i>Becky Free v. HIRC</i> , CV 07-46 (HCN Tr. Ct., Nov. 9, 2007). (Rockman, A). Order (Affirming HIRC Decision & Order) The Court had to determine whether to uphold the adjudicative decision of the Ho-Chunk Insurance Review Commission (hereinafter HIRC). The petitioner failed to prove that the HIRC <i>Decision &amp; Order</i> was contrary to the applicable standards of review. The agency had sent all notices of hearing and correspondences to the petitioner's attorney, although the HIRC ESTABLISHMENT ACT specifies that service is to be on the claimant. The attorney failed to appear at an agency hearing, and thus the agency dismissed the action. The Court utilized the United States Supreme Court opinion in <i>Skidmore v. Swift &amp; Co.</i> to reach the decision that the respondent's interpretation of the word "claimant" was reasonable. Although an agency's statutory interpretation is not controlling upon courts, a court may decide to give deference to such a decision. The weight accorded to an interpretation will depend upon the thoroughness evident in the agency's consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all other factors which give the decision power to persuade. Neither party disputed that the attorney had the authority to appear on behalf of the petitioner. Based upon the numerous mailings to the attorney, with no objection to this procedure by the claimant or her attorney, the agency has appeared to adopt a reasonable practice of sending correspondences to the claimant's attorney. The Court thus affirmed the HIRC decision.	Nov. 9, 2007
CV 07-62	<i>In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment</i> , CV 07-62 (HCN Tr. Ct., Nov. 9, 2007). (Rockman, A). Order (Partially Granting Petition) The Court had to determine whether a parent can access her child's CTF account to pay for costs associated with orthodontic procedures and private school tuition. The Court partially granted the request; granting monies for orthodontic procedures and denying monies for private school tuition.	Nov. 9, 2007
CV 07-62	<i>In the Interest of Minor Child: G.N., DOB 02/25/00, by Julie Nakai v. HCN Office of Tribal Enrollment</i> , CV 07-62 (HCN Tr. Ct., Nov. 13, 2007). (Rockman, A). Order (Erratum) The Court entered an <i>Erratum Order</i> to correct a clerical mistake made in the previous <i>Order</i> .	Nov. 13, 2007
CV 07-43	<i>Sharon L. Williams v. HIRC</i> , CV 07-43 (HCN Tr. Ct., Nov. 14, 2007). (Matha, T). Order (Reversing & Remanding) The Court had to determine whether to uphold the adjudicative decision of the HIRC. Initially, the respondent reduced the petitioner's disability benefits after finding the petitioner's cigarette smoking contributed to 75% of the loss of function in the petitioner's left arm. However, there was no evidence in the record illustrating a causative relationship between smoking and the petitioner's condition. No medical testimony or documentation supported the claim of causation, thus rendering the calculation of 75% illogical. This initial decision constitutes an arbitrary and capricious action and lacks substantial evidence to support its conclusion. The respondent later decided that the petitioner had a psychological impairment that led to the condition. Again, the administrative record was devoid of any evidence proving that the petitioner's condition could develop from a psychological impairment. Furthermore, there was no evidence in the record that proved that the petitioner had a "psychological overlay syndrome" as argued by the respondent. The Court accordingly held that the respondent's decision constituted an arbitrary and capricious action and lacked substantial evidence to support its retention.	Nov. 14, 2007
CV 07-71	<i>In the Interest of Adult CTF Beneficiary: Amos N. Gauthier, DOB 05/18/85 v. HCN Office of Tribal Enrollment</i> , CV 07-71 (HCN Tr. Ct., Nov. 16, 2007). (Matha, T). Order (Partially Granting Requests) The Court had to determine whether an adult can access his CTF account to pay for costs	Nov. 16, 2007

	associated with criminal and civil fins, a personal loan for a vehicle, birthing expenses, high school tuition, and personal loans for a worthless check reimbursement. The Court partially granted the request; granting monies for birthing costs and high school tuition.	
CG 07-62	<i>NCO Attorney Network Services v. Hope B. Smith</i> , CG 07-62 (HCN Tr. Ct., Nov. 20, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent provided a timely response, but failed to provide a cognizable objection to the action. The Court granted the petitioner's request for relief.	Nov. 20, 2007
CG 07-77	<i>Check and Cash, LLC v. Melissa Dockerty</i> , CG 07-77 (HCN Tr. Ct., Nov. 30, 2007). (Matha, T). Order (Petition Granted) The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent provided a timely response, and alleged a recognized exemption to execution of the garnishment. The Court nonetheless granted the petitioner's request for relief since the respondent could not substantiate indigency.	Feb. 16, 2007
CV 07-84	<i>Timothy G. Whiteagle v. HCN Legislature et al.</i> , CV 07-84 (HCN Tr. Ct., Dec. 12, 2007) (Matha, T). Order (Denying Motion for Preliminary Injunction) The Court had to determine whether to grant the plaintiff's request for a preliminary injunction, thereby effectively removing the President from his office. The plaintiff did not substantiate the type of ongoing harm necessary to justify the issuance of the interlocutory appeal. Thus, the Court refrained from granting the extraordinary relief request, and proceeded with the established scheduling of the instant case.	Dec. 12, 2007
CV 07-42	<i>In the Interest of Minor Children: D.J.C., DOB 03/25/96; M.J.C., DOB 12/21/1997; J.M.C., DOB 09/03/00, by Claudette Rabdeau and Joseph Czarnecki v. HCN Office of Tribal Enrollment</i> , CV 07-42 (HCN Tr. Ct., Dec. 27, 2007) (Rockman, A). Order (Petition Granted in Part) The Court had to determine whether to grant the parents access to monies on behalf of their minor children, for various bills, loans and home repairs. The Court partially granted the petition, for specified bills and home repairs.	Dec. 27, 2007

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Case No.	Case Summary	Decided
CV 07-54	<i>Gale S. White v. Jean Day and Ho-Chunk Nation Grievance Review Board</i> , CV 07-34 (HCN Tr. Ct., Jan. 14, 2008). (Matha, T). Order (Affirming) The Court had to determine whether to uphold a decision of the Grievance Review Board regarding the plaintiff's employment with the Nation. The GRB had previously upheld termination upon the basis of job abandonment. The Court, noting deficiencies in the <i>Petition for Administrative Review</i> , stated that the ERA confers discretionary powers on the HCN Dept. of Personnel to approve or deny requests for unpaid leaves of absence. Thus, the petitioner's absence from her job for eight (8) days without approval justified her termination for job abandonment.	Jan. 14, 2008
CV 07-91	<i>In the Interest of Minor Child: DOB 05/04/92 by Charles Brown v. HCN Office of Tribal Enrollment</i> , CV 07-91 (HCN Tr. Ct., Jan 16, 2008). (Matha, T). Order (Petition Granted) The Court had to determine whether the parent could access monies on behalf of the minor child, C.Y.B. from the CTF to pay for costs associated with the family mortgage. The	Jan. 16, 2008

	<p>petitioner demonstrated financial need, however, an extraordinary demonstration of special need is required in order to access a minor's trust fund to meet parental obligations such as shelter, food, clothing or medical care. Due to an unexpected loss of employment, the petitioner had become delinquent in the monthly mortgage payments. The Court ordered a release of funds in the amount of \$4,886.41, and a reimbursement of funds in the amount of \$2,443.21 to offset the benefit received for the adult residing in the home.</p>	
CV 07-58	<p><i>In the Interest of Adult CTF Beneficiary: Myra Jo Blackdeer, DOB 09/01/88 v. HCN Office of Tribal Enrollment</i>, CV 07-58 (HCN Tr. Ct., Jan. 22, 2008). (Matha, T). Order (Denying Motion) The Court had to determine whether to grant a release of the adult beneficiary's trust funds for the purposes of acquiring an automobile. Requests for funds for automobiles have been granted in the past when petitioner's have actively sought to fulfill their high school graduation requirements. The Court stated that the petitioner's motion is denied unless she can submit documentation of consistent attendance, completion of coursework and semester enrollment at the Western Wisconsin Technical College.</p>	Jan. 22, 2008
CV 07-43	<p><i>Sharon L. Williams v. HCN Insurance Rev. Commission</i>, CV 07-43 (HCN Tr. Ct., Jan. 23, 2008). (Matha, T.). Order (Denying Motion to Clarify) The petitioner moved the Court to clarify its <i>Order (Reversing and Remanding)</i> on November 14, 2007. The Court denied the motion, citing its decision to be purposefully vague when directing the respondent to provide relief to the petitioner and comply with the WORKER'S COMPENSATION PLAN guidelines. The Court expected the respondent to make the relevant inquiries into the issues of damages since the Court did not have the opportunity to do so based on the parties written submissions appealing the HIRC decision.</p>	Jan. 23, 2008
CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R., DOB 05/14/68, by Jean Ann Day v. HCN Office of Tribal Enrollment</i>, CV 97-117 (HCN Tr. Ct., Feb. 13, 2008) (Rockman, A). Order (Motion Granted) The Court had to determine whether a protective payee can access monies from an ITF on behalf of adult incompetent member to pay for an ongoing personal allowance, associated service fee and outstanding family Christmas gift. The Court granted a release to satisfy the petitioner's request.</p>	Feb. 13, 2008
CV 07-99	<p><i>Karen Litscher v. HCN GRB</i>, CV 07-99 (HCN Tr. Ct., Feb. 18, 2008) (Matha, T). Order (Partially Granting Motion) The petitioner filed a <i>Motion to Re-set Scheduling Order</i>. The Court partially granted the <i>Motion</i>. The Court ordered the respondent to file a portion of the administrative record on or before February 22, 2008, and ordered the petitioner to file her <i>Initial Brief</i> on or before March 21, 2008.</p>	Feb. 18, 2008
CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R. DOB 05/14/68, by Jon B. Bahr v. HCN Office of Tribal Enrollment</i>, CV 05-110 (HCN Tr. Ct., Feb. 28, 2008) (Rockman, A). Order (Appointing Successor Protective Payee) The Court had to determine whether to accept the resignation of an adult incompetent member's protective payee. The Court granted the request to resign due, in part, to the presence of a willing successor.</p>	Feb. 28, 2008
CV 08-08	<p><i>In the Interest of Adult CTF Beneficiary: Krista N. Redcloud, DOB 11/04/89 v. HCN Office of Tribal Enrollment</i>, CV 08-08 (HCN Tr. Ct., Mar. 27, 2008) (Matha, T). Order (Granting Petition) The Court had to determine whether to grant the petitioner's request to access CTF monies of an adult beneficiary for the purpose of purchasing an automobile. The petitioner demonstrated the preliminary evidentiary showing for an automobile purchase, which includes but is not limited to the absence of an operable vehicle and possession of a valid driver's license. The Court granted the request.</p>	Mar. 27, 2008

CV 05-92	<p><i>In the Interest of Adult CTF Beneficiary: Tyler A. Cloud, DOB 10/31/87; In the Interest of Minor Child: T.A.C., DOB 02/19/90 by Orvilla R. White Eagle; and In the Interest of Minor Child: R.G.C., DOB 07/27/92 by June E. White Thunder, v. HCN Office of Tribal Enrollment, CV 05-92 (HCN Tr. Ct., Mar. 27, 2008) (Matha, T).</i></p> <p>Order (Suspending Contempt Fine)</p> <p>The Court previously released funds from the CTF accounts of the beneficiaries, and found the petitioners in contempt of court for failure to provide acceptable accounting to the Court. A contempt fine of \$10.00 per day was ordered, which has been deducted from the per capita payments as a debt to the HCN. Regardless, petitioners have not fully accounted for the release of CTF monies, thus rendering the contempt fine ineffectual. The Court ordered the petitioners to provide outstanding accounting and directed the Treasury Department to maintain the accumulated fines within a designated account, which may be available for reimbursement to the petitioner upon a complete accounting.</p>	Mar. 28, 2008
CV 03-25	<p><i>Cornelius Decora, on behalf of (emancipated) minor children: J.D., DOB 09/17/85, et al. CV 03-25 (HCN Tr. Ct., Apr. 8, 2008) (Vele, K).</i></p> <p>Order (Granting Motion to Dismiss)</p> <p>The Court granted the petitioner's voluntary motion for dismissal, upon a showing by the respondent that enrollment of the children named in the instant case would commence upon publication of their names in the HCN newspaper, the <i>Hocqk Worqk</i>.</p>	Apr. 8, 2008
CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R. DOB 05/14/68, by Dr. Jeremy P. Rockman v. HCN Office of Tribal Enrollment, CV 97-117 (HCN Tr. Ct., Apr. 24, 2008) (Matha, T).</i></p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether a protective payee can access monies on behalf of an adult incompetent member to pay for legal expenses. Considering the specialized defense required by the adult incompetent, the Court granted the request.</p>	Apr. 24, 2008
CV 07-85	<p><i>In the Interest of Minor Children: N.M., DOB 08/13/93 by Paula Mike, CV 07-85 (HCN Tr. Ct., May 2, 2008) (Rockman, A).</i></p> <p>Order (Petition Denied)</p> <p>The Court had to determine whether to release CTF monies to acquire an automobile. Due to the petitioner's failure to meet the necessity prong of the four-part balancing test, the request was denied.</p>	May 2, 2008
CV 03-27	<p><i>In the Interest of Adult Incompetent: E.M.S., DOB 02/01/55, by Cecilia Sine v. HCN Office of Tribal Enrollment, CV 03-27 (HCN Tr. Ct., May 9, 2008) (Rockman, A).</i></p> <p>Order (Motion Granted)</p> <p>The Court had to determine whether funds from the ITF account of the adult incompetent can be released for costs associated with new washer and dryer, as well as home repair costs. The Court granted a release of funds to accommodate the petitioner's request.</p>	May 9, 2008
CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R., DOB 05/14/68, by Dr. Jeremy P. Rockman v. HCN Office of Tribal Enrollment, CV 97-117 (HCN Tr. Ct., May 13, 2008) (Matha, T).</i></p> <p>Order (Partially Granting Motion)</p> <p>The Court had to determine whether funds from the ITF account of the adult incompetent can be released for costs associated with an ongoing personal allowance and several other miscellaneous concerns. The Court granted a release of funds to accommodate the petitioner's request, which had previously, and routinely, been granted in this case.</p>	May 13, 2008
CV 08-07	<p><i>In the Interest of Minor Children: R.B., DOB 09/29/00, and C.B., DON 02/06/02, by Cheri L. Byhre v. HCN Office of Tribal Enrollment CV 08-07 (HCN Tr. Ct., May 19, 2008) (Rockman, A).</i></p> <p>Order (Petition Denied)</p> <p>The Court had to determine whether to release CTF monies to pay for cots associated with private school tuition. Due to the petitioner's failure to meet the necessity prong of the four-part balancing test, the request was denied.</p>	May 19, 2008
CG 07-101	<p><i>Meriter Home Health v. Angeline Decorah, CG 07-101 (HCN Tr. Ct., June 11, 2008) (Matha, T).</i></p>	Jun. 11, 2008

	<p>Order (Granting Post-Judgment Motion)</p> <p>Subsequent to the final judgment in the instant case, the respondent filed a document which the Court construed as a post-judgment motion. The respondent established an exemption to an earnings garnishment, and thus, the Court vacates the previous judgment and suspends the wage garnishment.</p>	
CV 08-13	<p><i>In the Interest of Minor Child: M.W.M., DOB 04/11/89, by Bridget A. Morris v. HCN Office of Tribal Enrollment</i>, CV 08-13 (HCN Tr. Ct., June 23, 2008) (Matha, T).</p> <p>Order (Granting Petition)</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child to purchase an automobile. Citing egregious and special circumstances regarding the health of the minor child, as well as the standard erected for consideration of an automobile request, the Court granted the petition.</p>	Jun. 23, 2008
CV 08-33	<p><i>Stewart J. Miller v. HCN Election Board</i>, CV 08-33 (HCN Tr. Ct., July 9, 2008) (Rockman, A).</p> <p>Order (Preliminary Determinations)</p> <p>The Court addressed an election challenge to the June 22, 2008 Special Election for District V Legislator Seat # 1. The Court convened <i>Trial</i> to determine whether the plaintiff had satisfied the prevailing statutory burden of proof in this election challenge case. The plaintiff did not meet his burden, causing the Court to enter a judgment in favor of the defendants.</p>	Jul. 9, 2008
FM 08-04	<p><i>In Re the Marriage of Jacinda Jean Wilson and Greg Lee Wilson</i>, FM 08-04 FINAL JUDGMENT FOR DIVORCE (HCN Tr. Ct., July 16, 2008) (Matha, T).</p> <p>The Court granted the relief requested by the parties, and denied the request for spousal maintenance due to the income and age of the parties as well as the duration of the marriage.</p>	Jul. 16, 2008
CV 08-36	<p><i>Gerald Cleveland, Jr. v. HCN Legislators: Check Signers</i>, CV 08-36 (HCN Tr. Ct., July 30, 2008) (Matha, T).</p> <p>Order (Denial of Motions)</p> <p>The Court denied the respondent's motions for dismissal and a more definitive statement.</p>	Jul. 30, 2008
CV 07-44	<p><i>Wayne Falcon v. HCN Grievance Review Bd.</i>, CV 07-44 (HCN Tr. Ct., Aug. 15, 2008) (Rockman, A).</p> <p>Order (Remand)</p> <p>The Court reversed the agency decision due to the supervisor's failure to afford the petitioner procedural due process and remanded to the Grievance Review Board.</p>	Aug. 15, 2008
CV 04-72	<p><i>Joyce L. Warner v. HCN et al.</i>, CV 04-72 (HCN Tr. Ct., Aug. 15, 2008) (Matha, T).</p> <p>Order (Determination upon Remand)</p> <p>The Court identified legal issues for the parties to brief the Court on, subject to a deadline. Specifically, the Court requested memoranda on whether an employee must receive predeprivation minimum procedural due process in the context of a demotion and whether the legislative limited waiver of sovereign immunity allows for money damages in the same context.</p>	Aug. 15, 2008
CV 08-24	<p><i>In the Interest of Adult Incompetent: L.R., DOB 03/04/56, by Adam Hall v. HCN Office of Tribal Enrollment</i>, CV 08-24 (HCN Tr. Ct., Aug. 22, 2008) (Rockman, A).</p> <p>Order (Motion Denied)</p> <p>The Court denied the release of funds to satisfy the petitioner's request due to the infancy of the ITF and lack of funds.</p>	Aug. 22, 2008
CV 08-30	<p><i>In the Interest of Minor Children: S.L.E., DOB 12/18/01 and Z.T.E., DOB 12/20/04, by David Espinoza v. HCN Office of Tribal Enrollment</i> CV 08-30-31 (HCN Tr. Ct., Aug. 26, 2008) (Matha, T).</p> <p>Order (Petition Denied)</p> <p>The Court denied the petitioner's request for a release of funds to pay for costs associated with private school tuition. The petitioner could not demonstrate exhaustion of a state entitlement, i.e., public school.</p>	Aug. 26, 2008

CV 08-38	<i>In the Interest of Minor Child: A.E.O., DOB 09/21/1990, by Juanita Orozco Roberts v. Ho-Chunk Nation Office of Tribal Enrollment, CV 08-38 (HCN Tr. Ct., Sep 10, 2008) (Rockman, A).</i>  The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with the purchase of clothing, a computer, senior registration, class ring and senior portraits. The Court partially granted the petition for clothing, due to the special circumstances of the child.	Sep. 10, 2008
CV 08-43	<i>In the Interest of Minor Child: J.J.S., DOB 03/08/95, by Jennifer Kaebisch v. HCN Office of Tribal Enrollment, CV 08-43 Order (Petition Granted) (HCN Tr. Ct., Sept. 11, 2008) (Rockman, A).</i> The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia procedures. The Court granted the petition.	Sep. 11, 2008
CV 99-100	<i>Karen Litscher v. HCN Grievance Review Bd., CV 07-99-100 Order (Partial Affirmance and Remand) (HCN Tr. Ct., Sept. 22, 2008) (Matha, T).</i> In CV 07-99, the Court partially affirmed the administrative decision and awarded a degree of damages conceded to by the respondent. In CV 07-100, the Court was not able to determine the extent of procedural due process violation from the administrative record, and accordingly remanded the case for reconsideration.	Sep. 22, 2008
CV 08-40	<i>In the Interest of Minor Child: M.H.W., DOB 12/23/1993, by Kathy S. White v. HCN Office of Tribal Enrollment, CV 08-40 Order (Petition Denied) (HCN Tr. Ct., Oct. 20, 2008) (Rockman, A).</i> The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with modeling school. The Court denied the petition, for failure to meet the threshold requirements for release of funds, specifically demonstrating necessity not merely want or desire.	Oct. 20, 2008
CV 05-15	<i>In the Interest of Adult Incompetent: D.P.G., DOB 08/29/82, by Regina Taylor and Tony Salo v. HCN Office of Tribal Enrollment, CV 05-15 Order (Accepting Accounting) (HCN Tr. Ct., Sept. 10, 2008) (Matha, T).</i> The Court previously released funds from the ITF accounts of the adult incompetent for costs associated with a proportionate amount of rental assistance. Petitioner submitted correspondences, confirming the proper use of funds, which the Court accepted.	Oct. 20, 2008
CV 06-24	<i>Ho-Chunk Nation et al. v. Robert Michael Mobley, CV 06-24 Writ of Assistance (HCN Tr. Ct., Oct. 29, 2008) (Matha, T).</i> The Court responded to the plaintiff's request for assistance in foreclosure, to have ownership conferred over the premises presently occupied by the defendant. Thus, the Court ordered the local law enforcement agency to assist in the ejection and removal of the defendant from the premises.	Oct. 29, 2008
CV 08-60	<i>In the Interest of Minor Child: E.J.B., DOB 05/19/99, by Myra Jo Price v. HCN Office of Tribal Enrollment, CV 08-60 Order (Conditional Granting of Petition) (HCN Tr. Ct., Oct. 31, 2008) (Matha, T).</i> The Court had to determine whether to grant the petitioner's request to access additional CTF monies of the minor child for costs associated with a professional tutoring program. The Court granted the petition, provided the petitioner demonstrates exhaustion of tribal resources.	Oct. 31, 2008
CV 08-66	<i>In the Interest of Minor Child: A.A.W., DOB 09/14/97, by Angelina Waege v. HCN Office of Tribal Enrollment, CV 08-66 Order (Petition Granted) (HCN Tr. Ct., Nov. 17, 2008) (Matha, T).</i>  The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures and individual psychotherapy. The Court granted the petition.	Nov. 17, 2008

CV 08-44	<i>In the Interest of Minor Children: M.W., DOB 12/16/93, and Z.W., DOB 07/28/91, by Rita Wolf v. HCN Office of Tribal Enrollment, CV 08-44 Order (Petition Granted in Part)</i> (HCN Tr. Ct., Nov. 17, 2008) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with eye care and private schooling. The Court partially granted the petition for eye care, but denied the request for monies for private school	Nov. 17, 2008
CV 07-54	<i>Gail S. White v. Jean Day et al., CV 07-54 Order (Remanding)</i> (HCN Tr. Ct., Dec. 9, 2008) (Matha, T). The Court responded to a remand from the Supreme Court, and instructed the HCN Grievance Review Board (hereinafter GRB) to conduct additional fact finding in order to determine the relevant legal issues.	Dec. 9, 2008
CV 08-64	<i>In the Interest of Minor Children: A.W., DOB 0/28/91; D.W., DOB 03/17/94; V.W., DOB 07/25/95; and D.W., DOB 12/14/96, by Joanne Mann v. HCN Office of Tribal Enrollment, CV 08-65 Order (Petition Granted in Part, Denied in Part)</i> (HCN Tr. Ct., Dec. 11, 2008) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with debts related to a home mortgage and personal loan. The Court granted the request for assistance with the mortgage in the form of a loan from each minor child's trust account, and denied the request regarding the personal loan.	Dec. 11, 2008
CV 08-86	<i>Gloria Visintin v. HCN Election Board, CV 08-86 Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., Dec. 16, 2008) (Matha, T). The Court must determine whether to grant the defendant's motion to dismiss. The plaintiff failed to articulate basic facts and circumstances within her initial pleading, and subsequently provided untenable causes of action within a discovery document. Therefore, the Court dismissed the election challenge.	Dec. 16, 2008
CV 08-89	<i>Paul M. Krause v. HCN Election Board, CV 08-89 Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., Dec. 17, 2008) (Rockman, A). The Court must determine whether to grant the defendant's motion to dismiss. As the plaintiff neither attended the <i>Motion to Dismiss Hearing</i> , nor complied with discovery requests, the Court dismissed the election challenge.	Dec. 17, 2008
CV 08-18	<i>Kerry Funmaker v. HCN Grievance Review Bd., CV 08-18 Order (Remand)</i> (HCN Tr. Ct., Dec. 19, 2008) (Rockman, A). The Court must determine whether to uphold the decision of the GRB. While the Court found that the petitioner was afforded due process of law; the Court remanded the issue as to what portion of the EMPLOYMENT RELATIONS ACT OF 2004 was used to make legal conclusions regarding sexual harassment.	Dec. 19, 2008
CV 08-37	<i>Janet Funmaker v. HCN Grievance Review Bd., CV 08-37 Order (Affirming)</i> (HCN Tr. Ct., Dec. 19, 2008) (Matha, T). The Court must determine whether to uphold the decision of the GRB. The Court affirmed the agency decision due to the presence of substantial evidence to support the underlying decision.	Dec. 19, 2008

CV 08-39	<i>Tracy Cole v. HCN Grievance Review Bd.</i> , CV 08-39 Order ( <i>Affirming</i> ) (HCN Tr. Ct., Dec. 23, 2008) (Rockman, A). The Court must determine whether to uphold the decision of the GRB. The Court affirmed the decision of the GRB due to the presence of substantial evidence to support the decision, and the decision was not arbitrary and capricious.	Dec. 23, 2008
CV 08-71	<i>In the Interest of Minor Child: C.M.Y., DOB 01/18/94, by Cynthia W. Yellowcloud v. HCN Office of Tribal Enrollment</i> , CV 08-71 Order ( <i>Petition Granted</i> ) (HCN Tr. Ct., Dec. 23, 2008) (Matha, T). The Court denied the petitioner's request for a release of funds to pay for costs associated with the purchase of an automobile. The petitioner could not demonstrate that the purchase of the automobile was a necessity.	Dec. 23, 2008
CV 08-70	<i>In the Interest of Minor Child: D.Y., DOB 01/26/98, by Ted Yellowcloud v. HCN Office of Tribal Enrollment</i> , CV 08-70 Order ( <i>Petition Granted</i> ) (HCN Tr. Ct., Dec. 30, 2008) (Matha, T). The Court denied the petitioner's request for a release of funds to pay for costs associated with the purchase of an automobile. The petitioner could not demonstrate that the purchase of the automobile was a necessity.	Dec. 30, 2008

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Case No.	Case Summary	Decided
CV 08-36	<i>Gerald Cleveland, Jr. v. Ho-Chunk Nation Legislators: Check Signers</i> , CV 08-36 Order ( <i>Regarding Discovery</i> ) (HCN Tr. Ct., Jan. 6, 2009) (Matha, T). The Court must determine whether to grant the defendants' motion to compel discovery. The Court held that the defendants must utilize a different discovery method when attempting to elicit information from non-parties.	Jan. 6, 2009
CV 05-15	<i>In the Interest of Adult Incompetent: D.P.G., DOB 08/29/82, by Regina Taylor and Tony Salo v. HCN Office of Tribal Enrollment</i> , CV 05-15 Order ( <i>Denying Motion in Part &amp; Conditionally Granting in Part</i> ) (HCN Tr. Ct., Jan. 8, 2009) (Matha, T). The Court must determine whether to grant monies from the beneficiary's trust fund to pay for costs associated with various household acquisitions. The Court granted a single request for costs associated with home repair.	Jan. 8, 2009
CV 08-42	<i>In the Interest of Minor Child: J.B.K., DOB 02/17/04, by Danielle Knak v. HCN Office of Tribal Enrollment</i> , CV 08-42 Order ( <i>Establishing Quarterly Disbursement</i> ) (HCN Tr. Ct., Jan. 16, 2009) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for ongoing costs associated with a serious developmental disability. The	Jan. 16, 2009

	Court granted the petition, and required an annual review of the circumstances in this case.	
CV 08-47	<i>Summer Dawn Dick v. Jonette Pettibone</i> , CV 08-47 Order (Remand) (HCN Tr. Ct., Jan. 26, 2009) (Rockman, A). The Court had to determine whether to uphold the decision of the GRB. The Court found that the petitioner was not afforded due process of law for one of three of her claims and remanded to the GRB for additional findings.	Jan. 26, 2009
CV 04-72	<i>Joyce L. Warner v. Ho-Chunk Nation et al.</i> , CV 04-72 Order (Final Judgment) (HCN Tr. Ct., Jan. 26, 2009) (Matha, T). The Court had to determine whether the plaintiff maintained a property interest in her former position, as distinguished from employment in general, which rendered a disciplinary demotion constitutionally impermissible in the absence of minimum procedural due process protection. The Court held that there was no such property interest created under applicable law, and that the plaintiff failed to adequately rebut the asserted grounds for the demotion.	Jan. 26, 2009
CV 08-69	<i>In the Interest of Minor Child: D.M.S., DOB 01/12/93, by Nela Stacy v. HCN Office of Tribal Enrollment</i> , CV 08-69 Order (Petition Granted) (HCN Tr. Ct., Jan. 30, 2009) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with transportation and information technology. The Court did not grant the request for failure to meet the necessity prong of the four-part test for CTF releases.	Jan. 30, 2009
CV 08-36	<i>Gerald Cleveland, Jr. v. Elliot Garvin, Roberta Deco-rah, and Douglas Greengrass, in their capacity as check signers for the Ho-Chunk Nation Legislature</i> , CV 08-36 Order (Denying Motion to Quash) (HCN Tr. Ct., Feb. 2, 2009) (Matha, T). The Court must determine whether to grant the defendants' motion to quash based on sovereign immunity. The Court found that sovereign immunity was not applicable and the defendants did not effectively plead a defense of official immunity. Accordingly, the Court denied the motion.	Feb. 2, 2009
CV 07-54	<i>Gale S. White v. Jean Day et al.</i> , CV 07-54 Order (Denial of Motion) (HCN Tr. Ct., Feb. 4, 2009) (Matha, T). The Court denied the petitioner's motion for con-tempt since it found a punitive sanction to be unnecessary to address a procedural omission.	Feb. 4, 2009
FM 07-06	<i>In Re the Marriage of: Lori Ann Pidgeon and Curtis James Pidgeon</i> , FM 07-06 Order (Motion Denied) (HCN Tr. Ct., Feb. 4, 2009) (Rockman, A). The Court must determine whether to grant the co-petitioner's motion to address an asset of the former marriage. The Court denied the motion based on timeliness and an absence of subject matter jurisdiction regarding replevin.	Feb. 4, 2009
CV 08-24	<i>In the Interest of L.R., DO03/04/56, by Maynard Rave, Sr., Guardian v. HCN Office of Tribal Enrollment</i> , CV 08-24 Order (Petition Granted) (HCN Tr. Ct., Feb. 13, 2009) (Rockman, A). The Court must determine whether to grant monies from the beneficiary's trust fund to pay for costs associated with past obligations, prospective rent and living expenses. The Court granted the request.	Feb. 13, 2009
CV 08-87	<i>In the Interest of Minor Child: L.M., DOB 01/08/92, by Jean Ann Day v. HCN Office of Tribal Enrollment</i> , CV 08-87 Order (Petition Granted) (HCN Tr. Ct., Feb. 16, 2009) (Matha, T). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with a treatment services program. The Court granted the release.	Feb. 16, 2009
CV 07-54	<i>Gale S. White v. Jean Day et al.</i> , CV 07-54 Order (Affording Petitioner an Opportunity to Supplement) (HCN Tr. Ct., Mar. 3, 2009) (Matha, T). The Court afforded an opportunity to the petitioner to supplement the evidentiary record.	Mar. 3, 2009
CV 09-03	<i>Muriel Whiteagle-Lee et al. v. Election Board Members</i> , CV 09-03 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Mar. 17, 2009) (Rockman, A).	Mar. 17, 2009

