

**2022 COURT OPINIONS
LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COURT**

TABLE OF CONTENTS

Page	Parties	Case No.
2	William Willis v. Tribal Council	22-010-GC
7	Gary DiPiazza v. Tribal Council & Ryan Champagne	22-013-GC
10	Ogema Romanelli v. Tribal Council	22-027-GC
13	Diane Lonn v. Tribal Council	22-057-GC
16	Shannon Crampton v. Ogema Romanelli	22-060-GC
19	Sara Agosa, Staci Cheney, & Susan Thull v. Chief Judge Angela Sherigan	22-061-GC
24	Shannon Crampton v. Little River Casino Resort	22-062-GC
29	Virgil Johnson v. LRBOI Election Board & Valerie McDonnell	22-093-GC

Willis v. Tribal Council**22-010-GC**

Summary: This case was heard by Judge Angela Sherigan. Defendant filed a complaint against Defendant, requesting declaratory judgment on the following issues:

- 1) Whether Defendant violated the Constitution by holding an emergency closed meeting on December 30, 2021 to approve the Amended Fiscal Year 2022 Budget as presented by the Ogema.
- 2) Whether Defendant violated the Constitution by holding an emergency closed session on January 7, 2022 to approve the Amended Fiscal Year 2022 budget as presented by the Ogema.
- 3) Whether Defendant violated the Constitution by repealing Resolution #21-1230-317, approving amended budget, after it had been vetoed by the Ogema.
- 4) Whether Defendant violated the Budget and Appropriations Act of 2013.

Decision and Order: The Court entered an order of Declaratory Judgment on March 25, 2022 and found that:

- 1) Defendant did violate Article IV, Section 4(d) of the LRBOI Constitution by holding closed session meetings regarding approval of the government budget as it is not an item that can be taken into closed session pursuant to the Constitution.
- 2) Defendant did violate the Budget and Appropriations Act of 2013 and that the Little River Casino Resort budget is not subject to approval by the Tribal Council.
- 3) Defendant did violate the Constitution and the Budget and Appropriations Act of 2013 by failing to properly act on a veto of the Ogema.

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT**
3031 Domres Road · Manistee, MI 49660
(231) 398-3406

WILLIAM WILLIS,
Plaintiff,

Case No. 22-010-GC

Hon. Angela Sherigan

v.

LRBOI TRIBAL COUNCIL,
Defendant.

William Willis
Plaintiff
622 Ramsdell Street
Manistee, MI 49660

LRBOI TRIBAL COUNCIL
Defendant
2608 Government Center Drive
Manistee, MI 49660

DECLARATORY JUDGMENT

This matter initially came before the court on a Request for Declaratory Judgment on January 13, 2022, on four issues:

1. Whether or not the Tribal Council violated the Constitution, Article IV, Section 6(d), on December 30, 2021, by holding an emergency closed meeting regarding approving the Amended Fiscal Year 2022 Budget as presented by the Ogema.

2. Whether or not the Tribal Council violated the Constitution, Article IV, Section 6(d), on January 7, 2022, by holding an emergency closed meeting regarding approving the Amended Fiscal Year 2022 Budget as presented by the Ogema.

3. Whether or not the Tribal Council violated the Constitution by repealing the Resolution #21-1230-317, approving amended budget, after it had been vetoed by the Ogema.

4. Whether or not the Tribal Council violated the Budget and Appropriations Act of 2013.

Defendants were properly served and failed to file an answer.

On February 23, 2022, Plaintiff filed a Notice of Default and properly served Defendant.

On March 9, 2022, the Court entered a Default in this matter against the Defendant.

On March 10, 2022, a final hearing was held in which Mr. Willis and the attorney for the Defendant appeared. The attorney for the Defendant objected to the Default stating that they had

appeared in Court previously. The objection was overruled as the Court Rules clearly require an answer to be filed. However, because of the importance of the issues contained in this matter, the Court allowed Defendant's attorney to participate in the hearing.

ISSUES 1 and 2

Plaintiff has asked for a declaratory ruling regarding Tribal Council's emergency closed meeting on December 30, 2021. Plaintiff argues that Defendant has violated the Constitution at Article IV, Section 6(d) as the purpose of the meeting, discussion and approval of the amended annual 2022 government budget is not something that can go into closed session. Defendant argues that it was proper as the casino budget was included.

Article IV, Section 6(d) of the Constitution states, very specifically, what Tribal Council may take into closed session, and reads as follows:

Section 6 – Meetings of the Tribal Council.

(d) *Open Meetings; Closed Sessions.* All meetings of the Tribal Council shall be open to the Tribal Membership. However, the Council may meet in closed session for the following purposes:

1. Personnel Matters, provided the employee in question did not request a public meeting, or
2. Business matters involving consideration of bids or contracts which are privileged or confidential, or
3. Claims by and against the Tribe.

In order to make a declaration on this issue, the Court must look to the Budget and Appropriations Act of 2013 and declare whether or not the casino budget is a budget that is approved by the Tribal Council, which is part of Issue 4.

The Budget and Appropriations Act of 2013, Ordinance #13-100-04, requires a balanced budget for the government operations, meaning that budgeted expenses must be equal to or less than budgeted revenues. Section 4.01. Article 5 is the Budget Formation and Submission, and Section 5.03 specifically addresses gaming revenue, and states:

Estimate of Projected Revenues - Tribal Enterprises . Each enterprise of the Tribe shall, through its Board or General Manager, submit an estimate of projected revenues for the next fiscal year by May 1st of each year to the Ogema, with a copy forwarded to the Tribal Council. The estimate of projected revenues shall include the following minimum information as identified in this section. The submission may include additional information which would be helpful in allowing the Tribal Council and Ogema to interpret and apply the estimated projected revenues to the proposed Tribal budget....

