

Shannon Crampton v. Sandra Mezeske----Case Number: 20005GC

**Summary:** The Plaintiff alleged that comments posted on a Facebook page about him in his capacity as that of a Tribal Council Member were defamatory. He said that his reputation and esteem in the community were diminished and he was requesting punitive damages.

The Defendant produced a printed statistical table from the Tribal newsletter showing how many meetings each councilor attended. She testified that she believes the Plaintiff gets a "free paycheck" because his attendance was poor.

**Decision and Order:** The Court did not find any evidence to suggest this was a defamation case and advised both parties to be more careful when posting their opinions on public websites.

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Larry Romanelli (Ogema) v. Tribal Council Members Crampton, Champagne, Wittenberg and Lewis----Case Number: 20082GC

**Summary:** The case was filed on July 23, 2020. The Defendants failed to "Answer" the Complaint within the 28-day period. The Ogema asked for a Default Judgment be entered against the Defendant's. Shortly afterward the Defendant's asked for an extension of time. It was granted. The Defendants' were allowed to participate fully in the hearing even though they were defaulted.

The Ogema was attempting to get a vote on a contract that he negotiated and placed on several agendas. When the subject matter was brought up, the Defendant's hung up (from the Zoom call) or left the meeting, breaking quorum so no other matters could be conducted.

The Defendants were able to cross examine the Plaintiff and provide a closing statement.

**Decision and Order:** The Court declared that the members of Tribal Council have an implied duty to attend regularly scheduled meetings and to cast their votes on matters pending before Tribal Council.

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Little River Band of Ottawa Indians  
TRIBAL COURT  
3031 Domres Road  
Manistee Michigan 49660  
(231) 398-3406  
Fax: (231) 398-3404

SHANNON PAUL CRAMPTON,  
PLAINTIFF

V.

CASE NO: 20005GC

SANDRA MEZESKE,  
DEFENDANT

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Shannon Crampton  
In Pro Per  
P.O. Box 88  
Kewadin, MI 49648

Sandra Mezeske  
In Pro Per  
P.O. Box 93  
Manistee, MI 49660

At a session of said Court on August 17, 2020  
In the Reservation Boundaries of the  
Little River Band of Ottawa Indians,  
Present: Hon. Daniel Bailey

The Plaintiff filed a Summons and Complaint on January 8, 2020, against Tribal Member Defendant for her alleged "malicious untruthful statements about me and that I have been damaged in the amount of \$25,000."

The Plaintiff's allegation is of "Defamation." Article III of Ord. # 06-400-08, 3.03: Defamatory statements..."are untrue that injure the reputation and diminish the esteem, respect or goodwill a person holds in a community..."

A pretrial was held on March 16, 2020. The parties could not come to an equitable agreement at the pretrial on any aspect of the case and a full hearing was to be scheduled as soon as the Tribal government opened up for business as usual.

The hearing was scheduled on August 17, 2020 at 10:00 a.m. Both Plaintiff and Defendant "appeared" via telephone on the Court's virtual Zoom meeting site.

Neither Plaintiff, nor Defendant presented any other exhibits or witnesses at that hearing that were not already filed in the case file.

The Plaintiff attached copies of the Facebook pages that he says were the impetus for filing the civil suit. He says he has "suffered emotional distress, humiliation, mortification, and embarrassment." He presented the post done by the Defendant as one that "has the ability to diminish my reputation with tribal members"

The Defendant cited and provided a copy of the October 2019 Currents Tribal Council page which showed the Work Sessions for the month of August attended by each Tribal Council Member. Mr. Crampton attended five (5) out of the twenty-seven (27) listed.


That portion of the Facebook post is the truth or substantial truth and is considered fact. Because the Defendant believes that Tribal Council Members should attend as many of the work sessions as possible, so they are knowledgeable when voting, it is her opinion that he receives a "free paycheck." Because that comment is merely a hyperbole and can't be proven one way or the other, it cannot be the basis for a defamation claim.

The Plaintiff may have had his feelings hurt, but in his post on Facebook intended for the Defendant, he complained about the "IQ level of those he has worked with" and wrote that the Defendant will "learn a valuable legal lesson about opening your lying mouth." Both of those statements could be construed as hurtful, yet they are the opinion and not statements of fact by the Plaintiff.

