

**2025 COURT OPINIONS
LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COURT**

TABLE OF CONTENTS

Page	Parties	Case No.
2	Wells v. Bailey, Willis, Romanelli, and LRBOI	25-027-EM
6	Enrollment Commission v. Tribal Council	25-089-GC
12	Shannon Crampton v. Election Board	25-128-GC
22	John J. Pabami v. Election Board	25-134-EB

Wells v. Bailey, Willis, Romanelli, and LRBOI

25-027-EM

Summary: This case was heard by Judge Angela Sherigan.

Plaintiff filed suit for wrongful termination against Defendants, citing violations of the Government Operations Personnel Manual, the Government Employment Relations Act of 2005, and the Employment Division of the Tribal Court Code Ordinance.

Decision and Order: After hearing testimony, reviewing the file and applicable ordinances, the Court ruled that Mr. Wells' employment be reinstated no later than March 26, 2025 and that he is entitled to back pay as authorized in the Government Employee Relations Act of 2005 as to the day of the termination. The matter was remanded to the Ogema and executive branch to complete the necessary steps to carry this resolution out.

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

COREY WELLS,
Petitioner,
v.

Case No. 25-027-EM
Hon. Angela Sherigan

TARA BAILEY, BILL WILLIS,
OGEMA LARRY ROMANELLI, and
LITTLE RIVER BAND OF OTTAWA INDIANS,
Respondents.

Mark Quinn
Attorney for Petitioner
402 Maple Street
Manistee MI 49660

Elise McGowan
Attorney for Respondents
2608 Government Center Dr.
Manistee MI 49660

APPEAL HEARING DECISION

An appeal hearing was held on a Termination/Grievance Petition filed by Corey Wells in which all parties and their attorneys appeared.

After hearing testimony, reviewing the file, and review of the Government Operations Personnel Manual, the Government Employment Relations Act of 2005, and the Employment Division of the Tribal Court Code Ordinance, the Court makes the following findings:

A complaint was made against Mr. Wells on November 15, 2024 by Alexis DeGabriele, an employee under his supervision as the Natural Resources Department Environmental Division Manager, and an update/addition on November 22, 2024, which appears to be sent via email; however, it is not documented properly and appears to be cut and pasted.

An investigation was conducted and completed by Frank Beaver, Mr. Wells' supervisor, with the input of Gary Lewis, Executive Lead. On December 9, 2024, Mr. Wells signed and received a copy of a form that is titled "Disciplinary Action/Performance Improvement Plan Form," which is dated December 4, 2024, which was also signed by Alicia Goff, Human Resources Manager. The form is incomplete, with no level of "Current Level of Disciplinary Action Presented" checked. During the testimony of Mr. Beaver, he stated that the form was not intended to serve as a performance improvement plan or a corrective action plan, but rather to inform Mr. Wells that he was not to gossip or complain about other employees, not to talk about other employees' personal lives and relationships, not give unwanted attention to other employees, or retaliate against other employees.

During the hearing there was also testimony that part of the decision was that there would be some form of conflict resolution¹, which was never completed. However, there is nothing in the file documenting this other than a note from Don Reinhard at Human Resources stating that this was Mr. Wells and Mr. Lewis' understanding of what was to occur.

On January 31, 2025, Mr. Wells' employment with the tribe was terminated. The letter of termination states that Mr. Wells was terminated following an investigation into allegations of harassment, from a complaint against him.

The January 31, 2025 letter states that Mr. Wells was provided with a performance improvement plan; however, there was testimony that there was no performance improvement plan and that the boxes on the form were specifically not checked because it was not meant to be a performance improvement plan. The letter then states that there was further investigation brought on by "your challenge of the Performance Improvement Plan," which is contrary to the testimony and there is no documentation to support this claim. It is important to note that the performance improvement plan form was dated December 9, 2024. Additionally, the Court finds that neither Mr. Wells nor Ms. DeGabriele appealed the decision to the next level of supervision.

In early January, Ms. Bailey became the Executive Lead, replacing Mr. Lewis.

It is clear from the termination letter signed by Ms. Bailey, and from testimony, that another investigation was conducted after the initial investigation and conclusion. Based on review of the file, and the testimony of Frank Beaver and Gary Lewis, the initial complaint and investigation was conducted in November and early December of 2024 and completed on December 4, 2024, with notice to Mr. Wells on December 9, 2024.

Thus, the Court finds that this matter was concluded on December 9, 2024.

