FILED
IN THE HO-CHUNK NATION
TRIAL / SUPREME COURT
OCT 23 2026
Clerk of Court / Assistant

IN THE HO-CHUNK NATION TRIAL COURT

Paul Fox, Plaintiff, v. **Ho-Chunk Nation Office of General Council and Ho-Chunk Nation Election Board,** Defendants	Case No.: **CV 26-16**

ORDER
(Resolution Rescinded; Removal Voided)

INTRODUCTION

This case comes before the Court following the actions that took place at the General Council meeting on September 19, 2026 and the Election Board meeting on September 20, 2026. The Court examined this matter by looking to the HO-CHUNK NATION CONSTITUTION as the supreme law of the land and by seeking guidance from the General Council's own procedures as adopted in *General Council Resolution 9-21-24-N* and *General Council Resolution 10-20-07C*. Upon a very careful and extremely thorough review of the record, applicable law, case precedent and relevant procedures, the Court determines that *General Council Resolution 9-19-26A* was rescinded by the proponent of the resolution and according to General Council's own procedures no further action could be taken on the matter. Therefore, any action mistakenly taken in the belief that *General Council Resolution 9-19-26A* was not rescinded is hereby void as the actions taken on September 19, 2026 did not comply with the procedures of General Council.

PROCEDURAL HISTORY

The plaintiff, Paul Fox, *pro se*, initiated the current action by filing a *Complaint* on September 25, 2026. On September 28, 2026, the plaintiff filed a *Motion for Temporary Restraining Order* (hereafter TRO) accompanied by a *Motion for Expedited Consideration* and *Paul Fox's Statement*

on September 19, 2026 General Council Events. Consequently, the Court issued *Summons* accompanied by the above *Complaint* and personally served it on Legislative Counsel Michael Murphy; Election Board Office Administrator Melissa Olvera; and Attorney General William Gardner, on September 29, 2026. On September 20, 2026, the Court personally served the *Summons* and the *Complaint* on General Council Advocate Henry White Thunder.

On September 29, 2026, the Court issued an *Order Granting Injunction*. On September 20, 2026, the defendant, Henry White Thunder, on behalf of the Office of General Council, filed a *Motion to Accept Affidavit of Nathaniel Longtail* accompanied by an *Affidavit of Nathaniel Henry Longtail Jr* and *Exhibit A*. Also on September 30, 2026, the plaintiff filed *Plaintiff's First Request for Production of Documents and Things to Defendants Ho-Chunk Nation Office of General Council Agency*.

The Ho-Chunk Nation Department of Justice (hereinafter DOJ) Senior Tribal Counsel Erik Shircel and Tribal Counsel David Mrgudich, on behalf of the Ho-Chunk Nation Election Board (hereinafter the Board), filed *Defendant's Answer* and *Attachment* (*Election Board Meeting Minutes from September 20, 2026*), on September 30, 2026. Also on September 30, 2026, DOJ, on behalf of the Board, filed *Defendant's Motion to Dismiss* and *Memorandum in Support*.

On October 1, 2026, Legislative Counsel Michael Murphy, on behalf of the Ho-Chunk Nation Legislature, filed *Answer, Clarification and Objection of Michael Murphy, Legislative Counsel*. On October 2, 2026, Attorney Forrest Tahdooahnippah, on behalf of the Ho-Chunk Nation Office of General Council (hereinafter OGC), filed an *Answer* accompanied by an *Opposition to Motion for Preliminary Injunction and Motion to Dismiss*, further accompanied by four (4) *Attachments*. Also on October 2, 2026, the plaintiff filed *Plaintiff's Consolidated Response in Opposition to Defendants' Motions to Dismiss and Defendant General Council's Opposition to Preliminary Injunction* accompanied by two (2) *Exhibits*. On October 8, 2026, the plaintiff filed *Plaintiff's*

Statement Regarding the Source, Authenticity, and Integrity of September 19th, 2026, General Council Recording accompanied by three (3) *Attachments*.

The Court held an *Initial Motion/Injunction/Scheduling Hearing* on October 5, 2026. *See Minute Order (Extending Injunction & Requesting Documentation)*, CV 26-16 (HCN Tr. Ct., Oct. 9, 2026). On October 9, 2026, DOJ, on behalf of the Board, filed *Defendant's Response to Plaintiff's Motion for Leave to File First Amended Complaint*. On October 13, 2026, the plaintiff filed a *Motion for Leave to File First Amended Complaint* accompanied by *Plaintiff's Statement in Support of Motion for Leave to File First Amended Complaint*, an *Amended Complaint* and *Attachment A-Defendant Information*. On October 13, 2026, Attorney Tahdooahnippah, on behalf of the Office of General Council, filed *Defendant Ho-Chunk Nation General Council's Opposition to Motion for Leave to Amend* accompanied by an *Attachment*.