	The Court had to determine whether to grant the plaintiff's request for relief, that is to enjoin the up-coming election. The Court declined to do so, noting that the plaintiffs are represented in the current redistricting and reapportionment plan.	
CV 09-09	<i>Sherman Funmaker v. Election Board</i> , CV 09-09 Order (Dismissal with Prejudice) (HCN Tr. Ct., Mar. 18, 2009) (Rockman, A). The Court had to determine whether to grant the plaintiff's request for relief. The Court declined to do so, finding that mootness precluded one of his claims, and that sovereign immunity and the lack of subject matter jurisdiction precluded the other.	Mar. 18, 2009
CV 09-06	<i>Muriel Whiteagle-Lee v. Judy Whitehorse, Chair and Bridget Schultz, Vice-Chair</i> , CV 09-06 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Mar. 18, 2009) (Rockman, A). The Court had to determine whether to grant the defendants' request for dismissal. The Court dismissed the case due to the absence of subject matter jurisdiction, noting that organizational by-laws are not a source of law inviting judicial review.	Mar. 18, 2009
CV 08-39	<i>Tracy Cole v. Ho-Chunk Nation Grievance Review Board, Ho-Chunk Nation</i> , CV 08-39 Order (Show Cause) (HCN Tr. Ct., Mar. 30, 2009) (Rockman, A). The Court <i>sua sponte</i> scheduled a <i>Show Cause Hearing</i> pursuant to the HCN Contempt Ordinance.	Mar. 30, 2009
CV 09-05	<i>In the Interest of Minor Child: S.B.G., DOB 04/21/96, by Taryn Power Greendeer v. HCN Office of Tribal Enrollment</i> CV 09-05 Order (Petition Granted in Part) (HCN Tr. Ct., Apr. 1, 2009) (Matha, T). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with private school tuition. The Court granted the petition in part by allowing access to a pro rata share to pay for expenses already incurred.	Apr. 1, 2009
CV 08-94	<i>In the Interest of Adult CTF Beneficiary: Trista L. Youngthunder, 12/02/87 v. HCN Office of Tribal Enrollment</i> CV 08-94 Order (Denying Petition) (HCN Tr. Ct., Apr. 20, 2009) (Matha, T). The Court had to determine whether to grant the petitioner's request to access his CTF monies for costs associated with purchasing an automobile. The Court denied the petition.	Apr. 20, 2009
CV 08-91	<i>In the Interest of Adult CTF Beneficiary: Eugene R. Wesho, DOB 05/27/88 v. HCN Office of Tribal Enrollment</i> CV 08-91 Order (Denying Petition) (HCN Tr. Ct., Apr. 20, 2009) (Matha, T). The Court had to determine whether to grant the petitioner's request to access his CTF monies for costs associated with maintaining a household. The Court denied the petition.	Apr. 20, 2009
CG 09-22	<i>In the Matter of the Outstanding Obligations of: Victor F. Perez</i> , CG 09-22 Order (Extension of Full Faith & Credit) (HCN Tr. Ct., Apr. 21, 2009) (Matha, T). The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.	Apr. 21, 2009
CV 08-17	<i>Kristin K. White Eagle v. Ho-Chunk Nation Grievance Review Board</i> , CV 08-17 Order (Final Judgment) (HCN Tr. Ct., Apr. 22, 2009) (Matha, T). The Court had to determine whether to remand the instant case to the GRB with instructions. The Court declined to do so since the plaintiff has demonstrated an inability to satisfy the minimum requirements for tortuous constructive discharge.	Apr. 22, 2009
CV 09-11	<i>Ho-Chunk Nation and Ho-Chunk Nation Housing &amp; Community Development Agency v. Troy Swallow</i> , CV 09-11 Order (Requiring Amended Compliant) (HCN Tr. Ct., Apr. 23, 2009) (Matha, T). The Court issued an Order requiring the petitioner to amend its complaint to include, "a short plain statement[ ] of the grounds upon which the Court's jurisdiction depends."	Apr. 23, 2009
CV 08-36	<i>Gerald Cleveland, Jr., v. Elliot Garvin, Roberta Decorah, and Douglas Greendeer, in their capacity as check signers for the Ho-Chunk Nation Legislature</i> , CV 08-36 Order (Granting Leave to File Amended Compliant) (HCN Tr. Ct., May 4, 2009) (Matha, T). The Court issued an Order granting the petitioners request for leave to file an amended	Apr. 24, 2009

	complaint.	
CV 08-80	<i>Karen Litscher v. Ho-Chunk Nation Grievance Review Board, CV 08-80 Order (Reversal &amp; Remand)</i> (HCN Tr. Ct., May 4, 2009) (Rockman, A). The Court had to determine whether to uphold the decision of the GRB. The Court reversed and remanded the decision due to the failure of the supervisor to afford the petitioner procedural due process.	May 4, 2009
CV 09-04	<i>In the Interest of Adult CTF Beneficiary: CiCi B. BigJohn DOB 03/05/88 v. HCN Office of Tribal Enrollment, CV 09-04 Order (Partially Granting Petition)</i> (HCN Tr. Ct., May 6, 2009) (Matha, T). The Court had to determine whether to grant the petitioner's request to access her CTF monies for costs associated with housing and school. The Court granted the petition in part.	May 6, 2009
CV 08-42	<i>In the Interest of Minor Child: J.B.K., DOB 02/17/04, by Danielle Knak v. HCN Office of Tribal Enrollment, CV 08-42 Order (Petition Granted in Part and Denied in Part)</i> (HCN Tr. Ct., May 14, 2009) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access to the minor child's CTF monies for costs associated with autism treatment. The Court granted the petition in part.	May 14, 2009
CV 98-38	<i>In the Interest of C.A.D., DOB 03/18/1980 v. HCN Office of Tribal Enrollment, CV 98-38 Order (Appointment of Guardian)</i> (HCN Tr. Ct., June 9, 2009) (Rockman, A). The Court had to determine whether the current guardian of the adult incompetent could be succeeded by the petitioners pursuant to tradition and custom of the Ho-Chunk people. Absent objection from the parties, the Court granted the request.	June 9, 2009
CV 08-19	<i>Summer Dawn Dick v. Jonette Pettibone, CV 08-19 Order (Affirming)</i> (HCN Tr. Ct., June 15, 2009) (Rockman, A). The Court had to determine whether to uphold the decision of the GRB. The Court affirmed the decision of the GRB, because the decision was not arbitrary and capricious. The GRB properly concluded that the petitioner was terminated for just cause.	June 15, 2009
CV 05-22	<i>Mary Bernhardt v. HoCak Construction, LLC and HCN Department of Housing, CV 05-22 Findings of Fact, Conclusions of Law and Judgment</i> (HCN Tr. Ct., June 16, 2009) (Vele, K). The Court had to determine whether HoCak Construction negligently constructed petitioner's home. HoCak Construction failed to properly amend the contract. The Court found that failure to complete work required under the terms of the contract constituted a breach of duty.	June 16, 2009
CV 09-15	<i>Kerry Funmaker v. Ho-Chunk Nation Grievance Review Board, CV 09-15 Order (Final Judgment)</i> (HCN Tr. Ct. June 30, 2009) (Rockman, A). The Court had to determine whether to uphold the decision of the GRB. The Court found that the petitioner was not lawfully discharged from his employment based upon a violation of the Nation's sexual harassment law. Upon remand, the GRB failed to apply the facts of the case to the applicable section of the ERA regarding sexual harassment, and therefore, the decision of the GRB was arbitrary and capricious.	June 30, 2009
CV 08-39	<i>Tracy Cole v. HCN Grievance Review Board, CV 08-39 Order (Addressing Contempt)</i> (HCN Tr. Ct., June 30, 2009) (Rockman, A). The Court must determine whether to find the Executive Director of the Department of Personnel in contempt of court. The Court previously held that the defendants did not afford the plaintiff minimum procedural due process in connection with her discharge from employment. The Court did not find the parties in contempt of court, but did order the Director to issue the petitioner a check for lost wages.	June 30, 2009
CV 07-54	<i>Gale S. White v. HCN GRB, CV 07-54 Order (Final Judgment)</i> (HCN Tr. Ct., July 7, 2009) (Matha, T). The Court had to decide whether the petitioner had received due process. The court held that the petitioner had received due process.	July 7, 2009
CV 09-11	<i>Ho-Chunk Nation and Ho-Chunk Housing &amp; Community Development Agency v. Troy</i>	July 22, 2009

	<p><i>Swallow</i>, CV 09-11 <i>Order (Permitting Further Amendment)</i> (HCN Tr. Ct., Jul 22, 2009) (Matha, T).</p> <p>The Court issued an Order allowing the petitioners to amend their petition in order to assert the basis of the Court's subject matter jurisdiction.</p>	
CV 07-44	<p><i>Wayne Falcon v. Liz Haller et al.</i>, CV 07-44 <i>Order (Reversing and Remanding to the Grievance Review Board)</i> (HCN Tr. Ct., July 27, 2009) (Rockman, A).</p> <p>The Court had to decide whether the petitioner had received due process. The Court held that the petitioner had not received due process. Consequently, the Court remanded to the GRB with directions to issue the relief sought.</p>	July 27, 2009
CV 09-02	<p><i>Daniel Topping v. HCN GRB</i>, CV 09-02 <i>Order (Affirming)</i> (HCN Tr. Ct., Aug. 6, 2009) (Rockman, A).</p> <p>The Court had to decide whether to uphold the decision of the GRB. The court upheld the decision of the GRB as it was not arbitrary and capricious.</p>	Aug. 6, 2009
CV 05-109	<p><i>Leilani Jean Chamberlain v. Adam Hall, Enrollment Officer of the Ho-Chunk Nation</i>, CV 05-109 <i>Order (Denial of Contempt Motion)</i> (HCN Tr. Ct., Aug. 13, 2009) (Matha, T).</p> <p>The Court had to determine whether to hold the respondent in contempt of court for allegedly failing to provide discovery responses, thereby violating an order of the Court. The Court held that the respondent had exhibited a reasonable and diligent effort to respond.</p>	Aug. 13, 2009
CV 09-60	<p><i>In the Interest of Adult CTF Beneficiary: Jesse Saidman, DOB 07/29/1988 v. HCN Office of Tribal Enrollment</i>, CV 09-60 <i>Order (Denying Petition)</i> (HCN Tr. Ct., Aug. 17, 2009) (Matha, T).</p> <p>The Court had to decide whether to release monies from the petitioners CTF for educational expenses. The petitioner failed to satisfy the criteria for such release, and the Court denied the petition.</p>	Aug. 17, 2009
CV 08-45	<p><i>Cheryl Brinegar v. HCN Grievance Review Board</i>, CV 08-45 <i>Order (Affirming)</i> (HCN Tr. Ct., Sept. 4, 2009) (Rockman, A).</p> <p>The Court affirmed the GRB's decision, holding that the GRB does not have authority under the ERA to hear grievances regarding voluntary resignations.</p>	Sep. 4, 2009
CV 08-79, 08-83	<p><i>Kenneth Lee Twin v. HCN Grievance Review Board et al. and Ho-Chunk Nation et al. v. Kenneth Lee Twin</i> CV 08-79, -83 <i>Order (Remand to the Grievance Review Board)</i> (HCN Tr. Ct., Sept. 4, 2009) (Rockman, A).</p> <p>The Court remanded the matter to the GRB, for the GRB's failure to follow directives of the Ho-Chunk Nation Supreme Court.</p>	Sep. 4, 2009
CV 09-69	<p><i>In the Interest of Minor Child: C.L.M., DOB 05/26/98, by Karen L. Klongland v. HCN Office of Tribal Enrollment</i>, CV 09-69 <i>Order (Petition Granted)</i> (HCN Tr. Ct., Sept. 11, 2009) (Matha, T).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with the family mortgage. The Court granted the petition.</p>	Sep. 11, 2009
CV 08-84	<p><i>Marilyn LaMere v. Ho-Chunk Nation et al.</i>, CV 08-84 <i>Order (Affirming)</i> (HCN Tr. Ct., Sept. 18, 2009) (Rockman, A).</p> <p>The Court affirmed the GRB's decision, holding that the decision of the GRB was not arbitrary and capricious.</p>	Sep. 18, 2009
CV 09-65	<p><i>In the Interest of Minor Child: M.R.W., DOB 04/05/95, by Miriam E. Whiteagle v. HCN Office of Tribal Enrollment</i>, CV 09-65 <i>Order (Petition Denied)</i> (HCN Tr. Ct., Sept. 18, 2009) (Matha, T).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with private school tuition. The Court denied the petition.</p>	Sep. 18, 2009
CV 09-11	<p><i>HHCDA v. Troy Swallow</i>, CV 09-11 <i>Order</i> (HCN Tr. Ct., Sept. 21, 2009) (Matha, T).</p> <p>The Court had afforded the plaintiff thirty (30) days to file a <i>Second Amended Complaint</i>. The plaintiff filed the <i>Second Amended Complaint</i> after the expiration of the time period. Thus, the Court dismissed the action.</p>	Sep. 21, 2009

CV 09-16	<i>In the Interest of Adult CTF Beneficiary: Vincent G. Decorah, DOB 11/22/85 v. HCN Office of Tribal Enrollment CV 009-16 Order (Denying Motion for Reconsideration)</i> (HCN Tr. Ct., Oct. 23, 2009) (Matha, T). The Court had to determine whether to reverse its previous judgment. The Court declined to disrupt the <i>status quo</i> .	Sep. 23, 2009
CV 09-71	<i>In the Interest of Decedent: M.W.B.M., DOB 01/28/02, by Bridget A. Morris v. HCN Office of Tribal Enrollment, CV 09-71 Order (Releasing Children's Trust Fund to Estate)</i> (HCN Tr. Ct., Sept. 23, 2009) (Rockman, A). The Court had to determine whether to release CTF monies of a decedent child to the estate. The petitioner filed a <i>Transfer by Affidavit</i> form, thus the Court released the monies.	Sep. 23, 2009
CV 09-20	<i>In the Interest of Minor Children: R.M., DOB 06/07/1997 v. HCN Office of Tribal Enrollment, CV 09-20, Order (Petition Granted)</i> (HCN Tr. Ct., October 23, 2009) (Rockman, A). The Court had to determine whether a parent could access monies on behalf of her minor child from the CTF to pay for costs associated with private school tuition. The Court granted the request of the petitioner since it was a one-time payment for services already rendered.	Oct. 23, 2009
FM 09-03	<i>Sherri M. Mann v. Richard R. Mann, FM 09-03, Final Judgment for Divorce</i> (HCN Tr. Ct., November 19, 2009) (Matha, T). The Court had to determine whether to grant the mutual request to sever the marital relationship. Based upon the sworn testimony of the parties, the Court issued a divorce decree and further resolved issues relating to maintenance and property division.	Nov. 19, 2009
CV 09-17	<i>Kyle M. Funmaker v. HCN Grievance Review Bd., CV 09-17, Order (Remand)</i> (HCN Tr. Ct., November 24, 2009) (Matha, T). The Court had to determine whether to uphold the decision of the GRB. The Court reversed and remanded the agency decision due to a procedural failure of the GRB and the attending lack of a complete hearing record.	Nov. 24, 2009
FM 09-03	<i>Sherri M. Larsen v. Richard R. Mann, FM 09-03 Order (Granting Post Judgment Motion)</i> (HCN Tr. Ct., Dec. 17, 2009) (Matha, T). The Court convened a <i>Post-Judgment Motion Hearing</i> , to address concerns regarding ordered maintenance payments. The Court clarified outstanding issues regarding maintenance.	Dec. 17, 2009

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Case No.	Case Summary	Decided
CV 09-95	<i>In the Interest of Minor Child: D.R.W., DOB 09/22/92, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 09-95 Order (Petition Granted)</i> (HCN Tr. Ct., Jan. 13, 2010) (Matha, T). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with overseas educational excursion. The Court granted the petition.	Jan. 13, 2010
CS 09-14	<i>Shirley A. Keezer v. Christopher J. Sweet, CS 09-14 (Modifying &amp; Enforcing Child Support)</i> (HCN Tr. Ct., Jan. 13, 2010) (Rockman, A). The Court had to determine whether to resume the withholding from per capita. The respondent failed to timely respond, thus the Court granted the motion to modify.	Jan. 13, 2010

CV 09-78	<p><i>In the Interest of Adult CTF Beneficiary: Kasha Irene Newsom., DOB 08/21/91 v. HCN Office of Tribal Enrollment, CV 09-78 Order (Petition Denied)</i> (HCN Tr. Ct., Jan. 21, 2010) (Rockman, A).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies for costs associated with purchase of a house. The Court denied the petition.</p>	Jan. 21, 2010
CG 09-26	<p><i>Conway &amp; Seefeld, S.C. v. John/Doris Aughtman, CG 09-26 Order (Requiring Amended Petition)</i> (HCN Tr. Ct., Jan. 22, 2010) (Matha, T).</p> <p>The petitioner filed a <i>Petition to register and Enforce a Foreign Judgment or Order</i>. The Petitioner attached a certified copy of a State of Wisconsin judgment originally entered on June 11, 1997. Since Wisconsin law prohibits an execution on a judgment from issuing after 5 years, the Court required proof that the petitioner had revived the judgment.</p>	Jan 22, 2010
CV 09-40	<p><i>Ho-Chunk Nation et al. v. Genevieve Pettibone, CV 09-40 Order (Requiring Response)</i> (HCN Tr. Ct., Jan. 26, 2010) (Rockman, A).</p> <p>The Court clarified in open court that the amount sought in the <i>Complaint</i> was for damages and not back rent. The Court afforded the defendant time to respond to the plaintiff's claims for damages.</p>	Jan. 26, 2010
CV 09-70	<p><i>Patricia Boyles v. Wesley Boyles, CV 09-70 Order (Requesting Attorney General Opinion)</i> (HCN Tr. Ct., Feb. 13, 2010) (Rockman, A).</p> <p>The Court requested the opinion of the HCN Attorney General in the instant case.</p>	Feb. 3, 2010
CV 09-52	<p><i>In the Interest of Minor Child: R.B.L., DOB 12/03/96, by Melanie TwoBears v. HCN Office of Tribal Enrollment, CV 09-52 Order (Conditional Granting of Petition)</i> (HCN Tr. Ct., Feb. 17, 2010) (Rockman, A).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with a summer school program. The Court granted the petition pending the denial of funds from the HCN K-12 Program.</p>	Feb. 17, 2010
CV 08-50	<p><i>Darren L. Brinegar v. HCN Grievance Review Bd., CV 08-50 Order (Final Judgment)</i> (HCN Tr. Ct., February 19, 2010) (Rockman, A).</p> <p>The Court must determine whether to grant the petitioner's request for relief. The Court held that the petitioner was an at-will employee and did not argue discrimination or harassment. The petitioner consequently could not demonstrate a constructive discharge. Therefore the Court upheld the decision of the GRB.</p>	Feb. 19, 2010
CV 03-33	<p><i>Ho-Chunk Nation v. Jess Steindorf, CV 03-33 Order (Recognizing &amp; Enforcing Foreign Judgment)</i> (HCN Tr. Ct., Mar. 16, 2010) (Matha, T).</p> <p>The Court had to determine whether to enforce a standing foreign order against the respondent's per capita. The respondent failed to assert a cognizable defense to the request for recognition and enforcement. Therefore, the Court granted the petition.</p>	Mar. 16, 2010
CV 06-34	<p><i>In the Interest of Adult Incompetent: B.G.S., DOB 02/07/80, by Theresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Motion Granted)</i> (HCN Tr. Ct., Mar. 16, 2010) (Matha, T).</p> <p>The Court had to determine whether to grant the petitioner's request to access ITF monies of the ward for costs associated with a customizable communication device. The Court granted the motion.</p>	Mar. 16, 2010
FM 09-03	<p><i>Sherri M. Larsen v. Richard R. Mann, FM 09-03 Order (Motion Hearing)</i> (HCN Tr. Ct., Mar. 17, 2010) (Matha, T).</p> <p>The Court scheduled a hearing on the motion of the petitioner for an execution of judgment.</p>	Mar. 17, 2010

CV 97-117	<i>In the Interest of Adult Incompetent: O.S.R., DOB 5/14/68, by Natalie Stites v. HCN Office of Tribal Enrollment, CV 97-117 Order (Requiring Action)</i> (HCN Tr. Ct., Mar. 26, 2010) (Matha, T). The Court ordered the protective payee to render the services which she undertook.	Mar. 26, 2010
CV 09-94	<i>In the Interest of Minor Child: S.G., DOB 10/16/92, by Doran and Linda Goodbear v. HCN Office of Tribal Enrollment, CV 09-94 Order (Petition Denied)</i> (HCN Tr. Ct., Apr. 12, 2010) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with the purchase of an automobile. The Court denied the petition due to the petitioner's inability to demonstrate that the automobile was a necessity, rather than a want or desire.	Apr. 12, 2010
CV 97-117	<i>In the Interest of Adult Incompetent: O.S.R., DOB 5/14/68 v. HCN Office of Tribal Enrollment, CV 97-117 Order (Appointing Successor Protective Payee)</i> (HCN Tr. Ct., Apr. 13, 2010) (Matha, T). The Court appointed Roxanne Whitegull as protective payee.	Apr. 13, 2010
CV 10-01	<i>HCN Dept. of Business v. Indiana Recycling &amp; Renewable Fuels, CV 10-01 Order (Denying Special Appearance)</i> (HCN Tr. Ct., Apr. 22, 2010) (Matha, T). The Court had to determine whether to grant the <i>Ex Parte Motion to Appear Pro Hoc Vice</i> filed on behalf of the defendant. The Court denied the request do to the failure to adhere to the requirements of the relevant rules.	Apr. 22, 2010
CV 05-109	<i>Leilani J. Chamberlain v. Adam Hall, CV 05-109 Order (Compelling Discovery)</i> (HCN Tr. Ct., Apr. 26, 2010) (Matha, T). The Court had to determine whether to grant petitioner's <i>Motion to Compel</i> . The Court determined that the requested files were relevant, and therefore compelled discovery.	Apr. 26, 2010
CV 10-32	<i>In the Interest of Minor Child: A.A.G., DOB 11/13/92, by Michelle Lewis v. HCN Office of Tribal Enrollment, CV 10-32 Order (Petition Granted)</i> (HCN Tr. Ct., Apr. 29, 2010) (Matha, T). The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with an international educational excursion. The Court granted the petition.	Apr. 29, 2010
CV 09-48	<i>Diana Wolf v. HCN Grievance Review Bd., CV 09-48 Order (Denying Review)</i> (HCN Tr. Ct., May 7, 2010) (Matha, T). The Court declined to review the instant case due to the petitioner's failure to timely file the action.	May 7, 2010
CV 08-45	<i>Cheryl Brinegar v. HCN Grievance Review Bd., CV 08-45 Order (Remanding)</i> (HCN Tr. Ct., May 18, 2010) (Rockman, A). The Court remanded the case to the GRB pursuant to a directive from the HCN Supreme Court. The Court issued this decision to give the GRB guidance.	May 18, 2010

CV 09-70	<p><i>Patricia Boyles v. Wesley Boyles</i>, CV 09-70 Order (Final Judgment) (HCN Tr. Ct., May 24, 2010) (Rockman, A).</p> <p>The Court had to determine whether the CTF monies of the respondent could be used to pay a debt to an Elder. The Court determined that the CTF monies could not be accessed for such purpose.</p>	May 24, 2010
CG 10-31	<p><i>Broadway Auto Credit, Inc. v. Charles D. Baker, Sr.</i>, CG 10-31 Order (Requiring Amended Petition) (HCN Tr. Ct., May 26, 2010) (Matha, T).</p> <p>The Court required an amended petition showing the underlying foreign judgment had been revived.</p>	May 26, 2010
CV 10-08	<p><i>In the Interest of Minor Child: J.D.S., DOB 12/04/1993, by Angela Parker v. HCN Office of Tribal Enrollment</i>, CV 10-08 Order (Petition Granted in Part and Denied in Part) (HCN Tr. Ct., June 4, 2010) (Rockman, A).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia and the purchase of an automobile. The Court granted the release of funds for costs associated with orthodontia and denied the release of funds for purchase of a new vehicle.</p>	June 4, 2010
CV 10-07	<p><i>Ho-Chunk Nation et al. v. HCN GRB et al.</i>, CV 10-07 Order (Regarding Conflicts of Interest) (HCN Tr. Ct., June 9, 2010) (Rockman, A).</p> <p>The Court had to determine whether a conflict of interest arose in connection with petitioners' counsel continual representation of the petitioner in a case against the GRB, while the counselor previously and simultaneously represented the GRB in different cases. The Court established that concurrent conflicts of interest can arise from the lawyer's responsibilities to another client, a former client, a third party, or from the lawyer's own interest. The petitioners' counsel cannot overcome the conflict, because a concurrent conflict of interest exists if the representation of one client will be directly adverse to another client. Thus, the Court found that attorneys may not simultaneously represent clients with adverse interests, even in unrelated matters.</p>	June 9, 2010
CV 10-54	<p><i>Ho-Chunk Nation v. Money Centers of America, Inc. et al.</i>, CV 10-54 Order (Denial of Motion for Expedited Consideration) (HCN Tr. Ct., June 23, 2010) (Rockman, A).</p> <p>The petitioner filed a motion requesting expedited consideration of the motion for extension of time. The Court denied the motion for expedited consideration since the respondent failed to satisfy the two elements of the <i>HCN R. Civ. Pro.</i> 19(C). Specifically, the respondent failed to include the reasons why the accompanying motion should be heard prior to the normal time period.</p>	June 23, 2010
CV 10-33	<p><i>Sarina Quarderer v. HCN GRB et al.</i>, CV 10-33 Order (Denial of Motion for Expedited Consideration) (HCN Tr. Ct., July 12, 2010) (Rockman, A).</p> <p>The respondents filed a motion requesting expedited consideration of the motion for extension of time. The Court denied the motion for expedited consideration since the respondent failed to satisfy the two elements of <i>HCN R. Civ. P.</i> 19(C). Specifically, the respondent failed to include the reasons why the accompanying motion should be heard prior to the normal time period, and, the respondents did not state what efforts they made to resolve the issues with the opposing party prior to filing the motion.</p>	July 12, 2010
CV 10-42	<p><i>Ho-Chunk Nation et al. v. Jamie Peterson et al.</i>, CV 10-42 Order (Default Judgment) (HCN Tr. Ct., July 15, 2010) (Matha, T).</p> <p>The Court had to determine whether to grant the relief requested by the plaintiff. The defendants failed to answer the complaint despite proper service; therefore, the Court granted the permissible relief sought by the plaintiffs.</p>	July 15, 2010

CV 10-07, -12, -28, -33	<i>Ho-Chunk Nation et al. v. HCN GRB; Kyle Funmaker v. HCN GRB; Ho-Chunk Nation et al. v. HCN GRB; and Sarina Quarderer v. HCN GRB et al.</i> , CV 10-07, -12, -28, -33 <i>Order (Status Hearing)</i> (HCN Tr. Ct., July 21, 2010) (Matha, T and Rockman, A). Institutional parties were required to obtain substitute legal counsel pursuant to a recent decision. <i>See HCN et al. v. HCN GRB et al.</i> , CV 10-07 (HCN Tr. Ct., June 9, 2010). The Court wished to address concerns regarding concurrent clients and non-waivable conflicts of interest. Therefore, the Court scheduled a joint status hearing.	July 21, 2010
CV 09-73	<i>In the Interest of Adult CTF Beneficiary: Shawntel L. Smith, DOB 01/03/1986 v. HCN Office of Tribal Enrollment</i> , CV 09-73 <i>Order (Denying Motion for Living Stipend)</i> (HCN Tr. Ct., July 27, 2010) (Rockman, A). The Court had to determine whether an adult could access her CTF account to pay for additional costs associated with a monthly living stipend. The Court has never allowed a recurring distribution to be made from the CTF of an adult beneficiary for living expenses, and shall not allow a recurring distribution under the prevailing set of circumstances.	July 27, 2010
CV 05-109	<i>Leilani Jean Chamberlain v. Adam Hall, Enrollment Officer of the Ho-Chunk Nation</i> , CV 05-109 <i>Order (Motion Granted-In Part)</i> (HCN Tr. Ct., July 30, 2010) (Matha, T). The purpose of the order was to address plaintiff's motion for costs, fees and sanctions, and determine whether the defendant was protected by immunity as articulated in the CONSTITUTION, ART. XII, § 2. The Court held that the defendant was not protected by immunity in the instant case. The constitutional limitation of granting injunctive and non-monetary relief applies solely to suits arising "under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation." CONST., ART., VII, §5(a). The plaintiff's motion was separate from the original cause of action and derives from the Courts' inherent and independent authority. Therefore, the Court awarded a portion of the requested sanctions, fees, and costs due to prolonged discovery delays.	July 30, 2010
CV 10-07, -12, -28, -33	<i>Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB, and Kyle M. Funmaker v. Ho-Chunk Nation GRB, and Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB et al., and Sarina Quarderer v. Ho-Chunk Nation GRB et al.</i> , CV 10-07, -12, -28, -33 <i>Order (Stay of Proceedings)</i> (HCN Tr. Ct., Aug. 5, 2010) (Matha, T and Rockman, A). The Court ordered a stay of the proceedings in all of the above-referenced cases in order to further review administrative law and synthesize HCN Supreme Court case law regarding the practice of naming respondents.	Aug. 5, 2010
CV 10-17	<i>Ho-Chunk Nation Home Ownership Program et al. v. Zachary D. Thundercloud</i> , CV 10-17 <i>Order (Denying Motion for Summary Judgment)</i> (HCN Tr. Ct., Aug. 24, 2010) (Rockman, A). The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there were genuine issues as to material fact and the plaintiffs were not entitled to judgment as a matter of law. Therefore, the Court denied the motion.	Aug. 24, 2010
CV 10-15	<i>Daria Powless v. HCN Enrollment Committee</i> , CV 10-15 <i>Decision</i> (HCN Tr. Ct., Sep. 2, 2010) (Rockman, A). The Court had the determine whether to uphold the findings and recommendations of the HCN Tribal Enrollment Committee. The Court declined to affirm the findings and recommendations of the Committee, since the evidence primarily relied on was not properly admitted.	Sep. 2, 2010
CV 09-100, 10-13	<i>Jenna Littlegeorge v. Adam Hall, et al. and Jenna Littlegeorge v. Tribal Enrollment Committee</i> , CV 09-100, 10-13 <i>Decision</i> (HCN Tr. Ct., Sep. 8, 2010) (Rockman, A). The Court had the determine whether to uphold the findings and recommendations of the HCN Tribal Enrollment Committee. The Court declined to affirm the findings and recommendations of the Committee, since the General Council has already decided the matter. The Court recognizes the binding force of the General Council's action and interprets the action as a political question best left to the assembled electorate of the Nation.	Sep. 8, 2010

