LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT
3031 Domres Road · Manistee, MI 49660
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SHANNON PAUL CRAMPTON,
Plaintiff

v.

TAMMY BURMEISTER,
MISTY SILVIS, GARY DIPIAZZA,
and CONNIE WAITNER
Defendants.

Case No. 25-207 GC

Hon. Caroline LaPorte

Shannon Paul Crampton *Plaintiff* 6735 E. M-72 Williamsburg, MI 49690	Israel Stone *Lay Advocate for Defendants* 402 W. Parkdale Avenue Manistee, MI 49660

ORDER AFTER HEARING ON DEFENDANTS' OBJECTION TO EX-PARTE RELIEF

On October 9, 2025, the Little River Band of Ottawa Indians Tribal Court received a verified complaint asking for, in part, an Ex-Parte Order directing the Defendants to attend council meetings so that a quorum necessary can be met to conduct business.

Chief Judge Angela Sherigan originally reviewed the complaint and granted the Ex-Parte request by Speaker Shannon Crampton by going through the four factors required when a party is asking for a Writ of Mandamus. Chief Judge Sherigan's Order is attached for reference.

As part of the Order and consistent with the rules of this Tribe, the Court advised the Defendants that they would have 14 days from the date that they were served to file an objection. Defendants filed their objection on October 10, 2025, arguing no immediate threat to the Tribe, that the Plaintiff failed to exhaust all other remedies which are available under the Constitution and that the Order was obtained under false pretense. Essentially, Defendants argued that the Speaker could have called an Emergency Meeting pursuant to the Tribal Council Procedures Ordinance. They further argued that the writ was obtained under false pretense due to "constitutional violations" that occurred in the meeting—namely, Defendants alleged, that quorum was not established.

On October 16, 2025, the Court held a hearing in front of Judge LaPorte. Speaker Crampton appeared pro se. Defendants— who are all members of Tribal Council—appeared represented by lay advocate Israel Stone. Speaker Crampton objected to Mr. Stone's appearance stating that he did not receive notice; however, the Court rules do not require prior notice before the appearance of representation. The Court reviewed the rules with the parties after a brief recess and allowed Mr. Stone to stay as lay advocate but preserved Speaker Crampton's objection.

Each party was given time to provide opening arguments and to present witnesses, as well as to cross-examine any witnesses providing testimony. Mr. Stone called each Defendant and Speaker Crampton was provided an opportunity to cross-examine each of them. Speaker Crampton was also called by Mr. Stone who asked questions of Speaker Crampton. The Court then gave Speaker Crampton time to present oral testimony in response.

The Defendants presented a consistent argument—which was not present in their original objection (nor did they focus on their original objection)—stating that by walking out of the meeting, they were exercising their right to free speech. Additionally, Defendants provided some discussion that their actions—reading prepared statements and walking out of the Tribal Council meeting—was akin to a filibuster. Both arguments, though creative, fall short.

We turn to address filibuster first. A review of the Tribal Council Procedures Ordinance, as well as the Little River Band of Ottawa Indians Constitution, reveals that the Tribe itself does not have a procedure for filibuster or cloture. As a result, we must do a dive into the history of United States Senate rules for a useful comparison. This might seem counterintuitive—as the laws of the Tribe should ideally have nothing to do with the rules of the U.S. Senate—but colonization and oppression have sadly forced us here to sit in this muck.

A filibuster (in the general congressional sense) means that an individual representative of the legislative body of the U.S. government prolongs debate for the purpose of preventing a vote on a bill, a resolution or an amendment. The Senate's own historical overview states that "whether praised as the protector of political minorities from the tyranny of the majority, or attacked as a tool of partisan obstruction, the right of unlimited debate in the Senate, including the filibuster, has been a key component of the Senate's unique role in the American political system." [1]For over half of the United States' existence as a governing body, the Senate rules did not provide a way to end debate on a measure—meaning Senators could simply talk and talk and talk until they killed a vote. *Importantly—they did this on the Senate floor as required as a part of their duties.* Even though filibusters are credited to then Vice President Aaron Burr, they were not utilized that frequently (perhaps because of the effort they take, or because the impact of Burr's actions at the time were not truly realized until about three decades later). Filibusters became more of recurring tactic in the late 19th and early 20th centuries, which naturally led to critical debate about changing Senate rules to limit the practice.[2] So, in 1917, as the legislative body

[1] https://www.senate.gov/about/powers-procedures/filibusters-cloture/overview.htmI
[2] *Id.*

became increasingly frustrated (along with President Woodrow Wilson), the Senators adopted Senate Rule 22, which allowed the Senate to invoke "cloture" to limit debate with a two-thirds majority vote.[3]The rule was first invoked in 1919 when the Senate invoked it to end a filibuster against the Treaty of Versailles. As it became increasingly apparent that getting a two-thirds vote was incredibly difficult, the Senate (in 1975) reduced the number of votes to invoke cloture from two-thirds of Senators voting to three-fifths of all senators duly chosen and sworn (or 60 of the 100 Senators in office).