(Emphasis added.)

Additionally, Section 5.04 states:

Executive Summary Required. By May 31st of each year, the Ogema shall provide Tribal Council with an executive summary of *expected* revenues for the current and upcoming fiscal year from each revenue source including but not limited to net *gaming revenue*, grants, rental fees, utility fees, sales or other taxes, and distributions from gaming and non-gaming enterprises or other revenue sources.
(Emphasis added.)

No where in the Constitution, nor the Budget and Appropriations Act does it state that the Casino budget is approved by the Tribal Council. It is the Court's interpretation of the Constitution and the Budget and Appropriations Act, that the Casino budget is NOT subject to approval by the Tribal Council. The information is provided purely for the purpose of application of the expected projected revenue to the proposed government budget.

There was also testimony given that in previous years, the casino budget was discussed in closed session and the government budget was always in open.

THEREFORE, the Court declares that:

1. the Tribal Council violated Article IV, Section 4(d) by holding closed session meetings regarding the approval of the government budget, as it is not an item that can be taken into closed session pursuant to the Constitution.;

2. the Tribal Council violated the Budget and Appropriations Act of 2013, and that the Little River Casino Resort budget is not subject to approval by the Tribal Council.

ISSUES 3 and 4

Plaintiff has asked for a declaratory ruling on whether or not the Tribal Council violated the Constitution by repealing the Resolution #21-1230-317, approving the Amended Budget, after it had been vetoed by the Ogema, and whether or not the Tribal Council violated the Budget and Appropriations Act.

Plaintiff argues that Tribal Council cannot repeal a resolution that deals with the government budget after it was vetoed by the Ogema as the Constitution and Budget and Appropriations Act sets forth the procedure to be followed after a budget is vetoed by the Ogema. The Defendant argues that the veto was not proper as it stated "it violates the Constitution" instead of going line by line.

The Constitution at Article V, Section 5 (c) states:

Every action taken by the Tribal Council, whether by ordinance, resolution or appropriation, which modifies the Tribal Budget submitted for approval by the Tribal Ogema, shall be presented to the Tribal Ogema for his/her

approval and signature before it becomes effective. The Tribal Ogema shall approve or disapprove of the action taken by the Tribal Council within seven (7) days after the item is submitted to the Tribal Ogema by the Tribal Council. If he/she disapproves of the action taken by the Tribal Council, he shall return it to the Tribal Council within seven (7) days provided, specifying his/her objections. If after re-consideration, it again passes the Tribal Council by an affirmative vote of six (6) of the nine {9} Tribal Council members, it shall become law and he/she shall sign it notwithstanding his/her objections.

The Budget and Appropriations Act further clarifies how long Tribal Council has to re-consider after a veto/disapproval of the Ogema. Section 5.13 d states:

d. The Tribal Council shall then meet within *fourteen (14) calendar days* to reconsider the tribal budget and the Ogema's objections. If, after reconsideration, the Tribal Council again approves the tribal budget by an affirmative vote of six (6) of the nine (9) Tribal Council members, the approved tribal budget shall be returned to the Ogema, who shall sign it notwithstanding his/her objections.
(Emphasis added.)

The Ogema submitted a final budget to the Tribal Council on December 3, 2021¹. An Amended budget was passed on December 30, 2021, by Resolution #21-1230-317, which the Ogema vetoed in a timely manner. Then on January 7, 2022, Tribal Council rescinded Resolution #21-1230-317, via Resolution # 22-0107-02. This is a clear attempt to circumvent the Constitution and the law. When processes and procedures are specifically addressed in the Constitution and Ordinances, they must be followed. Defendants' argument that the veto wasn't proper because it did not go line by line, is a red-herring. Additionally, Defendants failed to file an answer, and any affirmative defenses.

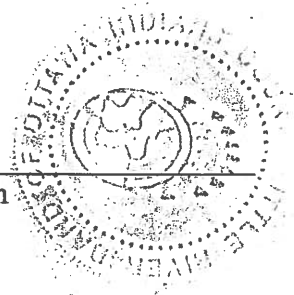
THEREFORE, the Court declares that:

3. the Tribal Council violated the Constitution and the Budget and Appropriations Act of 2013 by failing to properly act on a veto of the Ogema.

This resolves the last matter, and closes this case.

Date: 3/25/2022

DocuSigned by:
Angela Sherigan
B3F0867F17BE48A
Hon. Angela Sherigan



¹ This budget was submitted with an agenda request to be put on Tribal Council's agenda for a vote. It was not placed on the agenda, yet another "amended" version was placed on the agenda for December 30, 2021, which was a modification/amendment made by Tribal Council without the input of the Ogema.

DiPiazza v. Tribal Council and R. Champagne (Intervenor)**22-013-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed a request for writ of mandamus, emergency ex parte order and declaratory judgment against Defendant, alleging that a member of Tribal Council, Ryan Champagne, was not a resident of the State of Michigan. Plaintiff asked the Court to declare that Mr. Champagne had automatically forfeited his position as a member of Tribal Council pursuant to Article 4, Section 4(d) of the LRBOI Constitution, that Mr. Champagne may not lawfully continue to participate in and be involved with Tribal Council affairs and declare that a special election must be called by the Election Board.

Decision and Order: A hearing on Plaintiff's request for declaratory judgment and Defendant's Motion to Dismiss was held on April 15, 2022. Defendant's motion to dismiss was based on the fact that Intervenor Ryan Champagne was no longer a member of the Tribal Council and that a special election had been declared to fill the vacant seat. The motion did not address the issue regarding Constitutional interpretation of Article IV, Section 4(d), specifically, who is responsible for enforcing the provision. The Court granted the Motion to Dismiss in part but denied it in full. Plaintiff declined to proceed on the remaining issue, Constitutional interpretation of Article IV, Section 4(d), thus dismissing the final issue.

