

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

ISRAEL STONE, MICHAEL BURMEISTER,  
JODI WALTER, CONNIE WAITNER,  
LEE IVINSON, LYNN SAUNDERS,  
Plaintiffs,

Case No. 21-639-GC

Hon. Angela Sherigan

v.

LRBOI TRIBAL COUNCIL,  
Defendant.

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**ORDER REGARDING PLAINTIFFS' EMERGENCY REQUEST FOR EX-PARTE  
PRELIMINARY INJUNCTION/STAY**

The Court received a Request for an Ex-Parte Preliminary Injunction in the form of a Restraining Order, on December 30, 2021 by the Plaintiffs. 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 Plaintiffs are not represented and are not attorneys. The Court will not require strict adherence to Court Rules when parties are unrepresented, and will treat the Request as a verified pleading. The Court is considering this request as it deals with the 2022 budget which is to begin on January 1, 2022, two days from the date of this filing.

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 Plaintiffs are asking for a restraining order that prevents the Tribal Council from making certain changes to the Little River Casino Resort's budget. The request was filed late afternoon on Thursday, December 30, 2022, two days before the budget is to take effect. The budget was passed by Council the same day as the filling of this petition. The Plaintiffs have satisfied the requirement of timing.

The Court then looks to whether or not irreparable injury, loss or damage will occur. Plaintiffs argue that they will suffer immediate irreparable harm as the budget as passed by Council eliminates positions of three of the above named Plaintiffs and effects one other position. This is to begin January 1, 2022.

While this request is being considered without a hearing due to the time constraints, the Court has reviewed all of the pleadings filed and taken them into consideration and has reviewed ordinances and case law referenced in the pleadings, as well as reviewed the Constitution. The budget, as passed, appears to in effect reorganize the Casino Resort staff, an executive management function.

The Court is satisfied that the Plaintiffs will suffer irreparable harm in that they will no longer have employment at 12:00 a.m. on January 1, 2022, and that the organizational structure of the Casino Resorts will be changed.

THEREFORE, IT IS HEREBY ORDERED: that the current budget of the Little River Casino Resort as passed by Council on December 30, 2021, is hereby STAYED until further order of the Court.

Dated: December 31, 2021 at 12:45 p.m.

Angela Sherigan  
Hon. Angela Sherigan

### **Notice to Defendant**

1. You may file a written objection to this order or a motion to modify or rescind this order. You must file the written objection or motion with the clerk of the court within 14 days after you were served with this order. You must serve a copy of the objection or motion on the party who obtained the order.
2. The ex parte order will automatically become a temporary order if you do not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. Even if an objection is filed, the ex parte order will remain in effect and must be obeyed unless changed by a later court order.
3. If there is a timely objection or motion and a request for a hearing, the hearing will be held within 21 days after the objection or motion and request are filed.