CV 10-51	<p><i>Claire Billie v. Patrick Collins</i>, CV 10-51 Order (<i>Denying Transfer</i>) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).</p> <p>The Court had to determine whether to grant the plaintiff's request to transfer a foreign divorce action. The Court denied the transfer since it lacks the capacity to perform modifications to integrated child support provisions.</p>	Sep. 13, 2010
CV 05-110	<p><i>In the Interest of Adult Incompetent: K.S.B., DOB 02/19/1960, by Jon B. Bahr v. HCN Office of Tribal Enrollment</i>, CV 05-110 Order (<i>Motion Granted in Part</i>) (HCN Tr. Ct., Sep. 22, 2010) (Rockman, A).</p> <p>The Court had to determine whether the legal guardian could access additional monies on behalf of an adult incompetent member from the ITF account to increase the ward's personal allowance or living expenses and funds for a small house. The Court granted release of funds to satisfy the request.</p>	Sep. 22, 2010
CV 10-46	<p><i>In the Interest of Minor Child: G.R.H., DOB 08/18/1995, by Wendi A. Huling v. HCN Office of Tribal Enrollment</i>, CV 10-46 Order (<i>Petition Granted</i>) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).</p> <p>The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with a specialized wheelchair. The Court granted the petition.</p>	Sep. 30, 2010
CV 08-79, -83	<p><i>Kenneth Lee Twin v. HCN GRB et al. and HCN GRB et al. v. Kenneth Lee Twin et al.</i>, CV 08-79, 08-83 Order (<i>Final J.</i>) (HCN Tr. Ct., Oct. 8, 2010) (Rockman, A).</p> <p>The Court had to determine whether to uphold the decision of the GRB. The Court also had to determine whether to grant the Department of Personnel's <i>Motion to Re-Open Briefing, or Alternatively, to Foreclose Briefing by Any Party</i>, or whether to grant the GRB's <i>Motion to Dismiss</i> contained within CV 08-83. The Court affirmed in part the GRB's decision and reversed in part. The Court denied the Department of Personnel's <i>Motion</i> in CV 08-83. Thus, the GRB's <i>Motion to Dismiss</i> did not need to be addressed.</p>	Oct. 8, 2010
CV 09-16	<p><i>In the Interest of Adult Beneficiary: Vincent G. Decorah, DOB 11/22/1985 v. HCN Office of Tribal Enrollment</i>, CV 09-16 Order (<i>Granting Mot.</i>) (HCN Tr. Ct., Oct. 14, 2010) (Matha, T).</p> <p>The Court had to determine whether to grant the petitioner's request for an additional release of CTF monies for costs associated with an outstanding debt obligation and general familial expenses. Since the petitioner fulfilled the requirements for release of the corpus of his CTF and processing delays stalled the release of his corpus, the Court granted the petitioner's request.</p>	Oct. 14, 2010
CV 10-37	<p><i>Ho-Chunk Nation et al. v. Nicole Koenig</i>, CV 10-37 Order (<i>Addressing the Summ. J. Mot. Hr'g</i>) (HCN Tr. Ct., Oct. 21, 2010) (Rockman, A).</p> <p>The Court failed to inform the <i>pro se</i> litigant that the case may not proceed to trial if the Court could determine any issues of law upon the factual record available. The defendant cannot merely rely upon previous submissions or assertions, but must refer to evidence contained in affidavits, business records, discovery responses, and other comparable forms of physical evidence. Due to this procedural error, the Court provided the defendant two (2) weeks to provide the aforementioned documents.</p>	Oct. 21, 2010
CV 08-24	<p><i>In the Interest of Adult Incompetent: L.R., DOB 03/04/1956, by Maynard Rave, Sr. v. HCN Office of Tribal Enrollment</i>, CV 08-24 Order (<i>Contempt</i>) (HCN Tr. Ct., Oct. 26, 2010) (Rockman, A).</p> <p>The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The petitioner attended the <i>Show Cause Hearing</i>, nonetheless he could not rebut the <i>prima facie</i> showing of contempt. The Court, therefore, held the petitioner in contempt and imposes a reasonable remedial sanction.</p>	Oct. 26, 2010

CV 10-89	<p><i>In the Interest of Decedent Member: L.L.L., DOB 09/18/1948, by Bertha Lowe v. HCN Office of Tribal Enrollment, CV 110-89 Order (Requesting Documentation)</i> (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).</p> <p>The Court had to determine whether to release monies from a decedent tribal member's ITF to the estate. The Ho-Chunk Nation had deposited a substantial sum of money in the ITF account prior to the unfortunate passing of the tribal member. These monies remain in an irremovable trust held by the Nation and administered by Fifth Third Bank. The Court requested a county court order declaring the petitioner to be the personal representative of the decedent's estate before it can release the ITF to the estate.</p>	Oct. 29, 2010
CV 10-07, -12, -28, -33, -76, -81, -87	<p><i>HCN et al. v. HCN GRB, and Kyle M. Funmaker v. HCN GRB, and HCN v. HCN GRB, and Sarina Quarderer v. HCN GRB, and Lisa Nichols v. HCN GRB, and Cheryl Brinegar v. HCN Dep't of Personnel, and Andrew Thundercloud v. HCN GRB, CV 10-07, -12, -28, -33, -76, -81, -87 Order (Granting Motion)</i> (HCN Tr. Ct., Nov. 2, 2010) (Matha, T and Rockman, A).</p> <p>The Court had to determine whether the administrative agency remained an indispensable party upon appeal of the agency decision. The Court had adopted a uniform practice of requiring participation of the agency pursuant to applicable procedural rules. The Court further recognized constitutional reasons for agency inclusion, but these concerns have dissipated over time. After careful and exhaustive consideration, the Court decided to permit agency intervention upon appeal, but shall no longer mandate involvement.</p>	Nov. 2, 2010
CV 10-46	<p><i>In the Interest of Minor Child: G.R.H., DOB 08/18/1995, by Wendi A. Huling v. HCN Office of Tribal Enrollment, CV 10-46 Order (Accepting Accounting)</i> (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).</p> <p>The Court previously released funds from the CTF accounts of the minor child for costs associated with a specialized wheelchair. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.</p>	Nov. 3, 2010
CV 06-80	<p><i>In the Interest of Adult CTF Beneficiary: Neva J. Littlegeorge, DOB 09/24/1985 v. HCN Office of Tribal Enrollment, CV 06-80 Order (Regarding Civil Contempt Fine)</i> (HCN Tr. Ct., Nov. 5, 2010) (Matha, T).</p> <p>The Court previously adjudged the petitioner in contempt of court for consistent failure to furnish automobile insurance documentation. Consequently, the Court ordered the Department of Treasury to assess a civil contempt fine against the petitioner's trust account. Upon release of the corpus, Treasury withheld a significant amount, which totaled the amount of the fine. The Court afforded the petitioner a final opportunity to provide the requested documentation.</p>	Nov. 5, 2010
CV 10-102	<p><i>Caroline R. Koukos v. Ho-Chunk Nation Department of Personnel, CV 10-102 Order (Requiring Administrative Record)</i> (HCN Tr. Ct., Nov. 16, 2010) (Rockman, A).</p> <p>The Court ordered the Grievance Review Board (hereinafter GRB) to submit the administrative record within a specific timeframe and ordered the GRB to notify the Court whether it wished to intervene.</p>	Nov. 16, 2010
CV 08-36	<p><i>Gerald Cleveland, Jr. and Wilfrid Cleveland v. Elliot Garvin et al., CV 08-36 Order (Dismissal with Prejudice)</i> (HCN Tr. Ct., Nov. 17, 2010) (Matha, T).</p> <p>The Court previously issued an order requiring the parties to demonstrate good cause why the case should not be dismissed. The third-party plaintiff filed an objection, but failed to offer any justification for the lengthy delay. Rather, the third-party plaintiff asserted that the Court should continue to hear the matter due to the alleged importance of constitutional issues within the suit. Due to the parties' failure to provide good cause for such a delay, the Court, in its discretion, dismissed the case with prejudice due to inactivity.</p>	Nov. 17, 2010

CV 10-94	<i>In the Interest of Minor Child: A.J.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 10-94 Order (Requiring Further Documentation)</i> (HCN Tr. Ct., Dec. 21, 2010) (Matha, T). The Court requested that the parties submit the required documentation prior to determination by the Court.	Dec. 21, 2010
CV 10-47	<i>Rita A. Gardner v. Tracy Littlejohn et al., CV 10-47 Order (Denying Defendants' July 2010 Motions to Dismiss)</i> (HCN Tr. Ct., Dec. 23, 2010) (Rockman, A). The Court had to determine whether to grant the defendants' <i>Motions to Dismiss</i> . The Court concluded that there was no legal ground for dismissal based upon the defendants' <i>Motions</i> and denied the <i>Motions</i> .	Dec. 23, 2010
CV 10-54	<i>Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Motion to Dismiss for Lack of Jurisdiction: Granting in Part and Denying in Part)</i> (HCN Tr. Ct. Dec. 28, 2010) (Rockman, A). The Court had to determine whether to dismiss the plaintiff's claims and/or the defendants' counterclaims in the instant action. The Court dismissed several of the claims and counterclaims for lack of jurisdiction, as they do not "aris[e] under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation." However, some of the claims and counterclaims did. The Court had jurisdiction over those claims and counterclaims. The Court also found that those claims and counterclaims, viewed in a light most favorable to the non-moving party, state a proper claim upon which relief may be granted. Therefore, the Court did not dismiss those claims and counterclaims.	Dec. 28, 2010

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Case No.	Case Summary	Decided
CV 10-53	<i>Alvane King v. MPC Food &amp; Beverage Department et al., CV 10-53 Order (Re-Captioning Case &amp; Granting Dismissal)</i> (HCN Tr. Ct., Jan. 5, 2011) (Rockman, A). The Court had to determine whether to grant the Ho-Chunk Nation GRB's <i>Motion to Dismiss</i> . The petitioner failed to provide the Court with a satisfactory justification as to why the established deadlines were disregarded, as an <i>Initial Brief</i> was not filed. Furthermore, the Court also had to determine whether to grant the October 27, 2010 <i>Notice &amp; Motion to Re-Caption Case</i> . The Court granted both motions.	Jan. 5, 2011
CV 10-01	<i>Ho-Chunk Nation, Business Department v. Indiana Recycling &amp; Renewable Fuels, LLC, CV 10-01 Order (Granting Summary Judgment)</i> (HCN Tr. Ct., Jan. 6, 2011) (Matha, T). The Court had to determine whether to grant summary judgment against the defendant. The defendant noted its acquiescence to the plaintiffs' request. The Court granted the relief sought by the plaintiffs.	Jan. 6, 2011
CV 08-24	<i>In the Interest of Adult Incompetent: L.R., DOB 03/04/1956, by Maynard Rave, Sr. v. HCN Office of Tribal Enrollment, CV 08-24 Order (Addressing Contempt)</i> (HCN Tr. Ct., Jan. 19, 2011) (Rockman, A). The guardian was able to provide accounting for all funds released to him for the adult incompetent. The Court recommended that a new guardian be appointed to the case.	Jan. 19, 2011
CV 10-101	<i>In the Interest of Adult CTF Beneficiary: Matthew J. Greengrass, DOB 10/28/92 v. HCN Office of Tribal Enrollment, CV 10-101 Order (Partially Granting Petition)</i> (HCN Tr. Ct., Jan. 20, 2011) (Matha, T). The Court had to determine whether to grant the petitioner's request to access CTF monies to satisfy general household and personal expenses. The Court partially granted the request.	Jan. 20, 2011
CV 10-15	<i>Daria Powless v. HCN Enrollment Committee, CV 10-15 Order (Admitting Evidence and Affirming)</i> (HCN Tr. Ct. Jan. 20, 2011) (Rockman, A). The Court had to determine whether the respondent properly authenticated the DNA test	Jan. 20, 2011

	regarding the parentage of the petitioner. The Court finds the DNA test was properly authenticated. Therefore, the Court affirms the recommendations of the Ho-Chunk Nation Committee on Tribal Enrollment that the petitioner is a proper subject for removal from the Ho-Chunk Nation tribal membership roll for failure to satisfy the blood quantum requirements set out in the CONSTITUTION OF THE HO-CHUNK NATION, ART. II, § 1(b).	
CG 08-82	<i>Jeffrey M. Julian v. Melissa Thunder</i> , CG 08-82 Order (Requiring Corroborative Documentation) (HCN Tr. Ct., Jan. 20, 2011) (Matha, T). The Court convened a hearing to assess any intervening change of circumstances. Neither party appeared at the hearing despite proper service. The Court required the respondent to submit documentation corroborating continued receipt of state assistance. Otherwise, the Court will enforce the foreign judgment against her wages.	Jan. 20, 2011
CV 10-64	<i>HCN Department of Education et al. v. Tricia Zunker</i> , CV 10-64 Order (Denying Motion for Recusal) (HCN Tr. Ct., Feb. 1, 2011) (Rockman, A). The Court had to determine whether to grant the defendant's Motion for Recusal. The Court concluded that mandatory grounds for recusal did not exist. The presiding judge disagreed with any intimation that she could not impartially fulfill her constitutional duties in the instant case. Therefore, the Court denied the defendant's motion.	Feb. 1, 2011
CV 10-47	<i>Rita A. Gardner v. Tracy Littlejohn et al.</i> , CV 10-47 Order (Ruling on Dispositive Motions) (HCN Tr. Ct., Feb. 2, 2011) (Rockman, A). The Court had to determine whether it had subject matter jurisdiction over this defamation action, and concluded that defamation existed under the customs and traditions of the Ho-Chunk Nation. The Court found that the plaintiff showed that she was not terminated from her employment for an inability to administer third party billing, and thus did not seek to have said termination overturned due to nepotism. Therefore, the Court found that the April 14, 2010 document penned by the "Nioxawani Political Activists," titled <i>Contract Employees: Shadowy Government</i> , defamed the plaintiff. Regarding the defamation action, there was no genuine issue of material fact in dispute for four (4) of the defendants. Nonetheless, three (3) of the defendants properly asserted a traditional privilege. One (1) defendant indicated that the privilege extended to her. Two (2) of the defendants did not assert any traditional privilege. However, regarding the defamation action, there was a genuine issue of material fact in dispute for three (3) of the defendants	Feb. 2, 2011
CV 11-07	<i>General Council Agency et al. v. Ho-Chunk Constitutional Task Force et al.</i> , CV 11-07 Order (Rescheduled Preliminary Injunction Hearing) (HCN Tr. Ct., Feb. 9, 2011) (Rockman, A). The Court rescheduled the hearing due to plaintiffs' request that Attorney General Corbine and the HCN Department of Justice be precluded from representing the Nation.	Feb. 9, 2011
CV 10-83	<i>Duane Arendt v. Angela Ward et al.</i> , CV 10-83 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Feb. 15, 2011) (Matha, T). The Court had to determine whether to grant the defendants' motion to dismiss. The plaintiff's request for monetary relief is barred by tribal sovereign immunity from suit, which cannot be circumvented under the guise of requested equitable remedies.	Feb. 15, 2011
CV 11-01	<i>In the Interest of Adult CTF Beneficiary: Joanna Roybal, DOB 12/15/1992 v. HCN Office of Tribal Enrollment</i> , CV 11-01 Order (Petition Granted) (HCN Tr. Ct., Feb. 28, 2011) (Rockman, A). The Court had to determine whether to grant the petitioner's request to access CTF monies for costs associated with continuing and facilitating her high school education and receiving a copy of her birth certificate. The Court granted the request.	Feb. 28, 2011
CV 10-54	<i>Ho-Chunk Nation v. Money Centers of America, Inc. et al.</i> , CV 10-54 Order (Denial of Motion for Expedited Consideration)(HCN Tr. Ct. Feb. 28, 2011) (Rockman, A). The Court denied the defendant's motion for expedited consideration due to their failure to satisfy the two (2) elements of the rule.	Feb. 28, 2011
CV 11-17	<i>In the Interest of E.K.B., DOB 09/04/37, by Sid C. Lewis v. Ho-Chunk Nation Office of</i>	Mar. 8, 2011

	<i>Tribal Enrollment, CV 11-17 Order (Dismissal)</i> (HCN Tr. Ct., Mar. 8, 2011) (Matha, T). Due to the untimely passing of the adult incompetent member, the petitioner could not maintain the cause of action. Therefore, the Court dismissed the instant case.	
CV 10-17	<i>Ho-Chunk Nation Home Ownership Program et al. v. Zachary D. Thundercloud, CV 10-17 Judgment (Granting Relief in Part – Denying in Part)</i> (HCN Tr. Ct. Mar. 8, 2011) (Rockman, A). The Court had to determine whether to grant the plaintiffs' <i>Complaint</i> for damages arising under a foreclosure action. The Court found that Mr. Thundercloud was indebted to the HOP and the Ho-Chunk Nation, in the amount of \$132,062.29 for an outstanding mortgage and associated damages. The Court, however, declined to enforce the debt against the defendant until such time as the property was resold.	Mar. 8, 2011
CV 10-54	<i>Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Denying Motion to Stay Civil Proceedings)</i> (HCN Tr. Ct. Mar. 14, 2011) (Rockman, A). The Court had to determine whether or not to grant the defendants' <i>Motion to Stay Civil Proceedings</i> . The defendants argued that issues in the instant civil matter significantly overlap with the issues of an ongoing criminal investigation by the Federal Bureau of Investigation and a grand jury. The defendants failed to provide sufficient documentation showing the scope and status of the Federal criminal investigation. Therefore, the Court denied the defendants' <i>Motion</i> without prejudice.	Mar. 14, 2011
CV 10-15	<i>Daria Powless v. HCN Enrollment Committee, CV 10-15 Order (Addressing the Motion to Withdraw as Counsel)</i> (HCN Tr. Ct. Mar. 24, 2011) (Rockman, A). The Court had to determine whether to grant Attorney JoAnn Jones' <i>Motion to Withdraw as Counsel</i> . All substantive issues in the case were disposed of in the Court's previous decision. The sixty (60) calendar days allowed for filing an appeal also elapsed. The Court denied the motion due to mootness. The Court did not make a formal ruling on the merits of the motion. The Court did however, address the <i>Ho-Chunk Nation Rules of Professional Conduct</i> implicated by the Attorney's actions.	Mar. 24, 2011
CV 10-37	<i>Ho-Chunk Nation et al. v. Nicole Koenig, CV 10-37 Order (Addressing the Summary Judgment Motion Hearing &amp; Requiring Further Briefing)</i> (HCN Tr. Ct., Mar. 29, 2011) (Rockman, A). The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there was no genuine issue as to material fact; however, the plaintiffs were not entitled to judgment as a matter of law.	Mar. 29, 2011
CV 10-28	<i>Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB et al. and Tonette Flick, CV 10-28 Order (Recaptioning Case)</i> (HCN Tr. Ct., Mar. 31, 2011) (Matha, T). The Court recaptioned the case and granted Ms. Flick the status of an intervenor.	Mar. 31, 2011
CV 11-13	<i>Sandra E. Decorah v. Ho-Chunk Nation Election Board et al., CV 11-13 Order (Dismissal)</i> (HCN Tr. Ct. Apr. 29, 2011) (Matha, T). The Court previously scheduled a <i>Motion Hearing</i> to allow the defendants to argue the <i>Motion to Dismiss</i> , and to provide the plaintiff the opportunity to offer a response. Despite proper service, the plaintiff failed to appear at the <i>Hearing</i> . Accordingly the Court dismissed the instant action.	Apr. 29, 2011
CV 10-33	<i>Sarina Quarderer v. Ho-Chunk Casino et al., CV 10-33 Order (Affirming)</i> (HCN Tr. Ct., May 17, 2011) (Rockman, A). The Court had to determine whether to uphold the decision of the GRB. The Court found that the petitioner's due process rights were not violated, and thus affirmed the agency decision due to the presence of substantial evidence to support the decision.	May 17, 2011
CV 10-37	<i>Ho-Chunk Nation et al. v. Nicole Koenig, CV 10-37 Order (Granting Summary Judgment)</i> (HCN Tr. Ct., June 20, 2011) (Rockman, A). The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there was no genuine issues as to material fact and that the plaintiffs were entitled to judgment as a matter of law.	June 20, 2011
CV 10-107	<i>Daniel Topping v. Georgette Mart &amp; HCN Food &amp; Beverage and HCN GRB, CV 10-107</i>	June 22, 2011

	<i>Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., June 22, 2011) (Rockman, A). The Court had to determine whether to grant the intervenor's motion to dismiss. The petitioner failed to timely file the <i>Petition for Administrative Review</i> as required by the ERA. Accordingly, the Court granted the motion.	
CV 11-31	<i>In the Interest of Adult CTF Beneficiary: Joan M. Frank, DOB 03/27/1990 v. HCN Office of Tribal Enrollment, CV 11-31 Order (Granting Petition in Part &amp; Requesting Further Information)</i> (HCN Tr. Ct., June 28, 2011) (Rockman, A). The Court had to determine whether the adult member could access monies from her CTF account to pay for costs associated with purchasing an automobile and tuition for obtaining a high school diploma. The Court requested additional information regarding the proposed school and released funds for the purchase of an automobile.	June 28, 2011
CV 11-08	<i>In the Interest of Adult CTF Beneficiary: Tasha Hand, DOB 08/07/1988 v. HCN Office of Tribal Enrollment, CV 11-08 Order (Petition Denied)</i> (HCN Tr. Ct., June 29, 2011) (Rockman, A). The Court had to determine whether the adult member could access monies from her CTF account to pay for costs associated with an automobile, by paying off the existing principal and interest on an existing car loan. The Court denied the request, due to the petitioner's failure to establish the necessary preliminary evidentiary showing.	June 29, 2011
CV 11-25	<i>In the Interest of Minor Child: J.M.T., DOB 04/08/1997, by Juanita Faye Tracy v. HCN Office of Tribal Enrollment, CV 11-25 Order (Petition Denied Without Prejudice)</i> (HCN Tr. Ct., July 11, 2011) (Rockman, A). The case concerned whether the parent could access monies on behalf of the minor child from the CTF account to pay for costs associated with private school tuition. The Court denied the request as the petitioner failed to satisfy the four-prong test.	July 11, 2011
CV 10-64	<i>HCN Department of Education, Josie P. WhiteEagle Scholarship &amp; Selection Committee, and the Ho-Chunk Nation v. Tricia Zunker, CV 10-64 Order (Sua Sponte Recusal)</i> (HCN Tr. Ct. Aug. 3, 2011) (Rockman, A). The defendant applied to become the Chief Judge of the Ho-Chunk Nation Trial Court; a position which would make the defendant the presiding judge's supervisor. The presiding judge also applied to this position. Therefore, the presiding judge recused herself to avoid the appearance of impropriety and to preserve and uphold the integrity of the Court.	August 3, 2011
CV 11-16	<i>Kristen Hernandez v. Vincent Hernandez, CV 11-16 Order (Status Hearing)</i> (HCN Tr. Ct., Aug. 18, 2011) (Rockman, A). The Court had to determine whether it had subject matter jurisdiction over the cause of action. The Traditional Court confirmed that stealing existed under tradition and custom and was frowned upon and dealt with. Consequently, by virtue of tradition and custom, the Court held it had subject matter jurisdiction over the causes of action arising out of the alleged stealing.	August 18, 2011
CV 10-74	<i>In the Interest of B.M.D., DOB 11/22/1989, by Cornelius B DeCora v. HCN Office of Tribal Enrollment, CV 10-74</i> (HCN Tr. Ct., Oct. 17, 2011). The Court had to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the ITF to pay for automobile maintenance and repair, rent, utilities, tax and guardianship papers, electronic learning materials, entertainment and a living stipend. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request and required proportional contributions by others receiving the benefits of the automobile repairs, rent and utilities.	October 17, 2011
CV 10-81	<i>Cheryl Brinegar v. HCN Department of Personnel, CV 10-81</i> (HCN Tr. Ct., Oct. 21, 2011). The Court had to determine whether to uphold the decision of the Grievance Review Board. The Court found that the GRB's decision was arbitrary and capricious for failing to consider several pieces of relevant evidence and important aspects of the issues presented. The Court remanded the case back to the GRB.	October 21, 2011
CV 11-64	<i>In the Interest of Minor Child: S.B., DOB 12/20/1997 by Daryll Bird Sr., v. HCN Office of</i>	October 28, 2011

	<p><i>Tribal Enrollment</i>, CV 11-64 (HCN Tr. Ct., Oct. 28, 2011). The Court needed to determine whether the petitioner could access monies on behalf of the minor child to pay for costs associated with private school tuition. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.</p>	
CV 11-52	<p><i>Stuart Blackdeer v. B.A.B.</i>, DOB 02/10/1994, CV 11-52 (HCN Tr. Ct., Oct. 28, 2011). The Court declined to reach the merits of this case as the petitioner lacked standing to relinquish the minor child's membership.</p>	October 28, 2011
CV 11-60	<p><i>In the Interest of Minor Child: C.T.W.</i>, DOB 01/22/1994 by <i>Stacy WhiteCloud v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 21, 2011). The Court needed to determine whether the petitioner could access monies from the minor's Children's Trust Fund to pay an automobile purchase. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court denied the release of funds to satisfy the request.</p>	November 21, 2011
CV 11-39	<p><i>In the Interest of Minor Child: N.L.</i>, DOB 01/17/99 by <i>Nicole Riggie v. HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Nov. 23, 2011). The Court needed to determine whether the petitioner could access monies from the minor's Children's Trust Fund to pay an automobile purchase. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court denied the release of funds to satisfy the request.</p>	November 23, 2011
CV 11-76	<p><i>Ho-Chunk Nation v. Shelley E. Thundercloud</i> (HCN Tr. Ct., Nov. 29, 2011). The Court approved the terms of the <i>Stipulation</i> between the parties.</p>	November 29, 2011
CV 11-72	<p><i>In the Interest of Adult CTF Beneficiary: Christopher Montanez</i>, DOB 05/12/88 v. <i>HCN Office of Tribal Enrollment</i> (HCN Tr. Ct., Dec. 9, 2011). The Court needed to determine whether an adult could access his CTF account to pay costs associated with health care, automobile repair and clothing for his minor child. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE to assess the merit of the petitioner's request. The Court granted a partial release of funds to satisfy the request.</p>	December 9, 2011
CV 10-54	<p><i>HCN v. Money Centers of America, Inc. and MCA of Wisconsin, Inc.</i> (HCN Tr. Ct., Dec. 21, 2011). The Court needed to determine whether to lift the current stay of civil proceedings and allow the case to proceed to trial. The Court considered six (6) general factors in determining whether a civil case should be stayed pending the resolution of criminal proceedings. Based on consideration of each factor, the Court lifted the stay of the civil proceedings.</p>	December 21, 2011
CS 10-43	<p><i>Joey Whitewing v. Patricia A. Bird-Nicholas</i> (HCN Tr. Ct., Dec. 22, 2011). The Court needed to determine whether to allow the respondent to have her child support obligations withheld from her wages instead of her per capita distributions. The Court denied the respondent's request and continued to withhold child support from her per capita distributions due to her inconsistent employment history.</p>	December 22, 2011
CS 09-07	<p><i>Michelle S. Rave v. Jeriah J. Rave, Sr.</i> (HCN Tr. Ct., Dec. 27, 2011). The Court granted the respondent's uncontested motion to cease withholding and release impounded funds. The Court informed the petitioner that the Court would resume withholding if the petitioner provides a certified statement of arrears from an open state court case whose disbursement center will accept and account for payments made.</p>	December 27, 2011

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Case No.	Case Summary	Decided
CV 11-63	<p><i>Sandra L. Sliwicki v. HCN Enrollment Committee</i>, CV 11-63 Order (<i>Motion for Summary Remand Denied &amp; Motion to Intervene Granted</i>) (HCN Tr. Ct., February 7, 2012) (Rockman, A).</p> <p>The Court needed to determine whether to grant the outstanding <i>Motion to Intervene</i> and <i>Motion for Summary Remand</i>. Following brief submission and oral argument, the Court granted the <i>Motion to Intervene</i> and denied the petitioner's <i>Motion for Summary Remand</i>.</p>	February 7, 2012
CV 10-47	<p><i>Rita A. Gardner v. Tracy Littlejohn et al.</i>, CV 10-47 Order (<i>Determination on Remand</i>) (HCN Tr. Ct., Mar. 27, 2012) (Rockman, A).</p> <p>Following the Supreme Court's partial reversal of the Trial Court's order, the Court determined to return to the Traditional Court, utilizing the procedures set forth by the Supreme Court to obtain a ruling on Ho-Chunk tradition and custom. The Court also dismissed the actions against defendants Littlegeorge, Ladd and Radke based on the parties' agreement.</p>	March 27, 2012
CV 11-82	<p><i>Jenna Callista Littlegeorge v. Adam J. Hall, Enrollment Officer et al.</i>, CV 11-82 Order (<i>Granting Mot. to Dismiss</i>) (HCN Tr. Ct., Mar. 27, 2012) (Rockman, A).</p> <p>Following two scheduled <i>Motion Hearings</i>, the Court granted the respondent's <i>Motion to Dismiss</i> due to the petitioner's untimely filing of an administrative appeal.</p>	March 27, 2012
CV 11-58	<p><i>In the Interest of Adult Incompetent: J.C., DOB 09/06/1962, by Jackson County Guardianship Services, Inc. v. HCN Office of Tribal Enrollment</i>, CV 11-58 Order (<i>Mot. Granted</i>) (HCN Tr. Ct., Mar. 30, 2012) (Rockman, A).</p> <p>The Court needed to determine whether the legal guardian could access monies from the adult incompetent's ITF account to pay costs associated with securing legal counsel. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.8C to assess the merit of the petitioner's request. The Court granted the release of funds to satisfy the guardian's request.</p>	March 30, 2012
CV 11-33	<p><i>Henry Greencrow Jr. v. Ho-Chunk Nation, Ho-Chunk Nation Legislature, Ho-Chunk Nation Office of Tribal Enrollment, and Rita Gardner, Enrollment Officer</i>, CV 11-33 Order (<i>Granting Mot. to Dismiss</i>) (HCN Tr. Ct., May 11, 2012) (Rockman, A).</p> <p>The Court granted the respondents' <i>Motion to Dismiss</i> for the petitioner's failure to state a claim upon which relief may be granted.</p>	May 11, 2012
CV 11-16	<p><i>Kristin Hernandez v. Vincent Hernandez</i>, CV 11-16 Order (<i>Final J.</i>) (HCN Tr. Ct., May 11, 2012) (Rockman, A).</p> <p>The Court afforded the defendant a period of sixty days to retrieve evidence demonstrating that funds provided by the plaintiff were utilized for financial investments or repaid to the parties' joint bank account. The defendant failed to provide such documentation or attend the subsequent proceeding. The Court, therefore, rendered a judgment in favor of the plaintiff for a portion of the relief sought within the <i>Complaint</i>.</p>	May 11, 2012
CV 11-76	<p><i>Ho-Chunk Nation v. Shelley E. Thundercloud</i>, CV 11-76 Order (<i>Granting Summ. J.</i>) (HCN Tr. Ct., June 12, 2012) (Rockman, A).</p> <p>The Court needed to determine whether to grant the plaintiff's <i>Motion for Summary Judgment</i>. The Court found no genuine issue of material fact and held the plaintiffs are entitled to judgment as a matter of law.</p>	June 12, 2012
CV 11-35	<p><i>Jeffrey Harrison v. Brian Decorah and Ho-Chunk Gaming - Nekoosa</i>, CV 11-35 Order (<i>Remanding</i>) (HCN Tr. Ct., June 19, 2012) (Rockman, A).</p> <p>The Court needed to determine whether to uphold the decision of the Grievance Review Board. The Court found the agency's decision arbitrary and capricious for failing to adequately articulate the basis for its conclusion. The Court ultimately remanded the case to the GRB for reconsideration consistent with the Court's decision.</p>	June 19, 2012