Intervenor Champagne asked the Court to find the matter frivolous and assess costs and fees. The Court found that the interpretation of the Constitution falls directly in the purview of the Court and therefore, found the matter to not be frivolous.

The matter was dismissed, and the case was closed.

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

GARY PAUL DIPIAZZA,
Plaintiff

Case No. 22-013-GC

Honorable Angela Sherigan

v.

LITTLE RIVER BAND OF OTTAWA
INDIANS TRIBAL COUNCIL,
Defendant

and

NITUMIGAABOW RYAN CHAMPAGNE,
Intervenor-Defendant.

W. Dane Carey (P79898)
Attorney for Plaintiff
412 S. Union Street
Traverse City, MI 49684
wdc@kuhnrogers.com

LRBOI Tribal Council
Defendant (in pro per)
2608 Government Center Drive
Manistee, MI 49660
juliewolfe@lrboi-nsn.gov

Nitumigaabow Ryan Champagne
Intervenor-Defendant (in pro per)
1080 Red Apple Road
Manistee, MI 49660
judgechampagne@yahoo.com

FINAL ORDER

A Motion and Final Declaratory Hearing was held on April 15, 2022, in which all parties were present.

As a preliminary matter, the Court heard the Tribal Council's Motion to Dismiss. The Motion was based on the fact that Nitumigaabow Ryan Champagne is no longer a member of the Tribal Council. The motion did not address the issue regarding the Constitutional interpretation of Article IV Section 4(d), specifically, who is responsible for enforcing the provision.

The Court granted the motion in part, as to the seat on Council, but denied it in full. The Plaintiff did not wish to proceed on the remaining issue, thus dismissing the final issue.

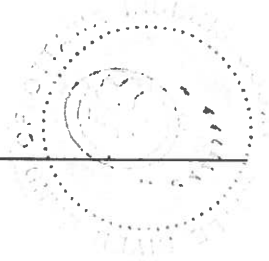
Intervenor Champagne asked the Court to find this matter frivolous and assess costs and fees. To be considered frivolous, the court must make a finding that the case is without legal

merit. Interpretation of the Constitution falls directly in the purview of the Court. This matter, in its complaint/petition, specifically asks the Court to interpret a provision of the Constitution, Article IV, Section 4(d), as well as asks the Court to order elected officials to perform their constitutional duties. The Court does not find this matter to be frivolous.

THEREFORE, this matter is dismissed, and the case is closed.

Dated: April 18, 2022

DocuSigned by:
Angela Sherigan
33F0867F17BE48A
Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify that a copy of this order was mailed to all parties and/or their attorneys via email and via USPS on the below date.

4-19-22
Date

Spring Medaco
Court Clerk/Administrator

Ogema Romanelli v. Tribal Council**22-027-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed a complaint against Defendant, alleging that proposed amendments to the ULD Act of 2015, Ordinance No. 15-100-8a, were unconstitutional. Plaintiff filed a request for Ex-Parte Temporary Restraining Order and a preliminary injunction regarding the proposed amendments to the Unified Legal Department.

Decision and Order: The Court ruled that the matter was not ripe, and as such, denied the Plaintiff's request for an Ex-Parte Temporary Restraining Order and Preliminary Injunction. No further action was made in the case and as a result, the case was dismissed by the Court.

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

LARRY ROMANELLI, as
Tribal Ogema, and individually
as a citizen of LRBOI

Plaintiff,

Case No. 22-027-GC
Hon. Angela Sherigan

v.

LRBOI TRIBAL COUNCIL, and
Ryan Champagne, Cynthia Champagne,
Ronald Wittenberg, Sandy Lewis,
Shirley Wever, and Julie Wolfe, individually.
Defendant.

**ORDER REGARDING PLAINTIFFS' REQUEST FOR EX-PARTE
RESTRAINING ORDER**

The Court received a Request for an Ex-Parte Temporary Restraining Order and Preliminary Injunction regarding the proposed Amendments to the Unified Legal Department Act.

The Court can only hear actual cases or controversies. The court finds that this matter is not ripe, and therefore, denies the requests.

Dated: February 16, 2022


Hon. Angela Sherigan



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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

LARRY ROMANELLI, as
Tribal Ogema, and individually
as a citizen of LRBOI

Plaintiff,

Case No. 22-027-GC
Hon. Angela Sherigan

v.

LRBOI TRIBAL COUNCIL, and
Ryan Champagne, Cynthia Champagne,
Ronald Wittenberg, Sandy Lewis,
Shirley Wever, and Julie Wolfe, individually.
Defendants.

Craig W. Elhart
Attorney for Plaintiff
329 South Union
Traverse City, MI 49684
(231) 946-2420

Carrie A. Frias
Attorney for Defendants
1704 Llano Street Suite B #129
Santa Fe, NM 87505
(505) 506-4666

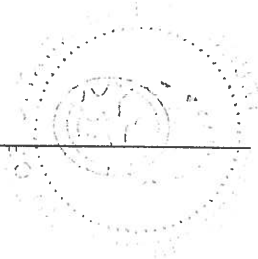
ORDER OF DISMISSAL

On May 18, 2022, the Court sent a Notice of Intent to Dismiss to the parties for Lack of Progress.

In accordance with Rule 4.502, this matter is hereby DISMISSED.