The reason the Court is going through this is to make it clear what filibuster is and what it is not and to draw some key distinctions. First, Tribal Council—compared to the Senate Body—is incredibly small. This means that the actions of a small minority can have a relatively large impact on the whole of the Tribe. This is different than in the Senate—where at one time two-thirds vote or more recently a three-fifths of all sitting Senators was required to end debate. The thresholds are not exactly comparable for obvious reasons—though that certainly does not make the work of Tribal Council any less important. Furthermore, a filibuster is truly an action that requires dedication and effort, as continuing debate indefinitely or for prolonged periods of time prior to an encroaching deadline is not a passive act. Take South Carolina's previous Senator Strom Thurmond—who filibustered on the Senate floor nonstop for 24 hours and 18 minutes to defeat the Civil Rights Act of 1957, or New Jersey Senator Corey Booker, who spoke for 25 hours and 5 minutes against the policies of the Trump administration in April of 2025. In 2013, Texas State Senator Wendy Davis filibustered Texas anti-abortion legislation for by speaking and standing for over 13 hours—she was so tired she had to have someone bring her a back brace and she famously donned a pair of pink tennis shoes. Defendants in the Tribal Council meeting did not endlessly debate a resolution—they simply left the Council Meeting…*and absence does not a filibuster make*.

Now, the Court turns to the Defendants' primary argument—that they were exercising free speech by walking out.

In knowing his clients had left a Tribal Council meeting and intentionally broke quorum, Mr. Stone presented perhaps the only argument that he could— that they were exercising their *individual* rights under the Little River Band of Ottawa Indians Tribal Constitution. Article III Section 1 "Civil Rights" states Tribal Council shall not "make or enforce any law that prohibits the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people to peaceably assemble and to petition for a redress of grievances." (*See* Article III, Section 1(a) of LRBOI Constitution). At its most basic, free speech is the right to express opinions and ideas without government interference. But Tribal Council Members cannot argue that an abrogation of their duties (namely to be in a Council Meetings for quorum) is an exercise of free speech—rather, it's a failure to uphold their oath of office and to follow their own rules.

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[3] *Id.*

Tribal Council has the authority to enter their own rules, similar to the United States Senate and House of Representatives, and other legislative bodies. (*See* Article IV Section 6(e) and Section 7(g) of the LRBOI Constitution). The purpose of the Tribal Council Procedures Ordinance is to "establish procedures governing the conduct of meetings of the Tribal Council, to give definitions to terms used in the Tribal Constitution relating to the implementation of legislative powers vested with the Tribal Council, and to clarify those procedures for the Tribal Membership in order to facilitate member participation in the legislative and policy-making process." *See* Section 1.02.

Section 3.12 defines "majority vote" as a vote of a majority of the Tribal Council on a motion, ordinance, or resolution under consideration by the tribal council—*where quorum is present.* Section 3.19 defines "quorum" as the necessary minimum number of tribal councilors required to be present in order for business to take place pursuant to Article IV Section 6(f)(1) of the LBROI Constitution. The Court puts these sections here as reminders.

During the hearing, there were arguments made regarding roll call and whether the Recorder called on Councilor Tammy Burmeister to establish quorum. Those arguments are not relevant in this case at this time. The remedy requested by Speaker Crampton relative to the ex-parte order Defendants are objecting to, was for an Order directing the Defendants to attend Council meetings so that a quorum could be met to conduct business.

Critically, Chief Judge Sherigan wrote "Defendants have the clear legal duty to perform the act requested, the Defendant Council Members are mandated by the Constitution to attend Council meetings as set forth in the Constitution in Article IV, Section 6(a)(f) and (g)." Furthermore, it is worth pointing out that, also as stated by Chief Judge Sherigan, that at least three of the Defendant Councilors have direct knowledge of this Constitutional mandate under Case No. 24-065-GC and that Council Member Waitner (though not on Council when Case No. 24-065-GC was decided) is bound by prior orders of this Court.

A Council Member citizen's right to free speech does not allow them to violate their oath of office. However, it is also worth discussing that historically in other legislative bodies, failing to appear was of such a concern that even the U.S. Senate adopted a rule specifying its manner and penalties for enforcing senators' attendance. The Senate's rule provided that less than a quorum could authorize expenses for the Senate's sergeant at arms to bring absent members back to the chamber via a warrant—and at their own expense. Tribal Council has no such rule, and in the absence of such a rule, and when there are emergency/time-sensitive issues that will impact Tribal Members or Tribal operations in severe ways, there exists a need for the Court—when properly brought before it by way of complaint—to address what it can pertaining to ministerial (as opposed to political) actions.

It is worth stating, that regardless of whether an order requesting for Council Members to be present to meet the established requirements of their position—both under the Tribe's Constitution and their individual oaths of office—is obtained, *they are nevertheless BOUND to*

their duty. And while this Court has past precedent of ensuring that Council Members are present for their Constitutional duties, this would normally be something left to the voters of the Little River Band of Ottawa Indians and of Tribal Council itself to **censure** its own members pursuant to its own rules—so the redundancy of this Order is not lost on this Court.