CV 11-63	<i>Sandra L. Sliwicki v. HCN Enrollment Committee</i> , CV 11-63 Order (Remanding) (HCN Tr. Ct., July 10, 2012) (Rockman, A). The Court needed to determine whether to affirm the Committee on Tribal Enrollment’s recommendation requiring the petitioner to submit to DNA analysis. The Court remanded the case back to the Enrollment Committee as the agency’s decision constituted an abuse of discretion.	July 10, 2012
CV 11-83, -87	<i>Horst Josellis v. Jennifer Field &amp; HCN Grievance Review Board</i> , CV 11-83, -87 Order (Remanding to Grievance Review Board) (HCN Tr. Ct., Sept. 11, 2012) (Rockman, A). The Court remanded the instant case to the Grievance Review Board as the agency’s decision to afford the petitioner only a limited “dismissal hearing” constituted an arbitrary and capricious action.	September 11, 2012
CV 11-79	<i>Elena Terry v. Douglas Greengrass et al.</i> , CV 11-79 Order (Addressing Dispositive Motions) (HCN Tr. Ct., Sept. 14, 2012) (Rockman, A). The Court granted the defendants’ <i>Motion to Dismiss</i> on the basis that the action is barred by sovereign and official immunity and the plaintiff failed to state a claim upon which relief may be granted. The Court also determined not to address the plaintiff’s untimely <i>Motion for Summary Judgment</i> .	September 14, 2012
FM 11-08/ CV 12-22	<i>In re the Marriage of Cynthia Thundercloud v. Mark A. Thundercloud</i> , FM 11-08, CV 12-23 Order (Partially Granting Reimbursement) (HCN Tr. Ct., Nov. 6, 2012) (Rockman, A). The Court determined that equity and fairness required a partial repayment of funds by the respondent for failure to comply with the parties’ property division agreement.	November 6, 2012
CV 10-53	<i>Alvane King v. MPC Food &amp; Beverage Dept., et al.</i> , CV 10-53 Order (Determination on Remand) (HCN Tr. Ct., Nov. 29, 2012) (Rockman, A). The Court affirmed the agency’s decision as supported by substantial evidence offered at the GRB hearing, thus upholding the petitioner’s termination from employment.	November 29, 2012

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2013**

Case No.	Case Summary	Decided
CV 12-59	<i>Marlon C. WhiteWing v. Oren Cloud</i> , CV 12-59 Order (Dismissal) (HCN Tr. Ct., Feb. 15, 2013) (Rockman, A). The Court needed determined whether to award the plaintiff the relief requested in the initial pleading. The Court determined to deny the request for relief due to the absence of valid subject matter jurisdiction over the dispute.	February 15, 2013
CS 99-41, 00-28, 01-33, 02-12, 03-26, 04-23, 05-06, 05-14, 05-46, 07-52, 08-79, 05-83, 07-09, 07-24, 07-81, 08-26, 08-79, 09-10, 09-14, 09-65, 10-05, 10-09, 10-57, 11-02, 11-55, 12-06, 12-11, 12-38	<i>In re: Minnesota State Child Support Payments</i> , CS 99-41, 00-28, 01-33, 02-12, 03-26, 04-23, 05-06, 05-14, 05-46, 07-52, 08-79, 05-83, 07-09, 07-24, 07-81, 08-26, 08-79, 09-10, 09-14, 09-65, 10-05, 10-09, 10-57, 11-02, 11-55, 12-06, 12-11, 12-38 Order (Requesting Attorney General Opinion) (HCN Tr. Ct., Feb. 20, 2013) (Lowe, J). Based upon the Court’s adopted federal definition of child support, the Court refrains from withholding auxiliary costs from members’ per capita distributions, including accumulated interest, administrative fees, or spousal maintenance. The Court received several correspondences concerning the manner by which the State of Minnesota has elected to apply funds, which is inconsistent with the Court’s enforcement orders. Therefore, given the potential severe consequences of either ceasing all withholdings in the above-captioned cases, or allowing a foreign jurisdiction to misapply garnished per funds in violation of the Nation’s laws, the Court sought an Attorney General Opinion concerning the appropriate recourse for those cases affected by the State of Minnesota’s actions.	February 20, 2013

11, 12-38		
CV 12-22	<p><i>Andrea Rave v. Committee on Tribal Enrollment, Enrollment Department</i>, CV 12-22 <i>Reissued Order (Pet. Denied)</i> (HCN Tr. Ct., Feb. 28, 2013) (Rockman, A).</p> <p>The Court entered a <i>Reissued Order</i> to correct a clerical mistake in its previous <i>Order</i>. The Court needed to determine whether to grant the petitioner's <i>Petition for Administrative Review</i>. One critical examination in determining whether to grant the <i>Petition</i> is the ability of the Court to grant the relief sought. The petitioner urged the Court to require the Office of Tribal Enrollment to process an application and enroll an individual currently enrolled in another tribe, when such actions are prohibited by the Ho-Chunk Nation Constitution. The Court is undoubtedly prohibiting from issuing a remedy which the Constitution forbids. Therefore, the Court denied the <i>Petition</i> due to the failure to state a claim upon which relief may be granted.</p>	February 28, 2013
CV 13-04	<p><i>Robert Two Bears v. HCN Election Board and Judy Whitehorse Election Board Chairperson</i>, CV 13-04 <i>Order (Mot. Hearing)</i> (HCN Tr. Ct., Mar. 29, 2013) (Lowe, J).</p> <p>The Court needed to determine whether to grant the defendants' <i>Motion to Dismiss</i>. The Court determined that sovereign immunity does not act as a bar to the case against the defendants where there is a limited waiver afforded by clear constitutional and statutory authority. Further the Court held that the Election Board does not have a duty to follow the advice of the BIA or the legal advice of the Nation's attorneys. Thereby, the Court denied the <i>Motion to Dismiss</i>.</p>	March 29, 2013
CV 13-04	<p><i>Robert Two Bears v. HCN Election Board and Judy Whitehorse Election Board Chairperson</i>, CV 13-04 <i>Order (Final J.)</i> (HCN Tr. Ct., Apr. 4, 2013) (Lowe, J).</p> <p>The Court had to determine whether to grant the relief requested by the plaintiff concerning an election challenge to the General Primary Election. The plaintiff failed to meet the statutory burden of proof. Therefore, the Court found in favor the defendants and the results of the General Primary Election were upheld.</p>	April 4, 2013
CV 12-72	<p><i>Tracy L. Littlejohn and Powell G. Littlejohn v. HCN Enrollment Committee and Rita Gardner, Enrollment Officer, Gerald Cleveland, Sr., 2012 General Council Chairperson, HCN General Council Agency</i>, CV 12-72 <i>Order (Granting Mot. to Dismiss)</i> (HCN Tr. Ct., Apr. 15, 2013) (Lowe, J).</p> <p>The Court needed to determine whether to grant the respondents' <i>Motion to Dismiss</i>. The petitioners failed to submit the required filing fee within the prescribed ten (10) day time frame to retain the final filing date before the statute of limitations elapsed. Therefore, the Court recognized the petitioners' filing as untimely and dismissed the instant case for failure to abide by statutory deadlines.</p>	April 15, 2013
CV 10-54	<p><i>Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin Inc.</i>, CV 10-54 <i>Order (Denying Mot. For Summary J.)</i> (HCN Tr. Ct., Apr. 15, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the parties' cross-motion for summary judgment. While the parties' contended there is no genuine dispute as to any material facts before the court, differing inferences with the Nation's governmental operations precluded this Court from granting summary judgment to either party. Therefore, the Court denied both parties' <i>Motions for Summary Judgment</i> and scheduled a subsequent hearing to address the remaining issues.</p>	April 15, 2013
CV 12-78	<p><i>Melodie Cleveland v. Matthew Mullen, Rosetta Hunt, Roger Thundercloud, Mike Sallaway, Roberta Funmaker, Marvin Decorah, Darren Brinegar, Mary Lopez, Muriel White-Eagle Fintak, Wendy Running-Horse aka (Wendy Brown-Lee)</i>, CV 12-78 <i>Order (Amend Pleading)</i> (HCN Tr. Ct., Apr. 16, 2013) (Lowe, J).</p> <p>The Court determined that several matters required clarification and that, in the interest of justice, the plaintiff would have thirty (30) days to amend her <i>Compliant</i> to clarify the nature of the action. The Court requested that the plaintiff be more specific: it was not clear whether she was suing the defendants' in their official or individual capacity; the address information</p>	April 18, 2013

	for the defendants shall be reviewed for accuracy; clarification and specificity is desired as to whether this is an appeal of some agency action.	
CV 12-44	<p><i>Lynette Pettibone v. Ericka Cloud, James Lambert, CV 12-44 Order (Granting Mot. to Dismiss)</i> (HCN Tr. Ct., Apr. 25, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the defendants' <i>Motion to Dismiss</i>. The defendants asserted that the established statute of limitations contained within the EMPLOYMENT RELATIONS ACT OF 2004, 6 HCC § 5, and STATUTE OF LIMITATIONS AND COMMENCEMENT OF CLAIMS ACT, 2 HCC § 14, mandate that the Court dismiss the instant action due to the plaintiff's untimely filing of the complaint. Therefore, the Court granted the defendants' <i>Motion to Dismiss</i>.</p>	April 25, 2013
CV 12-68	<p><i>Michelle Rave v. Ho-Chunk Nation Insurance Dept., CV 12-68 Order (Dismissal)</i> (HCN Tr. Ct., May 7, 2013) (Lowe, J).</p> <p>The Court needed to determine whether it could proceed with this matter which was filed in the previous year. The defendant filed a timely answer. The Court afforded the plaintiff and defendant the opportunity to confirm all attachments to the <i>Complaint</i> and <i>Answer</i> were correct, and reviewed whether the parties had reached any stipulations in the matter at a <i>Status Hearing</i>. The Court determined that there was no need for further hearings in this matter and dismissed the case for plaintiff's failure to exhaust administrative remedies.</p>	May 7, 2013
CV 12-46	<p><i>Ho-Chunk Nation, Ho-Chunk Gaming – Black River Falls, Greg Garvin v. Nicole Christopherson, CV 12-46 Order (Granting Mot. to Dismiss)</i> (HCN Tr. Ct., May 15, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the petitioners' <i>Motion to Supplement the Evidentiary Record</i> and the respondent's <i>Motion Enforcing Relief, Motion to Dismiss Complaint or Petition for Administrative Review</i> and <i>Motion to Supplement the Record</i>. The administrative record and pleadings revealed that the petitioners filed the <i>Petition for Administrative Review</i> thirty-one (31) days following the issuance of the Grievance Review Board decision. Rejecting arguments to allow procedural Court rules to counteract statutory filing deadlines, the Court dismisses the action as barred by the applicable statute of limitations.</p>	May 15, 2013
CV 12-63	<p><i>Clint Breed v. Grievance Review Board, CV 12-63 (Requiring Grievance Review Board Hr'g)</i> (HCN Tr. Ct., May 15, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to require the Grievance Review Board to hold a hearing. The administrative record revealed that the petitioner attempted to utilize the established administrative review process, yet received a correspondence from the Department of Personnel Executive Director, in lieu of a formal hearing and final decision. The Court accordingly required the GRB to hold a subsequent hearing.</p>	May 15, 2013
CF 13-07	<p><i>In the Interest of Adult CTF Beneficiary: Athena Smekofske, DOB 04/04/1987 v. Ho-Chunk Nation Office of Tribal Enrollment, CF 13-07 Order (Pet. Granted in Part, Denied in Part)</i> (HCN Tr. Ct., July 29, 2013) (Rockman, A).</p> <p>The Court needed to determine whether the petitioner could access the beneficiary's CTF account to pay for costs associated with the purchase of an automobile, automobile insurance, reinstatement of driving privileges, license renewal, plate renewal, DNA test for HCN membership enrollment for the petitioner's minor child, interlock device, and a quarterly allowance. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the release of funds to the petitioner for the reinstatement of driving privileges, license renewal, DNA test, and quarterly allowance. The Court denied the release for the purchase of the chosen automobile and its insurance, plate renewal, and interlock device, concluding that the petitioner failed to provide information sufficient to demonstrate that the vehicle desired was commercially reasonable, safe, and reliable.</p>	July 29, 2013
CV 12-55	<p><i>Tracy Littlejohn v. HCN Enrollment Committee and Rita Gardner, Enrollment Officer, CV 12-55 Order (Granting Mot. to Dismiss.)</i> (HCN Tr. Ct., Aug. 9, 2013) (Rockman, A).</p>	August 9, 2013

	<p>The Court needed to determine whether to grant the defendant's <i>Motion to Dismiss</i>. A review of STATUTE OF LIMITATIONS AND COMMENCEMENT OF CLAIMS ACT revealed that the plaintiff had ten calendar days of the final decision to file a review of an administrative decision or be forever barred from filing. Alternatively, all civil actions must be filed within ninety days if not otherwise specified by stature. The suit was filed two years after the denial by the Enrollment Committee. For these reasons, the <i>Motion to Dismiss</i> was granted.</p>	
CV 12-79	<p><i>Ho-Chunk Nation Department of Housing and Community Development Agency &amp; Ho-Chunk Nation v. Melody Whiteagle-Fintak</i>, CV 12-79 <i>Eviction Order (Default J.)</i> (HCN Tr. Ct., Aug. 9, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the relief request by the plaintiffs, <i>i.e.</i>, restitution of the premises and an award of damages. The defendant failed to answer the <i>Complaint</i> despite proper service of process. The Court, therefore, rendered a default judgment against the defendant, awarding the plaintiffs' permissible relief sought in the <i>Complaint</i>.</p>	August 9, 2013
CV 12-39	<p><i>Theresa Day v. Amy Kirby, Table Games Division: Ho-Chunk Gaming – Wisconsin Dells and Grievance Review Board</i>, CV 12-39 <i>Order (Affirming)</i> (HCN Tr. Ct., Aug. 29, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to uphold the decision of the GRB. The GRB framed the central issue in dispute as "whether or not the grievant can meet her burden though a preponderance of the evidence, to show that she had been subject to improper disciplinary action." The GRB found termination appropriate in this instance. The Court affirmed the agency decision due to the presence of substantial evidence to support the decision.</p>	August 20, 2013
CV 13-14	<p><i>Joann Earth Maney v. Ho-Chunk Nation Election Board</i>, CV 13-14 <i>Order (Election Challenge)</i> (HCN Tr. Ct., Aug. 28, 2013) (Rockman, A).</p> <p>The Court needed to address an election challenge to the July 30, 2013 Special Runoff Election for District V Legislator Seat # 3. The Court convened a Trial to determine the merits of the petitioner's election challenge. The Election Board certified the Special Runoff Election results, thereby designating Mr. Two Bears as the elect. The petitioner alleged that Mr. Two Bears was erroneously allowed the ability to run for two separate legislative seats within District V. The petitioner urged the Court to combine the General and Special Election together. However, the Court found that the petitioner's legal arguments were not sufficient to sustain the challenge, causing the Court to enter a judgment in favor of the respondent.</p>	August 28, 2013
CV 12-73	<p><i>Mary Ellen Blackdeer-Anwash v. Ho-Chunk Nation Enrollment Committee</i>, CV 12-73 <i>Order (Final Judgment)</i> (HCN Tr. Ct., Sept. 4, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the petitioner's <i>Petition for Administrative Review</i>. The TRIBAL ENROLLMENT AND MEMBERSHIP CODE defines the procedures governing removal of members from the Ho-Chunk Nation Membership Roll and establishes the Enrollment Committee. The Enrollment Committee presiding over removal proceedings is required to examine whether an enrolled member lacks sufficient Ho-Chunk Nation blood quantum, has provided insufficient proof of Ho-Chunk Nation ancestry, or is either a current or former member of another Indian tribe. Here, following presentation of evidence at the scheduled removal hearing, the Enrollment Committee ultimately issued its decision requiring the petitioner and her siblings to submit to DNA analysis to quantify Ho-Chunk Nation blood quantum and lineage. Upon review of the administrative record, the submitted briefs, and oral arguments, the Court concluded the agency's decision did not constitute an abuse of discretion. Accordingly, the Court affirmed the recommendation of the Committee of Tribal Enrollment requiring the petitioner to submit to DNA analysis.</p>	September 4, 2013
CV 10-54	<p><i>Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin Inc.</i>, CV 10-54 <i>Order (Granting Mot. to Dismiss Defendant's Counterclaims)</i> (HCN Tr. Ct., Sept. 6, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the plaintiff's request for dismissal of the defendant's counterclaims. The defendants alleged a series of contract breaches and</p>	September 6, 2013

	violations of other law in their counterclaim, but the plaintiff requested dismissal based on its sovereign immunity. Although the contract in question contained a limited waiver of sovereign immunity, the plaintiff argued that such a waiver is only valid when made expressly by the Ho-Chunk Nation Legislature. The Court concurred and granted the plaintiff's request.	
CV 08-79, 08-83	<p><i>Kenneth Lee Twin v. HCN Grievance Review Board, Department of Administration, MIS Division, Department of Personnel, &amp; Toni Blackdeer</i>, CV 08-79 and <i>Ho –Chunk Nation, HCN Department of Administration, MIS Division, Department of Personnel, &amp; Toni Blackdeer v. Kenneth Lee Twin, HCN Grievance Review Board</i>, CV 08-83 <i>Order (Dismissal)</i> (HCN Tr. Ct., Sept. 11, 2013) (Rockman, A).</p> <p>The Supreme Court remanded the case to the Trial Court. Therefore, the Court held a <i>Scheduling Conference</i>. The petitioner/respondent, Kenneth L. Twin, neither attended the <i>Scheduling Conference</i>, nor provided the Court with any filing on or before the articulated deadline. The respondent, Grievance Review Board, filed a <i>Motion to Dismiss</i>, including a <i>Notice of Hearing</i>. Regardless, the petitioner/respondent, Kenneth L. Twin, failed to appear at the <i>Motion to Dismiss Hearing</i>, and did not notify the Court of an inability to attend the proceeding. Therefore, the Court granted the <i>Motion to Dismiss</i>.</p>	September 11, 2013
CV 13-05	<p><i>Ho-Chunk Nation Department of Housing, Property Management Division &amp; Ho-Chunk Nation v. Robert Funmaker</i>, CV 13-05 <i>Eviction Order (Default J.)</i> (HCN Tr. Ct., Sept. 12, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the relief request by the plaintiffs, <i>i.e.</i>, restitution of the premises and an award of damages. The defendant failed to answer the <i>Complaint</i> despite proper service of process. The Court, therefore, rendered a default judgment against the defendant, awarding the plaintiffs' permissible relief sought in the <i>Complaint</i>.</p>	September 12, 2013
CV 10-47	<p><i>Rita A. Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, Nettie J. Kingsley</i>, CV 10-47 <i>Order (Requesting Traditional Court Decision)</i> (HCN Tr. Ct., Sept. 12, 2013) (Rockman, A).</p> <p>The Court previously made a request to the Traditional Court for finding and determinations as they related to the <i>Plaintiff's Question for Traditional Court</i> or <i>Defendants' Question for Traditional Court</i>. The Traditional Court had not yet articulated an oral opinion or rendered a written decision. Nevertheless, in the absence of Ho-Chunk Nation constitutional or statutory authority authorizing a claim of defamation or an affirmative defense of a warrior's right or privilege to speak. Therefore, again, the Court respectfully requested that the Traditional Court render a decision to both questions posed.</p>	September 12, 2013
CV 12-73	<p><i>Mary Ellen Blackdeer-Anwash v. Ho-Chunk Nation Enrollment Committee</i>, CV 12-73 <i>Order (Denying Emergency Mot.)</i> (HCN Tr. Ct., Sept. 25, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the injunctive relief request in the <i>Emergency Motion to Stay Pending Appeal</i>. Through the filed motion, the petitioner requested that the Court enjoin both the General Council and the Enrollment Committee from any future removal proceedings. The General Council was not a party to this action, and the petitioner did not demonstrate or prove knowledge as to when in the future the General Council may or may not act on a potential removal. Therefore, the Court declined to grant the motion as it lacked ripeness, and subsequently sought to interfere with a coordinate branch of the Ho-Chunk Nation.</p>	September 25, 2013
CV 13-05	<p><i>HCN Department of Housing, Property Management &amp; HCN v. Robert Funmaker</i>, CV 13-05 <i>Order (Partially Granting the Stay of Writ of Restitution)</i> (HCN Tr. Ct., Sept. 27, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to stay the issuance of a writ of restitution in a housing eviction action. The defendant requested a hardship hearing within eleven days after the issuance of the writ of restitution. The defendant indicated that he was unable to find another place to rent and without the full extension of thirty days, both he and his minor child would be homeless. If there is a genuine hardship, the Court may temporarily halt the eviction</p>	September 27, 2013

	<p>process, but only until the hardship passes or until a reasonable time for the tenant to address the hardship. However, the law mandates that the stay of the issuance of the writ shall not exceed thirty days from the date of the decision order. Although the defendants asked for additional time, the plaintiffs agreed that the defendant could have until October 7, 2013 to vacate the property. Therefore, the Court granted the stay until October 7, 2013.</p>	
CV 12-83	<p><i>General Council Agency v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Office of the President, Individually and In Their Official Capacities</i>, CV 12-83 Order (Denying Mot. for Temp. Restraining Order.) (HCN Tr. Ct., Sept. 27, 2013) (Lowe, J).</p> <p>The Court needed to determine whether to grant the injunctive relief requested by the Office of the President in the <i>Motion for Ex Parte Temporary Restraining Order and Preliminary Injunction</i>. The Office of the President sought a <i>Temporary Restraining Order</i> that would prohibit the GCA from: allowing Attorney John Swimmer from acting as legal counsel for the GCA or General Council; order the GCA to comply with contracting legal requirements for employing legal counsel; order the GCA to follow the APPROPRIATIONS &amp; BUDGET PROCESS ACT; order the GCA to follow tribal law mandating the three bid process; and any other relied the Court deemed appropriate. For preliminary injunctions a party must show that (1) they have no adequate remedy at law; (2) the threatened injury to the plaintiff outweighs the harm of issuing an injunction; (3) the plaintiff has a reasonable likelihood of success on the merits; and (4) granting the injunction serves the public interest. The Court found that the respondent failed the second prong of the test due to the uncertainties of the alleged harm, as well as the General Council's ability to protect itself, and therefore denied the motion.</p>	September 27, 2013
CV 13-10	<p><i>Brent Funmaker v. Bob Pulley, Property Manager Ho-Chunk Nation Department of Housing</i>, CV 13-10 Order (Dismissal Due to Failure to Present Justiciable Cause of Action) (HCN Tr. Ct., Oct. 2, 2013) (Rockman, A).</p> <p>The Court held a <i>Status Hearing</i> regarding the filed <i>Petition for Administrative Review</i>. The Court needed to determine whether the matter was justiciable, <i>i.e.</i>, whether the pleadings presented a case or controversy. The Court, along with the parties, determined that the petitioner did not present a proper case or controversy under any appropriate or applicable or law. Accordingly, the Court dismissed the case.</p>	October 2, 2013
CV 13-02	<p><i>Horst Josellis v. Jennifer Field and Ho-Chunk Nation Grievance Review Board</i>, CV 13-02 Order (Remanding to the Grievance Review Board) (HCN Tr. Ct., Oct. 11, 2013) (Rockman, A).</p> <p>The Court needed to determine whether to grant the petitioner's <i>Petition for Administrative Review</i>. Six days after being notified of the GRB hearing, the petitioner informed the GRB via fax that the scheduled date was a date wherein he was not scheduled to work. Therefore the petitioner requested a postponement. The GRB replied that only the board can agree to a postponement. The GRB declined to postpone the hearing, citing the general difficulty of working around grievants work schedules and the notice given to the petitioner. The Court considered the provision of adequate notice as an integral aspect of procedural due process, and that this Court had specifically instructed the GRB to hold a hearing in this particular case in a previous order. Furthermore, the petitioner was not informed that the hearing would unquestionably occur with or without his attendance. Thus, given the lack of proper, unambiguous notice for the GRB hearing, the Court remanded the instant case to the GRB.</p>	October 11, 2013
GU 13-05	<p><i>In the Interest of: C.R., DOB 11/23/1988</i>, GU 13-05 Order (Mot. Hearing) (HCN Tr. Ct., Oct. 18, 2013) (WhiteEagle, A).</p> <p>Ho-Chunk Nation Children and Family Services filed a <i>Petition for Adult Guardianship</i>, <i>Petition for a Recognized Foreign Order</i> and a <i>Motion for Expedited Consideration</i>. The Court recognized that C.R. is an enrolled member of the Ho-Chunk Nation, but that the Confederated Salish and Kootenai Tribes of the Flathead Reservation maintained jurisdiction over the ward. The Court determined to begin processing the case as a <i>Petition</i>, as it believed that it could exercise concurrent jurisdiction over the matter. However, the Court maintained that it was unable to modify the foreign jurisdiction's court order regarding the underlying ward and the pre-existing case. The Court did not wish to set aside a sister jurisdiction's</p>	October 18, 2013

	valid order absent a transfer of jurisdiction. Therefore, the Court indicated that it would strongly prefer to accept the matter as a transfer case.	
CV 13-09	<p><i>Jeremy P. Rockman v. Hocqk Wazijaci Nation Election Board</i>, CV 13-09 Order (Granting Resp. Mot. to Dismiss) (HCN Tr. Ct., Oct. 18, 2013) (Stenzel, P).</p> <p>The Court had to determine whether to grant the respondent's <i>Motion to Dismiss</i>. This matter arose out of an election dispute for a seat on the Ho-Chunk Nation Supreme Court. The petitioner received a majority of the votes in the primary and general election for Associate Justice of the Ho-Chunk Nation Supreme Court. However, the respondent declared that Dr. Rockman did not meet the constitutional qualifications to be a Supreme Court Justice and therefore was not the winner of the election. Specifically, the petitioner was not admitted to the Ho-Chunk Nation Bar. The petitioner then filed this suit against the respondent seeking injunctive relief. A new candidate was eventually sworn in. If viewed as a mandamus action, the petitioner's claim was not against the correct entity and requested relief the Court could not fairly or legally grant, requiring the Court to dismiss the action. If viewed as an election challenge, the petitioner's claim was not timely filed and the Court dismissed the action.</p>	October 18, 2013
CF 13-30	<p><i>In the Interest of Adult CTF Beneficiary: Shaina L. Heneha, by Lana Deere v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CF 13-30 Order (Pet. Granted) (HCN Tr. Ct., Nov. 13, 2013) (Lowe, J).</p> <p>The Court needed to determine whether the petitioner could access the adult CTF account to pay for costs associated with the purchase of a vehicle. The Court employed the standard enunciated in the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8c to assess the merit of the request. The Court granted the request, but required the petitioner to submit certain information relating to the particular vehicle before the funds would be released.</p>	November 12, 2013
CV 13-17	<p><i>Steven W. Radtke v. Tricia Zunker</i>, CV 13-17 Order (Granting Mot. to Dismiss and Dismissing Counterclaim) (HCN Tr. Ct., Dec. 16, 2013) (Lowe, J).</p> <p>The Court determined that there was no need for a hearing on the initial <i>Complaint</i> and dismissed it due to the plaintiff's failure to exhaust administrative remedies available pursuant to the TRIBAL ENROLLMENT AND MEMBERSHIP CODE and the fact that the claim was moot. The requested relief was no longer available. The Court dismissed the defendant's counterclaim for damages, as that counterclaim also relied on the administrative process not followed in the instant case. Additionally, the Court denied the defendant's request for reimbursement of the costs and fees of a voluntary DNA test, as the request was not sufficiently related to the defendant's actual defense.</p>	December 16, 2013
CV 12-73	<p><i>Mary Ellen Blackdeer-Anwash v. Ho-Chunk Nation Enrollment Committee</i>, CV 12-73 Order (Mot. Hearing) (HCN Tr. Ct., Dec. 23, 2013) (WhiteEagle, A).</p> <p>The Court needed to determine whether to grant the petitioner's <i>Motion to Amend for Relied from Judgment</i> requesting that the Court amend its September 12, 2013 <i>Reissued Order (Final Judgment)</i>. The petitioner pleaded that the Court reconsider its <i>Reissued Order</i> due to the fact that she was unaware of the hearing scheduled for June 4, 2013 and was thus unable to orally present her arguments. The petitioner was unaware of the scheduled proceeding because her attorney at that time neglected to notify her of the hearing. The Court agreed that to proceed without allowing the petitioner to engage in oral argument would unduly penalize her for not attending a hearing through no fault of her own. Accordingly, the Court set aside its <i>Reissued Order (Final Judgment)</i> and scheduled a <i>Motion Hearing</i>.</p>	December 23, 2013

**Ho-Chunk Nation Trial Court Opinions  
2014**

Case No.	Case Summary	Decided
CV 97-79	<p><i>In the Interest of Adult Incompetent: A.F., DOB 05/10/1979 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 97-79 Order (Motion Granted in Part) (HCN Tr. Ct., May 27, 2014) (WhiteEagle, A).</i></p> <p>The Court had to decide whether to release funds of an adult incompetent member's trust fund for a vehicle and installation of a wheelchair lift. The Court releases funds for buying vehicles in limited circumstances. The Court in this case granted the motion to release funds for the purchase of a van because it satisfied the four-part test. However, the Court declined to release funds for installation of a wheelchair lift for insufficient details regarding the cost of installing the lift.</p>	May 27, 2014
CV 12-61	<p><i>In the Interest of Minor Children: R.E.D., DOB 05/17/1999 and P.J.D., DOB 03/23/2002 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 12-61 Order (Contempt) (HCN Tr. Ct., Jun. 2, 2014) (WhiteEagle, A).</i></p> <p>The Court released funds to the petitioner to cover costs associated with orthodontics. The Court requested an accounting to ensure the funds were spent for orthodontics. The petitioner failed to provide an accounting, failed to appear at the <i>Show Cause Hearing</i>, and failed to contact the Court. Therefore, the Court found the petitioner in contempt and imposed a fine of \$10.00 for each day from the date of the order that the petitioner "remains in non-compliance with the standing judicial directives." <i>Id.</i>, at 10.</p>	June 2, 2014
CV 10-19	<p><i>In the Interest of Adult Incompetent: L.L., DOB 12/22/1944 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 10-19 Order (Accepting Accounting and Denying Motion) (HCN Tr. Ct., Jun. 2, 2014) (Lowe, J).</i></p> <p>The Court had to determine whether to allow petitioner to submit an annual accounting of quarterly released funds from the Incompetent Trust Fund instead of an accounting every quarter. The Court found that providing an accounting for each disbursement is not an undue burden and therefore denied petitioner's motion for an annual accounting.</p>	June 2, 2014
CV 12-78	<p><i>Melodie Cleveland v. Mathew Mullen, Rosetta Hunt, Roger Thundercloud, Mike Sallaway, Roberta Funmaker, Marvin DeCorah, Darren Brinegar, Mary Lopez, Muriel WhiteEagle-Lee, Francis DeCorah, Melody WhiteEagle-Fintak, Wendy Running-Horse (aka Wendy Brown-Lee), CV 12-78 Order (Motion to Dismiss) (HCN Tr. Ct., Jun. 20, 2014) (Lowe, J).</i></p> <p>The Court had to determine whether the petitioner had standing to bring the case. The Court determined that the petitioner did not have standing because she did not articulate specific harm. In addition, the requested monetary relief is not available against an official when the complaint is that he/she acted outside his/her official capacity. The Court therefore granted the motion to dismiss.</p>	June 20, 2014

