

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

3031 Domres Road · Manistee, MI 49660  
(231) 398-3406  
tribalcourt@lrboi-nsn.gov

TAMMY BURMEISTER, PAM JOHNSON,  
MISTY SILVIS, SHIRLEY WEVER, and  
GARY DIPIAZZA,  
Plaintiffs,

Case No. 24-007-GC

Honorable Caroline LaPorte

v.

JULIE WOLFE, SHANNON CRAMPTON,  
ALLEN METZGER, and RONALD WITTENBERG,  
Defendants.

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**ORDER REGARDING EX PARTE RELIEF**

On January 8, 2024, the Court received a complaint from five (5) members of Tribal Council (Tammy Burmeister, Pam Johnson, Misty Silvis, Gary DiPiazza, and Shirley Wever) for “immediate injunctive relief” asking the Court to compel Tribal Council to appropriate funds for the FY2024 Budget and against Shannon Crampton, Allen Metzger, Julie Wolfe and Ronald Wittenberg “intentionally breaking quorum” at two emergency meetings that were called on January 5, 2024. Tribal Council Member Plaintiffs state in their complaint, which is not verified nor accompanied by an affidavit, their reason for filing which is the named Tribal Council Member Defendants “not upholding fiscal responsibilities that is resulting in the inability to promote, protect, and provide for public health, peace, morals, education and general welfare of the Little River Band and its members.”<sup>[1]</sup>

The Plaintiffs ask the Court for “immediate injunctive relief” to “*compel*” four *elected officials* to “appropriate funds for the FY2024 Budget”. Because these parties are unrepresented for at least the purpose of filing this initial complaint, the Court will construe this as an ex-parte request for a writ of mandamus. But, in order for the Court to issue an ex-parte order as it construes this request to be (which is an *extraordinary* remedy because it is without notice to the other parties), it 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 by this Court.

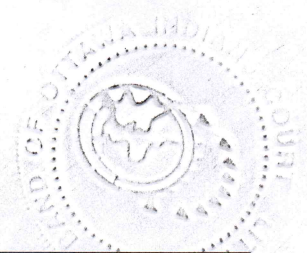
Unfortunately, there is not an affidavit to accompany this request for ex-parte relief nor is the pleading itself verified (notarized). Additionally, no specific Constitutional provision, ordinance, resolution or other legal basis is identified in the Complaint.

<sup>[1]</sup> Complaint filed on January 8, 2024, and attached to this Order.

Therefore, the Court must and is **DENYING** the request for ex-parte relief and **DISMISSES** this case *without prejudice*. Nothing in this Order prohibits the Plaintiffs from refileing.

A copy of the Complaint and accompanying exhibits (the roll call sheets from the emergency meetings called on January 5, 2024) are attached to this **ORDER**.

**IT IS SO ORDERED** this 10<sup>th</sup> Day of **January 2024**.



DocuSigned by:  
*Caroline LaPorte*

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Caroline LaPorte, J.D.  
Associate Judge

CERTIFICATION OF SERVICE

I certify that a copy of this order was sent to all parties via email and/or USPS mail on this day.

*1-10-24*  
Date

*Spring Medacco*  
Court Clerk/Administrator

LITTLE RIVER BAND  
OF OTTAWA INDIANS  
TRIBAL COURT

SUMMONS

CASE NO.

24-007-GC

Court address

Court telephone no.

Plaintiff's name(s), address(es), phone no(s), & email address(es):

Tommy Burmeister - burmeister@lrbi-nsn.gov  
Ram Johnson - ramjohnson@lrbi-nsn.gov  
Misty Silvis - mistysilvis@lrbi-nsn.gov  
Shirley Wever - ShirleyWever@lrbi-nsn.gov  
Gary DiPiazza - GaryDiPiazza@lrbi-nsn.gov

Defendant's name(s), address(es), phone no(s), & email address(es):

Julie Wolfe - juliewolfe@lrbi-nsn.gov  
Shannon Crampton - shannoncrampton@lrbi-nsn.gov  
Al Metzger - Almetzger@lrbi-nsn.gov  
Ron Wittenberg - ronwittenberg@lrbi-nsn.gov

Plaintiff's attorney, bar no., address, phone no. & email address:

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the Tribal Court and/or family division of the county circuit court involving the family or family members of the person(s) who are the subject of the complaint.
There is one or more pending or resolved cases within the jurisdiction of Tribal Court and/or the family division of the county circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
It is unknown if there are pending or resolved cases within the jurisdiction of the Tribal Court and/or family division of the county circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
[X] There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, Court, where

it was given case number and assigned to Judge

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the Little River Band of Ottawa Indians you are notified:

- You are being sued.
YOU HAVE 28 DAYS after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court.
If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date: 1-8-2024, Expiration date\*: 4-8-2024, Court clerk: Spring Medacco

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

LITTLE RIVER BAND  
OF OTTAWA INDIANS  
TRIBAL COURT

COMPLAINT  
Page of pages

CASE NO.

24-007-GC

Court address

3031 Domres Road, Manistee, MI 49660

Court telephone no.