Dated: June 19, 2022

DocuSigned by:
Angela Sherigan
B3F0867F17BE48A
Hon. Angela Sherigan



CERTIFICATION OF MAILING

I certify a copy of this document was sent via USPS mail for mailing to the parties and/or their attorney(s) on this day.

6-21-22
Date

Spring Medacco
Court Clerk/Court Administrator

Diane Lonn v. Tribal Council**22-057-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed a complaint against Defendant in the form of a request for a stay of the 100% Enrollment Audit, alleging that multiple audits have been completed in the past, and a complete enrollment audit is a waste of money. Plaintiff also alleged that a complete audit would be an unlawful search and would deprive persons of liberty or property without due process.

Decision and Order: The Court found that the Plaintiff did not make specific allegations that she, or anyone else, had been deprived of liberty or property without due process. The Court further ruled that, absent an allegation of a violation of the Constitution, meaning that the ordinance violated the Constitution, the Court cannot hear the case. The Plaintiff's request for a stay was denied, and the case was dismissed.

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

DIANE LONN,
Plaintiff,

Case No. 22-057-GC

v.

Hon. Angela Sherigan

LRBOI TRIBAL COUNCIL,
Defendant.

Diane Lonn
Plaintiff, In Pro Per
1207 Merkey W. Rd.
Manistee, MI 49660

Michael L. Roy (MA 547396)
Attorney for Defendant
1899 L Street NW, Suite 1200
Washington, DC 20036

ORDER AFTER HEARING ON REQUEST FOR STAY

A hearing on Plaintiff's Request for Stay was held in which all parties and their attorneys appeared. Plaintiff was permitted to make a written response to the Defendant's Answer to Request for Stay and Dismissal, as she did not have the pleading at the time of the hearing.

Plaintiff requested that the Court stay the enactment of Resolution #21-1215-300 "One-hundred Percent Enrollment Audit of Membership Files."

Defendant requested the matter be dismissed stating that there is no case or controversy and that there was no allegation of any violation of the Constitution.

In Plaintiff's response, she stated that the Resolution violates the Constitution in that it is an unlawful search and deprives persons of liberty or property without due process.

It is clear that the Plaintiff has spent a great deal of time in preparing her Request for Stay, citing the history of resolutions related to the Enrollment Department and the base rolls, and is concerned about causing strife within and among the members of the Tribe. However, the Court can only hear actual cases or controversies. Absent an allegation of a violation of the Constitution, meaning that the ordinance violated the Constitution, the Court cannot hear the case. Plaintiff's allegation of deprivation of liberty or property without due process is a general

statement rather than an allegation. There are no specific allegations that she, or anyone else, has been deprived of this right.

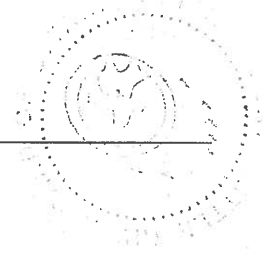
As no violation of law has been alleged, there is no case or controversy. Therefore, the Request fails as it is not likely to prevail on the merits.

THEREFORE, Plaintiff's Request for Stay is denied, and this matter is dismissed. This closes the case.

6/21/2022

Date

DocuSigned by:
Angela Sherigan
B3F0867F17BE48A
Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify a copy of this document was served via USPS mail to the parties and/or their attorneys on this day.

6-21-22
Date

Spring Medacco
Court Clerk/Administrator

Shannon Crampton v. Ogema Romanelli**22-060-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed a complaint against Defendant, alleging violations of the Protection Against Libel and Slander Act of 2006. Plaintiff alleged that Defendant made defamatory statements about Plaintiff at a meeting held at the Little River Casino Resort and had circulated emails and Facebook posts defaming Plaintiff during the 2021 election cycle. Plaintiff asked for \$250,000 in damages and \$1,000 per statement in the future.

Decision and Order: A bench trial was held in this matter on August 25, 2022. At trial, Plaintiff presented evidence that Defendant made a statement at the spring 2021 membership meeting that Plaintiff accused the Defendant of Election fraud. Testimony was taken that Plaintiff did make the statement, and testimony was taken that he did not directly say it was the Defendant but that it was implied. Testimony was also taken that the Defendant never heard the Plaintiff make the statement himself.

The Court ruled that Plaintiff did not provide evidence that proved malice on the part of the Defendant (as evidence presented to show malice was a finding by the Ethics Board regarding a false statement made by the Plaintiff regarding the Defendant about a gaming license, not election fraud), and therefore it did not need to make any further legal analysis. The case was dismissed.

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

SHANNON PAUL CRAMPTON,
Plaintiff

Case No. 22-060-GC

Honorable Angela Sherigan

v.

OGEMA LARRY ROMANELLI,
In his official capacity,
Defendant

SHANNON PAUL CRAMPTON
Plaintiff, In Pro Per
6735 E. M-72
Williamsburg, MI 49690

DENNS SWAIN
Attorney for Defendant
2608 Government Center
Manistee, MI 49660

JUDGMENT

This matter was brought by Plaintiff, Shannon Paul Crampton, against Larry Romanelli, in his official capacity as Ogema for an alleged violation of the Protection Against Libel and Slander Act of 2006, seeking \$250,000.00 in damages, and \$1000.00 per statement in the future.

This is a case of first impression, and unfortunately, the facts are convoluted, and the allegations and defenses presented were not fully developed.

In the complaint, specifically, the plaintiff is alleging that the defendant said that Mr. Crampton accused him of election fraud and that this has caused him (Plaintiff) harm.

To prevail in an action under the Protection Against Libel and Slander Act of 2006 the Plaintiff must show that the Defendant made or published an untrue statement in front of third parties that diminished the reputation of the Plaintiff. If the Defendant is a public official, then the Plaintiff must also show that the statement was made with malice.