13-05	<p><i>In the Interest of: C.R., GU 13-05 Order (Conditional Acceptance of Transfer)</i> (HCN Tr. Ct., Jun. 2, 2014) (WhiteEagle, A).  The Court had to decide whether to acceptance transfer of guardianship from another jurisdiction. The Court inferred authority to exercise jurisdiction over a transfer of guardianship from the Adult Guardianship Ordinance Section 14.14(d)(6). Therefore, the Court concluded that it had jurisdiction to accept a transfer of a foreign guardianship assuming the court finds transfer would be in the interests of the foreign ward.</p>	June 26, 2014
CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R., DOB 05/14/1968 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 97-117 Order (Removing Protective Payee; Joining CFS)</i> (HCN Tr. Ct., Jul. 2, 2014) (Lowe, J).  In this case, the Court had to decide how to proceed in light of the appointed protective payee's failure to communicate. The Court decided to remove her from the position. The Court joined Ho-Chunk Nation Child and Family Services as an interested party and scheduled a <i>Status Hearing</i> to determine who should be appointed the subsequent protective payee according to Ho-Chunk culture and traditions.</p>	July 2, 2014
CG 10-138	<p><i>Black River Memorial Hospital v. Anna Reichenbach, CG 10-138 Order (Amending Motion to Modify)</i>(HCN Jul. 21, 2014) (WhiteEagle, A).  The Court in this case had to decide on respondent's motion to split the post-judgment interest responsibility between the respondent and her husband. The Court found that, "when parties are married, a debt is considered a joint debt and a creditor can have the entire balance garnished from the wages of one of the parties. It is then the responsibility of that party to seek reimbursement of the debt or half of that debt from the other party."</p>	July 21, 2014
CV 96-49	<p><i>In the Interest of R.G., DOB 10/08/1962 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-49 Order (Reinstating Release)</i> (HCN Tr. Ct., Aug. 11, 2014) (WhiteEagle, A).  The Court in this case had to decide whether to release funds of an adult incompetent member's trust fund for a monthly allowance. The Court found that this case passed the four-part test and that, "the request for a monthly allowance represents a necessary welfare benefit." <i>Id.</i>, at 7. The Court therefore ordered release of the funds for a monthly allowance.</p>	August 11, 2014

CV 05-15	<p><i>In the Interest of D.P.G., DOB 08/28/1982 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 05-15 Order (Motion Granted in Part)</i> (HCN Tr. Ct., Aug. 13, 2014) (Lowe, J).</p> <p>The Court had to decide whether to release funds from an Incompetent Trust fund for living costs, a personal allowance, guardian/conservator fees, and attorney fees for defending the guardian/conservator. The Court granted a release of the funds for living costs, a personal allowance, and for guardian/conservator fees as those disbursements passed the four-part test. However, the Court denied the request to release funds to pay for the guardian's attorney fees since "the attorney benefited the guardian, but not the ward directly." <i>Id.</i>, at 9.</p>	August 13, 2014
CV 14-05	<p><i>Caroline Koukos v. Lucy Vargas and Marie Lewis, CV 14-05 Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., Aug. 19, 2014) (WhiteEagle, A).</p> <p>The Court had to determine whether to grant the respondents' <i>Motion to Dismiss the Petition for Administrative Review</i>. The Court granted the motion as petitioner filed the <i>Petition</i> thirty-six (36) days following the Grievance Review Board's decision. Most interestingly, the Court decided not to apply the doctrine of constructive knowledge against employees of the Nation, but the Court decided to uphold the Supreme Court precedent adhering to established statute of limitations.</p>	August 19, 2014
CV 09-70	<p><i>CV 09-70 Order (Partially Granting Motion)</i>(HCN Tr. Ct., Aug. 19, 2014) (WhiteEagle, A).</p> <p>In this case, the Court had to decide whether to allow petitioner to recover from respondent for an alleged debt. The Court found that the respondent did owe the petitioner for the purchase of a vehicle, but not for rent. The Court ordered withholding from the respondent's per capita as the debt was owed to an Elder. <i>See Claims Against Per Capita Ordinance, 2 HCC § 8.5a(5)</i>.</p>	August 19, 2014
CF 14-33	<p><i>In the Interest of Adult CTF Beneficiary v. Ho-Chunk Nation Office of Tribal Enrollment, CF 14-33 Order (Petition Granted in Part)</i> (HCN Tr. Ct., Aug. 28, 2014) (WhiteEagle, A).</p> <p>This case concerns a petition for the release of funds from an adult's Child Trust Fund for private school tuition and a computer. (The petitioner was over 18 years of age but had not yet earned a diploma, thus the CTF was still intact.) The Court granted a release of the funds for private school expenses as the petitioner demonstrated an exhaustion of public educational opportunities. The Court declined to grant a release for the purchase of a computer.</p>	August 28, 2014

CV 10-47	<p><i>Rita A. Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, Nettie J. Kingsley, CV 10-47 Order (Requesting Traditional Court Decision) (HCN Tr. Ct., Sep. 5, 2014) (WhiteEagle, A).</i></p> <p>The Court, in an attempt to comply with the Supreme Court's decision, requested a response from the Traditional Court regarding whether the Court has subject matter jurisdiction over defamation cases.</p>	September 5, 2014
CG 13-59	<p><i>Credit Acceptance Corporation v. Angela Cohoon, CG 13-59 Order (Granting Post-Judgment Motion) (HCN Tr. Ct., Sep. 10, 2014) (WhiteEagle, A).</i></p> <p>The respondent in this case filed a post-judgment Motion to Modify to suspend wage garnishment as her income decreased to below the federal poverty line and she received FoodShare benefits. The Court found that receiving FoodShare benefits exempts people from having their wages garnished for debts owed pursuant to Wis. Stat. Section 812.44(5)(2). The Court therefore granted the motion.</p>	September 10, 2014
CV 12-83	<p><i>General Council Agency v. Ho-Chunk Nation Legislature and Ho-Chunk Office of the President, Individually and in their official capacities, CV 12-83 Order (Granting Motion to Dismiss in Part) (HCN Tr. Ct., Sep. 17, 2014) (Lowe, J).</i></p> <p>The Court had to decide whether the General Council Agency has authority to independently employ legal counsel. The Court found that it was decided in a previous case that the Legislature, through the power vested in the Ho-Chunk Constitution, has the power to approve Tribal Attorney contracts. The Court also found that the plaintiffs did not have standing in this case because there was no articulable harm or redressability. Therefore, the Court granted the <i>Motion to Dismiss</i>.</p>	September 17, 2014
IF 14-05	<p><i>In the Interest of L.V.L. v. Ho-Chunk Nation Office of Tribal Enrollment, IF 14-05 Order (Release of Funds) (HCN Tr. Ct., Sep. 24, 2014) (Lowe, J).</i></p> <p>The Court in this case had to decide whether to release funds for car insurance. The Court decided to release funds based on facts that met the two-prong test.</p>	September 24, 2014
CV 12-46	<p><i>Ho-Chunk Nation, Ho-Chunk Gaming - Black River Falls, Greg Garvin v. Nicole Christopherson, CV 12-46 Order (Addressing Contempt) (HCN Tr. Ct., Oct. 7, 2014) (WhiteEagle, A.)</i></p> <p>The court in this case had to determine whether to hold the Executive Director of the Department of Personnel in contempt of court. The Court decided that the movant did not established the third prong of a <i>prima facie</i> case of contempt. Thus, the Court did not hold the Executive Director in contempt.</p>	October 7, 2014
CV 13-12	<p><i>Lisa Harrison v. Alec Thundercloud, Jess Thill, and Ho-Chunk Nation Department of Health, CV 13-21 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Oct. 14, 2014)</i></p> <p>The respondent in this case filed a <i>Motion to Dismiss</i> as the petitioner filed a <i>Petition for Administrative Review</i> thirty-one (31) days after the Grievance Review Board issued a final decision. The Court found that the petitioner filed the petition one day late and thus granted the <i>Motion to Dismiss</i>.</p>	October 14, 2014

CV 10-47	<i>Rita A. Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, Nettie J. Kingsley, CV 10-47 Order (Dismissal for Lack of Subject Matter Jurisdiction) (HCN Tr. Ct., Nov. 25, 2014) (WhiteEagle, A).</i> The Court had to determine whether the court has subject matter jurisdiction over cases involving defamation. The Court found that "a cause of action for defamation is not established by statute or by the Constitution of the Ho-Chunk Nation, and the previously established cause of action under Ho-Chunk custom and tradition was extinguished by the Supreme Court's decision." <i>Id.</i> , at 6-7.	November 25, 2014
CG 14-81	<i>Unifund CCR Partners Assignee of Palisade Acquisition XVI v. Robin L. Spatz, CG 14-81 Order (Petition Granted) (HCN Tr. Ct., Dec. 0, 2014) (WhiteEagle, A.)</i> Here, the Court had to decide whether to grant full faith and credit to a foreign judgment. Respondent disputed the allegation that she owed debt to Unifund and alleged that someone had stolen her identity. The Court found that Respondent had received notice of the proceedings in the foreign jurisdiction but had not contested them there. The Court therefore rejected respondent's allegations and granted the petitioner's Petition to Register and Enforce a Foreign Judgment or Order.	December 2, 2014
CV 12-46	<i>Ho-Chunk Nation, Ho-Chunk Gaming - Black River Falls, Greg Garvin v. Nicole Christopherson, CV 12-46 Order (Affirming) (HCN Tr. Ct., Dec. 19, 2014) (WhiteEagle, A).</i> In this case, the Court had to decide whether to uphold the decision of the Grievance Review Board (GRB), which reinstated Nicole Christopherson as an employee after termination. The Court upheld the GRB decision, finding that the petitioner was not discriminated against and that the GRB's decision was not arbitrary or capricious.	December 19, 2014

**Ho-Chunk Nation Trial Court Opinions  
2015**

Case No.	Case Summary	Decided
CV 12-73	<i>Mary Ellen Blackdeer Anwash v. HCN Enrollment Committee, CV 12-73 Order (Addressing Supreme Court Decision), (HCN Tr. Ct., Jan. 14, 2015) (WhiteEagle, A).</i> The Court had to decide whether to remand this case back to the Enrollment Committee after the Supreme Court affirmed the Trial Court's decision. The Court found that the decision from the Enrollment Committee must be clarified, and therefore remanded the case back.	January 14, 2015
CV 14-04	<i>Janice Tourtillott v. Grievance Review Board and HCN Compliance Department, CV 14-04 Order (Denying Motion to Dismiss and Remanding) (HCN Tr. Ct., Feb. 2, 2015) (Lowe, J).</i> The Court had to decide whether to grant the respondent's <i>Motion to Dismiss</i> and whether to uphold the decision of the Ho-Chunk Nation Grievance Review Board (hereinafter GRB). The Court denied the <i>Motion to Dismiss</i> and found that the GRB's decision was arbitrary and capricious for failing to consider several pieces of relevant evidence.	February 2, 2015

CV 97-117	<p><i>In the Interest of Adult Incompetent: O.S.R., v. HCN Office of Tribal Enrollment and HCN Children and Family Services, CV 97-117 Order (Conditional Dismissal)</i> (HCN Tr. Ct., Feb. 27, 2015) (Lowe, J).</p> <p>The Court in this case had to determine whether there was no longer a disability due to incompetence. The adult incompetent was deemed incompetent when he was found not guilty by reason of mental disease in a Shawano County case. He was institutionalized for a 16.5 year sentence and remains in a treatment facility. The Court dismissed the action and conditionally released the per capita funds upon an assurance that a conservatorship would be set up.</p>	February 27, 2015
CV 15-03	<p><i>Valerie R. Kempen v. Bridgette Schulz and the Ho-Chunk Nation Election Board, CV 15-03 Order (Enjoining Legislative Election; Denying Motion to Dismiss; Reversing and Remanding)</i> (HCN Tr. Ct., Mar. 4, 2015) (Stenzel, P).</p> <p>The Court in this case had to decide whether to allow a candidate to appear on the election ballot despite technical violations with two nomination signatories. The Court found that the <i>Official Nomination Petition</i> was in substantial compliance and therefore allowed the plaintiff to remain on the election ballot.</p>	March 4, 2015
CV 14-01	<p><i>Karen WhiteEagle v. Ho-Chunk Nation Insurance Review Commission, CV 14-01 Order (Remanding to Insurance Review Commission)</i> (HCN Tr. Ct., Mar. 16, 2015) (Lowe, J).</p> <p>The Court had to decide whether to uphold an adjudicative decision of the Ho-Chunk Nation Insurance Review Commission (hereinafter "IRC"). The Court found that the petitioner established that the IRC decision was not based on substantial evidence with respect to its finality, and therefore remanded the case back to the IRC.</p>	March 16, 2015
CV 14-11	<p><i>Ho-Chunk Nation v. Marvin Decorah, Sr., CV 14-11 Order (Denying Motion for Summary Judgment)</i> (HCN Tr. Ct., May 19, 2015) (Lowe, J).</p> <p>In this case, the Court had to determine whether to grant summary judgment in favor of the plaintiff. The Court found that there were no genuine issues of material fact and therefore denying the <i>Motion for Summary Judgment</i>.</p>	May 19, 2015
CF 14-42	<p><i>In the Interest of L.J., v. Ho-Chunk Nation Office of Tribal Enrollment, CF 14-42 Order (Petition Denied)</i> (HCN Tr. Ct., May 22, 2015) (Lowe, J).</p> <p>The Court had to decide whether the parent could access monies on behalf of the minor child from the child's Children Trust Fund to pay three years of delinquent real property taxes on the primary family residence to avoid foreclosure. The Court denied to release the funds in the absence of a documented crisis or emergency and held that the Court "will not sanction a release of CTF monies to fund an ongoing parental concern."</p>	May 22, 2015
CF 15-08	<p><i>In the Interest of Minor Child, C.D.F., v. Ho-Chunk Nation Office of Tribal Enrollment, CF 14-42 Order (Petition Denied)</i> (HCN Tr. Ct., May 26, 2015) (Jones, J).</p> <p>The Court had to determine in this case whether the parent could access monies on behalf of his minor child, C.D.F., from the Child's Trust Fund to pay for costs associated with an educational school tour of Athens, Greece. The Court decided to deny the petition as the request did not succeed the second and third prongs of the four-part test.</p>	May 26, 2015

CV 12-70	<p><i>Horst Josellis v. Ralph Babcock, Chairperson and Committee GAP Appreciation Program</i>, CV 12-70 Order (Remanding to the Grievance Review Board) (HCN Tr. Ct., May 26, 2015) (Lowe, J).</p> <p>The petitioner brought a case against a Ho-Chunk Nation committee without first requesting a hearing from the Grievance Review Board. The Court found that the petitioner bringing the action to the Ho-Chunk Nation Trial Court was premature and thus remanded the case to the Ho-Chunk Nation Grievance Review Board.</p>	May 26, 2015
CV 12-67 & CV 12-74	<p><i>Horst Josellis v. Jackie Froemel, and Horst Josellis v. Ericka Cloud</i>, CV 12-67, CV 12-74 Order (Remanding to the Grievance Review Board) (HCN Tr. Ct., May 26, 2015) (Lowe, J.)</p> <p>The petitioner brought a case against a Ho-Chunk Nation committee without first requesting a hearing from the Grievance Review Board. The Court found that the petitioner bringing the action to the Ho-Chunk Nation Trial Court was premature and thus remanded the case to the Ho-Chunk Nation Grievance Review Board.</p>	May 26, 2015
CV 15-02	<p><i>General Council Agency v. Pine Giroux and Melodie Cleveland</i>, CV 15-02 Order (Dismissal) (HCN Tr. Ct., Jun. 30, 2015) (Hunter, M).</p> <p>The Court had to determine whether to grant or dismiss several motions and whether to proceed on the merits of the case. The Court found that the cause of action did not "arise under the Constitution, laws, customs or traditions of the Ho-Chunk Nation," and therefore dismissed the case with prejudice. *This case was later heard by the Supreme Court, reversed and remanded.</p>	June 30, 2015
CV 15-15	<p><i>In the Interest of Decedent: Nina Greendeer Cleveland, v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CV 15-15 Order (Releasing Decedent's Per Capita Distribution) (HCN Tr. Ct., Jul. 8, 2015) (Jones, J).</p> <p>The Court had to decide whether to release the balance of an Incompetent Trust Fund to the personal representative of the deceased incompetent tribal member's estate. The Court granted the release to the personal representative of the decedent's estate as prescribed for in Wisconsin State law as the Ho-Chunk Nation did not have a probate code.</p>	July 8, 2015
CG 14-66	<p><i>Sauk County Clerk of Court v. Marlon E. WhiteEagle</i>, CG 14-66 Order (Dismissal Without Prejudice) (HCN Tr. Ct., Jul. 28, 2015) (Jones, J).</p> <p>The Court had to determine whether to grant full faith and credit to a foreign judgment. The Court found that the system stated the judgment was paid in full and the fact that the system was incorrect was not persuasive. In addition, the Court stated that it is not inclined to grant payments on interest that has been accruing without the respondent's knowledge when respondent has not been contacted by the petitioner.</p>	July 28, 2015

CV 14-12	<p><i>Daniel E. Funmaker v. Eloise Funmaker, Ethel Funmaker, Kyle Marie Funmaker, Sybil Grey Owl, Eliza Mary Green, JoAnn Funmaker-Jones, Joyce Funmaker-Warner, Bonnie Funmaker-Hanson, James A. Funmaker, Brent Funmaker, M.A.F.</i>, CV 14-12 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Aug. 7, 2015) (Stenzel, P). In this case, the court had to determine whether the home in question was a Windfall Home. The Court found that the home was not a Windfall Home and therefore declined to exercise jurisdiction.</p>	August 7, 2015
CV 15-25	<p><i>General Council Agency v. Ho-Chunk Nation Ethics Review Board</i>, CV 15-25 Order (Motion/Preliminary Injunction Hearing) (HCN Tr. Ct., Aug. 7, 2015) (Jones, J). The Court had to decide whether to grant a preliminary injunction. The Court found that the petitioner satisfied the four-part test; there was no adequate remedy at law, the threatened injury to the petitioner outweighed the harm of the injunction, the petitioner had a reasonable likelihood of success on the merits, and granting the injunction served the public interest. The Court therefore granted the preliminary injunctions. [ORDER VACATED DUE TO SU 16-01]</p>	August 7, 2015
CV 09-70	<p>CV 09-70 Order (Granting Motion) (HCN Tr. Ct., Sep. 18, 2015) (Jones, J). The petitioner in this case filed a <i>Motion for Execution</i> that the Court had to decide whether to grant. The Court granted the motion as the respondent failed to make payment on a debt owed to the petitioner even though he received more than \$200,000 from his trust fund.</p>	September 18, 2015
CV 15-12	<p><i>Ashley Natysin v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CV 15-12 Order (Granting Motion to Dismiss) (HCN Tr. Ct., Oct. 21, 2015) (Jones, J). The Court must determine whether to grant or dismiss several motions. The Court found that the Ho-Chunk Nation had not waived sovereign immunity and that the case had become moot in its pendency. The Court thus granted a dismissal in favor of the defendant.</p>	October 21, 2015
CV 09-70	<p>CV 09-70 Order (Denying Motion for Reconsideration) (HCN Tr. Ct., Oct. 28, 2015) (Jones, J). The Court had to determine whether to grant a <i>Motion for Reconsideration</i> thereby reversing its previous decision. The Court found that the respondent did not meet the standards for reconsideration - that the Court overlooked, misapplied or failed to consider a statute, decision or controlling principle; overlooked or misconceived some material fact or proposition of law; overlooked or misconceived a material question in the case; or that the law applied in the ruling has been substantially changed by court decision or statute. Therefore the Court denied the motion.</p>	October 28, 2015
CV 15-30	<p><i>Ho-Chunk Nation Department of Business, et. al., v. Ho-Chunk Gaming Commission, et. al.</i>, CV 15-30 Order (Ex Parte Emergency Restraining Order and Scheduling Preliminary Injunction Hearing) (HCN Tr. Ct., Oct. 30, 2015) (Lowe, J). The Court had to decide whether to grant petitioner's <i>Motion for an Ex Parte Temporary Restraining Order</i>. The Court found that it could grant an <i>ex parte</i> restraining order if the Court "is of the opinion that irreparable loss or damage will result to the applicant" in its absence, which the Court found in this case. Thus, the Court granted the motion.</p>	October 30, 2015

CV 15-30	<i>Ho-Chunk Nation Department of Business, et al., v. Ho-Chunk Gaming Commission, et al., CV 15-30 Order (Denying Motion for Expedited Consideration)</i> (HCN Tr. Ct., Nov. 6, 2015) (Lowe, J). The Court in this case had to decide whether to grant a <i>Motion for Expedited Consideration</i> . The Court found that the petitioner failed to establish the second prong of the two-part test - what efforts the party made to resolve the issue with the opposing party. The Court therefore denied petitioner's petition.	November 6, 2015
CV 15-08	<i>Wallace Greendeer v. Danny Dowling, HCG-BRF Maintenance Manager, and Libby Fairchild, Executive Director of Personnel, CV 15-08 Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., Nov. 13, 2015) (Lowe, J). The Court had to determine whether to grant the respondent's <i>Motion to Dismiss the Petition for Administrative Review</i> . The Court found that the petitioner filed the <i>Petition for Administrative Review</i> thirty-two (32) days after the Grievance Review Board's decision, which made the <i>Petition</i> two days late. The Court therefore granted the <i>Motion to Dismiss</i> .	November 13, 2015
CF 15-30	<i>In the Interest of Minor Child: T.V.F., v. Ho-Chunk Nation Office of Tribal Enrollment, CF 15-30 Order (Petition Denied)</i> (HCN Tr. Ct., Nov. 19, 2015) (Lowe, J). The Court had to decide whether a parent could access money from her child's Children's Trust Fund for costs associated with a funeral for the child's father. The Court decided that a minor child should not be expected to provide financial support for the financial obligations of the parent. The Court therefore denied petitioner's request.	November 19, 2015
CF 15-37	<i>In the Interest of Adult Incompetent: S.C., v. Ho-Chunk Nation Office of Tribal Enrollment, CF 15-37 Order (Petition Denied)</i> (HCN Tr. Ct., Dec. 16, 2015) (Jones, J). The Court had to determine whether to allow a release of funds from an adult's Children Trust Fund to pay for costs associated with securing a private attorney for criminal representation. The Court found that the petitioner did not satisfy the four-part test, as the petitioner could not demonstrate an exhaustion of otherwise available resources. The Court therefore denied the petition.	December 16, 2015
CIT 15-03	<i>Ho-Chunk Nation v. Eric Houghton, CIT 15-03 Order (Regarding Citation)</i> (HCN Tr. Ct., Dec. 22, 2015) (Lowe, J). The Court had to determine whether to impose a fine or penalty as a result of a citation issued against the defendant. The defendant entered a plea of no contest at the <i>Preliminary Hearing</i> , therefore the Court granted petitioner's requested relief.	December 22, 2015
CV 15-16	<i>Rita A. Gardner v. A residential home located at W8855 Decorah Road, Indian Mission, Town of Komensky, Jackson County, Wisconsin, CV 15-16 Order</i> (HCN Tr. Ct., Dec. 22, 2015) (Stenzel, P). The Court had to determine whether to grant the petitioner's request for the transfer of ownership of a residential home in the Indian Mission. The Court granted the requested relief as none of the other potential heirs contested the transfer.	December 22, 2015

**Ho-Chunk Nation Trial Court Opinions  
2016**

Case No.	Case Summary	Decided
Admin. 16-01	<i>In re: GAL Reports and billing statements, and Attorney/Lay Advocate billing</i> , Admin. 16-01 <i>Administrative Order</i> , (HCN Tr. Ct., Jan. 5, 2016) (Lowe, J). The Chief Judge ordered that all <i>Guardian ad litem</i> s, legal counsel, and lay advocates appointed by the Court must file written reports in a timely manner and file billing on a monthly basis.	January 5, 2016
CF 15-32	<i>In the Interest of Minor Children: S.S.-J., A.D., E.D. v. Ho-Chunk Nation Office of Tribal Enrollment</i> , CF 15-32 <i>Order (Petition Denied)</i> ,(HCN Tr. Ct., Jan. 13, 2016) (Jones, J). The Court had to decide whether a parent could access monies from a Child's Trust Fund to pay for costs associated with home repairs. The Court denied the <i>Petition</i> as it found the petitioner failed to provide information as to whether the parent exhausted assistance programs. Also, CTF requests are routinely denied where they are made to alleviate the inherent obligations of parents.	January 13, 2016
CV 15-26	CV 15-26 <i>Elder Protection Order</i> , (HCN Tr. Ct., Jan. 14, 2016) (Hunter, M). The Court had to determine whether respondent violated the Ho-Chunk Nation Elder Protection Act of 2001. The Court found by a preponderance of the evidence that the respondent did violate this statute. Therefore, the Court granted petitioner's relief in the form of compensation to be paid to the Elder.	January 14, 2016
CV 15-06	<i>Ashley T. Natysin for Minor Child v. Committee on Tribal Enrollment of the Ho-Chunk Nation</i> , CV 15-06 <i>Order (Remanding)</i> , (HCN Tr. Ct., Jan. 19, 2016) (Jones, J). The Court had to determine whether to sustain the Committee on Tribal Enrollment's findings and denial of a minor child's application for membership in the Ho-Chunk Nation. The Court found that the Committee's decision was not supported by clear and convincing evidence and therefore remanded the case back to the Committee on Tribal Enrollment for further consideration.	January 19, 2016
CV 15-29	<i>Gary A. Funmaker v. HCN Legislature 2014</i> , CV 15-29 <i>Order (Dismissing Complaint Without Prejudice)</i> , (HCN Tr. Ct., Jan. 21, 2016) (Hunter, M). The plaintiff requested dismissal of the <i>Complaint</i> and defendant did not object to the dismissal. The Court therefore granted the dismissal pursuant to the <i>Ho-Chunk Rules of Civil Procedure</i> , Rule 56(A).	January 21, 2016
CG 15-94	<i>Black River Memorial Hospital v. Derek Wolfe</i> , CG 15-94 <i>Order (Petition Denied)</i> , (HCN Tr. Ct., Jan. 25, 2016) (Jones, J). The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent(s) the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response and established a recognized exemption to the earnings garnishment. The Court accordingly denied petitioner's requested relief.	January 25, 2016
CF 15-33	<i>In the Interest of Minor Child: L.D.S. v. Ho-Chunk Nation Office of Tribal Enrollment</i> , CF 15-33 <i>Order (Petition Granted in Part)</i> , (HCN Tr. Ct., Jan. 27, 2016) (Hunter, M). The Court had to determine whether to release money from a Child Trust Fund for costs associated with private school tuition. The Court found that the petitioner satisfied all prongs of the four-part test and therefore granted the petition.	January 27, 2016

TG 15-11	<i>In the Interest of Minor Child: D.C.M.H., D.O.B. 05/24/2010, TG 15-11 Order (Motion for Substitution of Judge Denied and Petition for Permanent Guardianship Denied), (HCN Tr. Ct., Jan. 28, 2016) (Hunter, M).</i> The Court had to determine whether to grant the <i>Petition for Permanent Guardianship</i> pursuant to the Hocak Nation Third Party Guardianship Act. The Court denied the <i>Petition</i> as it was in the child's best interest to remain with the biological mother.	January 28, 2016
CV 15-28	<i>Candace H. Decorah v. Rosella Decorah Stanley, CV 15-28 Order (Granting Motion to Dismiss), (HCN Tr. Ct., Feb. 16, 2016) (Jones, J).</i> The Court had to determine whether to proceed to the merits of the case where the plaintiff, a non Ho-Chunk grandmother, requested visitation with her Ho-Chunk grandchildren. The Court found that it did not have subject matter jurisdiction over the case and therefore granted the defendant's <i>Motion to Dismiss</i> .	February 16, 2016
CF 15-40	<i>In the Interest of Minor Child: J.Y., v. Ho-Chunk Nation Office of Tribal Enrollment, CF 15-40 Order (Petition Granted), (HCN Tr. Ct., Feb. 18, 2016) (Lowe, J).</i> The Court had to decide whether to grant a release of funds from a minor's Child Trust Fund to pay for an athletic program at IMG Academy. The Court found that the request satisfied the requirements from the Per Capita Distribution Ordinance and therefore granted the <i>Petition</i> .	February 18, 2016
CV 15-31	<i>Ho-Chunk Nation &amp; Home Ownership Program, v. Georgette Garvin, CV 15-31 Order (Granting Relief), (HCN Tr. Ct., Mar. 1, 2016) (Jones, J).</i> The Court had to decide whether to grant plaintiff's request for relief from damages arising under a foreclosure action. The Ho-Chunk Nation Home Ownership Program gave a mortgage loan to the defendant which the defendant defaulted on. The Court found that the defendant was indebted to the Ho-Chunk Nation and impounded defendant's per capita distribution until the property is resold.	March 1, 2016
CV 96-49	<i>In the Interest of Ward: R.G., v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-49 Order (Denying Motion for Release of Funds), (HCN Tr. Ct., Mar. 18, 2016) (Hunter, M).</i> The Court had to determine whether to grant a release of monies from the ward's Incompetent Trust Fund for expenses related to vehicle repairs. The Court denied the motion and sought repayment for funds previously disbursed on behalf of the adult incompetent which the incompetent had cashed instead of using to pay the auto repair shop.	March 18, 2016
CV 15-09	<i>Ho-Chunk Nation, v. General Council Agency, CV 15-09 Order (Compelling Discovery), (HCN Tr. Ct., Mar. 25, 2016) (Lowe, J).</i> The Court had to determine whether to grant plaintiff's <i>Motion to Compel Discovery</i> of attorney and service provider contracts. The Court found that under the Ho-Chunk Nation Discovery Act the contracts were relevant to the case and therefore granted plaintiff's <i>Motion compelling discovery</i> of those contracts.	March 25, 2016
CV 15-20	<i>Karen WhiteEagle, v. Insurance Review Commission, CV 15-20 Order (Granting Motion to Dismiss), (HCN Tr. Ct., Mar. 25, 2016) (Lowe, J).</i> The Court had to decide whether to grant the respondent's <i>Motion to Dismiss the Petition for Administrative Review</i> . The petitioner filed the <i>Petition</i> thirty-two (32) days following the issuance of the Insurance Review Commission's decision. The Court rejected arguments to allow procedural court rules to counteract statutory filing deadlines and therefore dismissed the action as it was barred by a statute of limitations.	March 25, 2016
CV 16-03	<i>Quentin Allen, Table Games Manager, HCG - Black River Falls v. Sonia Roberts, and Ho-Chunk Nation Grievance Review Board, CV 16-03 Order (Denying Motion to Supplement, Granting Motion to Re-Caption Case, and Granting Motion to Intervene), (HCN Tr. Ct., Apr. 1, 2016) (Jones, J).</i> The Court had to determine whether to grant the motions filed by the petitioner and the respondents. The Court granted petitioner's <i>Motion to Re-caption</i> , and <i>Petition to Stay Proceedings</i> . Respondent's <i>Motion to Intervene</i> was also granted. However, the Court denied	April 1, 2016

	petitioner's <i>Petition to Supplement the Record</i> as it failed the two-prong test for supplementing records in Administrative Review proceedings enumerated in the <i>Ho-Chunk Nation Rules of Civil Procedure</i> , Rule 63(D)(1)(a-b).	
CV 15-14	<i>Donna Denter v. Ho-Chunk Nation</i> , CV 15-14 <i>Order (Granting Motions)</i> , (HCN Tr. Ct., Apr. 13, 2016) (Lowe, J). The Court had to decide whether to grant respondent's two motions contained within <i>Respondent's Rely Brief</i> . The Court granted the <i>Motion to Dismiss</i> as petitioner failed to file the <i>Petition for Administrative Review</i> within the thirty (30) days after the Insurance Review Commission issued its decision. See <i>Ho-Chunk Nation Rules of Civil Procedure</i> , Rule 63(A).	April 13, 2016
CV 11-70	<i>In the Interest of C.M.R., DOB 11/23/1988, by Lisa Shutter v. Ho-Chunk Nation Office of Tribal Enrollment</i> , CV 11-70 <i>Order (Motion Granted)</i> , (HCN Tr Ct., Apr. 18, 2016) (Hunter, M). The Court had to decide whether to grant a release of monies from an Incompetent's Trust Fund for living arrangement expenses. The Court granted the motion as the request met the established test for releasing funds from Incompetent Trust Funds.	April 18, 2016
CV 15-02	<i>General Council Agency v. Pine Giroux</i> , CV 15-02 <i>Order (Denying Motion for Summary Judgment)</i> , (HCN Tr. Ct., Apr. 28, 2016) (Hunter, M). The Court had to determine whether to grant summary judgment in favor of the defendant. The Court found that the movant did not sufficiently establish that there were no genuine issues of material fact. The motion was thereby denied by the Court.	April 28, 2016
CV 15-02	<i>General Council Agency v. Pine Giroux</i> , CV 15-02 <i>Order (Denying Motion to Stay)</i> , (HCN Tr. Ct., Apr. 29, 2016) (Hunter, M). The Court had to decide whether to grant the defendant's <i>Motion to Stay</i> as defendant had filed an interlocutory <i>Petition for Permission to Appeal</i> with the Ho-Chunk Nation Supreme Court. The Court denied the motion as the circumstances in this case did not survive the test for granting stays and prolonging the trial any further would cause harm to the plaintiff.	April 29, 2016
CV 15-13	<i>Horst Josellis v. Royce Babcock, GAP Program Chairman</i> , CV 15-13 <i>Order (Affirming)</i> , (HCN Tr. Ct., May 9, 2016) (Jones, J). The Court had to decide whether to uphold the decision of the Grievance Review Board. The Court affirmed the agency decision due to the presence of substantial evidence to support the determination that the decision was not arbitrary and capricious.	May 9, 2016
CV 16-07	<i>In the Interest of Decedent: DOD 12/17/2012 v. Ho-Chunk Nation Office of Tribal Enrollment</i> , CV 16-07 <i>Order (Directing Distribution for Deceased Tribal Member Funds)</i> , (HCN Tr. Ct., May 11, 2016) (Hunter, M). Petitioner submitted a <i>Petition for Release of Decedent's Per Capita Distribution</i> requesting the Court release the funds of a deceased minor child's trust fund. The Court found that the petitioner met the statutory requirements and therefore granted the request.	May 11, 2016
CV 15-27	<i>Robert Funmaker v. Michelle Decora, Retail Operations Manager</i> , CV 15-27 <i>Order (Affirming)</i> , (HCN Tr. Ct., May 18, 2016) (Hunter, M). The Court had to determine whether to uphold the decision of the Grievance Review Board. Petitioner misunderstood the Ho-Chunk Nation Employment Relations Act of 2004, believing that the Act guaranteed progressive discipline for all Ho-Chunk tribal members. The Court affirmed the agency decision due to the presence of substantial evidence to support the decision.	May 18, 2016
CG 15-28	<i>Gundersen Lutheran Clinic v. Lori &amp; Virgil Pettibone</i> , CG 15-28 <i>Order (Status Hearing)</i> , (HCN Tr. Ct., May 23, 2016) (Jones, J). Petitioner filed correspondence that did not meet the requirements of a motion under the <i>Ho-Chunk Nation Rules of Civil Procedure</i> , Rule 18, as it did not contain a request directed to the Court. The Court, therefore, upheld its previous <i>Order (Default Judgment)</i> .	May 23, 2016

