

# INSTRUCTIONS FOR COMPLAINT (EMPLOYEE GRIEVANCE REVIEW)

**These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with your attorney.**

**For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law can be found on the Nation's website located at <https://ho-chunknation.com/home/government/legislative/ho-chunk-nation-laws/> or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.**

**Do not include these instruction sheets when you file the completed form.**

## **Complaint:**

A Complaint is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief.

The plaintiff is the party who brings the action to court - the person who fills out the Complaint.

The defendant is the party being sued in the action - the person who the complaint is brought against.

## **Instructions:**

- **Page 1, Lines 3-10:** Enter your full, legal name on the plaintiff line. Enter in the defendant(s)' full, legal name(s) on the defendant line. There can be more than one defendant. The defendant is the official or employee being sued. Indicate whether the official or employee is being sued in their individual, or in their official capacity. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 11-17:** State the specific reasons why the Employment Conflict Review Meeting Decision is defective. The basis for review is a factual situation that entitles an individual to obtain a remedy in court.
- **Page 1, Lines 18-28:** Enter the applicable information as it relates to the plaintiff.
- **Page 2, Lines 1-14:** Enter the applicable information as it relates to the defendant.
- **Page 2, Lines 15-24:** Provide a summary of the incident and circumstances resulting in this action. You may use additional paper to provide a summary of the incident and circumstances if necessary.
- **Page 2, Lines 25-28 and Page 3, Lines 1-5:** Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The plaintiff must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action. State the specific law or laws that relate to your action that give the Ho-Chunk Nation Trial Court authority to hear and determine your action.

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- **Page 3, Lines 6-13:** Attach the documents that were used during the Employment Conflict Resolution Process.
- **Page 3, Lines 14-20:** The procedural history is the disposition of the case at the Employment Conflict Resolution Process level that explains how the case got to the Court. Provide a summary of the procedural history at the Employment Conflict Resolution Process Level. i.e. provide a history and timeline of key events, case filings, and decisions. You may use additional paper to provide a summary of the procedural history if necessary.
- **Page 3, Lines 21-28:** A request for relief is a request for a determination of the rights and liabilities of one or more parties in an action. In simpler terms, a request for relief is what you are asking the court to do with your case, i.e. what do you want to occur in your case. State what you want the Ho-Chunk Nation Trial Court to do. *See* HO-CHUNK NATION EMPLOYMENT RELATIONS ACT, § 5.37d for list of available relief. *See also* HO-CHUNK NATION CONSTITUTION, ART. XII, § 2 for non-monetary relief against officials. Explain the requests fully.
- **Page 4, Line 1:** State the number of additional pages that are being filed with the petition, if any.
- **Page 4, Lines 2-28:** Read the statement that precedes your signature. By signing the petition, you are signaling to the Court that you agree with this statement. If you are self-represented, you must date and sign the document. If you are represented by a lawyer, the lawyer must date and sign the document.

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

**COMPLAINT (EMPLOYEE GRIEVANCE  
REVIEW)**

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\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant(s),

Case No.: CV \_\_\_\_\_ - \_\_\_\_\_  
(Case # Assigned by Court)

-and-  
**Ho-Chunk Nation,**  
Defendant.

**I. BASIS FOR REVIEW**

The petitioner in the above-captioned case files this action requesting a judicial review of the Employment Conflict Review Meeting Decision, which the plaintiff regards as defective for the following specific reasons: \_\_\_\_\_

*Attach additional sheets if necessary.*

The following information relates to the **PLAINTIFF**:

**PLAINTIFF'S INFORMATION**

1. Name: \_\_\_\_\_
2. Maiden name (if applicable): \_\_\_\_\_
3. Address: \_\_\_\_\_  
(state physical address also if P.O. Box is listed)  
\_\_\_\_\_  
City State Zip Code
4. Phone: (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Home Work
5. Facsimile Number (if available): (\_\_\_\_\_) \_\_\_\_\_
6. E-mail address: \_\_\_\_\_
7. Occupation: \_\_\_\_\_  
Place of employment: \_\_\_\_\_  
Job Title (if terminated, included job title before termination):  
\_\_\_\_\_
8. Ho-Chunk Nation Tribal ID No.: \_\_\_\_\_