To recover for damages, the Plaintiff must show actual damages suffered in respect to his or her property, business, trade, profession, occupation, or feelings. Exemplary/punitive damages cannot be recovered unless there is a showing that prior to instituting legal action, the Plaintiff gives notice to the defendant to publish a retraction and allow a reasonable time to do so.

The first thing the Court will look at is if a statement was made by the Plaintiff, and then if the statement was false. Here, the Plaintiff alleged that the Defendant stated that the Plaintiff accused the Defendant of election fraud.

A full trial was held in this matter on August 25, 2022¹, which resulted in the following;

Plaintiff presented evidence that at a membership meeting on March 20, 2021, the Defendant made a statement that Plaintiff accused the Defendant of election fraud. There was testimony that Plaintiff did make the statement, and there was testimony that he did not directly say it was the Defendant, but it was implied. The legal argument of implication was never developed. Testimony was also given that the Defendant never heard the Plaintiff make the statement himself. Because the Defendant is a public official, the Plaintiff must also show malice. The evidence presented to show malice was a finding by the Ethics Board regarding a false statement made by the Plaintiff regarding the Defendant dated July 30, 2019, however, this statement dealt with a statement regarding a gaming license and not election fraud.

Without a showing a malice, the Court does not need to make any further legal analysis. This case is dismissed.

Dated: June 29, 2023


Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify a copy of this document was served via USPS mail and via email for service to the parties and/or their attorneys of record on this day.

6/30/23
Date


Court Clerk/Court Administrator

¹ The Court intentionally delayed the issuance of this order until the after the swearing in of the Ogema. This case was filed in 2022 regarding a statement that was made in 2021, which per the evidence and testimony presented was a continuation of statements stemming back to at least 2019. In this last election the parties were currently running against each-other for the office of Ogema and the Court did not want this order in any way have an affect on the outcome of the election.

Agosa, Cheney, & Thull v. Chief Judge Angela Sherigan **22-061-GC**

Summary: This case was heard by Judge Caroline LaPorte. Plaintiffs filed a complaint and request for injunctive and declaratory relief against Defendant. Plaintiffs alleged that Defendant's granting of a stay in Case No. 21-639-GC did not meet the required 4-part test, interfered in the lawful operations of another branch of government without just case, forced the Legislative Branch of LRBOI to cease its willful course, and threatened the integrity of the LRBOI processes established by the Fair Employment Practices Code.

Decision and Order: An Injunction Hearing was held on April 5, 2022, where Defense Counsel made three motions on record. The Court entered an Order after Injunction Hearing on April 12, 2022 and ruled as follows:

- 1) Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction on the grounds of Judicial Immunity – Granted. The Court found that the Defendant was immune from suit with regards to the Plaintiffs' complaint.
- 2) Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, alleging that the relief Plaintiffs sought is super-appellate – Granted. The Court found that a request to overturn a sitting Tribal Court judge's order falls under the exclusive jurisdiction of the Court of Appeals.
- 3) Defendant's Motion alleging a Frivolous Suit under Section 4.625 of the LRBOI Tribal Court Rules of Civil Procedure – Granted. The Court found that the legal position of the Plaintiffs as devoid of arguable legal merit, that the suit was barred for judicial immunity and was a request for super-appellate review.

The Plaintiffs' complaint was dismissed with prejudice and Defendant was awarded reasonable costs and fees.

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

SARA AGOSA, STACI CHENEY,
and SUSAN THULL,
Plaintiffs

Case No. 22-061-GC

Honorable Caroline LaPorte

v.

ANGELA SHERIGAN, Chief Judge acting
in her official capacity,
Defendant

Sara Agosa
Plaintiff, In Pro Per
755 Alfa Court, Apt. 1-D
Portage, MI 49002
saraagosa@gmail.com

Leslie Van Alstine II (P52802)
Attorney for Defendant
255 River Street
Manistee, MI 49660

Staci Cheney
Plaintiff, In Pro Per
7350 Warwick Drive
Ypsilanti, MI 48197
cheney82@gmail.com

Susan Thull
Plaintiff, In Pro Per
7170 Cattail Drive
Byron Center, MI 49315
susan.thull@gmail.com

ORDER AFTER INJUNCTION HEARING

PROCEDURAL OVERVIEW

The Plaintiff's filed this action on March 18, 2022. On March 21, 2022, the Plaintiffs filed an amended complaint ("Complaint" herein). On April 5, 2022, the Court held a hearing on the requested injunctive relief at the request of the Plaintiffs, who are pro se, in the above captioned suit. The Defendant, Chief Judge Angela Sherigan, also appeared and was represented by counsel, Mr. Van Alstine.

COMPLAINT

At issue before the Court is the Plaintiffs' Complaint, which is a request for injunctive relief regarding an order that Chief Judge Angela Sherigan entered on December 31, 2021 granting a stay in *Stone et al.* (21-639-GC). In the Complaint, the Plaintiffs allege that the stay did not meet the four-part test the Court has established for granting injunctive relief. Further, the Plaintiffs contend that the Chief Judge interfered with another branch of government without just cause,

that she forced the legislative branch to cease its willful course in violation of the Separation of Powers Doctrine and legal precedent established by the Little River Band of Ottawa Indians Tribal Court, and that she threatened the integrity of the Little River Band of Ottawa Indians processes established by ordinance (and here, the Plaintiffs make a reference to the LRBOI Fair Employment Practices Code, Ordinance number 05-600-003). In sum, the Plaintiffs disagreed with Chief Judge Sherigan's ruling.

ANALYSIS

On the Morning of April 5, 2022, the Court received a Motion to Dismiss from the Plaintiffs, which was withdrawn by the Plaintiffs on the record after the Defendant's counsel made three oral motions at the hearing for injunctive relief.