Any additional information that was gathered was at the request of Tara Bailey and was not shared with Mr. Wells, nor was he given the opportunity to respond. The investigation conducted by Ms. Bailey was initiated on her own and was improper. Ms. Bailey's claim that Ms. DeGabriele was afraid to come to work is without merit, as Ms. Bailey could not remember who told her this, nor did anyone else testify to this.

Additionally, much of the new information submitted was outside of the timeframe allowable by law including alleged incidents from March of 2024, and should not have been taken into consideration (if it was). This new information was not signed by the complainant and just dated "January 2025". The Court finds that this new information, titled "Update Submitted on 11.22.2024 (New additions added in January 2025, are in RED)" and "NEW DOCUMENTATION SUBMITTED JANAURY 28, 2025" was presented after Ms. Bailey initiated a re-investigation of the original complaint.

Additional statements presented were a "witness statement" presented as coming from Jasmine Saringo, which is not signed, is dated January 29, 2024 (which the Court views as a typo as

¹ Conflict resolution is not appropriate where there is an imbalance of power and allegations of sexual harassment.

contents of the writing include dates after January 29, 2024), and nowhere is the writer identified except in handwriting on the top of the first page. The other witness statement by Brooke May is also not signed or dated. The Court finds that these statements were also submitted due to the improper re-investigation conducted by Ms. Bailey.

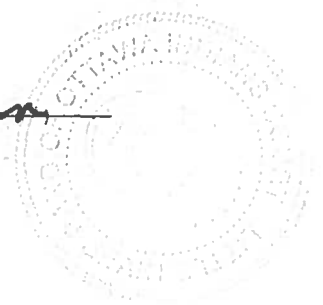
Procedures are implemented to allow notice, due process, stability, and ensure fairness. Once a matter is concluded, it cannot be reopened on her own accord by a new supervisor or lead more than one month after initial conclusion.

For the reasons stated above,

IT IS HEREBY ORDERED that this matter is REMANDED to the Ogema. Corey Wells' employment shall be reinstated effectively as soon as the executive branch can complete the necessary steps, but in no event later than March 26, 2025. Mr. Wells is entitled to back pay as authorized in the Government Employee Relations Act of 2005 as to the day of the termination.

March 20, 2025
Date

Angela Sherigan
Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify a copy of this document was served pursuant to Section 5.12 of the Employment Division of the Tribal Court Code.

3-20-25
Date

Spring Medaico
Court Clerk/Court Administrator

Enrollment Commission v. Tribal Council**25-089-GC**

Summary: This case was heard by Judge Angela Sherigan.

Plaintiff brought suit against Defendant, citing violations of the Constitution and the Commission Ordinance and alleging that Defendant attempted to improperly remove the commissioners from their positions on the Enrollment Commission.

Decision and Order: An initial motion hearing was held, where Defendant asked for an extension of time to respond to Plaintiff's complaint and Plaintiff requested an attorney to represent the Enrollment Commission in this matter. The Court granted both requests and ordered the Tribal Council to provide funds for an attorney to represent the Enrollment Commission not to exceed \$7,000. A hearing on Defendant's motion to dismiss was held on September 5, 2025, where the Defendant's attorney represented to the Court that the notices of removal which are the subject of this case have been recalled; therefore, there is nothing for the Court to decide, and the Defendant's motion to dismiss was granted. This case was closed.

Defendant then filed a motion for stay of execution regarding the attorney fees based on Court Rule 4.625. The Court ruled that Court Rule 4.625 did not apply because the attorney fees were not issued as an award and denied the motion.

**This case has been appealed by Plaintiff and is currently pending in the Court of Appeals (Case No. 25-200-AP)*

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406
tribalcourt@lrboi-nsn.gov

ENROLLMENT COMMISSION,
Plaintiff

Case No. 25-089-GC

Honorable Angela Sherigan

v.

TRIBAL COUNCIL,
Defendant

ENROLLMENT COMMISSION
Plaintiff
c/o Charles Fisher
PO Box 93
Eastlake, MI 49626

GARY S. PITCHLYNN (OBA #07180)
JEREMY OTIS (OBA #33409)
Attorneys for Defendant
P.O. Box 722786
Norman, OK 73070

**ORDER REGARDING DEFENDANT'S
MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT
AND
PLAINTIFF ENROLLMENT COMMISSION'S
REQUEST FOR APPOINTMENT OF ATTORNEY**

A Motion hearing was held in which all parties and/or their attorneys were present. Defendant Tribal Council is asking for an extension of time to respond to Plaintiff's Complaint. Plaintiff objected to an extension of time and requested an attorney to represent the Enrollment Commission in this matter.