(231) 398-3406

Plaintiff's name(s), address(es), phone no(s), & email address(es):

Jammy Burmeister  
Pam Johnson  
Misty Silvis  
Shirley Weaver  
Gary Dipiazza

Plaintiff's attorney, bar no., address, phone no. & email address:

Defendant's name(s), address(es), phone no(s), & email address(es):

Julie Wolfe  
v  
Shannon Crampton  
Allen Metzger  
Ron Wittenberg

FOR ITS COMPLAINT, PLAINTIFF(S) STATE(S) AS FOLLOWS: (attach additional pages, if necessary)

File for immediate injunction for relief to compel council to appropriate funds, against Shannon Crampton, Julie Wolfe, Allen Metzger, Ronald Wittenberg, for purposely breaking quorum at 2 separate emergency meetings, one at 3pm and the second at 4:15pm on Friday January 5th 2024, there was 2 items on the agenda needing to be voted on, the first item was appropriating funds for expenditures during the first quarter of FY 2024, the second item was RE: Fiscal Year 2024 Budget negotiations.

Reasons for filing:

Obstruction for not upholding fiscal responsibilities that is resulting in the inability to promote, protect, and provide for public health, peace, morals, education and general welfare of the little river band and its members

See attachments.

Misty Silvis  
Pam Johnson

Jammy S Burmeister  
Signature of Plaintiff or Plaintiff's Attorney

Shirley Weaver  
Gary Dipiazza

1/8/24  
Date

received  
1-8-24 sm

COMPLAINT

A

**ROLL CALL RECORD**

**LITTLE RIVER BAND TRIBAL COUNCIL**

**REGULAR MEETING DATE:** ~~December 6, 2023~~

Jan 5, 2024

**SESSION: Open**

3pm Call to Order: \_\_\_\_\_

Roll Call to establish attendance and Quorum: Strikethrough represents response:

Tammy Burmeister	Present <del>Absent</del>	<i>Acting Ogema</i>	Pam Johnson:	<del>Present</del> Absent
Ron Wittenberg:	Present <del>Absent</del>		Misty Silvas:	<del>Present</del> Absent
Shannon Crampton:	Present <del>Absent</del>		Al Metzger:	Present Absent <i>Abstain</i>
Gary DiPiazza:	<del>Present</del> Absent		Shirley Wever:	Present <del>Absent</del>
Julie Wolfe:	Present <del>Absent</del>			

Quorum Established? Yes or No

3                      5

Agenda Item/Title: **II. General Business**

**C. Approval of Agenda**

MOTION/MOVE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MOTION BY: \_\_\_\_\_ SECOND: \_\_\_\_\_

Roll Call On Item: **II C.** (Strikethrough indicates response) Roll Call # \_\_\_\_\_

Ron Wittenberg	In Favor	Against	Abstain	Absent
Shannon Crampton	In Favor	Against	Abstain	Absent
Gary DiPiazza	In Favor	Against	Abstain	Absent
Julie Wolfe	In Favor	Against	Abstain	Absent
Pam Johnson	In Favor	Against	Abstain	Absent
Misty Silvas	In Favor	Against	Abstain	Absent
Al Metzger	In Favor	Against	Abstain	Absent
Shirley Wever	In Favor	Against	Abstain	Absent
Tammy Burmeister	In Favor	Against	Abstain	Absent

Notes:

**MOTION ONLY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B)

**ROLL CALL RECORD**

**LITTLE RIVER BAND TRIBAL COUNCIL**

**REGULAR MEETING DATE: ~~December 6, 2023~~ Jan 5 2024**

**SESSION: Open**

Call to Order: 4:15

Roll Call to establish attendance and Quorum: Strikethrough represents response:

Tammy Burmeister	<del>Present</del> Absent	Pam Johnson:	<del>Present</del> Absent
Ron Wittenberg:	Present <del>Absent</del>	Misty Silvas:	<del>Present</del> Absent
Shannon Crampton:	Present <del>Absent</del>	Al Metzger:	Present <del>Absent</del>
Gary DiPiazza:	Present <del>Absent</del>	Shirley Wever:	<del>Present</del> Absent
Julie Wolfe:	Present <del>Absent</del>		

Quorum Established? Yes or No

4

5

Agenda Item/Title: **II. General Business**

**C. Approval of Agenda**

MOTION/MOVE:

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MOTION BY: \_\_\_\_\_ SECOND: \_\_\_\_\_

Roll Call On Item: **II C.** (Strikethrough indicates response) Roll Call # \_\_\_\_\_

Ron Wittenberg	In Favor	Against	Abstain	Absent
Shannon Crampton	In Favor	Against	Abstain	Absent
Gary DiPiazza	In Favor	Against	Abstain	Absent
Julie Wolfe	In Favor	Against	Abstain	Absent
Pam Johnson	In Favor	Against	Abstain	Absent
Misty Silvas	In Favor	Against	Abstain	Absent
Al Metzger	In Favor	Against	Abstain	Absent
Shirley Wever	In Favor	Against	Abstain	Absent
Tammy Burmeister	In Favor	Against	Abstain	Absent

Notes:

**MOTION ONLY**

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