CV 16-13	<i>Carson W. Funmaker v. Manda C. Mann</i> , CV 16-13 Order (Dismissal for Lack of Subject Matter Jurisdiction), (HCN Tr. Ct., May 25, 2016) (Hunter, M). The Court had to decide whether it had jurisdiction over an eviction/foreclosure claim concerning property that is not owned by the Ho-Chunk Nation. The Court found that it did not have subject matter jurisdiction to proceed to the merits and therefore dismissed the case.	May 25, 2016
CV 16-12	<i>Ashley Natysin for Sara Natysin and Raymon Natysin v. Lanette Walker as Chairperson of the Committee on Tribal Enrollment &amp; Wendi Huling as Attorney for the Department of Justice</i> , CV 16-12 Order (Addressing Motions), (HCN Tr. Ct., May 25, 2016) (Jones, J). Defendant filed a <i>Motion to Dismiss</i> on the grounds that the defendants are immune from suit and that plaintiff failed to state a claim for which relief can be granted. The Court found that plaintiff failed to exhaust administrative remedies and that the relief plaintiff sought was already given to her. The Court, therefore, dismissed the case.	May 25, 2016
CV 05-110	<i>In the Interest of Ward: K.S.B., DOB 02/19/1960 v. Ho-Chunk Nation Office of Tribal Enrollment</i> , CV 05-110 Order (Status Hearing)(HCN Tr. Ct., May 31, 2016) (Hunter, M). A <i>Status Hearing</i> was conducted to determine whether funds the Court released to the guardian of the ward, K.S.B., were sufficiently accounted for. The Court accepted the accounting and found the guardian to be in compliance with the laws of the Ho-Chunk Nation.	May 31, 2016
CV 15-18	<i>Horst Josellis v. Jennifer Field</i> , Order (Dismissal), CV 15-18 (HCN Tr. Ct., July 1, 2016) (Lowe, J.) The Court dismissed the case sua sponte with prejudice as the petitioner failed to substantially comply with a Court order in accordance with the Ho-Chunk Nation Rules of Civil Procedure, Rule 56(B).	July 1, 2016
FM 16-06	<i>In re the Marriage of: Anna M. Jamies Benitz and Hermilo Jaimes Benitez</i> , Final Judgment for Divorce, FM 16-06 (HCN Tr. Ct., July 5, 2016) (Jones, J.) The Court granted co-petitioners' Petition for Divorce (with Minor Children) that was filed with the Court on June 7, 2016.	July 5, 2016
CV 16-08	<i>Nina Garvin v. Ho-Chunk Nation Department of Personnel, and Carol Garvin, Director of Department of Personnel</i> , in her official capacity, Order (Denying Motion to Dismiss), CV 16-08 (HCN Tr. Ct., July 7, 2016) (Hunter, M.) The Court had to determine whether to dismiss the case based on defendants' contention that the Court lacked subject matter jurisdiction due to sovereign immunity and a statute of limitations. The Court found that there was an explicit waiver of sovereign immunity and declined to interpret the Statute of Limitations and Commencement of Claims Act as excluding the claim in this case.	July 7, 2016
CV 16-06	<i>Darrin E. Nelson v. Ho-Chunk Nation Department of Treasury and Ho-Chunk Nation</i> , Order (Denying Motion to Dismiss), CV 16-06 (HCN Tr. Ct., Aug. 24, 2016) (Hunter, M). The Court had to determine whether to grant the defendant's request to dismiss the plaintiff's complaint on grounds that (1) defendant is immune from suit, (2) the defendant failed to state a claim for which relief can be granted and (3) that plaintiff failed to name a necessary indispensable party. The Court found that the Nation was not immune from suit because the Nation's contract exempted disputes involving payment, which the plaintiff's complaint raised. The Court found that because the plaintiff may be entitled to monetary relief from his contract with the Nation, a claim existed for which relief could be granted. Lastly, the Court rejected the defendant's argument that because the defendant did not include the Ho-Chunk Nation as an interested party with his initial complaint, the case should be dismissed. The plaintiff had orally motioned the Court to amend the caption to include the Ho-Chunk Nation	Aug. 24, 2016

	<p>as a defendant. Furthermore, the plaintiff did not have the benefit of legal counsel and the Court noted that the defendant failed to properly caption its motion. Specifically, the defendant’s motion was tilted “Defendant’s Answer.” It was not captioned as “Motion to Dismiss” as it ought to have been. Therefore, the Court denied the defendant’s request to dismiss the complaint.</p>	
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**Ho-Chunk Nation Trial Court Opinions  
2017**

Case No.	Case Summary	Decided
CG 16-52	<p><i>Alliance Collection Agencies, Inc. (Tamara Kumm) v. Michael S. Montgomery, CG 16-52, Order (Denying Motion to Modify), (HCN Tr. Ct. Jun. 14, 2017) (Hunter, J).</i> This case concerned a request for accumulated post-judgment interest on a foreign judgment even though the parties stipulated to a certain amount that would be paid per week until the balance reflected on the foreign judgment was paid in full. The Court found that the request for additional interest was not part of said stipulation. Therefore, the Court denied the request for additional interest.</p>	June 14, 2017
CV 10-47	<p><i>Rita Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, Nettie J. Kingsley, CV 10-47, Order (Granting Plaintiff’s Requested Relief in Part) (HCN Tr. Ct. Jan. 26, 2017) (Jones, J).</i> The Court had to decide whether to grant plaintiff’s request for relief against defendants for defamatory statements they made and distributed about her. As a defense, the defendants claimed protection under the veteran’s/warrior’s privilege arising from Hocak customs and traditions. The Court granted the plaintiff’s requested relief in part, ordering the defendants to pay the plaintiff’s attorney fees, as well as ordering the defendants to publically retract their defamatory statements. The Court declined to grant the monetary penalties requested against the defendants.</p>	Jan. 26, 2017
CV 16-24	<p><i>Ho-Chunk Nation Committee on Tribal Enrollment and Ho-Chunk Nation v. Theresa Lynn Mendez, CV 16-24, Minute Order (HCN Tr. Ct. Jan. 27, 2017) (Jones, J).</i> The Court convened a hearing on January 26, 2017, to address plaintiffs request for disenrollment and enforcement against the defendant. The defendant failed to appear and did not provide the Court with notice of the non-appearance. The Court proceeded in the absence of the defendant pursuant to <i>HCN R. Civ. P. 44(C)</i>. The Court denied plaintiffs motion for default from the bench. Subsequently, the Court, from the bench, granted plaintiffs motion to allow the plaintiffs ten days to supplement the evidentiary record to enable them to establish a prima facie case for removal.</p>	Jan. 27, 2017
CIT 17-03	<p><i>Ho-Chunk Nation v. Lightning Newrider, Order (Entrance of Plea), CIT 17-01 (HCN Tr. Ct. Feb. 22, 2017) (Jones, J).</i> The Court convened a hearing on February 20, 2017. At the hearing, the defendant entered a plea of not guilty to violating the HO-CHUNK NATION DOMESTICATED ANIMAL CONTROL ORDINANCE, § 5.10-14. The Court accepted the defendant’s plea contesting the allegations and scheduled a pre-trial conference.</p>	Feb. 29, 2017

CV 10-47	<p><i>Rita Gardner v. Tracy Littlejohn, Ronald Anwash, Jeremy P. Rockman, Nettie Kingsley</i>, CV 10-47, <i>Order (Denying Motion for Reconsideration)</i>, (HCN Tr. Ct. Mar. 3, 2017) (Jones, J).</p> <p>The Court had to determine if there are grounds to grant the defendants' Motion for Reconsideration. The Court denied the Motion because it was filed outside of the ten (10) calendar day window required by Ho-Chunk Nation Rules of Civil Procedure, Rule 58(B).</p>	Mar. 3, 2017
CV 16-18	<p><i>Ho-Chunk Nation Department of Housing v. Theresa Hindsley</i>, CV 16-18, <i>Order (Default Judgment for Reimbursement of Debt to the Nation)</i>, (HCN Tr. Ct. Mar. 13, 2017) (Jones, J).</p> <p>The Court had to decide whether to grant plaintiff's request for restitution in the amount of \$474.37 for the removal, storage and disposal of the defendant's abandoned personal property, as well as \$90.70 in costs associated with serving and litigating the action. The Court found that the defendant failed to respond to the Motion for Final Debt to the Nation despite proper service of process. Therefore, the Court rendered default judgment against the defendant and awarded plaintiff the requested relief pursuant to Ho-Chunk Nation Rules of Civil Procedure, Rule 54. The Court also directed the Department of Treasury to garnish the defendant's per capita.</p>	Mar. 13, 2017
CV 17-08	<p><i>Ho-Chunk Nation and Ho-Chunk Nation Gaming Commission v. Victor B. Breeden</i>, CV 17-08, <i>Order (Granting Summary Judgment)</i>, (HCN Tr. Ct. Mar. 22, 2017) (Lowe, CJ).</p> <p>The Court had to determine whether to grant summary judgment thereby granting the plaintiffs requested relief and revoking the gaming license of the defendant. The Court found that the defendant was convicted of theft in 2015, which provided a basis for reviewing the defendant's fitness and suitability to hold the license issued by the Gaming Commission as the conviction violated the GAMING ORDINANCE. The Court found that the plaintiffs sufficiently established that there were no genuine issues of material fact and that they were entitled to judgment as a matter of law. The motion was thereby granted by the Court.</p>	Mar. 22, 2017
CV 16-29	<p><i>In the Interest of Decedent: Marion Vera Stacey White, DOD 03/15/2015 By Faye White v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CV 16-29, <i>Order (Notice to Interested Individuals)</i>, (HCN Tr. Ct. Mar. 22, 2017) (Hunter, J.).</p> <p>The petitioner filed a Petition for Release of Decedent's Per Capita Distribution. Attached to the Petition was a List of Living Relatives. The Court determined that it must provide notice of these proceedings to the interested parties pursuant to the HO-CHUNK NATION PROBATE CODE FOR NON-TRUST PROPERTY, 8 HCC § 13. Therefore, the Court provided notice to all listed living relatives to allow them an opportunity to submit a motion to intervene or monitor the proceedings.</p>	Mar. 22, 2017
CV 16-24	<p><i>Ho-Chunk Nation Committee on Tribal Enrollment and Ho-Chunk Nation v. Theresa Lynn Mendez</i>, CV 16-24, <i>Order (Removal from Membership Roll)</i>, (HCN Tr. Ct. Mar. 23, 2017) (Jones, J).</p> <p>The Court had to determine whether to grant plaintiffs' request for disenrollment and enforcement against the defendant - i.e. to remove defendant from the Membership Roll. The MEMBERSHIP CODE was revised by the Ho-Chunk Nation Legislature on September 20, 2016, thereby granting the Judiciary the power to remove a member. The defendant did not appear at any hearings despite adequate service. Additionally, the plaintiffs provided clear and convincing evidence to prove that the defendant is ineligible to be a member of the Ho-Chunk Nation and was ineligible when she was</p>	Mar. 23, 2017

	admitted to the Membership Roll. As a result, the Court ordered that the defendant be removed from the Ho-Chunk Membership Roll.	
CV 17-07	<p><i>Ho-Chunk Nation and Ho-Chunk Nation Gaming Commission v. Edwin R. Gryns</i>, CV 17-07, <i>Order (Revocation of Gaming License)</i>, (HCN Tr. Ct. Mar. 29, 2017) (Lowe, CJ).</p> <p>The Court had to consider whether to revoke the Class II and Class III gaming licenses issued to the defendant. The Court found that the defendant was convicted of a felony in 2016. Therefore, the Court revoked the defendant's gaming licenses as the GAMING ORDINANCE prohibits anyone from maintaining a gaming license with the Ho-Chunk Nation who has been convicted of a felony within the ten (10) years prior to application.</p>	Mar. 29, 2017
CV 16-26	<p><i>Maria Casarez v. Delores Decorah</i>, CV 16-26, <i>Order (Dismissal for Lack of Subject Matter Jurisdiction)</i>, (HCN Tr. Ct. Mar. 30, 2017) (Jones, J).</p> <p>The Court convened a jurisdictional hearing on January 31, 2017. The Court had to decide whether to proceed to the merits of the action involving an oral contract or dismiss the matter for lack of subject matter jurisdiction. The Complaint filed by the plaintiff cited violations of the Ho-Chunk Customs or Tradition, without specifying what customs and traditions were violated. The Court, therefore, dismissed the Complaint as a lack of sufficient jurisdictional basis to the dispute existed.</p>	Mar. 30, 2017
CV 16-28	<p><i>In the Interest of Decedent: A.F., DOD 09/29/16, By Doris Wateski v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CV 16-28, <i>Minute Order (Notice to Interested Parties &amp; Requesting Briefs)</i>, (HCN Tr. Ct. Mar. 31, 2017) (Lowe, CJ).</p> <p>The petitioner filed a <i>Petition for Release of Decedent's Per Capita Distribution</i>. The petitioner was the guardian of the decedent. The Court, however, deemed the decedent's mother to be an interested party as the petitioners' guardianship ended when the decedent died. The Court also found the Ho-Chunk Nation Legislature to be an interested party as the case involved ambiguity regarding a recently enacted Ho-Chunk Nation law. The Court determined that it must provide notice of these proceedings to interested parties pursuant to the HO-CHUNK NATION PROBATE CODE FOR NON-TRUST PROPERTY, 8 HCC § 13. The Court also informed the parties it would initiate a Teague protocol to decide whether it had proper jurisdiction over the matter.</p>	Mar. 31, 2017
CV 15-09	<p><i>Ho-Chunk Nation v. General Council Agency; Merlin Crow, in his individual and official capacity; Rosetta Hunt, in her individual and official capacity; Donna Littlegeorge in her individual and official capacity; Joy Thompson, in her individual and official capacity; and Muriel WhiteEagle-Lee, in her individual and official capacity</i>, CV 15-09, <i>Order (Addressing Settlement Agreement)</i>, (HCN Tr. Ct. Mar. 31, 2017) (Lowe, CJ).</p> <p>On February 23, 2017, the court convened a <i>Settlement Status Hearing</i> to clarify procedural issues that have arisen related to fulfilling the terms of <i>Settlement Agreement</i> entered into by the parties. As part of the <i>Settlement Agreement</i>, the General Council Agency (GCA) agreed to seek legislative approval to pay the agreed to settlement amount. The parties wished to amend the <i>Settlement Agreement</i> to replace GCA with the Office of General Council as the GCA had been disbanded. Hearing no objections, the Court granted the amendment.</p>	Mar. 31, 2017
CV 17-06	<p><i>Ho-Chunk Nation and Ho-Chunk Nation Gaming Commission v. Andrew L. Walker</i>, CV 17-06, <i>Order (Revocation of Gaming License)</i>, (HCN Tr. Ct. Mar. 31, 2017) (Lowe, CJ).</p>	Mar. 31, 2017

	<p>The Court had to consider whether to revoke the Class II and Class III gaming licenses issued to the defendant. The defendant failed to appear and did not provide the Court with notice of the non-appearance. The Court proceeded in the absence of the defendant pursuant to HCN R. Civ. P. 44(C). The Court found that the defendant was convicted of a felony in 2016. Therefore, the Court entered a default judgment against the defendant and revoked the defendant's gaming licenses as the GAMING ORDINANCE prohibits anyone from maintain a gaming license with the Ho-Chunk Nation who has been convicted of a felony within the ten (10) years prior to application.</p>	
CV 16-03	<p><i>Quentin Allen, Table Games Manager, HCG-Black River Falls v. Sonia Roberts</i>, CV 16-03, <i>Order (Dismissing Case for Lack of Standing)</i>, (HCN Tr. Ct. Apr. 7, 2017) (Jones, J).</p> <p>The Court had to determine whether to grant the petitioner's request to reverse the holding of the Grievance Review Board (GRB). However, the petitioner did not have standing to bring the case as the petitioner never alleged how he was injured by the GRB's decision. Therefore, the Court, <i>sua sponte</i>, dismissed the case due to lack of standing.</p>	Apr. 7, 2017
CV 16-29	<p><i>In the Interest of Decedent: Marion Vera Stacey White, DOD 03/15/2015, By Faye White v. Ho-Chunk Nation Office of Tribal Enrollment, –and- Dallas White, –and- Gale White</i>, CV 16-29, <i>Order (Addressing Motions &amp; Notifying the Legislature)</i>, (HCN Tr. Ct. Apr. 12, 2017) (Hunter, J.).</p> <p>Several parties filed a <i>Motion to Intervene</i> as the matter involved a <i>Petition for Release of Decedent's Per Capita Distribution</i>. The Court, from the bench, granted the <i>Motions</i> as the parties had an interest in the matter. The Court also provided notice of these proceedings to the Ho-Chunk Nation Legislature as the case involved a recently enacted Ho-Chunk Nation law.</p>	Apr. 12, 2017
CIT 17-01	<p><i>Ho-Chunk Nation v. Lightning Newrider</i>, CIT 17-01, <i>Order (Acceptance of Plea Agreement)</i>, (HCN Tr. Ct. Apr. 12, 2017) (Hunter, J.).</p> <p>After initially contesting the allegations, the defendant entered a plea of no-contest to violating the HO-CHUNK NATION DOMESTICATED ANIMAL CONTROL ORDINANCE, § 5.10-14 (vicious dog and dog running at large). The Court then entered a finding of guilty and ordered the defendant to pay \$500.00 to the Ho-Chunk Nation. The Court also directed the Department of Treasury to garnish said fine from the defendant's per capita.</p>	Apr. 12, 2017
CV 17-05	<p><i>Ho-Chunk Nation Department of Housing v. Gerri Thundercloud</i>, CV 17-05, <i>Order (Vacating Writ of Restitution)</i>, (HCN Tr. Ct. Apr. 26, 2017) (Lowe, CJ).</p> <p>The Court issued a <i>Writ of Restitution</i> on April 19, 2017. After learning that the defendant was no longer residing in the subject apartment unit the plaintiff requested the Court vacate the <i>Writ</i>. Accordingly, the Court granted plaintiff's request.</p>	Apr. 26, 2017
EP 17-01	<p><i>D.U.S. v. Scott Gilbeck, Fit/Aqua, Lance Tallmadge Fitness, and Gary Lonetree, Security</i>, EP 17-01, <i>Order (Granting Motions)</i>, (HCN Tr. Ct. May. 12, 2017) (Hunter, J.).</p> <p>The Court had to determine whether to grant a <i>Motion to Reschedule</i> accompanied by a <i>Motion for Expedited Consideration</i>. The Court found the <i>Motion for Expedited Consideration</i> sufficiently satisfied the two (2) elements of the rule provided for in the <i>Ho-Chunk Nation Rules of Civil Procedure</i>, Rule 19(C). The Court therefore granted the <i>Motions</i>.</p>	May 12, 2017
CF 17-20-	<p><i>In the Interest of Minor Child: S.A.G., DOB 09/28/2008, by Willette Greengrass v.</i></p>	May 17, 2017

22	<p><i>Ho-Chunk Nation Office of Tribal Enrollment, -and- In the Interest of Minor Child: A.D.G., DOB 02/18/2003, by Willette Greengrass v. Ho-Chunk Nation Office of Tribal Enrollment, -and- In the Interest of Minor Child: A.M.G., DOB 11/06/2001, by Willette Greengrass, Ho-Chunk Nation Office of Tribal Enrollment, CF 17-20-22, Order (Granting Respondent's Motions), (HCN Tr. Ct. May. 17, 2017) (Hunter, J.).</i></p> <p>The petitioner submitted a <i>Petition for Release Per Capita Distribution</i> requesting the Court release funds from the trust account of her minor children to pay for orthodontic service needs. The respondent requested the petitioner file a more definite statement with regard to the petitioner's financial situation and ability or inability to pay for the orthodontic care herself. The petitioner failed to file a response to the respondent's request. The Court therefore granted the respondent's request.</p>	
CG 16-106	<p><i>Discover Bank Issuer of the Discover Card C/O DB Servicing Corporation v. Charlene L. Little, CG 16-106, Order (Dismissal and Close Case), (HCN Tr. Ct. May. 26, 2017) (Hunter, J.).</i></p> <p>The petitioner filed a letter indicating that the debtor filed for bankruptcy and requested the Court sign a proposed Order for Dismissal that the petitioner enclosed with the letter. The Court interpreted and treated the petitioner's letter and proposed Order for Dismissal as a Motion to Dismiss pursuant to Ho-Chunk Nation Rules of Civil Procedure, Rule 56(B) and, therefore, dismissed and closed the case.</p>	May 26, 2017
CF 17-10	<p><i>In the Interest of Adult CTF Beneficiary: Morningstar F. Strait, DOB: 07/07/1995 v. Ho-Chunk Nation Office of Tribal Enrollment, CF 17-10, Order (Granting Motion for Continuance), (HCN Tr. Ct. May. 30, 2017) (Lowe, CJ).</i></p> <p>The Court had to determine whether to grant petitioner's request for more time to gather information necessary to address the concerns raised in the respondent's <i>Answer</i>. After hearing no objection from the respondent the Court granted the request in the interests of judicial economy.</p>	May 30, 2017
CV 16-29	<p><i>In the Interest of Decedent: M.V.S.W., DOD 03/15/2015, By Faye White v. Ho-Chunk Nation Office of Tribal Enrollment, -and- Dallas White, -and- Gale White, -and- Ho-Chunk Nation Legislature, CV 16-29, Order, (HCN Tr. Ct. Jun. 2, 2017) (Hunter, J.).</i></p> <p>The matter concerned a request for release of a decedent's per capita monies from the Incompetent Trust Fund (ITF) of a deceased adult tribal member. The Court had to determine whether the funds for an ITF account may be distributed pursuant to the PER CAPITA DISTRIBUTION ORDINANCE, or whether the Court must abide by the provisions of the NON-TRUST PROBATE CODE when distributing funds from a decedent's ITF account. The Court concluded that the two must be applied conjunctively for the Court to determine to whom a decedent's ITF may be released if a personal representative has not been previously appointed. The Court also ordered a personal representative be appointed prior to releasing the monies from the ITF account.</p>	Jun. 2, 2017
CV 17-09	<p><i>Marlon C. Whitewing v. Ho-Chunk Nation, Ho-Chunk Casino, Wisconsin Dells, Ho-Chunk Casino, Black River Falls, Greg Garvin, General Manager, Casey Fitzpatrick, General Manager, Mark Thundercloud, Sec. Dir., Loretta LoMastro, Asst. Sec. Dir., CV 17-09, Order (Granting Motion to Dismiss), (HCN Tr. Ct. Jun. 2, 2017) (Hunter, J.).</i></p> <p>The petitioner sought relief against the defendants for banning him from using tribal casinos and venues, as well as for being fired from his job. The petitioner sought both equitable and monetary relief. The defendants brought a <i>Motion to Dismiss</i> arguing that the petitioner failed to state a claim upon which relief can be granted. The Court</p>	Jun. 2, 2017

	found the defendants' arguments of sovereign immunity, qualified immunity, statute of limitations, and failure to exhaust administrative remedies compelling. Therefore, the Court dismissed the action.	
CV 17-14	<p><i>Ho-Chunk Nation Legislature, on behalf of Legislators Darren Brinegar, Kathy DeCamp, Greg Blackdeer, Lori Pettibone, Douglass Greengrass, Andrea Estebo, Henning Garvin, David Greendeer, Shelby Visintin, Robert Two-Bears, Forest Whiterabbit, Kathyleen Lone Tree-Whiterabbit, Matthew Mullen, in their official capacities, and Ho-Chunk Nation President, Wilfrid Cleveland v. Ho-Chunk Nation Ethics Review Board, and Valerie Kempen, as Chairperson of the HCN Ethics Review Board, CV 17-14, Order (Granting Motion to Dismiss), (HCN Tr. Ct. Jun. 14, 2017) (Hunter, J.).</i></p> <p>The Court had to determine whether to proceed to the merits of the case. The Court found that the Ethics Review Board (ERB) dismissed all complaints filed by a certain individual against the petitioners. As a result, the petitioners' alleged injury from the ERB processing the complaints no longer existed. Therefore, the Court determined it could not hear the case because it did not have subject matter jurisdiction.</p>	Jun. 14, 2017
CF 14-24	<p><i>In the Interest of Minor Children: D.R.C., DOB 04/26/2000, M.S.C., DOB 04/12/2001, M.L.C., DOB 10/05/2004 by Holly Wyckoff v. Ho-Chunk Nation Office of Tribal Enrollment, CF 14-24, Order (Motion Denied), (HCN Tr. Ct. Jun. 14, 2017) (Lowe, CJ).</i></p> <p>The Court had to determine whether to release money from a Child Trust Fund for costs associated with an ice skating program. The Court found that the petitioner failed to satisfy all prongs of the four-part test and therefore denied the petition.</p>	Jun. 14, 2017
CV 15-18	<p><i>Horst Josellis v. Jennifer Field, CV 15-18, Order (Denying Motion and Dismissal), (HCN Tr. Ct. Jun. 15, 2017) (Lowe, CJ).</i></p> <p>The Court had to determine whether to grant a <i>Motion for Continuance of the Order on Remand Dated March 16, 2017</i>, when the <i>Order on Remand</i> informed the petitioner that if he failed to file his answer within thirty (30) calendar days establishing good cause as to why he failed to comply with the Court's previous order directing him to schedule an <i>Evidentiary Hearing</i>, the Court would dismiss the case with prejudice. The Court concluded that the petitioner's basis for a continuance was inaccurate and did not show good cause. The Court, therefore, denied the <i>Motion</i> and dismissed the case.</p>	Jun. 15, 2017
CV 17-18	<p><i>Robert Funmaker v. Lisa Nichols, Food and Beverage Manager, CV 17-18, Minute Order, (HCN Tr. Ct., June 15, 2017) (Lowe, CJ).</i></p> <p>The Court convened a <i>Supplemental Evidentiary Hearing</i> on June 15, 2017. The purpose of the hearing was to determine whether documents submitted by the petitioner could supplement the evidentiary record. The Court allowed into the record all documents, to which the parties stipulated, related to the current Administrative Review Process. As for the rest of the documents, the Court stayed the determination on supplementing the evidentiary record and ordered the parties to submit briefs to the Court with regard to whether the Court, without conducting a <i>de novo review</i>, can allow supplemental evidence that was not part of the Administrative Review Process.</p>	Jun. 15, 2017
CV 16-23	<p><i>Ho-Chunk Nation Gaming Commission, Corinna K. V. Blaschke, in her official and individual capacity; James Dakota, in his official and individual capacity; Winona L. Mann, in her official and individual capacity; Lena M. Walker, in her official and individual capacity; and Kyle Funmaker, in her official and individual capacity v. Ho-Chunk Nation Ethics Review Board and Valerie Kempen, Chairperson, CV 16-23,</i></p>	Jun. 19, 2017

	<p><i>Order (Denying Motion)</i>, (HCN Tr. Ct. Jun. 19, 2017) (Hunter, J.).</p> <p>The Court had to determine whether to grant the petitioners' <i>Motion for Stay Pending Appeal</i>. The Court found that it could only stay the execution of a final order after an appeal has actually been filed. Therefore, the Court denied the <i>Motion</i> because it was without power to issue a stay as no appeal had been filed.</p>	
CV 17-13	<p><i>Unga Stacy v. House of Wellness Administration; Lance Tallmadge, in his official and individual capacity; Roberta Funmaker, in her official and individual capacity; Scott Gilbeck, in his official and individual capacity; and Gary Lonetree, in his official and individual capacity</i>, CV 17-13, <i>Minute Order</i>, (HCN Tr. Ct. Jun. 28, 2017) (Lowe, CJ).</p> <p>The Court convened an <i>Evidentiary Hearing</i> on June 22, 2017. At the hearing, respondents objected to petitioner's representation as the individual was an unlicensed lay advocate. The individual contended that because he is a Ho-Chunk Tribal Member, he is allowed to represent the petitioner, despite his undertaking of representation in a different matter, based on similar facts. The Court ordered the parties to provide briefing on the issue to the Court.</p>	Jun. 28, 2017
CF 13-30	<p><i>In the Interest of: S.L.H., DOB 02/18/1991, by, Tonya Olson, Olson's Guardianship Services, Inc. v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CF 13-30, <i>Order (Motion Granted in Part)</i>, (HCN Tr. Ct. Jun. 28, 2017) (Lowe, CJ).</p> <p>The Court had to determine whether to grant a release of monies from the ward's Incompetent Trust Fund (ITF) to pay for costs associated with improving the adult beneficiary's life. The request included monies to pay for things such as entertainment devices, clothing, vehicle repair, medical treatment, and guardianship fees. The Court granted the release as the request met the established test for releasing funds from the ITF. The Court, however, stated it would not release funds for music therapy and dental care until documentation with cost estimates was provided but acknowledged it would release the monies once that documentation was provided.</p>	Jun. 28, 2017
CF 17-19	<p><i>In the Interest of Minor Child: C.Z., DOB 06/28/2007, By Rebecca Lynn Zittlow (Cloud) v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CF 17-19, <i>Order (Denying Motion and Granting Petition)</i>, (HCN Tr. Ct. Jun. 28, 2017) (Hunter, J.).</p> <p>The Court had to decide whether to grant a release of funds from a minor's Child Trust Fund to pay for orthodontic service needs even though the petitioner's family income is 277% above the federal poverty guidelines. The Court found that the request satisfied the requirements from the PER CAPITA DISTRIBUTION ORDINANCE and therefore granted the <i>Petition</i>. The Court distinguished requests for money involving a tangible direct benefit to a minor child versus money that would benefit the whole family.</p>	Jun. 28, 2017
CF 17-18	<p><i>In the Interest of Minor Child: J.Z., DOB 06/01/2006, By Rebecca Lynn Zittlow (Cloud) v. Ho-Chunk Nation Office of Tribal Enrollment</i>, CF 17-18, <i>Order (Denying Motion and Granting Petition)</i>, (HCN Tr. Ct. Jun. 28, 2017) (Hunter, J.).</p> <p>The Court had to decide whether to grant a release of funds from a minor's Child Trust Fund to pay for orthodontic service needs even though the petitioner's family income is 277% above the federal poverty guidelines. The Court found that the request satisfied the requirements from the PER CAPITA DISTRIBUTION ORDINANCE and therefore granted the <i>Petition</i>. The Court distinguished requests for money involving a tangible direct benefit to a minor child versus money that would benefit the whole family.</p>	Jun. 28, 2017
CF 17-23	<p><i>In the Interest of Minor Child: S.O., DOB 12/06/2010, by Michael Owen v. Ho-Chunk</i></p>	Jun. 29, 2017