The Court normally allows for a preliminary extension of time when parties request extensions and will do so here.

Commissions, departments, Tribal Council, and the Ogema all have attorneys when appearing before the Court. This case is unique in that the Enrollment Commission has made a claim against the Tribal Council; however, intra-tribal disputes are not new to the Court. In this case specifically, the alleged facts appear to claim that all of the Commission members are/were to be removed. This is not the case of one individual commissioner being removed, but a hole body. Under the doctrine of fundamental fairness, the Enrollment Commission should have legal representation.

THEREFORE, it is hereby ordered:

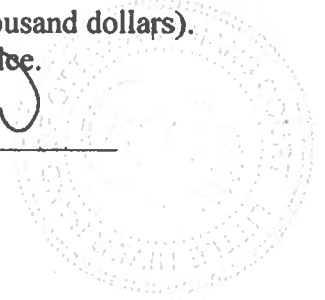
1. Defendant's Motion for an Extension of Time is GRANTED. Defendant Tribal Council shall file its Answer to Complaint no later than July 3, 2025.
2. Plaintiff's request for an appointment of an attorney is GRANTED as follows:

- A. Tribal Council shall provide for funds for an attorney to represent the Enrollment Commission, not to exceed \$7,000.00 (Seven thousand dollars).
B. The Enrollment Commission shall hire an attorney of its choice.

Dated: June 18, 2025



Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

6-18-25
Date

Spring Medaco
Court Clerk/Administrator

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

3031 Domres Road · Manistee, MI 49660
(231) 398-3406
tribalcourt@lrboi-nsn.gov

ENROLLMENT COMMISSION,
Plaintiff

Case No. 25-089-GC

v.

Honorable Angela Sherigan

TRIBAL COUNCIL,
Defendant

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

GARY S. PITCHLYNN (OBA #07180)
JEREMY OTIS (OBA #33409)
Attorneys for Defendant
P.O. Box 722786
Norman, OK 73070

ORDER AFTER MOTION TO DISMISS

A Motion hearing was held on Defendant's Motion to Dismiss, in which all parties and/or their attorneys were present. Defendant's Motion was based on failure to state a claim upon which relief can be granted and lack of subject matter jurisdiction.

Based on Defendant attorney's representation to the Court that the notices of removal which are the subject of this case have been recalled, there is nothing for the Court to decide. The individual commissioners that were affected by the notices are not currently up for removal.

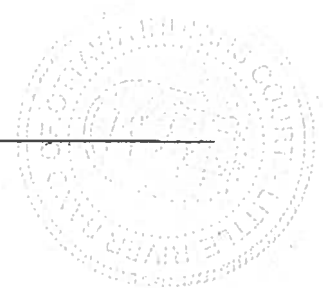
THEREFORE, IT IS HEREBY ORDERED: That Defendant's Motion to Dismiss is GRANTED.

This settles the issue, and this file is hereby CLOSED.

Dated: September 5, 2025

Angela Sherigan

Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

9-5-25
Date

Spring Medacco

Court Clerk/Administrator

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT**
3031 Domres Road · Manistee, MI 49660
(231) 398-3406
tribalcourt@lrboi-nsn.gov

ENROLLMENT COMMISSION,
Plaintiff

Case No. 25-089-GC

Honorable Angela Sherigan

v.

TRIBAL COUNCIL,
Defendant

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

GARY S. PITCHLYNN (OBA #07180)
JEREMY OTIS (OBA #33409)
Attorneys for Defendant
P.O. Box 722786
Norman, OK 73070

**ORDER REGARDING DEFENDANT'S
MOTION FOR STAY OF EXECUTION**

The Court received a Motion for Stay of Execution from the Defendant in the matter regarding the Court's previous Order of June 18, 2025, regarding attorney fees in which the Defendants were ordered to pay for an attorney for the Plaintiff with a limit of \$7000.00.

In its Motion, the Defendant relies on Rule 4.625. However, the Order of June 18, 2025, was not based on Rule 4.625. The ordering of the fee was not issued as an award.

The timeline of events here is important, as reading the Motion is somewhat misleading.

On April 15, 2025, Plaintiff filed this action.

Defendant was served on April 15, 2025.

On May 7, 2025, Defendant filed a Motion for Extension of Time to file an answer.

On May 13, 2025, Defendant filed a Motion to Dismiss. No Answer was filed.