The Defendant's counsel made the following motions:

1. A Motion to Dismiss for Lack of Subject Matter Jurisdiction on the Grounds of Judicial Immunity;
2. A Motion to Dismiss for Lack of Subject Matter Jurisdiction, alleging that the Relief the Plaintiffs seek is super-appellate; and
3. A Motion alleging a Frivolous Suit under § 4.625 of the Little River Band of Ottawa Indians Tribal Court Rules of Civil Procedure.

Prior to hearing the request for injunctive relief, and because the motions made by the Defendant as to subject matter jurisdiction are completely dispositive to this matter, the Defendant's counsel's motions were heard first.

A. Law and Analysis Regarding the Motions to Dismiss for Lack of Subject Matter Jurisdiction

i. *Motion to Dismiss for Lack of Subject Matter Jurisdiction on the Grounds of Judicial Immunity*

It is a well settled principle of law that judges have judicial immunity. *Stump v. Sparkman*, 435 U.S. 349 (1978). This legal doctrine, enshrined in United States Supreme Court precedent, establishes that judges are immune from suit for their judicial acts. *Id.* Judicial acts are defined as acts that are undertaken by a judge in their official capacity, and as acts that are normally performed by the judiciary. *Id.* The expectation of the parties is also relevant; meaning the Court will look at whether or not the parties dealt with the judge in their judicial capacity. *Id.* at 363. In making its ruling in *Stump*, the United States Supreme Court relied on prior precedent established by *Bradley v. Fisher*, 80 U.S. 335 (1871). In *Bradley*, the Court held that judges of courts of record of superior or general jurisdiction are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly. *Id.* at 336. The "distinction as to their liability made between acts done by them in excess of their jurisdiction and acts done by them in the clear absence of all jurisdiction over the subject matter." *Id.*

Angela Sherigan serves the Little River Band of Ottawa Indians as its Chief Judge, having been duly elected and sworn in. The Plaintiffs have brought suit against Chief Judge Angela Sherigan

in her official capacity. The Plaintiffs' Complaint centers on an Order that Chief Judge Angela Sherigan entered on December 31, 2021, in which she granted a stay. A stay, which is a type of injunction, is an act that a judge would normally perform. Having clearly met the standard outlined in *Stump*, it is clear that Chief Judge Sherigan possesses judicial immunity from this suit. It should also be noted that the majority of precedent on the issue of judicial immunity involves judges being sued for the judicial acts under a theory of civil liability. Here, the Plaintiffs are requesting injunctive relief. Regardless, Judge Sherigan is immune from suit with regards to the Plaintiffs' Complaint.

ii. *Motion to Dismiss for Lack of Subject Matter Jurisdiction Regarding a Complaint that is Super-Appellate*

The Plaintiffs' Complaint clearly asks this Court to invalidate another trial court level judge's ruling.

§5.021 of the Little River Band of Ottawa Indians Rules of Appellate Procedure clearly states, "[t]he Court of Appeals shall have *exclusive* jurisdiction to review the decisions of the Tribal Court according to these Rules." (Emphasis added). Without addressing whether or not the Plaintiffs have standing to file an appeal regarding the matter raised in the Complaint, it is clear that a request to overturn a sitting tribal court judge's order falls under the exclusive jurisdiction of the Little River Band of Ottawa Indians Appellate Court. Plaintiffs are aware of the appellate forum, as each of them currently have or have previously brought actions for appellate review.

As stated on the record on April 5, 2022, this Court simply lacks the subject matter jurisdiction to hear this Complaint.

B. Law and Analysis Regarding the Motion alleging a Frivolous Suit under Section 4.625 of the Little River Band of Ottawa Indians Tribal Court Rules of Civil Procedure

Though the Court ruled from the bench regarding the Defendant's first two motions, the Court needed more time to reach a decision regarding the Motion under LRCR §4.625. To meet the requirement of showing that a frivolous lawsuit or action has been filed, the movant (here, the Defendant) must show one of the following:

1. That the primary purpose of bringing the suit was to harass, embarrass or injure;
2. That it was based on untrue facts; *or*
3. The legal position was devoid of arguable legal merit. LRCR §4.625 (Emphasis added).

Having considered the Motion, the Complaint and the allegations contained therein, and the Plaintiffs' requested relief, this Court finds that the third prong of the requirement, that the legal position was devoid of arguable legal merit, is met. It is important to state that the Court is making this finding for the same reasons that this suit is barred for lack of subject matter jurisdiction: that this suit is barred by judicial immunity and was a request for super-appellate review via another trial court judge.

Further, as a matter of public policy, the Court calls attention to a point made by Mr. Van Alstine during the hearing. As he aptly pointed out, it is possible that this lawsuit might conflict the

sitting Judge out of her open cases where the Plaintiffs are parties and/or possibly out of future lawsuits where the Plaintiffs are involved. This maneuver is not without consequence to the Plaintiffs. And while it undermines their credibility before this Court, it also threatens to undermine the judicial process in general.

Accordingly, the Motion under LRCR §4.625 is **GRANTED**.

CONCLUSION

Respectfully, this matter should not be in this Court.

Accordingly, the Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction as outlined above. Having granted the Defendant's Motion under LRCR §4.625, the Court is *required* to award the Defendant the reasonable costs and fees, including attorneys fees, she incurred in connection with this action pursuant to LRCRC §4.625(A)(2). The amount to be assessed shall be apportioned equally amongst the Plaintiffs. The Defendant, as the party entitled to costs and reasonably attorney fees, must prove up their costs and fees in accordance with the Rules of Civil Procedure.