On October 20, 2026, DOJ Attorney General William Gardner filed a *Letter to Judge by AG-Response to Order dated 10-09-2026*. On October 21, 2026, Attorney Tahdooahnippah, on behalf of General Council, filed *Declaration of Showcore Certifying Video Recordings of Annual Meeting* accompanied by four (4) *Exhibits* and an *Attachment*. Also on October 21, 2026, Legislative Counsel Michael Murphy, on behalf of the Ho-Chunk Nation Legislature filed *Response to filing by the Office of General Council*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The HO-CHUNK NATION CONSTITUTION[1] expressly provides the Court with 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, including cases in which the Ho-Chunk Nation, or its officials and employees, shall be a party. The CONSTITUTION further states that the Trial Court shall have the power to issue all remedies in law and in equity including

[1] Parties can obtain a copy of the applicable law by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343 or visiting the legislative website at https://ho-chunknation.com/government/legislative-branch/ho-chunk-nation-laws/.

injunctive and declaratory relief.

2. Under Article IV Section 3(d) of the CONSTITUTION the General Council retains the power to establish its own procedures in accordance with this Constitution.

3. The Ho-Chunk Nation General Council has adopted meeting procedure most recently in 2024 and historically in 2007, both of which are still in effect and binding on all General Council meetings. *See General Council Resolution 9-21-24-N* and *General Council Resolution 10-20-07C*.

4. On September 19, 2026 the Ho-Chunk Nation held its annual General Council meeting at the Kalahari Resort in Wisconsin Dells.

5. At the 2026 General Council meeting the first resolution on the agenda was *General Council Resolution 9-19-26-A*, seeking the removal of Legislative Representative Paul Fox for alleged malfeasance.

6. The resolution was presented by proponent Nathaniel Longtail, Jr., who, concluded his remarks by stating that he had forgiven Representative Fox and that he was *rescinding* his resolution. *See Affidavit of Nathaniel Henry Longtail Jr.* (Sept. 29, 2026) at 2.

7. Nate Longtail further stated that "If any member of General Council wishes to step forward and entertain the motion to adopt this resolution, you are entirely free to do so." *Id.*

8. Pursuant to *General Council Resolution 9-21-24-N*:

> The Ho-Chunk Nation General Council hereby requires that members of the General Council submit all future General Council Resolutions 60 calendar days prior to the duly called annual meeting date with the following exceptions:
>
> 1. That the duly called annual meeting date allows for at least a 90 day calendar grace period which would allow General Council Members with at least 30 calendar days to draft resolutions, and if a 90 calendar day grace period is not provided then all Resolutions will be accepted up to the start of the meeting.
> 2. Resolutions for the purposes of removing elected officials shall be accepted up to the start of the meeting.

6. The Ho-Chunk Nation Supreme Court has determined that absent specifically delegated authority from General Council, individual tribal members cannot seek enforcement of resolutions or matters addressed at General Council meetings. *See David E. Decorah v. Ho-Chunk Nation Executive et. al.*, SU 20-01 *Decision* (HCN S. Ct., Sept. 14, 2020) at 1 and 3-6.

7. The Trial Court takes judicial notice that following the above ruling of the Supreme Court all General Council Resolutions have contained a provision that designates both the Office of General Council and/or the proponent of the resolution with the authority to file suit on behalf of the General Council for all matters of non-enforcement.

8. Specifically, *General Council Resolution 9-21-24-N* stated:

> **BE IT FURTHER RESOLVED,** that the General Council through the Ho-Chunk Nation Office of General Council through the Ho-Chunk Nation Office of General Council and/or Nathaniel Longtail Jr. shall have the authority to file suit on behalf of the General Council for all matters of non-enforcement to Ho-Chunk Nation Judicial Branch to ensure that this Resolution is strictly implemented in accordance to the requests defined within this General Council Resolution 09.19.2026-_ pursuant to the Ho-Chunk Nation Constitution

9. At the September 19, 2026, General Council meeting another resolution was also withdrawn or rescinded as reflected in the official record from the meeting, published in the Hocak Worak on September 25, 2026.

DECISION

The Court would note that began its analysis by reviewing Article IV, Section 3(a) of the CONSTITUTION to determine if this case were an instance where the Supreme Court might have original jurisdiction. Based on the precedence established in *Nicole Thunder and Office of General Council v. Ho-Chunk Nation Legislature et. al., in official and unofficial capacities*, SU 25-02 (HCN S. Ct., Mar. 6, 2025), the Trial Court examined the case to determine if there was standing

by the plaintiff and if there was quorum present at the General Council meeting.