A Motion hearing was set for May 22, 2025, and held in which all parties were present.

On June 18, 2025, the Court issued an order granting the Defendant's Motion for Extension of time and granting Plaintiff's request for an attorney.

On June 30, 2025, Defendant filed an Answer.

On August 14, 2025, the Court began the Motion hearing and continued it on September 5, 2025.

On September 5, 2025, the Court granted the Motion to Dismiss and closed the case.

On October 1, 2025, the Defendant filed an Appeal regarding the attorney fees.

On October 31, 2025, the Defendant filed this Motion; however, it had both case numbers and it and was sent with no cover letter or indication of which Court it was intended to be

filed with, and much of the language regards the Appellate Rules Eventually, Defendant's attorney responded stating it was intended to be filed with the trial Court.

The Defendant's language in its motion that "the Court declined to sign Tribal Council's proposed Order ... and instead decided to set the matter for Hearing on May 22, 2025" implies and assumes that the Court somehow did not follow the proper procedure or rules, which is the exact opposite. The parties did not stipulate to the proposed order, and it was set for hearing as prescribed for in the court rules.

Defendant's attorney was present during the arguments regarding the attorney fee. After the order was issued, the Defendant did not file a Motion for Reconsideration and did not file an interlocutory appeal.

Defendant now comes 30 days after filing its appeal, and more than four months after the order regarding attorney fees requesting a stay of execution.

The Defendant's reliance upon Rule 4.625 is misplaced. Additionally, the Defendant has failed to show good cause as to why the issue of attorney fees should be stayed.

THEREFORE, Defendant's Motion for Stay of Execution is DENIED.

Dated: November 24, 2025


Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

11-24-25
Date


Court Clerk/Administrator

Shannon Crampton v. Election Board**25-128-GC**

Summary: This case was heard by Judge Angela Sherigan.

Plaintiff brought suit against Defendant, alleging that Defendant had violated the Constitution and the Election Board Regulations by scheduling a hearing on challenges that “are in fact disputes” (*Plaintiff’s Complaint for Declaratory and Ex-Parte Injunctive Relief, page 2*). Plaintiff requested the Court declare the Election Board hearing unconstitutional, to issue an ex-parte restraining order stopping Defendant from holding the hearing and issue a Writ of Mandamus compelling Defendant to certify the 2025 election results.

Decision and Order: The Court denied Plaintiff’s request for an ex-parte injunction but allowed the matter to move forward on the request for declaratory judgment. Defendant filed a motion to Dismiss, which the Court denied in part (see *Order after Hearing on Defendant’s Motion to Dismiss – Denied in Part, Granted in Part dated June 27, 2025*). Both parties filed briefs on the remaining issue - whether or not the Election Board can hold hearings regarding election challenges that allow additional evidence – and the standard of standing to bring suit. The Court found that there was no hard to Plaintiff within the context of the hearing in that he was sworn in, thus there is no case or controversy, and therefore Plaintiff lacks standing. This matter was dismissed.

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

SHANNON PAUL CRAMPTON,
Plaintiff,

Case No. 25-128-GC

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD,
Defendant.

**ORDER REGARDING PLAINTIFF'S REQUEST FOR
EX-PARTE INJUNCTION**

On May 27, 2025, the Court received a Request for Ex-Parte Injunction relief enjoining the Election Board from conducting a hearing scheduled for the afternoon of May 27, 2025.

Ex-Parte relief is an extraordinary request that the Court does not often grant.

For an Ex-Parte order to issue, the Court must be satisfied by specific facts set forth in an affidavit or verified pleading that irreparable injury, loss, or damage will result from the delay required to effect notice, or that notice itself will precipitate adverse action before an order can be issued.

In this case, the Plaintiff is not represented and is not an attorney. The Court will not require strict adherence to Court Rules when parties are unrepresented and will treat the Request/Objection as a verified pleading. While it is not in proper form, part of the pleading is notarized.

The Court next looks to whether or not the alleged irreparable injury, loss or damage will result if this request is not considered before a hearing can be set. Here, the Plaintiff has failed to set forth specific facts as to how he would be harmed. It is clear that if this injunction is not issued ex-parte, the hearing will move forward; however, absent a showing of irreparable injury, loss or damage, the court will not issue an injunction simply due to time constraints. The notice of the hearing is dated May 16, 2025, and this request was filed less than 7 hours before the hearing is to be held.