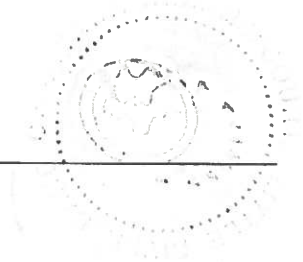
4/12/2022

Date

DocuSigned by:

Caroline LaPorte

Caroline LaPorte
Associate Judge



CERTIFICATION OF SERVICE

I certify that a copy of this order was mailed to all parties and/or their attorneys via email on the below date.

4-12-22

Date

Spring Medacco
Court Clerk/Administrator

Shannon Crampton v. Little River Casino Resort**22-062-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed a complaint against Defendant, alleging that the Little River Casino Resort facilitated and/or aided and abetted Ogema Larry Romanelli in defaming Plaintiff at a meeting held by the Ogema at the Resort by not denouncing or correcting alleged defamatory statements made by the Ogema.

Decision and Order: A hearing on Defendant's Motion for Summary Disposition was held. The motion was made under Court Rule 4.116(c)(8), failure to state a claim upon which relief can be granted. Defendant alleged that Plaintiff failed to identify specific untrue statements that are harmful to his esteem, respect, or goodwill and that Plaintiff failed to identify the speaker of any defamatory statements and any connection to the Defendant. Defendant further alleged that Plaintiff failed to allege malice or any suffering and that the pleading failed to state a claim upon which relief can be granted. Furthermore, the Defendant argued that the Little River Casino Resort is not a person and therefore cannot be sued under the Protection Against Defamation Act.

The Court ruled that the Casino was simply the forum/property that the meeting was held at and that statements made by any person, group, association, or otherwise that holds an event at the Casino cannot be attributed to the Casino. The Court further ruled that the Plaintiff failed to make prima facie showing of the elements to continue with the case. The Defendant's motion for Summary Disposition was granted and the case was dismissed.

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

SHANNON PAUL CRAMPTON,
Plaintiff

Case No. 22-062-GC

Honorable Angela Sherigan

v.

LITTLE RIVER CASINO RESORT,
Defendant

SHANNON PAUL CRAMPTON
Plaintiff, In Pro Per
6735 E. M-72
Williamsburg, MI 49690

CRAIG W. ELHART (P26369)
Attorney for Defendant
329 South Union
Traverse City, MI 49684

**ORDER AFTER HEARING ON DEFENDANT'S
MOTION FOR SUMMARY DISPOSITION**

A hearing was held on May 26, 2022, on Defendant's Motion for Summary Disposition, in which all parties and/or their attorneys were present.

The Motion was made under LRCR 4.116(c)(8), for failure to state a claim upon which relief can be granted. Defendant argues that:

1. Plaintiff failed to specifically identify any untrue statements that are harmful to his esteem, respect, or goodwill.
2. That he failed to identify the speaker of any defamatory statements and any potential connection to the defendant.
3. That Plaintiff failed to allege malice or any suffering as to any statements made.
4. On its face, the pleading has failed to state a claim upon which relief can be granted.
5. Additionally, at the hearing, Defendant argued that the Little River Casino Resort is not a person and therefore cannot be sued under the Protection Against Defamation Act.

The Plaintiff did not file a written response, but did argue at the hearing that the pleadings are sufficient and that the Casino is a person for purposes of the Act, and provided case law to the court.¹ He also argued that Defendant could not bring this motion as it was in default and orally moved for an entry of default, arguing that the defendant's Answer was filed late and that the timing of this Motion hearing was improper. The Court ruled in the hearing that the motion was properly before it and continued with the hearing.

A Motion for Summary Disposition based on failure to state a claim upon which relief can be granted, which tests the legal sufficiency of the pleadings. In ruling on a motion for summary disposition under Rule 4.116(c)(8) the Court considers only the pleadings.

However, before that Court addresses the sufficiency of the pleadings, it will first deal with the procedural matters.

1. Default.

LRCR 4.603(b) states as follows:

(B) Default Judgment.

(1) Notice of Request for Judgment.

(a) A party seeking a default judgment must give notice of the request for judgment to the defaulted party

(i) if the party against whom the judgment is sought has appeared in the action;

(ii) if the request for entry of judgment seeks relief different in kind from, or greater in amount than, that stated in the pleadings; or

(iii) if the pleadings do not state a specific amount demanded.

(b) The notice required by this subrule must be served at least 7 days before entry of the requested judgment.

(c) If the defaulted party has appeared, the notice may be given in the manner provided by Rule 4.107. If the defaulted party has not appeared, the notice may be served by personal service, by ordinary first-class mail at the defaulted party's last known address or the place of service, or as otherwise directed by the court.

...

At (B)(2), (2) Default Judgment Entered by Clerk. On request of the plaintiff supported by an affidavit as to the amount due...

At (B)(3) Default Judgment Entered by Court. In all other cases the party entitled to a judgment by default must apply to the court for the judgment.

¹ As this defense was not in written form in the Motion for Summary Disposition, the Plaintiff was given additional time to provide the case law to the Court.

- (a) A judgment by default may not be entered against a minor or an incompetent person unless the person is represented in the action by a conservator, guardian ad litem, or other representative.
- (b) If, in order for the court to enter judgment or to carry it into effect, it is necessary to
 - (i) take an account,
 - (ii) determine the amount of damages,
 - (iii) establish the truth of an allegation by evidence, or
 - (iv) investigate any other matter,the court may conduct hearings or order references it deems necessary and proper.

This must be done in writing. The Court does not have a written request for entry of default, and thus proceeded with the Motion for Summary Disposition, finding it is properly before the Court.