While the answer to both questions was undoubtedly yes, this case did not clearly fall under Article IV, Section 3(a), as the plaintiff is not seeking enforcement of a General Council resolution, rather he is questioning the validity of the procedural methods used at the General Council meeting and the enforceability of the resolution. Based on this, the Trial Court decided that under the CONSTITUTION the Supreme Court did not have original jurisdiction over this matter and proceeded to the merits on this case.

Pursuant to the above information and after a thorough review of the relevant case law, the CONSTITUTION and the General Council meeting procedures, it is clear to the Trial Court that once a General Council meeting has begun, no resolution is permitted to be brought from the floor. Further, based on Supreme Court case precedent, it is clear that a resolution must contain clear, express delegation of enforcement authority to the proponent or presenter.

In this case Nathaniel Longtail Jr. rescinded *General Council Resolution 09-19-26-A* at that point the matter was concluded. Based on *General Council Resolution 9-21-24-N* a resolution cannot be presented once a General Council meeting has begun, meaning that once Mr. Longtail rescinded/withdrew his resolution it could not be raised again until next year's General Council.

This means that the issue of Legislative Representative Paul Fox's alleged malfeasance and removal were no longer part of the agenda and should not have been addressed further. The Court notes that no provision under either *General Council Resolution 9-21-24-N* or *General Council Resolution 10-20-07C* gives Mr. Longtail authority to invite any tribal member to "revive" or "renew" his resolution once he had rescinded it. This is further evidenced by the fact that correct procedure was later followed in the meeting when Michael Patrick Mullen Jr. withdrew/rescinded one of his resolutions and it was promptly removed from the agenda.

The Court has no choice but to uphold the CONSTITUTION and the meeting procedures

formally adopted the Ho-Chunk Nation General Council in *General Council Resolution 9-21-24-N* and *General Council Resolution 10-20-07C*. The Court finds that on September 19, 2026, Nathaniel Longtail Jr. did formally and officially rescind *General Council Resolution 9-19-26-A* at a properly called annual General Council Meeting, in the presence of quorum, that following said rescission, no vote should have been called for and no further action should have been taken on said resolution.

THEREFORE, the Court **DETERMINES** that *General Council Resolution 9-19-26-A* was **RESCINDED**, and that any and all action taken under the mistaken belief that it had been passed shall be **VOIDED**.

FURTHERMORE, that the actions taken by the Election Board on September 20, 2026, were overzealous in nature as no official record from the General Council meeting had been rendered at that time.

This means that Legislative Representative Paul Fox **shall** be reinstated to his Legislative Seat, that he **shall** receive any and all back pay that he may be entitled to, that he **shall** receive any bridge service credit and any other benefits that he would have been entitled to, but for the failure to follow the adopted rules and procedures of General Council.

ADDITIONALLY, the Special Election originally scheduled for October 20, 2026, is **CANCELED**.

The Court would like to note that it greatly appreciates Legislative Counsel Michael Murphy addressing the concern of Attorney Tahdooahnippah's representation of the General Council in this matter. In deference to the Legislature's authority and recognition of Article III, Section 3, under the CONSTITUTION, the Court will not address this issue any further at this time.

The parties retain the right to file a timely post judgment motion with this Court in accordance with *HCN R. Civ. P.* 58. Otherwise, "[a]ny final *Judgment* or *Order* of the Trial Court may be

appealed to the Supreme Court. The *Appeal* must comply with the *Rules of Appellate Procedure* [hereinafter *HCN R. App. P.*], specifically *Rules of Appellate Procedure*, Rule 7, Right of Appeal." *HCN R. Civ. P.* 61. The appellant "shall within sixty (60) calendar days after the day such judgment or order was rendered, file with the Supreme Court Clerk, a *Notice of Appeal* from such judgment or order, together with a filing fee as stated in the appendix or schedule of fees." *HCN R. App. P.* 7(b)(1). "All subsequent actions of a final *Judgment* or Trial Court *Order* must follow the [*HCN R. App. P.*]." *HCN R. Civ. P.* 61.

IT IS SO ORDERED this 23rd day of October, 2026, by the Ho-Chunk Nation Trial Court located in Black River Falls, WI within the sovereign lands of the Ho-Chunk Nation.

Honorable Jo Deen B. Lowe
Chief Trial Court Judge

Ho-Chunk Nation Court System
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CERTIFICATE OF SERVICE

I, Sara A. Decorah, Assistant Court Clerk of the Ho-Chunk Nation Trial Court, do hereby certify that on the date set forth below, I served a true and correct copy of the **ORDER (Resolution Rescinded; Removal Voided)** in **Case No. CV 26-16** in accordance with Administrative Order No. 20-07, upon all persons listed below:

By Electronic Service: Email:

Paul Fox
Email: Stingtaz77@yahoo.com

Attorney General William Gardner
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Dated: October 23, 2026

Sara A. Decorah, Assistant ~~Court Clerk~~
Ho-Chunk Nation Trial Court

Cc: File