The Plaintiff makes a general allegation that the harm is that the hearing will be held in violation of the constitution and regulations, but not that something irreparable will result. Plaintiff is currently a sitting Tribal Council member and has won the election to retain his seat, thus there is no harm to the Plaintiff if this injunction does not issue.

The requirement of irreparable injury, loss or damage, has not been satisfied.

Since this requirement has not been satisfied, the Court will not look further¹.

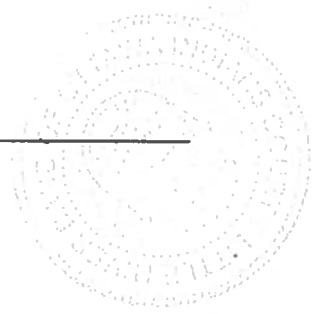
THEREFORE, IT IS HEREBY ORDERED:

1. The Request for Ex-Parte Injunction is DENIED.
2. This matter will move forward as a claim for declaratory judgment.

Dated: May 27, 2025



Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

5-27-25
Date

Spring Medacco
Court Clerk/Administrator

¹ Normally the Court would set the matter for an injunction hearing; however, since the injunction hearing would be scheduled later than the Election Board hearing, the Court will not schedule the injunction hearing.

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT**
3031 Domres Road · Manistee, MI 49660
(231) 398-3406
tribalcourt@lrboi-nsn.gov

SHANNON PAUL CRAMPTON,
Plaintiff,

Case No. 25-128-GC

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD,
Defendant.

Shannon Paul Crampton
Plaintiff
6735 E M-72
Williamsburg, MI 49690
earlymornwalker@aol.com

Jo Anne M. Ybaben, Esq.
Attorney for Defendant
49501 Meadowwood Rd.
Oakhurst, CA 93644
jybaben@gmail.com

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
AND
ORDER DENYING DEFENDANT'S REQUEST FOR LEAVE

On May 27, 2025, the Court received a Request for Ex-Parte Injunction Relief enjoining the Election Board from conducting a hearing scheduled for the afternoon of May 27, 2025, and to compel the Election Board to certify the election, which the Court denied¹.

On May 30, 2025, the Plaintiff filed a Motion for Reconsideration. Motions for reconsideration are governed by Rule 4.119(F), which states:

(F) Motions for Rehearing or Reconsideration.

(1) Unless another rule provides a different procedure for reconsideration of a decision a motion for rehearing or reconsideration of

¹ The Court did not issue an order enjoining the hearing from moving forward, therefore it was not necessary to compel the Election Board to certify the election at that time.

the decision on a motion must be served and filed not later than 14 days after entry of an order disposing of the motion.

(2) No response to the motion may be filed, and there is no oral argument, unless the court otherwise directs.

(3) Generally, and without restricting the discretion of the court, a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

Not long after, the Defendant filed a Request for Leave to File an Opposition to Plaintiff's Motion for Reconsideration. In the request, it states that Defendant wishes "to respond to various mischaracterizations and aspersions in Plaintiff's Motion." This clearly is outside of what the Court will consider in its deliberation regarding a motion for reconsideration, mainly whether or not there was palpable error. Therefore, the Request for Leave to Respond is DENIED.

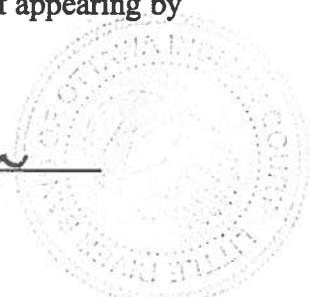
For a Motion for Reconsideration to be granted, there must be a showing of a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error. The Plaintiff does not demonstrate a palpable error. The main focus of the motion is on events that have happened after the order was issued, which are not grounds for reconsideration.

THEREFORE, IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Reconsideration is DENIED.
2. Defendant's Request for Leave to Respond is DENIED.
3. This matter will move forward in an expedited manner.
4. A scheduling conference will be held on Thursday, **June 5, 2025 at 2:00 p.m.** The parties may appear in person or by zoom. Cameras must be turned on if appearing by Zoom.

Dated: May 30, 2025


Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

5-30-25
Date


Court Clerk/Administrator

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT**
3031 Domres Road · Manistee, MI 49660
(231) 398-3406
tribalcourt@lrboi-nsn.gov

SHANNON PAUL CRAMPTON,
Plaintiff,

Case No. 25-128-GC

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD,
Defendant.