2. Timing.

The Court has reviewed the Register of Actions and the Court Rules regarding timing of hearings on Motions for Summary Disposition. The Court Rules state that a hearing on a Motion for Summary Disposition cannot be heard until 28 days after service.

Defendant filed a Motion for Summary Disposition on April 8, 2022, and the Court set the hearing date for May 13, 2022.

The Defendant filed an Amended Motion for Summary Disposition, which the Court received via US Mail on April 28, 2022. The Proof of Service indicated that it was mailed to the Court and to Mr. Crampton on April 26, 2022.

A scheduling conference was held on April 28, 2022, in which the Motion for Summary Disposition hearing was rescheduled to May 26, 2022. All parties attended the scheduling conference.

A Scheduling Order was issued on April 29, 2022 and sent via email to the parties along with a notice of the amended Motion hearing date for the Motion for Summary Disposition.

At the hearing held May 26, Plaintiff claims that he did not receive the Amended Motion for Summary Disposition until May 3, 2022. Plaintiff also argues that, because he and the Defendant's attorney signed the electronic service consent forms, that is the only way that he should be served. He did not mention how he received the Amended Motion.

The Service Consent Form does not mandate that this is the only acceptable form of service. LRCR 4.107 (C)(3) states that service by mail is complete at the time of mailing, which was April 26, 2022. The Motion hearing was held 30 days later on May

26, 2022. Additionally, Plaintiff had plenty of time to object to the hearing date, as it was discussed on April 28, 2022 at the Scheduling Conference and notice of the hearing date was sent on April 29, 2022. Responses to Motions for Summary Disposition are due 21 days after service, LRCR 4.107 (3). The Plaintiff did not file an answer, nor did he file an objection to the hearing date within the 21 days, counting either from April 26, 2022, or May 3, 2022. The Court finds that the matter is properly in front of the court.

The Motion for Summary Disposition proceeded. In reviewing the pleadings, there is nothing in the written pleadings that addresses whether or not the Casino is a person for purposes of liability under this act. While the parties did argue their positions at the hearing, the Court will not address this at this time as 4.116(G)(5) states that the Court may only look at the pleadings in analyzing a motion brought under 4.116(C)(8).

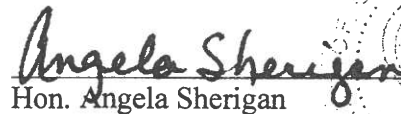
Turning to the arguments in the pleadings, the Defendant argues that Plaintiff failed to specifically identify any untrue statements that are harmful to his esteem, respect, or goodwill, and that Plaintiff has failed to identify the speaker of any defamatory statements and any potential connection to the Defendant. The Plaintiff's Amended Complaint states that Ogema Romanelli accused Plaintiff of election fraud, and that the Casino "in associating with or participating in the defamatory statements made on its property and not denouncing or correcting the statements it possessed constructive knowledge were untrue, has added weight by endorsing those statements that would not exist otherwise." The Defendant argues that the Casino was simply the forum/property that the meeting was held at. The Court agrees with the Defendant. Statements made by any person, group, association, or otherwise that holds an event at the Casino cannot be attributed to the Casino. Additionally, the Casino is under no obligation to fact check every statement made to ensure its accuracy.

This issue of malice is not an element when a public official is not a party to the case.

Plaintiff has failed to make a prima facie showing of the elements to continue with the case.

THEREFORE, Defendant's Motion for Summary Disposition is GRANTED. This case is dismissed.

Dated: June 6, 2022


Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify a copy of this document was served via USPS mail and via email for service to the parties and/or their attorneys of record on this day.

6-6-22
Date


Court Clerk/Court Administrator

Johnson v. LRBOI Election Board & V. McDonnell**22-093-GC**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff had withdrawn his candidacy from the special election for outlying representative prior to the deadline to withdraw but was informed that the ballots had already been printed with his name on them. Plaintiff then filed a complaint against Defendants, alleging that there would be harm to the special election and other candidates because the Election Board had printed the ballots for the election prior to the deadline to withdraw as a candidate from the election.

Decision and Order: A hearing on the matter was held on May 12, 2022 in which the parties came to a resolution, which included the ballots being reprinted and sent out one business day later. A copy of the reprinted ballot was presented to the Court and the Court, being satisfied that the terms of the resolution had been met, dismissed the case.

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406

VIRGIL J. JOHNSON,

Case Number: 22-093-GC

Plaintiff,

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD and
VALERIE MCDONNELL, in her official capacity
as LRBOI Election Board Chair,

Defendants.

VIRGIL J. JOHNSON
Plaintiff
5146 River Road
Manistee, MI 49660

LRBOI ELECTION BOARD
Defendant
2608 Government Center Drive
Manistee, MI 49660

VALERIE MCDONNELL
Defendant
2608 Government Center Drive
Manistee, MI 49660

ORDER AFTER HEARING ON REQUEST FOR STAY

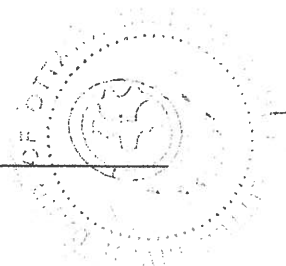
A hearing was held in this matter in which all parties and/or their attorneys were present. The parties came to a resolution, and the Court being satisfied that the terms have been met, this matter is hereby DISMISSED.

This resolves all pending claims, and the file is closed.

5/24/2022

Date

DocuSigned by:
Angela Sherigan
B3F0887F7BE48A...
Honorable Angela Sherigan



CERTIFICATION OF SERVICE

I certify that a copy of this order was mailed to all parties and/or their attorneys via email on the below date.

5-24-22

Date

Spring Medacco
Court Clerk/Administrator