	<p><i>Nation Office of Tribal Enrollment, CF 17-23, Order (Granting Respondent's Motion)</i>, (HCN Tr. Ct. Jun. 29, 2017) (Jones, J).</p> <p>The petitioner submitted a <i>Petition for Release Per Capita Distribution</i> requesting the Court release funds from a minor's Child Trust Fund to pay for orthodontic service needs. The respondent requested the petitioner file a more definite statement with regard to the petitioner's financial situation and ability or inability to pay for the orthodontic care himself. The petitioner failed to file a response to the respondent's request. Therefore, the Court granted the respondent's request.</p>	
CV 16-29	<p><i>In the Interest of Decedent: M.V.S.W., Order (Naming Personal Representative &amp; Releasing the ITF)</i>, CV 16-29 (HCN Tr. Ct., Aug. 2, 2017) (Hunter, J).</p> <p>The Court, after notifying the interested parties of this probate proceeding, held a hearing to determine who should be appointed the personal representative of the decedent's estate. The relatives of the decedent who attended the hearing decided that the eldest son was the appropriate relative to be named the personal representative. The Court also allowed the release of the decedent's Incompetent Trust Fund to the named personal representative pursuant to the PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC §12.8d(6), and the PROBATE CODE FOR NON-TRUST PROPERTY, 8 HCC § 13.</p>	Aug. 2, 2017
PR 17-02	<p><i>In the Interest of Decedent: Howard L. Swallow, Order (Requesting Briefs &amp; Notifying Legislature)</i>, PR 17-02 (HCN Tr. Ct., Sept. 19, 2017) (Jones, J).</p> <p>The Court sought briefs and input from the Legislature regarding whether the PROBATE CODE FOR NON-TRUST PROPERTY, 8 HCC § 13.62, requires that Ho-Chunk Nation enrolled tribal members who live on trust land must have their estate probated by the Ho-Chunk Nation Trial Court.</p>	Sep. 19, 2017
CV 16-30	<p><i>Ashley Natysin v. Office of Tribal Enrollment, Order (Remanding to Office of Tribal Enrollment)</i>, CV 16-30 (HCN Tr. Ct., Oct. 9, 2017) (Lowe, CJ).</p> <p>The Court had to determine whether to sustain or remand the final decision of the Committee on Tribal Enrollment, which upheld the decision of the Office of Tribal Enrollment to deny Sara Natysin's application for membership. The Court found that the <i>Ho-Chunk Nation Rules of Civil Procedure</i>, Rule 24, required that the Office of Tribal Enrollment must be named as the successor in interest due to the Legislature's disbandment of the Committee on Tribal Enrollment. In addition, the Court found that the Office of Tribal Enrollment's interpretation of the TRIBAL ENROLLMENT AND MEMBERSHIP CODE, 2 HCC § 7.8, was unconstitutional. The Tribal Enrollment Officer used subsection 8 of the MEMBERSHIP CODE, which allowed for "technical corrections," to justify changing a tribal member's blood quantum without prior notice to the tribal member or an opportunity for the tribal member to rebut the evidence against her. The Court found that § 7.8 of the MEMBERSHIP CODE was void for vagueness. The Court therefore remanded to the Office of Tribal Enrollment for the Office to allow Ashley Natysin due process prior to changing her blood quantum.</p>	Oct. 9, 2017
CV 17-13	<p><i>Unga Stacy v. House of Wellness Administration, et al., Order (Granting Motion to Dismiss)</i>, CV 17-13 (HCN Tr. Ct., Oct. 10, 2017) (Lowe, CJ).</p> <p>The Court had to determine whether to grant the respondents' <i>Motion to Dismiss</i> for the petitioner's failure to exhaust administrative remedies. The Court also had to determine whether to remove the petitioner's tribal spokesperson from representing the petitioner when the spokesperson already made an appearance for the petitioner in a separate matter. The Court found that the <i>Rules for Admission to Practice</i> only allowed a spokesperson to speak for a party in one case at a time. Furthermore, the Court decided to grant the <i>Motion to Dismiss</i> as the petitioner failed to exhaust</p>	Oct. 10, 2017

	administrative remedies.	
CV 17-18	<p><i>Miriam Eden Whiteagle v. Ho-Chunk Nation Director of Personnel Carol Garvin, and Director of Social Services Tanya Kessen, Order (Denying Motions for Summary Judgment), CV 17-18 (HCN Tr. Ct., Oct. 13, 2017) (Lowe, CJ).</i></p> <p>The Court had to determine whether to grant or deny cross <i>Motions for Summary Judgment</i>. The Court found that failure to produce discovery without first motioning the Court for an order to compel discovery is not a sufficient justification alone for granting a <i>Motion for Summary Judgment</i>. Furthermore, the Court found that it was not evident whether the party was entitled to judgment as a matter of law, which is required to grant a <i>Motion for Summary Judgment</i>. Therefore, the Court denied the <i>Motions</i>.</p>	Oct. 13, 2017
CV 12-61	<p><i>In the Interest of Minor Children: R.E.D., P.J.D., Order (Enforcing Contempt), CV 12-61 (HCN Tr. Ct., Oct. 20, 2017) (Lowe, CJ).</i></p> <p>The Court previously held the petitioner, Veronica Rosas, in contempt for failing to account for the funds that were released from her children’s Child Trust Fund accounts to pay for her children’s dental care. The Court directed the Ho-Chunk Nation Department of Justice to seek enforcement of the Court’s <i>Contempt Order</i> in the county court of the county where the petitioner resides as the petitioner is not a tribal member.</p>	Oct. 20, 2017
PR 17-02	<p><i>In the Interest of Decedent: Howard L. Swallow, Order (Releasing Decedent’s Per Capita), PR 17-02 (HCN Tr. Ct., Nov. 3, 2017) (Jones, J).</i></p> <p>The Legislature failed to file a brief as requested by the Ho-Chunk Nation Trial Court. However, the Court found that the decedent was not domiciled on tribal trust lands at the time of his death. The Court directed the Ho-Chunk Nation Department of Treasury to release the withheld per capita distribution of the decedent to Clayton Winneshiek. Chief Winneshiek is a Ho-Chunk enrolled member, a relative of the decedent, and had been appointed the personal representative of the estate in a county court.</p>	Nov. 3, 2017
CV 17-01	<p><i>Ho-Chunk Nation Department of Housing, Home Ownership Program v. Joshua Hansen, CV 17-01, Order (Granting Relief in Part) (HCN Tr. Ct. Nov. 3, 2017).</i></p> <p>The Court had to determine whether to grant a default judgment against a contractor who failed to finish construction of a new home as required by the Proposal for Contract and Service Provider Agreement entered into between the parties. The Court also determined whether to grant the plaintiffs’ <i>Motion for Final Debt</i> to the Nation for additional costs associated with completing construction of the new home. The Court additionally addressed the plaintiffs’ request for an order removing any construction liens on the subject property. The defendant failed to respond to the plaintiffs’ <i>Complaint</i>. The parties entered into a Service Provider Agreement after having entered into a Proposal for Contract agreement. The Service Provider Agreement contained a merger clause that superseded any previous agreements unless the parties integrate them into the Service Provider Agreement. Unfortunately, the Service Provider Agreement failed to incorporate the terms and conditions of the Proposal for Contract. Thus, the Court had to determine whether the Parol Evidence Rule applied. The Court therefore addressed the Parol Evidence Rule and its exceptions. Specifically, the Court looked at extrinsic evidence to determine whether the parties intended to incorporate the terms and conditions in the Proposal for Contract within the Service Provider Agreement that was entered into on a later date. The Court found that the parties clearly intended to integrate the terms and conditions</p>	Nov. 3, 2017

	<p>of the Proposal for Contract into the Service Provider Agreement. Two factors supported this finding. First, the Service Provider Agreement contained a Choice of Law provision that intended to include “all subsequent additions, appendixes, addenda or any other amendment to [the] Agreement, without regard to conflict of laws.” Second, the parties entered into an amendment to the Service Provider Agreement that clearly referenced the terms and conditions of the Proposal for Contract as enforceable. Thus, the Court found subject matter jurisdiction to enforce the contract and entered a default judgment against the defendant for both the initial damages and additional damages the plaintiffs incurred as a result from the defendant’s failure to complete construction of the new home. However, the Court denied the plaintiffs’ request to remove any construction liens on the subject property because the plaintiffs failed to provide the Court with sufficient proof that the liens existed or were perfected.</p>	
PR 17-06	<p><i>In the Interest of Decedent: Angeline C. Decorah, Order (Releasing Decedent’s Per Capita Distribution), PR 17-06 (HCN Tr. Ct., Nov. 6, 2017) (Jones, J).</i></p> <p>The Ho-Chunk Nation Trial Court previously issued <i>Letters Testamentary</i> and appointed Delia Maisells as the personal representative of the decedent’s estate on October 5, 2017. The Court thereafter directed the Ho-Chunk Nation Department of Treasury to release the uncashed quarterly per capita distributions of the decedent to Delia Maisells, an enrolled Ho-Chunk member and sister of the decedent.</p>	Nov. 6, 2017
CPL 17-07	<p><i>In re the Custody &amp; Placement of Child: J.S., DOB 06/15/2010, CPL 17-07 (HCN Tr. Ct. Nov. 21, 2017).</i></p> <p>The Court determined whether to dismiss the <i>Petition</i> for lack of jurisdiction. Prior to the <i>Initial Child Custody and Placement Hearing</i>, the <i>Guardian ad litem</i> filed a <i>Stipulation and Order to Change Legal Custody and Physical Placement</i> from La Crosse County Circuit Court reflecting that said court had already decided custody and placement between the parties recently. Therefore, the Court found that it lacked jurisdiction as legal custody and placement had already been decided in La Crosse County Circuit Court. Consequently, the Court dismissed the action.</p>	Nov. 21, 2017
PR 17-07	<p><i>In the Interest of Decedent: Harry Cloud, DOD 01/24/2017, Order (Releasing Decedent’s Incompetent Trust Fund), PR 17-07 (HCN Tr. Ct., Dec. 11, 2017) (Lowe, CJ).</i></p> <p>The Court directed Providence First Trust Company to release the balance of the decedent’s Incompetent Trust Fund to Todd Cloud who is a Ho-Chunk enrolled member, a relative of the decedent, and who had been appointed as the personal representative in a county court.</p>	Dec. 11, 2017
CIT 17-03	<p><i>Ho-Chunk Nation v. Jeffrey A. Harrison, Order (Acceptance of Plea Agreement), CIT 17-03 (HCN Tr. Ct., Jan. 2, 2018) (Jones, J).</i></p> <p>An officer of the Ho-Chunk Nation Police Department issued a citation to the defendant for violations of the HO-CHUNK NATION DISORDERLY CONDUCT ORDINANCE, 3 HCC § 15.3(a). The defendant initially contested the allegations contained within the citations and the Court scheduled a Pre-Trial Conference. At the Pre-Trial Conference, the defendant and the Nation entered a plea agreement after the defendant was shown surveillance video of him destroying property at the veteran’s building.</p>	Jan. 2, 2018
CF 17-33-36	<p><i>In the Interest of Minor Children A.L.F. et al., by Leslie A. Falcon, Order (Petition Granted in Part), CF 17-33-36 (HCN Tr. Ct., Jan. 3, 2018) (Hunter, J).</i></p>	Jan. 3, 2018

	<p>These cases concern whether the petitioner and parent, Leslie A. Falcon, can access monies on behalf of her minor children, A.L.F., DOB 10/27/2004, J.A.F., DOB 05/23/2013, N.P.F., DOB 11/07/2002, and I.E.F., DOB 06/06/2007, from the respective Children’s Trust Fund (hereinafter CTF) to pay for costs associated with eye care, special dietary expenses, and the purchase of an automobile. The Court granted the petitioner a release of funds for eye care, and special dietary expenses. However, the Court denied the request for the purchase of an automobile, printer ink cartridge, and glucose tablets as the Court determined that the petitioner had not satisfied the four-prong test regarding the those requests.</p>	
PR 17-05	<p><i>In the Interest of Decedent: Therea Ann Bennett, Order (Appointment of Personal Representative)</i>, PR 17-05 (HCN Tr. Ct., Jan. 3, 2018) (Hunter, J).</p> <p>The Court appointed a Ho-Chunk relative of the decedent to serve as the personal representative of the decedent’s estate.</p>	Jan. 3, 2018
CV 16-28	<p><i>In the Interest of Decedent: A.F., Order (Joining the Ho-Chunk Nation)</i>, CV 16-28 (HCN Tr. Ct., Jan. 9, 2018) (Lowe, CJ).</p> <p>This case involves the Incompetent Trust Fund (ITF) of a deceased tribal member. The decedent’s former guardian sought to receive the balance of ITF by being appointed special administrator of the decedent’s estate by the La Crosse County court. The Ho-Chunk Nation Trial Court previously issued an order mandating that the PROBATE CODE FOR NON-TRUST PROPERTY must be applied to determine whom should receive the release of money from an ITF account. The Ho-Chunk Nation Trial Court Chief Judge Jo Deen B. Lowe and the La Crosse County Circuit Judge Scott L. Horne, issued a joint order joining the Ho-Chunk Nation as a party and inviting the Nation to submit a brief regarding which Court is the appropriate venue.</p>	Jan. 9, 2018
EP 17-02	<p><i>Redacted Order, EP 17-02</i> (HCN Tr. Ct., Jan. 17, 2018) (Hunter, J).</p> <p>The Court had to determine whether the petitioner presented proof by a preponderance of evidence that the respondent financially exploited the Elder. The Court found that the respondent was required to reimburse the petitioner for \$100.00, which the petitioner was able to prove she had loaned the respondent. The Elder also requested a restraining order to prevent the respondent from coming to the Elder’s house to ask for money in the future. The Court granted this request and issued a subsequent permanent protective order.</p>	Jan. 17, 2018
CV 17-18	<p><i>Robert Funmaker vs. Lisa Nichols, Food and Beverage Manager, Order (Denying Motion for Reconsideration)</i>, CV 17-18 (HCN Tr. Ct., Jan. 19, 2018) (Lowe, CJ).</p> <p>The Court had to determine whether to grant or deny a Motion for Reconsideration that was filed by the legal counsel for the respondent, Tribal Attorney Michael Oeser, on December 21, 2017. Specifically, Attorney Oeser sought to have the Court slightly change the language of the relief that the Court granted to the petitioner. The respondent also requested oral arguments in the Motion for Reconsideration, after the Court issued its final decision. The Court denied the Motion for Reconsideration as the legal counsel for the respondent failed to timely file a response brief as directed to do in the July 26, 2017 Briefing Schedule Order and for failure to meet the burden of proof for granting motions for reconsideration.</p>	Jan. 19, 2018

CV 17-19	<p><i>Gladys Morgan v. Elmer Hanson, Rental Manager, Order (Petition Granted)</i>, CV 17-19 (HCN Tr. Ct., Jan. 29, 2018) (Hunter, J).</p> <p>The Court had to determine whether to uphold the petitioner’s termination despite petitioner not receiving a hearing before the Grievance Review Board (hereinafter GRB). Essential to the Court’s decision is the issue of whether the Nation failed to provide petitioner procedural due process in light of the recent changes to the HO-CHUNK NATION EMPLOYMENT RELATIONS ACT, 6 HCC § 5.36a (adopted Jan. 19, 2017). The Court declined to uphold the petitioner’s termination and awarded the petitioner the relief she requested as the Court determined that the petitioner did not receive due process under the new administrative review process. The petitioner did not have the opportunity to meet with anyone following her suspension and termination to address her grievance. The Trial Court reaffirmed a prior decision of the Supreme Court which found that an investigation cannot substitute a grievant’s due process right to a hearing. The Trial Court found that the Nation failed to provide the petitioner procedural due process following her suspension and subsequent termination as was her right pursuant to both the former and current version of the ERA</p>	Jan. 29, 2018
CV 17-17	<p><i>Miriam Eden Whiteagle v. Executive Director of Personnel, Carol Garvin, and Tanya L. Kessen, action Director of Social Services, Order (Final Judgment)</i>, CV 17-17 (HCN Tr. Ct., Jan. 29, 2018) (Lowe, CJ).</p> <p>The Court had to determine whether the Nation inappropriately failed to rehire the plaintiff as the Center Director at the Ho-Chunk Nation Youth Center in Madison, Wisconsin. The plaintiff alleged that she was forced to voluntarily resign. She also alleged that the Nation did not comply with the applicable laws regarding the Family Medical Leave and Ho-Chunk Preference. The Court awarded the plaintiff limited equitable relief due to violations of procedural due process conducted by the Ho-Chunk Nation Department of Personnel. The Court awarded the plaintiff removal of negative references from her employment history.</p>	Jan. 29, 2018
CF 17-33-36	<p><i>In the Interest of Minor Children A.L.F. et al., by Leslie A. Falcon, Order (Denying Motion for Reconsideration)</i>, CF 17-33-36 (HCN Tr. Ct., Jan. 31, 2018) (Hunter, J).</p> <p>The petitioner failed to establish how the Court violated one of the factors for granting motions for reconsideration. Therefore, the Court denied the <i>Motion for Reconsideration</i>.</p>	Jan. 31, 2018
CF 14-24	<p><i>In the Interest of Minor Children: D.R.C., DOB 04/06/2000, et al., by Holly Wyckoff v. HCN Office of Tribal Enrollment</i>, CF 14-24 (HCN Tr. Ct., Feb. 1, 2018).</p> <p>The Court had to determine whether to grant a release of CTF monies to pay for costs associated with the daycare of a minor parent’s child. The Court granted the request as it has recognized in previous decisions that a newborn child’s health, education and welfare become inextricably intertwined with that of the minor parent’s. The Court further found that the request to release CTF monies to pay for daycare satisfied the four (4) prong test as it would allow the minor child to successfully complete high school.</p>	Feb. 1, 2018

CV 17-32	<p><i>Cherie Topping v. Ho-Chunk Nation, Office of Tribal Enrollment, CV 17-32, Order (Granting Motion to Dismiss)</i> (HCN Tr. Ct., Feb. 5, 2018).</p> <p>The Court had to determine whether to grant the respondent’s <i>Motion to Dismiss</i> based on the petitioner’s failure to file her <i>Initial Brief</i>. The petitioner filed an untimely response to respondent’s <i>Motion to Dismiss</i>, requesting the Court to keep the case open. The petitioner failed to support her request with supportive authority or reasoning. The petitioner also failed to file an <i>Initial Brief</i>. Consequently, the Court granted the respondent’s <i>Motion</i> and dismissed the case with prejudice.</p>	Feb. 5, 2018
CV 17-34-35	<p><i>Ho-Chunk Nation Legislature v. Gerald Cleveland, Sr., and Ho-Chunk Nation General Council, by and through the Office of General Council 27374 Highway 21, Tomah, WI 54460 v. Ho-Chunk Nation Legislature et. al., CV 17-34 &amp; CV 17-35, Order (Notice of Briefing Deadline)</i> (HCN Tr. Ct., Feb. 12, 2018).</p> <p>The Court issued an <i>Order (Notice of Briefing Deadline)</i> to address the following issues: What other parties, if any, are indispensable to this action? What do the parties consider to be the interpretation and/or relevance of ARTICLE IV, § 3(a) of the HO-CHUNK NATION CONSTITUTION? Whether counsel for plaintiff is authorized to represent the General Council.</p>	Feb. 12, 2018
CV 03-27	<p><i>In the Interest of E.M.S., DOB 02/01/1995, by Cecilia Sine v. HCN Office of Tribal Enrollment, Order (Motion Granted), CV 03-27</i> (HCN Tr. Ct., Feb. 12, 2018).</p> <p>The Court had to determine whether to grant a request for a release of ITF monies to cover homeowner’s insurance for the ward. The Court granted the <i>Motion</i> as it had granted monies for the same purpose in a previous judgment.</p>	Feb. 12, 2018
PR 17-03	<p><i>In the Interest of Decedent: Carol Mae Whitethunder, by Tina Brown, Order (Approval of Last Will and Testament &amp; Releasing Decedent’s Per Capita Distribution), PR 17-03</i> (HCN Tr. Ct., Feb. 19, 2018).</p> <p>The Court applied the HO-CHUNK NATION PER CAPITA DISTRIBUTION ORDINANCE and the PROBATE CODE FOR NON-TRUST PROPERTY to determine whether to grant a request to (1) accept decedent’s Last Will &amp; Testament, and (2) whether petitioner provided sufficient documentation to release decedent’s remaining per capita distribution. The petitioner provided an original copy of decedent’s Last Will &amp; Testament. Accompanying the Will was an <i>Affidavit to Accompany an Indian Will</i> bearing the signature of two (2) witnesses who identified the will as being the will which the decedent executed and declared to be her last Will. The petitioner admitted the Will over 90 days before the hearing and no interested party contested it. The Court therefore approved decedent’s Last Will &amp; Testament. Regarding the release of decedent’s per capita distribution, the petitioner submitted affidavits from several Branches/Offices of the Nation reflecting that the decedent had no outstanding debts to the Nation. Thus, the Court found that the petitioner provided sufficient documentation to release the decedent’s remaining per capita monies. Since the Court had already issued <i>Letters Testamentary</i> recognizing the petitioner as the personal representative, the Court found the petitioner was the appropriate recipient of the decedent’s per capita distribution to carry out her duties and responsibilities as laid out in the PROBATE CODE.</p>	Feb. 19, 2018

CV 17-36	<p><i>Timothy Hanson v. Robert Mudd</i>, CV 17-36 Order (Notice of Oral Arguments) (HCN Tr. Ct., Feb. 21, 2018).</p> <p>The Court issued an <i>Order (Notice of Oral Arguments)</i> to allow the parties the opportunity to address the following issues:</p> <ul style="list-style-type: none"> <li>• Whether the Court applies the “arbitrary and capricious” review in the absence of a decision from the Grievance Review Board or an independent agency.</li> <li>• Whether there was a violation of the Nation’s Veteran’s Preference as stated under the ERA, § 5.5(c).</li> <li>• Whether the Court may review an administrative decision for violations of the Nation’s Veteran’s Preference under the ERA.</li> <li>• Whether the Nation offered petitioner the position of purchasing manager.</li> <li>• Whether the Nation removed the petitioner from the position of purchasing manager without due process</li> </ul>	Feb. 21, 2018
CPL 18-01	<p><i>In re the Custody &amp; Placement of Child: A.F.P., by Jason D. Pettibone v. Beth A. Bridges</i>, CPL 18-01 (HCN Tr. Ct., Feb. 21, 2018).</p> <p>The Court had to determine whether to grant a request to establish legal custody and award 50/50 placement. The court found that the parents made appropriate arrangements for childcare and future placement. The Court additionally found it is in the best interest of the minor child for the parents to maintain joint legal custody, which comports with persuasive authority found in Wisconsin law. Accordingly, the Court granted petitioner’s request for joint legal custody and 50/50 placement.</p>	Feb. 21, 2018
CV 17-23	<p><i>Joyce L. Warner v. Stephanie L. Warner</i>, Order (Dismissal), CV 17-23 (HCN Tr. Ct., Mar. 1, 2018) (Hunter, J).</p> <p>The plaintiff filed a <i>Complaint</i> alleging that the defendant breached a verbal contract. The plaintiff cited custom and tradition as the subject matter jurisdiction. The Court found that the plaintiff did not sufficiently establish the Court’s subject matter jurisdiction over the verbal contract. The case was therefore dismissed.</p>	Mar. 1, 2018
CV 17-34-35	<p><i>Ho-Chunk Nation Legislature v. Gerald Cleveland, Sr., and Ho-Chunk Nation General Council by and through the Office of General Council v. Ho-Chunk Nation Legislature, et al.</i>, Order (Granting Motion &amp; Imposing Stay), CV 17-34-35 (HCN Tr. Ct., Mar. 2, 2018) (Hunter, J).</p> <p>The Court previously had the parties brief three (3) issues. After reviewing the briefs, the Court decided to certify a question to the Supreme Court regarding whether the CONSTITUTION OF THE HO-CHUNK NATION, Art. IV., § 3(a), required that the Trial Court remove the case to the Supreme Court for the Supreme Court to pursue original jurisdiction over the case, as recommended in the parties briefs. The Trial Court therefore imposed a stay until it received a response from the Supreme Court.</p>	Mar. 2, 2018

CV 17-26	<p><i>Jerry T. Gallagher v. Amy Kirby, Toni R. Funmaker, Robert Mudd, the Ho-Chunk Nation, and Ho-Chunk Nation Gaming-Baraboo, Order (Petition &amp; Motion Granted), CV 17-26 (HCN Tr. Ct., Mar. 6, 2018) (Jones, J.)</i></p> <p>The petitioner filed a <i>Petition for Administrative Review</i> alleging that his termination for sexual harassment constituted an arbitrary and capricious act. The Court found that the one (1) instance of the petitioner making an offensive comment in his twenty-four (24) otherwise incident-free career with the Nation was not a substantial enough basis to terminate the employee. The Court granted relief to the petitioner in the form of: 1) back pay for actual lost wages less applicable taxes and withholding up to \$10,000.00, 2) reinstatement to a comparable position, and 3) reinstatement of sick leave, annual leave, and seniority at the rates he was receiving prior to the termination.</p>	Mar. 6, 2018
CV 17-21	<p><i>Ayako Thundercloud-Poff v. Ho-Chunk Nation Legislature, and Ho-Chunk Nation Legislative Attorney Michael Murphy, Order (Dismissal), CV 17-21 (HCN Tr. Ct., Mar. 8, 2018) (Jones, J.)</i></p> <p>The plaintiff filed a <i>Complaint</i> alleging that the defendants breached an agreement as the defendants built her home on the wrong parcel of land. The plaintiff did not include the agreement with her <i>Complaint</i>. The defendants raised the defense of sovereign immunity. The Court granted the <i>Motion to Dismiss</i> for the plaintiff's failure to state a claim on which relief may be granted. Specifically, the defendants argued that: (1) there is no waiver of sovereign immunity from the HCN Legislature; (2) there is no case or controversy alleged against the Legislature or Attorney Murphy; (3) that the plaintiff failed to state a claim upon which relief may be granted; (4) that the Complaint should be dismissed because the plaintiff already agreed to a separate resolution; and (5) that the plaintiff filed her Complaint past the acceptable deadline under the HO-CHUNK NATION'S STATUTE OF LIMITATIONS AND COMMENCEMENT OF CLAIMS ACT, 2 HCC § 14.</p>	Mar. 8, 2018
CPL 17-11	<p><i>In re the Custody &amp; Placement of Children: J.M.B., and J.A.B., Jason Bass v. Twilight Hindsley, Order (Dismissal), CPL 17-11 (HCN Tr. Ct., Mar. 15, 2018) (Hunter, J.)</i></p> <p>The Court discovered at the <i>Initial Child Custody &amp; Placement Hearing</i> that Jackson County Circuit Court previously entered an order addressing the custody of these children. The Court therefore found that it did not have original jurisdiction and could not hear the case under the CHILD SUPPORT ENFORCEMENT CODE, 4 HCC § 7, unless, "i. The court of the other nation, state or tribe no longer has continuing, exclusive jurisdiction of the child support order because that jurisdiction is no longer the child's state or tribe or the residence of any party; or ii. Both parties have agreed to the Ho-Chunk Nation Trial Court assuming jurisdiction over the modification." Jackson County remained the county of residence for the children, thus the first prong was not met. In addition, the mother of the children did not appear at the hearing to consent to the jurisdiction of the Ho-Chunk Nation Trial Court. The Court therefore dismissed the case.</p>	Mar.15, 2018

CV 17-34-35	<p><i>Ho-Chunk Nation Legislature v. Gerald Cleveland, Sr., and Ho-Chunk Nation General Council by and through the Office of General Council v. Ho-Chunk Nation Legislature, et al., Order (Lifting Stay)</i>, CV 17-34-35 (HCN Tr. Ct., Mar. 20, 2018) (Hunter, J).</p> <p>The Court previously imposed a stay in the proceedings pending a response from the Supreme Court regarding a certified question about the Supreme Court’s original jurisdiction. The Supreme Court issued a response on March 19, 2018, in which it declined to address the question as it found that the <i>Ho-Chunk Rules of Appellate Procedure</i> do not allow the Supreme Court to address certified questions. Instead the Supreme Court directed that the Trial Court “must render a final decision on a presented legal issue to enable appellate consideration of it.” The Trial Court accordingly lifted the stay.</p>	Mar.20, 2018
CV 17-33	<p><i>Jeremy P. Rockman v. William Kemp, Order (Granting Default Judgment)</i>, CV 17-33 (HCN Tr. Ct., Apr. 13, 2018) (C.J. Lowe).</p> <p>The plaintiff filed a <i>Complaint</i> alleging that the defendant violated the ELDER PROTECTION ACT and financially exploited the plaintiff. The plaintiff testified that he was financially taken advantage of when the defendant sought his assistance and then failed to provide the plaintiff with compensation. The defendant failed to appear at a <i>Scheduling Conference</i>. Thus, the Court issued a default judgment in favor of the plaintiff.</p>	Apr. 13, 2018
CV 17-26	<p><i>Jerry Gallagher v. Amy Kirby, Toni Funmaker, and Robert Mudd, Order (Staying Execution of Judgment)</i>, CV 17-26 (HCN Tr. Ct., Apr. 16, 2018) (J. Jones).</p> <p>The Court had to decide whether to stay the execution of the judgment pending the result of the appeal to the Supreme Court. The petitioner filed a brief in opposition to the respondent’s motion for stay pending appeal, alleging that “a stay pending appeal would do substantial harm” to the petitioner. The Court found the petitioner’s argument unpersuasive as the <i>Ho-Chunk Nation Rules of Civil Procedure</i> (hereinafter <i>HCN R. Civ. P.</i>), Rule 68 does not require a party to show whether another party would be harmed by the stay. The Court compared the <i>Ho-Chunk Nation Rules of Appellate Procedure</i>, Rule 7c., which states that “A stay shall be granted in all cases in which it is requested unless manifest injustice would result therefrom” to the <i>HCN R. Civ. P.</i> 68 that merely states “the Court may delay execution of the final Order or Judgment during appeal...if a bond or other conditions prescribed by the Court are met that protect the interests of the party in whose favor the final <i>Judgment</i> or <i>Order</i> is entered.” <i>HCN R. Civ. P.</i> 68. The Court accordingly granted the respondents’ motion to stay the judgment, but conditioned the stay upon the assurance that the respondent could file documentation that they have the capability of fully abiding by the directions in the underlying judgment of this Court in case the respondents do not prevail in their appeal.</p>	Apr. 16, 2018