Shannon Paul Crampton
Plaintiff
6735 E M-72
Williamsburg, MI 49690
earlymornwalker@aol.com

Jo Anne M. Ybaben, Esq.
Attorney for Defendant
49501 Meadowwood Rd.
Oakhurst, CA 93644
jybaben@gmail.com

**ORDER AFTER HEARING ON DEFENDANT’S MOTION TO DISMISS
DENIED IN PART, GRANTED IN PART**

On May 27, 2025, the Court received a Complaint for Declaratory and Injunctive Relief.¹ The Complaint is two part: first, the complaint alleges that the Election Board does not have the authority to hold the May 27, 2025 hearing, specifically that allows challengers to gather evidence not contained in the challenge filing, and Plaintiff alleges that this violates the Election Board Regulations and the Constitution; and second is an allegation of impropriety on the part of the Election Board, alleging that the decision to hold the hearing was based on the Election Board’s bias against Plaintiff and that many of the people on the ballot that did not win the positions they sought were relatives of members of the Election Board.

On June 3, 2025, the Election Board filed a Motion to Dismiss the Complaint, both claim/allegations, for failure to state a claim upon which relief can be granted and/or except to the amount of damages, there is no genuine issue of material fact.

The burden is on the moving party to show that there is no basis for the claim. Here the moving party is the Defendant. For purposes of these types of motions, the court views the pleadings in a light most favorable to the non-moving party. Meaning, assuming that all the

¹ The Court denied the Request for Injunctive Relief in its Order dated May 27, 2025.

allegations are true, there is no legal claim upon which relief can be granted and the matter must be dismissed as a matter of law. The Defendants have also argued that in the alternative, there is no genuine issue of material fact.

The Defendant first argues that this matter should be dismissed because it is actually an election dispute and the timeline for such filings has passed.

This case is unique in that aside from the issue of impropriety, which only the Court can hear, it is not an appeal from an Election Board decision involving the Plaintiff. Here the Plaintiff is asking for a declaration regarding a section of the Election Board Regulations. While it does deal with “process” which would normally fall under election disputes, this “process” of allowing additional evidence to be presented falls after the timeline for filing a dispute. The deadline to file disputes was April 11, 2025. The notice regarding the May 27, 2025 hearing was issued on May 16, 2025. Such a strict interpretation would leave members without any recourse. The Court finds that this issue is a declaratory issue. Defendant’s Motion to Dismiss based on this argument is Denied.

Defendant also argued that it does have the authority to hold the hearing pursuant to its regulations, arguing that the regulations were promulgated pursuant to Article IX, Section 1(d) and 4(e) of the Constitution and that the hearing was held pursuant to the rules and regulations in place, thus there was no violation of the Constitution. Additionally, the Defendant argues that the regulations do allow for them to conduct investigatory hearings, where the Election Board is not doing the investigation. The Plaintiff maintains that pursuant to the regulations, sufficient evidence must be presented in the challenge complaint, and that by allowing the complainant to present additional evidence at the hearing violates the regulations². The Election Board argued that since challenges must be filed within 5 days of the results, that sufficient evidence must be presented, but not all. The issue of what is sufficient, in the light most favorable to the Plaintiff, is at issue here. The final interpretation can only be declared by this Court. Therefore, the Motion to dismiss on this ground, is Denied.

The second issue is the allegation of impropriety on part of the Election Board in making its decision to hold the hearing. The Defendant argues that Plaintiff’s allegations are too vague and do not fall within the scope of impropriety in the regulations. Plaintiff’s allegation is based in two parts. First is the enrollment audit claim, and second is that the Election Board members have family members that would benefit from the election being overturned and a new election held. The Election Board argues that broad generalizations of personal bias on part of the Election Board members against Plaintiff does not state a claim, including the enrollment audit, and that there were no decisions made regarding any family members of any Election Board members requesting action. A claim of impropriety must state with specificity the impropriety.

² It is important to note that pursuant to the regulations, hearings will be considered if a request is properly made. The request for a hearing was properly made by a challenger.

General broad allegations will not survive a motion for summary disposition. This part of the Motion to dismiss is Granted.

THEREFORE, IT IS HEREBY ORDERED:

1. Defendant's Motion to Dismiss on the issue of the hearing is DENIED.
2. Defendant's Motion to Dismiss on the issue of impropriety is GRANTED.
3. This hearing now scheduled for July 1, 2025, shall be conducted as follows:
The only issue to be decided is whether or not the Election Board can hold hearings regarding elections challenges that allow additional evidence. All arguments and proposed evidence shall be relevant to this issue.