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**DEFENDANT'S INFORMATION**

The following information relates to the **DEFENDANT(S)**:

- 1. Name(s): \_\_\_\_\_  
\_\_\_\_\_
- 2. Maiden name(s) (if applicable): \_\_\_\_\_
- 3. Address (last known): \_\_\_\_\_  
(state physical address also if P.O. Box is listed)  
\_\_\_\_\_  
City State Zip Code
- 4. Phone: (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Home Work
- 5. Facsimile Number (if available): \_\_\_\_\_
- 6. E-mail address(es): \_\_\_\_\_
- 7. Occupation(s): \_\_\_\_\_  
Place of employment: \_\_\_\_\_  
Job Title(s): \_\_\_\_\_
- 8. Ho-Chunk Nation Tribal ID No.: \_\_\_\_\_

Summary of the incident and circumstances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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See Attached \_\_\_\_\_

**II. JURISDICTION**

This Court has original jurisdiction over this case pursuant to the “cases and controversy” clause of the CONSTITUTION OF THE HO-CHUNK NATION, Art. VII, Sec. 5(a), providing that the Trial Court “shall have original jurisdiction over all cases and controversies,” in law and equity

1 “arising under the Constitution, laws [or] customs and traditions of the Ho-Chunk Nation.”

2 Specifically, the petitioner alleges that the cause of action arises under the:

3  HO-CHUNK NATION EMPLOYMENT RELATIONS ACT of 2004

4  Law, particularly the: \_\_\_\_\_  
(for example a Code, Statute, or section of the CONSTITUTION OF THE HO-CHUNK NATION)

5

6 **III. PROCEDURAL HISTORY**

7 **Employee Grievance Attachments:**

8  Employment Conflict Complaint

9  Employment Conflict Review Meeting Decision

10  Other (list documents): \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 **Summary of procedural history** (ex: date Employment Conflict Complaint was filed, Date of  
15 Investigation, Date of Meeting and Date of Employment Conflict Review Meeting Decision):

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21 **IV. REQUEST FOR RELIEF**

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27 For the reasons stated above and according to the attached documentation, the plaintiff  
28 requests that the Court enter a Judgment against the defendant(s) and grant the relief sought by  
the plaintiff.

1 NUMBER OF ADDITIONAL PAGES USED: \_\_\_\_\_

2 By affixing my signature below, I swear that I have provided the above information in good faith  
3 and with the belief that each statement represents a true and accurate account of the facts based  
4 upon adequate research and investigation. I recognize that the Ho-Chunk Nation Judiciary may  
5 impose sanctions if it determines that I have made statements in bad faith, including intentional  
6 misstatements or statements made upon inadequate research or investigation. I also recognize  
7 that the foregoing admonition extends to include the omission of material facts or law, which I  
8 knew, or should have reasonably known, would impact or prove relevant to the action. I file this  
9 petition of my own free will and absent threats, intimidation or coercion of any kind. I  
10 understand that any decision reached by the Ho-Chunk Nation Trial Court is binding and that if I  
11 disagree with the findings or conclusions or remedies of the Trial Court, I may file an appeal  
12 with the Ho-Chunk Nation Supreme Court. I further acknowledge that since I am submitting  
13 myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am subject to its determinations,  
including those relating to contempt of court.

14 **RESPECTFULLY SUBMITTED BY PETITIONER,**

15 Signature: \_\_\_\_\_

16 Date: \_\_\_\_\_

17  
18 \_\_\_\_\_  
Name of Counsel/Lay Advocate (if any)

\_\_\_\_\_  
Signature of Counsel

19 Mailing address of counsel: \_\_\_\_\_  
20 \_\_\_\_\_

21 E-mail address of counsel: \_\_\_\_\_

22 Telephone number of counsel: \_\_\_\_\_

23 Facsimile number of counsel: \_\_\_\_\_

24 Ho-Chunk Bar number of counsel: \_\_\_\_\_

25 If not a member of the Ho-Chunk bar, a  *Motion to Appear Pro Hac Vice* has been attached in  
26 accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B), and/or  I have  
27 applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk Nation*  
28 *Rules for Admission to Practice*.