The power of the Little River Band of Ottawa Indians is derived from one source only: its people—the Tribal Members. When the Little River Band of Ottawa Indians Tribal Members vote to elect their representative Council Members, they place faith in them regarding the positions and stances that each Council Member takes, especially when Council acts. Being unaware of the consequences of one's vote, or of not continuing to engage politically to hold individual Tribal Council Members or Council as a body accountable, or of being unaware of Constitutional processes and remedies is not something that the Court is responsible for mitigating nor even has jurisdiction over. However, because the Constitution sets out mandates pertaining to the Tribal Council, and because the Court has previously entered Orders consistent with this one, the Court enters this Order out of consistency with precedent and due to the ministerial—rather than political—nature of showing up and staying for a meeting.

Therefore, Defendant Council Members Misty Silvis, Gary DiPiazza, Tammy Burmeister, and Connie Waitner are **ORDERED** to attend all Council meetings from the date of Chief Judge Sherigan's Order until further Order of this Court. As stated at the hearing, Chief Judge Sherigan's Ex Parte order remains in effect until further Order of this Court.

A violation of this ORDER will be grounds for **CONTEMPT OF COURT.**

It is **SO ORDERED THIS 31st Day** of **October, 2025**.

Caroline B. LaPorte, J.D
Associate Judge

CERTIFICATE OF SERVICE

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

10-31-25
Date

Court Clerk/Administrator

LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT

SHANNON PAUL CRAMPTON,
Plaintiff

Case No. 25-207 GC
Hon. Angela Sherigan

v.

TAMMY BURMEISTER,
MISTY SILVIS, GARY DIPIAZZA,
CONNIE WAITNER
Defendants.

ORDER GRANTING EX-PARTE REQUEST

On October 9, 2025, the Court received a verified complaint, asking for, in part, an Ex-Parte Order directing the Defendants to attend Council meetings so that a quorum necessary can be met to conduct business.

For an ex-parte order to be issued, the moving party must set forth facts, in an affidavit or verified pleading that irreparable harm, injury, loss, or damage will result from the delay required to effectuate notice, or that the notice itself will precipitate adverse action before an order can be issued.

The pleading it is not titled verified; however, the Plaintiff is not represented by an attorney, nor is he an attorney, and while there is no attestation clause, the complaint is notarized and the Court will consider this technical requirement of the attestation clause satisfied and will treat it as such.

The Court next looks at if specific facts have been set forth that show irreparable harm, injury, loss, or damage will result for the delay required to effect notice. Here, the Plaintiff has stated that the Tribe would be put in harm if the insurance bills as well as an IT issue are not acted upon prior to the next regular scheduled Council meeting. Additionally, Plaintiff alleges that Defendants have left Council meetings, that no business was able to be conducted due to lack of quorum, and that there are time sensitive issues that must be voted on at the next regular meeting. The Court finds that irreparable harm will occur if this order is not issued ex-parte.

The next issue the Court will look at is the form of injunctive relief that the Plaintiff is requesting, that of a Mandamus. A Writ of Mandamus is an extraordinary remedy and will only be issued where the following four factors are met:

1) The party seeking the writ has a clear legal right to performance of the specific duty sought;
2) The defendant has the clear legal duty to perform the act requested;
3) The act is ministerial; and
4) No other remedy exists that might achieve the same results.

As to the first factor, does the party seeking the writ have a clear legal right to performance of the specific duty sought, the specific duty being Defendants attending council meetings, the Court finds that the Plaintiff, as a co-council member, (as well as being a citizen of the Tribe), has a clear legal right to have the Defendant Council members attend Council meetings as mandated by the Constitution so that business can be conducted and that the Plaintiff can uphold his oath of office to promote, protect, and provide for public health, peace, morals, education and general welfare of the Little River Band and its members.

As to the second issue, Defendants have the clear legal duty to perform the act requested, the Defendant Council members are mandated by the Constitution to attend Council meetings as set forth in the Constitution in Article IV, Section 6 (a) (f) and (g). Additionally, Councilors Burmeister, Silvis and DiPiazza have direct knowledge of this mandate under Case No. 24-065-GC. As to Defendant Council member Waitner, she is also bound by prior orders of the Court that have not been reversed by the Court of Appeals.

As to the third factor, the act is ministerial, attending a council meeting is a ministerial act - it is simply showing up and staying at the meeting.

As to the fourth factor, no other remedy exists that might achieve the same results, there are items that are time sensitive, and there is not enough time to act on those items.

THEREFORE, IT IS HEREBY ORDERED: That Defendants/Councilors Tammy Burmeister, Misty Silvis, Gary DiPiazza, and Connie Waitner attend all Tribal Council meetings beginning October 10, 2025, either in person or via zoom, and remain in the meeting until all business is conducted and the meeting is adjourned, until further order of the Court.

Notice to the Defendants: Ex-parte Orders are Temporary Orders. You have 14 days from the date that you are served to file an objection. If you do not file an objection, this Order may become permanent. If you file an objection, the Court will set a hearing date to determine if the Temporary Order will continue.

Dated: October 9, 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.

10-9-25
Date

Spring Medaco
Court Clerk/Administrator