Dated: June 27, 2025


Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

6-27-25
Date


Court Clerk/Administrator

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

3031 Domres Road · Manistee, MI 49660

(231) 398-3406

tribalcourt@lrboi-nsn.gov

SHANNON PAUL CRAMPTON,
Plaintiff,

Case No. 25-128-GC

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD,
Defendant.

Shannon Paul Crampton
Plaintiff
6735 E M-72
Williamsburg, MI 49690
earlymornwalker@aol.com

Jo Anne M. Ybaben, Esq.
Attorney for Defendant
49501 Meadowwood Rd.
Oakhurst, CA 93644
jybaben@gmail.com

ORDER OF DISMISSAL

On May 27, 2025, the Court received a Complaint for Declaratory and Injunctive Relief.¹ The Complaint contains two allegations. First, the complaint alleges that the Election Board does not have the authority to hold the May 27, 2025, hearing, specifically that it allows challengers to gather evidence not contained in the challenge filing. Plaintiff alleges that this violates the Election Board Regulations and the Constitution. The second is an allegation of impropriety on the part of the Election Board, alleging that the decision to hold the hearing was based on the Election Board's bias against Plaintiff and that many of the people on the ballot that did not win the positions they sought were relatives of members of the Election Board.

On June 3, 2025, the Election Board filed a Motion to Dismiss the Complaint, both claims/allegations, for failure to state a claim upon which relief can be granted and/or except to the amount of damages, there is no genuine issue of material fact, of which a hearing was held on June 17, 2025, in which both parties and/or their attorneys appeared.

On June 27, 2025, the Court issued an order dismissing the second allegation. The case was to proceed for final hearing on July 1, 2025. At that hearing, the parties not being fully prepared to move forward, the Court requested that the parties brief the issue of standing.

This case is unique in that in the election challenge hearing, which is the subject of this complaint, the Plaintiff is not the challenger. The Court previously found that while what the Plaintiff is asking for is a declaration regarding a section of the Election Board Regulations, a

¹ The Court denied the Request for Injunctive Relief in its Order dated May 27, 2025.

“process” which would normally fall under election disputes, this “process” of allowing additional evidence to be presented falls after the timeline for filing a dispute. The deadline to file disputes was April 11, 2025. The notice regarding the May 27, 2025, hearing was issued on May 16, 2025. Such a strict interpretation would leave members without any recourse. The Court finds that this issue is a declaratory issue. However, the Plaintiff must still have standing to bring suit.

Both parties filed briefs on the issue. Both parties cite different cases as the standard for standing and stated their support therein. Plaintiff cites a Michigan Supreme Court Case, and Defendant cites a U.S. Supreme Court case. Neither party cited the Little River Court of Appeals cases regarding standing, *Chapman v. Tribal Council*, 08-034-AP, and *Agosa & Ossiginac v. Ogema Romanelli*, 22-037-AP, which set the test for standing in declaratory actions against public officials. The test is two-part, and each part must be met:

1. that there is a failure to perform a duty mandated by the Tribal Constitution; and
2. that there is a public harm.

Both cases cited by the parties deal with the standing issue in relation to “case or controversy.” Public harm and case or controversy are often used interchangeably, while not technically the same. Essentially, in order for the Court to hear a case, including a declaratory action, there must actually be a case or controversy. Here, the Plaintiff is not one of the challengers to the 2025 election that was the subject of the Election Board hearing held on May 27, 2025. He was however notified of the hearing on May 17, 2025, and filed with the election board his objections. He did not attend the hearing. The hearing was held and the Election Board found against the challengers. The election was certified and all winning candidates, including the Plaintiff, were subsequently sworn in to their respective positions.

There is no harm to Plaintiff within the context of the hearing, in that he was sworn in, thus there is no case or controversy, and therefore Plaintiff lacks standing.

THEREFORE, IT IS HEREBY ORDERED: This matter is dismissed.

Dated: August 11, 2025

Angela Sherigan //
Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

8-11-25
Date

Spring Medacco
Court Clerk/Administrator

John J. Pabami v. Election Board**25-134-EB**

Summary: This case was heard by Judge Angela Sherigan. Plaintiff filed an appeal of an Election Board decision with the Court, alleging violations of the Constitution and the Election Board Regulations. Plaintiff requested an injunction and a temporary restraining order to halt the certification of the election results and oaths of office until the matter is resolved by the Court.

Decision and Order: The Court found that Plaintiff was unable to provide enough evidence that statements made at a Tribal Council meeting affected the outcome of the election; therefore, the decision of the Election Board was upheld.

