

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

GARY PAUL DIPIAZZA

Plaintiff,

Case No. 22-013-GC

Hon. Angela Sherigan

v.

LRBOI TRIBAL COUNCIL,

Defendant.

/

ORDER REGARDING PLAINTIFFS' REQUEST FOR AN INJUNCTION

The Court received a Request for an emergency Ex-Parte Preliminary Injunction enjoining the Tribal Council from allowing Ryan Champagne to participate in Tribal Council meetings as a member of Tribal Council or as Speaker on January 26, 2022, which was denied and set for hearing on February 4, 2022. At that hearing, Tribal Council requested an adjournment to obtain legal counsel, which the Court granted, and adjourned the matter until February 11, 2022.

On February 11, 2022, a hearing was held in which the Plaintiff and his attorney appeared, and Recorder Julie Wolfe, Councilors Tom Guenthardt and Pamela Johnson appeared. This was set for a date certain and the Court proceeded with the hearing.

The allegations contained in the complaint is a case of first impression. Plaintiff is asking the Court to declare the meaning of, and duties associated with Article IX, Section 4(d) which states "If any Tribal Council member ceases to be a resident of the State of Michigan, he or she shall automatically forfeit his or her Council position." The Plaintiff is also asking for an injunction against the Tribal Council from allowing Ryan Champagne from participating in Council meetings as a member or Tribal Council and Speaker, which was the subject of the hearing and this order.

For an injunction to issue, the Plaintiff must show:

- 1) there will be no harm to the public interest if an injunction issues;
- 2) whether harm to the applicant in the absence of an injunction outweighs the harm to the opposing party if granted;
- 3) the strength of the applicant's demonstration that the applicant is likely to prevail on the merits; and
- 4) demonstration that the applicant will suffer irreparable harm/injury if an injunction is not granted

Plaintiff, through his attorney, restated the information in his pleadings and relied on the pleadings and the exhibits attached thereto. Tribal Council, through Recorder Julie Wolfe, stated as Recorder for Council that she did not feel like she could adequately speak for the Tribal Council without adversely affecting the case.

As to factor 1 – harm to the public. Plaintiff argues that there is no harm to the public interest if the injunction issues. Tribal Council did not have a response.

As to factor 2 – whether the harm to the applicant in the absence of an injunction outweighs the harm to the opposing party if granted. Plaintiff argues that the harm to him, as a Council member would be that there is a continued violation of the Constitution by allowing Ryan Champagne to continue to conduct meeting and maintain his seat on Tribal Council. Tribal Council did not have a response.

As to factor 3 – strength of the Plaintiff's case of likely prevailing on the merits. Plaintiff presented a True Copy of a Notice to Appear from the 91st District Court, State of Michigan, showing Mr. Champagne's address as being in Milwaukee, Wisconsin, and Form 102-Nonstock Corporation Articles of Incorporation from the Corporations Bureau from the Wisconsin Department of Financial Institutions, showing Ryan L. Champagne as the Registered Agent for MinoAki, Corp., with an address for the registered agent in Milwaukee, Wisconsin, which is the same address as the 91st District Court document. Plaintiff also argues that the State of Wisconsin requires resident and an office in Wisconsin to be qualified as a registered agent. Tribal Council did not have a response.

As to factor 4 – irreparable harm. Plaintiff argues that to allow the Mr. Champagne to continue to serve on Council jeopardized the lawfulness of any action taken by Tribal Council in which Mr. Champagne is involved and calls into question actions already taken. Plaintiff also argues that there is irreparable harm by allowing a continuing violation of the Constitution as the residency requirement is an automatic forfeiture of the Council seat. Tribal Council did not have a response.

The Court finds that the Plaintiff has satisfied the requirements for an injunction to issue.

THEREFORE, IT IS HEREBY ORDERED: that Tribal Council shall not allow Ryan Champagne to participate in Tribal Council meetings as either Speaker or a member of Council, until further order of the Court.

Dated: February 11, 2022


Hon. Angela Sherigan

