

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

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

SARA AGOSA and JOLENE (Ossiginac)
O'SIGNAC,
Plaintiffs

Case No. 21-611-GC

Honorable Angela Sherigan

v.

OGEMA LARRY ROMANELLI
Defendant

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

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Jolene Ossiginac
Plaintiff, In Pro Per
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Placentia, CA 92870
osignac@aol.com

**ORDER AFTER DEFENDANT'S MOTION TO DISMISS
FOR LACK OF STANDING**

A hearing was held in which all parties and/or their attorneys appeared on the Defendant's Motion to Dismiss for lack of standing.

Defendant brought this motion under Little River Court Rule 4.116 (c)(5), alleging that the Plaintiffs lack standing (the capacity to sue, as stated in the rule), and relies on *Chapman v. Tribal Council*, Case No. 08-034-AP.

The Article XI, Section 2(a) of the Constitution states:

The Little River Band, its Tribal Council members, Tribal Ogema, and other Tribal officials, acting in their official capacities, shall be subject to suit for declaratory or injunctive relief in the Tribal Court system for the purpose of enforcing rights and duties established by this Constitution and by the ordinances and resolutions of the Tribe.

This provision of the Constitution allows for suits to be filed in the Tribal Court for declaratory and injunctive relief against the Ogema, and the *Chapman* case sets forth who has standing to bring suits.

The *Chapman* case sets forth the test of standing. It is a two-part test where Plaintiffs must show:

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

The *Chapman* case specifically dealt with Tribal Council; however, this Court finds that it also applies to the Tribal Ogema, and that the test is the same.

This case involves issues regarding an Executive Order regarding the creation of an advisory group to assist in the management of the casino. The Defendant argues that the Tribal Ogema's duty imposed by the Constitution is to manage the affairs of the Tribe's enterprise - specifically, the Little River Casino Resort - which he has been doing; that there is no public harm; and the harm that the Plaintiffs allege - spending more money than is allowed - is 1) purely speculative and 2) that the Casino money is separate from the government budget. Plaintiffs additionally argue that there is public harm as the Executive Order is improper as it does not comply with the Administrative Procedures Act, and the Ogema does not have the power to create subordinate organizations.

The Court will first look at the first part of the Chapman test, failure to perform a constitutionally mandated duty. The Court finds that the constitutionally mandated duty here is found in Article V, Section 5(a)(8): "To manage the economic affairs, enterprises, property (both real and personal) and other interests of the Tribe, consistent with ordinances and resolutions enacted by the Tribal Council."

The enterprise, the Little River Casino Resort, is operating and being managed by the Ogema. There has been no showing that the Little River Casino Resort is not operating, or that the Ogema has failed to manage it.

Without a finding of a failure to perform a constitutionally mandated duty, the Court will not look further.

THEREFORE, IT IS HEREBY ORDERED:

Defendant's Motion to Dismiss based on lack of standing is hereby GRANTED.
This case is dismissed.

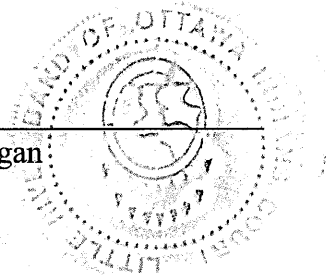
January 24, 2022

Date

DocuSigned by:

Angela Sherigan

Honorable Angela Sherigan



CERTIFICATION OF SERVICE

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

1-24-22
Date

Spring Medacco
Court Clerk/Administrator