

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

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

GARY PAUL DIPIAZZA,
Plaintiff

Case No. 22-013-GC

Honorable Angela Sherigan

v.

LITTLE RIVER BAND OF OTTAWA
INDIANS TRIBAL COUNCIL,
Defendant

and

NITUMIGAABOW RYAN CHAMPAGNE,
Intervenor-Defendant.

W. Dane Carey (P79898)
Attorney for Plaintiff
412 S. Union Street
Traverse City, MI 49684
wdc@kuhnrogers.com

LRBOI Tribal Council
Defendant (in pro per)
2608 Government Center Drive
Manistee, MI 49660
juliewolfe@lrboi-nsn.gov

Nitumigaabow Ryan Champagne
Intervenor-Defendant (in pro per)
1080 Red Apple Road
Manistee, MI 49660
judgechampagne@yahoo.com

FINAL ORDER

A Motion and Final Declaratory Hearing was held on April 15, 2022, in which all parties were present.

As a preliminary matter, the Court heard the Tribal Council's Motion to Dismiss. The Motion was based on the fact that Nitumigaabow Ryan Champagne is no longer a member of the Tribal Council. The motion did not address the issue regarding the Constitutional interpretation of Article IV Section 4(d), specifically, who is responsible for enforcing the provision.

The Court granted the motion in part, as to the seat on Council, but denied it in full. The Plaintiff did not wish to proceed on the remaining issue, thus dismissing the final issue.

Intervenor Champagne asked the Court to find this matter frivolous and assess costs and fees. To be considered frivolous, the court must make a finding that the case is without legal

merit. Interpretation of the Constitution falls directly in the purview of the Court. This matter, in its complaint/petition, specifically asks the Court to interpret a provision of the Constitution, Article IV, Section 4(d), as well as asks the Court to order elected officials to perform their constitutional duties. The Court does not find this matter to be frivolous.

THEREFORE, this matter is dismissed, and the case is closed.

Dated: April 18, 2022

DocuSigned by:
Angela Sherigan
B3F0867F17BE48A
Hon. Angela Sherigan



CERTIFICATION OF SERVICE

I certify that a copy of this order was mailed to all parties and/or their attorneys via email and via USPS on the below date.

4-19-22
Date

Spring Medaco
Court Clerk/Administrator