CV 17-24	<p><i>Elena Ballwahn v. Amy Kirby, Order (Dismissing for Lack of Subject Matter Jurisdiction)</i>, CV 17-24 (HCN Tr. Ct., Apr. 17, 2018) (J. Jones).</p> <p>The Court had to determine whether the petitioner, a gaming employee, properly exhausted her administrative remedies under the Administrative Review Process of the Employment Relations Act (hereinafter ERA), 6 HCC § 5.37. The petitioner filed her Level 2 Grievance with her immediate supervisor rather than with the Executive Director of Business as required under the ERA. Notably, the Executive Director of Business did not file a Level 2 Response.</p> <p>Consequently, the Court found that the petitioner failed to properly exhaust her administrative remedies and dismissed the case for lack of subject matter jurisdiction.</p>	Apr. 17, 2018
CV 17-27	<p><i>Kevin Kutzleb v. Ho-Chunk Nation Insurance Review Commission, Order (Affirming HIRC Decision and Order)</i>, CV 17-27 (HCN Tr. Ct., Apr. 17, 2018) (J. Jones).</p> <p>The petitioner, who was terminated while within his ninety (90) day probationary period, requested the Ho-Chunk Nation Insurance Review Commission (HIRC) to reinstate his Total Temporary Disability and back pay. The HIRC denied the petitioner’s request and decided, in pertinent part, that “The Commission does not have the authority to reinstate Total Temporary Disability nor the back pay as relief sought by the petitioner’s attorney.” On appeal to the Trial Court, the petitioner requested his worker compensation indemnity benefits to be reinstated, on the basis that his termination was due to a mistake of fact. The Court held that:</p> <ul style="list-style-type: none"> <li>• The Employment Relations Act precludes a termination within an employee’s ninety (90) day probationary period from being grieved.</li> <li>• The HIRC correctly decided that the Commission does not have the authority to review an employee’s termination.</li> </ul> <p>Therefore, the Court affirmed the HIRC’s decision and order, thereby denying the terminated probationary employee’s request for relief.</p>	Apr. 17, 2018
TG 15-12-13	<p><i>In the Interest of Minor Children: D.D.S. et al., Order (Granting Motion to Terminate Temporary Guardianship)</i>, TG 15-12-13 (HCN Tr. Ct., Apr. 17, 2018) (Jones, J).</p> <p>The Court had to determine whether to grant the <i>Guardian’s ad litem</i> (hereinafter GAL) <i>Motion to Terminate Temporary Guardianship</i> filed pursuant to the HO-CHUNK NATION THIRD PARTY GUARDIANSHIP ACT, 4 HCC § 11.26d. The Court found that the GAL supported her <i>Motion to Terminate Temporary Guardianship</i> by (1) properly filing the <i>Motion</i> with <i>Certificate of Service</i>, (2) informing the Court that the minor children have resided with their mother since 2016, and (3) asserting that the minor children’s health and education are adequately being taken care of by the mother. The temporary guardian failed to reply to the GAL’s <i>Motion</i> despite proper notice. Consequently, the Court found by a preponderance of evidence that terminating the temporary guardianship and returning legal and physical custody to the mother was in the best interests of the minor children and granted the GAL’s <i>Motion to Terminate Guardianship</i>.</p>	Apr. 17, 2018

CV 17-25	<p><i>Derek John Lipski v. Amy Kirby, Christy Mallory, and Robert Reider, Order (Affirming)</i>, CV 17-25 (HCN Tr. Ct., Apr. 18, 2018) (J. Jones).</p> <p>The Court had to determine whether to grant the petitioner’s <i>Petition for Administrative Review</i> considering his suspension for violation of the EMPLOYMENT RELATIONS ACT (ERA), 6 HCC § 5.32. The Court applied the deferential standard of review requiring the Court to only overturn the final administrative decision if it was arbitrary and capricious. The Court found that there was a substantial basis for the Business Department’s determination to uphold petitioner’s suspension considering the evidence presented. The Court acknowledged that the Business Department found a reasonable inference from the petitioner’s own admissions through the administrative review process that he had violated the ERA. Thus, the Court could not find that the Level 2 Response, which constituted as the final administrative decision, was arbitrary and capricious.</p>	Apr. 18, 2018
JV 08-05	<p>JV 08-05, <i>Order (Termination of Guardianship)</i> (HCN Tr. Ct., Apr. 20, 2018).</p> <p>The Court had to address what Ho-Chunk Nation Child and Family Services’ (hereinafter CFS) role should be when a court-appointed guardian from a Child Protection case passes away without a named successor guardian. The Court noted several methods used in the past to address this issue. In some instances, CFS filed a <i>Petition for Child/Family Protection Petition</i> requesting that the Court grant CFS emergency legal and physical custody to CFS. Other times, CFS requested on the record, such as a <i>Revocation of Guardianship Hearing</i>, that custody immediately revert to CFS. Upon reviewing the circumstances of the given case, the Court found that reverting legal custody to CFS during the pendency of a separate legal custody determination to be the most appropriate choice for the minor child.</p>	Apr. 20, 2018
PR 17-04	<p><i>In re the Custody of Minor Child A.M.W., by Andrew Munden v. Jessica Tepiew, Order (Continued Custody Hearing)</i>, CPL 17-04 (HCN Tr. Ct., Apr. 24, 2018) (J. Jones).</p> <p>At a <i>Continued Custody and Placement Hearing</i>, the parties informed the Court that Jackson County Circuit Court had issued an order regarding the child support of the minor child. The Court was unaware of the proceeding as the petitioner indicated on the <i>Petition for Custody and Placement</i> that there were no other proceedings in a county court. The Court reviewed the HO-CHUNK NATION CHILD SUPPORT ENFORCEMENT CODE (hereinafter CSE) and concluded that the Court may only modify an order by another jurisdiction if the Ho-Chunk Nation Trial Court has jurisdiction to issue a child support order and at least one (1) of the following circumstances exist:</p> <ol style="list-style-type: none"> <li>1. The Court of the other nation, state or tribe no longer has continuing, exclusive jurisdiction of the child support order because that jurisdiction is no longer the child’s state or tribe or the residence of either party; or</li> <li>2. Both parties have agreed to the Ho-Chunk Nation Trial Court assuming jurisdiction over the modification. CSE § 7.36d. The Court found that there was</li> </ol>	Apr. 23, 2018

	<p>insufficient evidence to find the first (1st) circumstance existed. As for the second circumstance, the Court presumed the petitioner agreed to the Court assuming jurisdiction as he filed the <i>Petition</i>. However, the Court required that the respondent file a notarized statement if she agrees with the Court assuming jurisdiction over the custody and child support over the minor child. The Court also held that it would accept a Proposed Parenting Plan signed by both parties as evidence that they agree to the Court assuming jurisdiction. Lastly, the Court gave the parties notice of its intent to close the case in sixty (60) calendar days if it does not receive either the notarized statement or a Proposed Parenting Plan within said time.</p>	
CV 96-49	<p><i>In the Interest of R.G., DOB 10/08/1962, by House Calls of Menomonie, Inc. v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-49 (HCN Tr. Ct., Apr. 23, 2018).</i></p> <p>The Court had to determine whether to release funds from the Incompetent Trust Fund Account of the ward to pay for costs associated with the purchase of a new washer machine. The petitioner demonstrated that the ward was in need of a reliable washer machine to assist with cleaning and maintaining the ward’s home that had in petitioner’s own words become a “hoard.” The Court held that the request for the new washer machine had a clear connection with quality of life concerns and therefore represented a necessary welfare benefit. Consequently, the Court granted the petitioner’s request.</p>	Apr. 23, 2018
CPL 17-04	<p><i>In re the Custody of Minor Child A.M.W., by Andrew Munden v. Jessica Tepiew, Order (Continued Custody Hearing), CPL 17-04 (HCN Tr. Ct., Apr. 24, 2018) (J. Jones).</i></p> <p>At a <i>Continued Custody and Placement Hearing</i>, the parties informed the Court that Jackson County Circuit Court had issued an order regarding the child support of the minor child. The Court was unaware of the proceeding as the petitioner indicated on the <i>Petition for Custody and Placement</i> that there were no other proceedings in a county court. The Court reviewed the HO-CHUNK NATION CHILD SUPPORT ENFORCEMENT CODE (hereinafter CSE) and concluded that the Court may only modify an order by another jurisdiction if the Ho-Chunk Nation Trial Court has jurisdiction to issue a child support order and at least one (1) of the following circumstances exist:</p> <ol style="list-style-type: none"> <li>1. The Court of the other nation, state or tribe no longer has continuing, exclusive jurisdiction of the child support order because that jurisdiction is no longer the child’s state or tribe or the residence of either party; or</li> <li>2. Both parties have agreed to the Ho-Chunk Nation Trial Court assuming jurisdiction over the modification. CSE § 7.36d. The Court found that there was insufficient evidence to find the first (1st) circumstance existed. As for the second circumstance, the Court presumed the petitioner agreed to the Court assuming jurisdiction as he filed the <i>Petition</i>. However, the Court required that the respondent file a notarized statement if she agrees with the Court assuming jurisdiction over the custody and child support over the minor child. The Court also held that it would accept a Proposed Parenting Plan signed by both parties</li> </ol>	Apr. 24, 2018

	<p>as evidence that they agree to the Court assuming jurisdiction. Lastly, the Court gave the parties notice of its intent to close the case in sixty (60) calendar days if it does not receive either the notarized statement or a Proposed Parenting Plan within said time.</p>	
CV 17-37	<p><i>Ava M. De Ford v. Kelly Greengrass, Order (Dismissal for Lack of Subject Matter Jurisdiction)</i>, CV 17-37 (HCN Tr. Ct., Apr. 24, 2018) (J. Hunter).</p> <p>The plaintiff filed the <i>Complaint</i> requesting the Court for grandparent visitation. The plaintiff, however, cited the CHILDREN’S ACT as the basis for the Court’s jurisdiction. The Court found that the plaintiff failed to identify a source of law that would grant the Court jurisdiction to grant grandparent visitation and therefore dismissed the <i>Complaint</i> for lack of subject matter jurisdiction.</p>	Apr. 24, 2018
CV 17-33	<p><i>Jeremy P. Rockman v. William Kemp, Order (Granting Motion for Reconsideration)</i>, CV 17-33 (HCN Tr. Ct., May 8, 2018) (C.J. Lowe).</p> <p>The Court had previously entered a default judgment in favor of the plaintiff pursuant to the ELDER PROTECTION ACT. The defendant subsequently filed a <i>Motion for Reconsideration</i> explaining that he never received notice of the <i>Scheduling Hearing</i> he failed to appear at.</p> <p>Upon review of the Court’s file, it learned that it failed to include the defendant’s apartment number on the address it used on its <i>Notice of Hearing</i> to the defendant. Thus, the Court granted the defendant’s <i>Motion for Reconsideration</i> and set another <i>Scheduling Conference</i>.</p>	May 8, 2018
TG 18-02	<p><i>In the Interest of Minor Child: G.M.B., Order (Granting Temporary Guardianship)</i>, TG 18-02 (HCN Tr. Ct., May 9, 2018) (J. Hunter).</p> <p>The Court had to determine whether to grant a <i>Petition for Temporary and Permanent Guardianship</i> whereby the minor child would reside with a different adult than that of the proposed guardian. The petitioner, the minor child’s paternal uncle, requested the Court for appointment of temporary and permanent guardianship of the minor child, whose parents had recently passed away. However, the petitioner informed the Court that he was not seeking physical custody. The minor child currently resided with her aunt in Minnesota. The <i>Guardian ad litem</i> (hereinafter GAL) recommended that the Court award the petitioner guardianship of the minor child’s estate and award the aunt guardianship of the minor child’s person so that the aunt could make medical decisions for the minor child. However, the GAL had not conducted a home visit where the minor child resides nor had the aunt submitted to a criminal background investigation. The Court was also presented with an issue of concurrent jurisdiction and whether it may exercise jurisdiction over the minor child as the aunt had filed a <i>Petition for Guardianship</i> in Minnesota. The Court held:</p> <ul style="list-style-type: none"> <li>• That the Court appropriately exercises jurisdiction over the child as the Case involves the custody of an Indian child, which falls under the Indian Child</li> </ul>	May 9, 2018

	<p>Welfare Act. The Court also considered the fact that the aunt had participated at the <i>Continued Guardianship Hearing</i> and did not object to the Court’s jurisdiction.</p> <ul style="list-style-type: none"> <li>• The Court found that it could not award the aunt guardianship of the minor child’s person due to the GAL not conducting a home visit where the minor child resides and the fact that there was not a criminal background check on the aunt, as required under the HO-CHUNK NATION THIRD PARTY GUARDIANSHIP ACT.</li> <li>• That the petitioner has shown by a preponderance of the evidence that it is in the best interest to appoint him as the Temporary Guardian of the minor child’s estate and person with physical placement to the minor child’s aunt. The Court based this finding on the <i>GAL Report</i>, the petitioner’s relationship with the minor child, and the need for a legal guardian to manage the minor child’s health and estate as the minor child’s parents are deceased.</li> </ul>	
PR 18-01	<p><i>In the Interest of Decedent: Tara Lynn Banuelos, DOD 07/21/2007, by Lisa A. Banuelos, Order (Exempt Estate – Release of Decedent’s Per Capita)</i>, PR 18-01 (HCN Tr. Ct., May 15, 2018) (J. Jones).</p> <p>The Court determined whether to find the decedent’s estate as exempt and whether to release the decedent’s uncashed per capita distribution into the Children’s Trust Fund (hereinafter CTF) of the decedent’s surviving child.</p> <ul style="list-style-type: none"> <li>• Concerning the value of the estate, the petitioner provided testimony that to the best of her knowledge, the decedent’s non-trust estate composed of small personal belongings and one (1) uncashed per capita distribution check in the amount of \$1,900.00. Therefore, the Court found that the decedent’s estate was exempt pursuant to the HO-CHUNK NATION PROBATE CODE FOR NON-TRUST PROPERTY, 8 HCC § 13.44a.</li> <li>• As for the beneficiary of the decedent’s remaining estate, the decedent was not married at the time of death but was survived by a minor child. Consequently, the Court directed the Ho-Chunk Nation Department of Treasury to release the per capita distribution check to the decedent’s surviving child. PROBATE CODE, § 13.44a (requiring that exempt estates “be inherited by a surviving spouse and/or minor children of the deceased”).</li> </ul> <p>The Court accordingly closed the case.</p>	May 15, 2018
CF 14-24	<p><i>In the Interest of Minor Child: M.L.C., by Holly Wyckoff v. HCN Office of Tribal Enrollment</i>, CF 14-24 (HCN Tr. Ct., May 18, 2018).</p> <p>The Court had to determine whether to release monies on behalf of the minor child to pay for costs associated with ice skating. The petitioner provided testimony regarding the known and observed negative changes that occurred when the minor child went without a release of funds and was forced to limit her skating. The petitioner also</p>	May 18, 2018

	<p>provided documentation reflecting that the parent had made significant contributions to the financial support of the minor child’s skating activities and the limits of her ability to continue to help support the costs of the skating expense. The petitioner additionally provided documentation showing that there are no federal, state or tribal programs that exist which can help support her request. Accordingly, the Court found that the petitioner satisfied the four (4) prong test that the Court employs when determining whether to grant a release of monies from the CTF account of a minor child.</p>	
CV 17-34-35	<p><i>Ho-Chunk Nation Legislature v. Gerald Cleveland, Sr., and Ho-Chunk Nation General Council, by and through the Office of General Council v. Ho-Chunk Nation Legislature et al., Order (Dismissal), CV 17-34-35 (HCN Tr. Ct., June 19, 2018) (J. Hunter).</i></p> <p>The General Council passed resolutions as a result of a Special Meeting that was convened immediately after the adjournment of the 2017 Annual General Council Meeting. The Legislature asserted that the resolutions are void as they were passed in a Special Meeting that was not convened in accordance with the Constitution of the Ho-Chunk Nation (hereinafter HCN Constitution). The Legislature alleged that the chairperson of the General Council, Gerald Cleveland, Sr., acted outside the scope of his duties when he convened the Special Meeting. The Office of the General Council asserts that the resolutions were lawfully passed and therefore argues that the resolutions should be enacted by the Legislature. The Court consequently had the parties brief the issue of original jurisdiction as implicated in Article IV, § 3(a) of the HCN CONSTITUTION as amended on August 14, 2012. The clear language of ARTICLE IV, § 3(a) of the HCN CONSTITUTION reads that the Supreme Court has original jurisdiction over lawsuits involving the inaction of the Legislative Branch on General Council resolutions. Therefore, the Court determined that it did not have original jurisdiction over the case and dismissed the case with prejudice.</p>	Jun. 19, 2018
JV 18-19 CPL 18-07	<p><i>In the Interest of Minor Child: [Redacted], JV 18-19 and In re the Custody &amp; Placement of Minor Child [Redacted], by Levi R. Smith v. Quincy Garvin, Order (Consolidating Cases, Granting Motion to Conditionally Terminate Jurisdiction as to JV 18-19, &amp; Denying Motion for Extension), CPL 18-07 (HCN Tr. Ct., June 22, 2018) (J. Hunter).</i></p> <p>The Court determined to <i>sua sponte</i> consolidate the custody and placement case, Case No. CPL 18-07, with the child protection case, which pertained to the same minor child. At a combined Child Protection <i>Disposition Hearing and Custody and Placement Hearing</i>, Ho-Chunk Nation Child and Family Services (hereinafter CFS) verbally motioned the Court to terminate jurisdiction as to the juvenile case conditioned on the petitioner in the Custody and Placement case obtaining sole legal custody as CFS had no safety concerns regarding the petitioner’s ability to care for the minor child. The respondent agreed with CFS’ <i>Motion</i>, but the respondent requested the opportunity to work with the petitioner in developing a Proposed Parenting Plan before terminating jurisdiction in the child protection case. The Court considered the fact that the petitioner in CPL 18-07 was not a party in the child protection case in addition to the <i>Guardian ad litem’s</i> approval of CFS’ <i>Motion</i> and determined that terminating jurisdiction upon the parents jointly filing a Proposed Parenting Plan served the best interest of the minor child. The Court accordingly scheduled a termination hearing whereby the parties could</p>	Jun. 22, 2018

	address the Proposed Parenting Plan and possible termination of jurisdiction in the child protection case.	
CPL 17-09 CS 17-66	<p><i>In re the Custody of Minor Children: D.E.W.W. et al., by George E. White Wing IV v. Fara Sellner, and Ho-Chunk Nation Child Support Agency and Fara L. Sellner v. George E. White Wing, Order (Denying Motion to Dissolve Temporary Legal and Physical Placement Order)</i>, CPL 17-09, CS 17-66 (HCN Tr. Ct., Jul. 11, 2018) (J. Hunter).</p> <p>The Court had to determine whether subsection 9.9 of the HO-CHUNK NATION DIVORCE AND CUSTODY ORDINANCE (hereinafter DIVORCE AND CUSTODY ORDINANCE) applies to temporary custody and placement orders. The Court determined that the limitations for modifying custody and placement decisions under subsection 9.9 of the DIVORCE AND CUSTODY ORDINANCE that exist for a modification of an “initial order,” do not apply to temporary custody and physical placement orders.</p>	Jul. 11, 2018
CIT 18-20	<p><i>Ho-Chunk Nation v. Matthew J. Bell, Order (Dismissal for Lack of Subject Matter Jurisdiction)</i>, CIT 18-20) (HCN Tr. Ct., Jul. 13, 2018) (J. Hunter).</p> <p>The plaintiff filed a <i>Citation</i> alleging a violation of the CRIMES AGAINST PROPERTY ACT. The Nation does not have a forfeiture statute nor a judicial rule that addresses procedural rules for forfeiture-only offenses. The Court applied the <i>HCN Rules of Civil Procedure</i> for non-criminal forfeitures under the Nation’s CRIMINAL CODE. The Court also determined that it lacked subject matter jurisdiction because the facts leading to the <i>Citation</i> did not satisfy the law cited in the <i>Citation</i> and therefore no subject matter jurisdiction over the non-member existed. The Court dismissed the <i>Citation</i>.</p>	Jul. 13, 2018
CV 17-36	<p><i>Timothy W. Hanson v. Robert Mudd, Order (Dismissal)</i>, CV 17-36 (HCN Tr. Ct., July 23, 2018) (J. Stenzel, <i>Pro Tempore</i>).</p> <p>The petitioner applied for the position of Purchasing Manager with the Ho-Chunk Nation and was told by his supervisor that he had received the position. However, the plaintiff’s supervisor’s choice to promote him was ultimately overruled by the respondent, the Executive Director of Business. The petitioner submitted Level I and Level II grievance complaints and eventually filed a <i>Petition for Administrative Review</i>, claiming that he was incorrectly denied preference as a veteran and was therefore discriminated against. The Court found that the petitioner’s grievance is more accurately viewed as a hiring practice complaint and as such is not included in the waiver of sovereign immunity under section 5.35(a) of the EMPLOYMENT RELATIONS ACT. The Court relied on three (3) reasons for its decision: (1) the petitioner’s claim is not truly one of discrimination; (2) misapplication of preference is a hiring practice claim, not a discrimination claim; and (3) waivers of sovereign immunity are to be construed narrowly. As a result, the Court dismissed the <i>Petition</i>.</p>	Jul. 23, 2018

CV 16-03	<p><i>Quentin Allen, Table Games Manager, HCG-Black River Falls v. Sonia Roberts, Order (Acknowledging Standing, Affirming Grievance Review Board's Decision &amp; Denying Motion for Attorney's Fees)</i>, CV 16-03 (HCN Tr. Ct., Aug. 1, 2018) (J. Jones).</p>	Aug. 1, 2018
	<p>The petitioner, a Table Games Manager, filed a <i>Petition for Administrative Appeal</i> against the respondent after the Grievance Review Board (hereinafter GRB) overturned the respondent's termination and ordered backpay. The Trial Court thereafter found that the petitioner lacked standing and consequently dismissed the case. On appeal, the Supreme Court held that "the Trial Court failed to properly apply the procedural mechanisms of Rule 56(C), and incorrectly required Allen (the petitioner) to establish standing, a component of justiciability, in his initial briefings." <i>Quentin Allen, Table Games Director, HCG Black River Falls v. Sonia Roberts</i>, SU 17-03 (HCN S. Ct., Nov. 20, 2017) at 7. The Supreme Court also found that the Trial Court improperly dismissed the case without giving the petitioner adequate notice and an opportunity to be heard. <i>Id.</i> On remand, the petitioner filed four (4) affidavits reflecting that the petitioner sought permission to appeal the GRB's decision in his official capacity as an employee of the Ho-Chunk Nation. The petitioner also cited case law that demonstrated that when the GRB existed as a statutory entity, the Court expected parties to use the same caption as that listed on the GRB's <i>Decision</i>, which explained, in part, the petitioner's rationale for not adding the Ho-Chunk Nation to the caption of the <i>Petition</i>. Thus, the Trial Court found that the petitioner's choice of not including the Ho-Chunk Nation in the caption of this case was acceptable. The Court additionally found that the petitioner had the proper authority to pursue the case in his official capacity given the four (4) affidavits he provided. The Court also found that there was an injury that the Court could provide relief for. Therefore, the Court determined that the petitioner had standing to appeal the GRB's decision in this case given the unique procedural pleading requirements of appeals from the now dissolved GRB.</p> <p>Upon reaching the merits of the case, the Trial Court found that the GRB Decision was supported by substantial evidence and was not arbitrary and capricious. The Trial Court therefore upheld the GRB Decision.</p>	
JV 12-22-23	<p>JV 12-22, 12-23 <i>Order (Denying Motion to Omit Service)</i> (HCN Tr. Ct., Aug. 23, 2018) (CJ Lowe).</p>	Aug. 23, 2018
	<p>The Ho-Chunk Nation Child and Family Services (hereinafter CFS), filed a <i>Motion to Omit Service</i> of the <i>Child Protection Review Reports</i> from the father as related to the mother of the minor children. The Court denied the <i>Motion</i> because the <i>Motion</i> failed to provide support through affidavits, references to other documents, testimony, or exhibits.</p>	
JV 18-10-12	<p>JV 18-10, 18-11, 18-12 <i>Order (Dismissing Petition as to the Father)</i> (HCN Tr. Ct., Aug. 27, 2018) (J. Hunter).</p>	Aug 27, 2018
	<p>The Court convened a <i>Continued Dispositional Hearing</i>. At the hearing, the Court addressed whether the father should be maintained as a party to the case given the lack of legal basis for inclusion of the father. The mother was the custodial parent at the time of removal and the father did not reside at the home. The Court dismissed the <i>Petition</i> as it</p>	

	relates to the father but maintained him as an interested party.	
JV 09-07	<p>JV 09-07, <i>Order (Child Protection Review Hearing)</i> (HCN Tr. Ct., Aug. 30, 2018) (CJ Lowe).</p> <p>The Court had to address the permanency plan recommended to the Court by Ho-Chunk Nation Child and Family Services' (hereinafter CFS). The Court had to determine whether pursuing guardianship with a fit and willing relative was in the best interest of the child when the minor is only 2 months away from reaching the age of eighteen. The Court also addressed whether it is in the best interest of the child for CFS to continue services as opposed to guardianship. Upon reviewing the circumstances of the given case, the Court found that the continuation of services by CFS rather than pursuing guardianship was the most appropriate choice for the minor child.</p>	Aug. 30, 2018
CV 17-33	<p><i>Jeremy P. Rockman v. William Kemp, Order (Granting Default Judgment)</i>, CV 17-33 (HCN Tr. Ct., Sept. 10, 2018) (C.J. Lowe).</p> <p>The plaintiff filed a <i>Complaint</i> alleging that the defendant violated the ELDER PROTECTION ACT and financially exploited the plaintiff. The plaintiff testified that he was financially taken advantage of when the defendant sought his assistance and then failed to provide the plaintiff with compensation. The defendant admitted that he engaged with the plaintiff for his services and subsequently chose not to pay the plaintiff. The defendant argued that the plaintiff was not entitled to relief because he was not properly licensed to provide the legal services he rendered for an employee grievance matter. The defendant further argued that the case should be characterized as a contract dispute and because there was not a written contract, the Court should dismiss the case. The Court agreed with the defendant insofar as that there was not a written contract as required to grant the plaintiff's requested relief as stated in the <i>Complaint</i>. Nevertheless, the Court recognized that an elder's knowledge and experience is valuable and in the case at hand, the Court found that the defendant sought out help from the plaintiff with an employee grievance even after learning that the plaintiff was not a licensed lay advocate and continued to engage with the plaintiff for his assistance. Stated otherwise, the Court found by a preponderance of the evidence that the defendant financially exploited the plaintiff as defined under the ELDER PROTECTION ACT, § 1.5(j). Consequently, the Court granted the plaintiff \$300.00 as restitution for the time he lost from the defendant's engagement of his services.</p>	Sep. 10, 2018
CS 18-06	<p><i>In Re the Support of: L.J.B., et al. and Ho-Chunk Nation Child Support Agency et al. v. Arielle L. Whitegull, Notice of Hearing Before Traditional Court</i>, CS 18-06 (HCN Tr. Ct., Sept. 24, 2018) (J. Jones).</p> <p>The Ho-Chunk Nation Child Support Agency requested the Court to issue an order that would require the respondent to search for employment. The Court, however, had concerns as to whether it is appropriate under Ho-Chunk culture to require parents to seek and maintain employment when they are already providing support for their children from their per capita payments. Consequently, the Court certified the following question for the Traditional Court to address:</p> <ul style="list-style-type: none"> <li>• In a situation where current child support obligations are met via a parent's per capita distribution, what is the opinion of the Traditional Court regarding the</li> </ul>	Sep. 24, 2018

	<p>customs and traditions concerning a request for the parent to seek and maintain employment?</p> <p>The Court met with the Traditional Court on October 1, 2018 to address the question above. An <i>Order</i> addressing the hearing is forthcoming.</p>	
JV 00-33	<p>JV 00-33, (HCN Tr. Ct., Oct. 24, 2018) (CJ Lowe).</p> <p>The Court was presented with a case of first impression regarding the traditional customary adoption practice of the Ho-Chunk Nation. After seeking guidance from the Traditional Court, the Court issued its decision. The Court determined that the Ho-Chunk Nation recognizes customary adoption and will legally recognize such adoptions. The Court also determined that the Traditional Court must review any request for recognition of a traditional adoption, absent any statutory guidance. Such adoptions have no impact on enrollment, nor tribal benefits eligibility which remain governed by the Nation’s statutory requirements.</p>	Oct. 24, 2018
FM 17-04	<p><i>In re the Marriage of: Sheba R. Whitegull v. LeLand P. Whitegull</i>, FM 17-04 (HCN Tr. Ct., Oct. 24, 2018) (CJ Lowe).</p> <p>The Court determined that legal custody preferences may be impacted by parental conduct and may result in a revision to the Court’s orders for joint custody. Education and health are two critical areas. Where there is a consistent failure to require a child to attend school, the support of truancy by a custodial parent is detrimental to the child’s health and well-being. Where a party admits that they do not intend to require the child to attend school nor abide by visitation plans the Court may review the totality of the circumstances and in consideration of the best interest of the child may deviate from joint custody and placement preferences.</p>	Oct. 24, 2018
PR 18-03	<p><i>In the Interest of: Timothy Thompson, by Merna Thompson, Notice of Hearing Before Traditional Court</i>, PR 18-03 (HCN Tr. Ct., Dec. 4, 2018). (J. Jones).</p> <p>The Court on its own motion requested assistance from the Traditional Court in order to seek an understanding of what Ho-Chunk Custom and Tradition says regarding how long a person must be absent or missing in order to be considered deceased.</p>	Dec. 4, 2018
CS 18-06	<p><i>In Re the Support of: L.J.B., DOB 09/11/2008 et al. and Ho-Chunk Nation Child Support Agency et al. v. Arielle L. Whitegull, Traditional Court Hearing</i>, CS 18-06 (HCN Tr. Ct., Dec. 19, 2018) (J. Jones).</p> <p>The Ho-Chunk Nation Child Support Agency requested the Court to issue an order that would require the respondent to search for employment. The Court, however, had concerns as to whether it is appropriate under Ho-Chunk culture to require parents to seek and maintain employment when they are already providing support for their children from their per capita payments. Consequently, the Court certified the following question for the Traditional Court to address:</p>	Dec.19, 2018

- In a situation where current child support obligations are met via a parent’s per capita distribution, what is the opinion of the Traditional Court regarding the customs and traditions concerning a request for the parent to seek and maintain employment?

The Court met with the Traditional Court on October 1, 2018 to address the question above. Taking into account the guidance provided by the Traditional Court, the Trial Court decided that when addressing the issue of whether to require a payer to seek employment to earn additional income, the Court shall apply the test that the CSE CODE requires for deviations from the child support guidelines. That is, the Court shall grant a request for work searches if it finds the “greater weight of the credible evidence” that use of per capita income alone is “unfair” to the children. See CSE CODE, § 7.44(b)(iv). The Court emphasized that the respondent, in turn, will have the opportunity to raise arguments regarding her ability to work, availability of work and whether there are any non-cash contributions that can meet any additional need that may exist. *See Id.*; *See also Id.*, § 7.44(c)(iii).