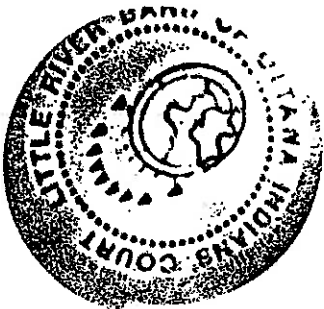
In Article III of the Tribe's Constitution, Sec. 1, "The Little River Band shall not: (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press..." It is the Court's opinion that both Plaintiff and Defendant might be more careful when posting their opinions on public sites to avoid any more future issues.

After looking over the case file and listening to the testimony of both parties, the Court finds that there is no defamation case here.

SO ORDERED:

  
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Judge Daniel Bailey

8/19/2020  
Date



**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COURT**

LARRY ROMANELLI, in his official capacity as  
Ogema for the Little River Band of Ottawa Indians,  
Plaintiff

Case No.: 20-082 GC  
Hon. Angela Sherigan

v.

Little River Band of Ottawa Indians Tribal Councilors  
Shannon Crampton, Cynthia Champagne,  
Ron Wittenberg and Sandra Lewis,  
Defendants

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Dennis M. Swain P-29866  
General Counsel, Plaintiff  
2608 Government Center Drive  
Manistee MI 49660

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Councilor Champagne  
Councilor Crampton  
Councilor Lewis  
Councilor Wittenberg  
In pro-per Defendants

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**ORDER AFTER HEARING REGARDING PLAINTIFF'S MOTION  
FOR ENTRY OF DEFAULT JUDGMENT**

A Default was entered on September 8, 2020, against the Defendants in this matter. On October 1, 2020, the Court held a hearing regarding the entry of the default judgment, in which all parties and/or their attorneys appeared. The Court held the hearing under LRCR 4.603B(3). Even though defaulted, the Defendants were allowed to participate fully in the hearing.

The Plaintiff requested that the Court declare the following in the judgment:

1. that the Defendants (Tribal Councilors) have an implied duty to attend the regularly scheduled meetings of Tribal Council, and to cast their votes on matters pending before the Tribal Council pursuant to Article IV, Section 6(g)(2);

2. that the Ogema is constitutionally empowered to negotiate and execute agreements and contracts on behalf of Little River pursuant to Article V, Section 5(a)(3)<sup>1</sup>; and

3. that the Tribal Council has a ministerial duty to approve or ratify the agreements or contracts negotiated by the Ogema pursuant to Article IV, Section 7(b).

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<sup>1</sup> This matter does not involve a question about the Ogema's authority to negotiate agreements or contracts and will not be declared, as it is not before the Court.

Testimony was taken that a contract was negotiated by the Ogema and submitted to the Tribal Council for approval and was placed on several meeting agendas<sup>2</sup>, during those meetings, other business was conducted, and that when the contract that is the subject of this matter was up, the Defendants hung up, or left the meeting, thereby breaking the quorum so that no further business could be conducted.

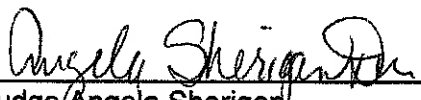
The Defendants were given the opportunity to cross-examine the Ogema and to provide a closing statement. The Defendants asked that the matter be dismissed and the Court declare a mistrial.

This hearing was only to establish the truth by evidence and to investigate the Plaintiff's request for certain declarations to ensure that they fall with the powers of the Court to declare. This was not a trial, therefore, there can be no mistrial. Additionally, the Defendants are in default and thus cannot ask for a dismissal of the case now<sup>3</sup>.

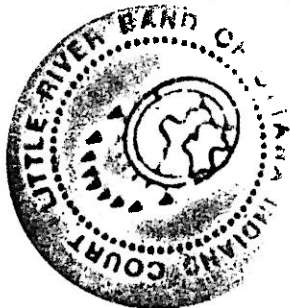
After hearing testimony, and the statements made by all parties, the Court finds that the Defendants intentionally broke quorum for the purpose of not allowing a vote on the contract to move forward.

THEREFORE, the Court DECLARES:

1. That members of the Tribal Council have an implied duty to attend the regularly scheduled meetings of Tribal Council, and to cast their votes on matters pending before the Tribal Council; and
2. That Article 4, Section 7(b) authorizes Tribal Council to approve or ratify the agreements or contracts negotiated by the Ogema.

  
\_\_\_\_\_  
Judge Angela Sherigan

10.15.20  
Date



<sup>2</sup> The Ogema testified that the first time it was placed on the agenda, revisions were needed. After the revisions were made, it was submitted again and placed on subsequent agendas.

<sup>3</sup> Defendants previously motioned the court to set aside the default, which was denied.