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

JOHN JEROME PABAMI,
Plaintiff,

Case No. 25-134-EB

Hon. Angela Sherigan

v.

LRBOI ELECTION BOARD,
Defendant.

John Jerome Pabami
Defendant
909 Davis Street
Manistee, MI 49660

Jo Anne M. Ybabben, Esq.
Attorney for Defendant
49501 Meadowwood Rd.
Oakhurst, CA 93644

ORDER AFTER HEARING ON APPEAL OF ELECTION BOARD DECISION

This matter came before the Court as an appeal of a decision of the Election Board regarding Plaintiff's challenge to the 2025 election. A hearing was held in which both parties and/or their attorneys were present¹. This order is issued later than the timeline set forth in Administrative Order 25-003, due to the impact case number 25-128-GC could have on this matter. Additionally, the parties, on the record, were advised of this and agreed to the extension of time. Two days before this hearing, the Defendant filed a Motion to Dismiss, which the Court advised that it would not hear as it is untimely filed and that this is an appeal, not a civil matter. Case No. 25-128-GC has been decided and the time for an appeal has now passed.

Plaintiff filed a challenge with the Election Board regarding the 2025 general election in which he was a candidate for Tribal Council. The allegation that has been appealed to this court from that challenge is that of election tampering/election fraud. A hearing was held by the Election Board, and a decision was rendered that was not in Mr. Pabami's favor, stating that he did not present enough evidence that the behavior/statements that he alleges are tampering and/or fraud affected the outcome of the election.

The burden in a challenge is on the challenger, and the question is whether or not what is being complained of affected the outcome of the election.

Plaintiff argues that at the April 9, 2025 Tribal Council meeting, two Tribal Council members stated that the ballots were wrong, and that this caused people not to vote in the

¹ At the beginning of the hearing the Plaintiff brought up an issue that was not part of the appeal presented to the Court. Plaintiff stated that he believes that the swearing in was done in violation of AO 25-003. AO 25-003 sets the timeline for hearing challenges in Tribal Court and does not deal with the issue of when a swearing in is to occur.

election. He states that this is election fraud and therefore the election should be overturned. The Election Board stated that they reviewed the recording of the meeting at which the statements were made.

The majority of Plaintiff's appeal to the Court was centered around the criminal charge of election fraud. This is not a criminal matter, it is an appeal from an Election Board decision regarding a challenge. The Court will not make a finding on whether or not the actions complained of rise to the level of a criminal action. As of the date of this filing, no criminal actions have been filed with the Court by the Prosecutor regarding the actions complained of. It is improper for the Court to make a determination of an allegation of criminal conduct absent a charge brought by the prosecuting attorney. The Court will only look at whether or not the action affected the outcome of the case.

The Election Board also argued that Plaintiff only provided 6 affidavits of people and that Plaintiff lost by 21 votes, thus he needed to provide 22 affidavits or people to testify at the hearing. It is also important to note that although Plaintiff argues that he did not have enough time to find people who did not vote, he was given additional time beyond the initial 5 days that he had to file the challenge. Mr. Pabami's challenge to the Election Board is dated April 28, 2025. The Election Board issued a notice of hearing on May 12, 2025 with a hearing date of May 27, 2025. He was given the opportunity to provide additional information/evidence at the hearing pursuant to the notice of hearing, which was almost one month from the date of his filing. Elections need to have finality. The Court finds that Mr. Pabami had enough time to gather additional evidence.

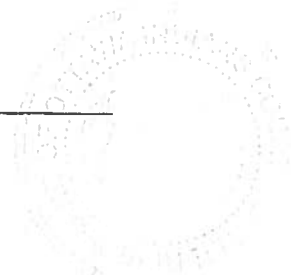
While the Court finds the statements made in a Tribal Council meeting by elected officials extremely disturbing, statements alone will not halt or overturn an election absent a showing that those statements somehow caused people not to vote. Mr. Pabami was unable to provide enough evidence to the Election Board that at least 22 people did not vote in the election because of the statements. The question is not whether or not those statements amounted to election tampering/fraud, the question is whether or not those statements affected the outcome of the election. The Court finds that the Plaintiff failed to show enough evidence that the statements affected the outcome of the election.

THEREFORE, IT IS HEREBY ORDERED that the Election Board's decision is UPHeld.

Dated: September 12, 2025

Angela Sherigan

Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon the parties pursuant to Tribal Court Rule 4.100.

9-12-25
Date

Spring Medacco

Court Clerk/Administrator