

Huron Potawatomi Tribal Court

The Nottawaseppi Huron Band of the Potawatomi

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**CASE NUMBERS: 13-078-CV/TRO
13-079-CV/TRO**

**DEAN TENBRINK and
TERRY TENBRINK**

v.

**THE NOTTAWASEPPI HURON BAND OF
THE POTAWATOMI TRIBAL COUNCIL
and THE NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI
ELECTION BOARD**

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ORDER REGARDING STATUS

FINDINGS

1. The Nottawaseppi Huron Band of the Potawatomi (NHBP) Supreme Court issued its Opinion of the Supreme Court for the Nottawaseppi Huron Band of the Potawatomi on or about July 15, 2013. The Trial Court Opinion and Orders of March 19, 2013 and April 23, 2013, were upheld in part and reversed in part. The case was remanded to the Trial Court for actions consistent with the holdings of the NHBP Supreme Court.
2. On or about July 31, 2013, the Court received from the Defendants, by and through their attorneys, the Defendants' Notice of Briefing Date for Supplemental Briefing on Issues Left Open by Remand from Supreme Court. The Notice stated that the Defendants Brief would be filed no later than August 9, 2013.

3. On August 1, 2013, the Defendants requested a transcript of the Oral Arguments before the NHBP Supreme Court.
4. At 6:20 p.m. on August 9, 2013, the Defendants submitted via email the Defendants' Motion for Order Taking Further Actions Consistent with Supreme Court Decision. Included with the Motion was a partial transcript of the NHBP Election Board proceedings that were held on January 31, 2013.
5. At 9:09 p.m. on August 10, 2013, the Plaintiffs, by and through their attorney, submitted via email to the TCA the Plaintiffs' Notice of Briefing Date for Reply Brief, in Response to Defendants' Supplemental Brief Filed on or About August 9, 2013.
6. On August 12, 2013, the Court received by mail the Defendants' Motion for Order Taking Further Actions Consistent with Supreme Court Decision, as well as a USB flash drive of the January 31, 2013 proceedings before the NHBP Election Board.
7. On August 16, 2013, the Defendants filed the full and complete transcript of the January 31, 2013 proceedings before the NHBP Election Board with the Court.
8. On August 19, 2013, the Court received by mail the Plaintiffs' Notice of Briefing Date for Reply Brief, in Response to Defendants' Supplemental Brief Filed on or About August 9, 2013.
9. At 10:15 p.m. on August 20, 2013, the Plaintiffs submitted via email the Plaintiffs' Notice of Motion and Brief. This Notice stated that the Plaintiffs would file a motion in this case concerning the remand from the NHBP Supreme Court no later than September 10, 2013.
10. On August 20, 2013, the Court received by mail the Plaintiffs' Reply Brief in Response to Defendants' Motion and Supplemental Brief.
11. On August 21, 2013, the Court received by mail the Defendants' Notice of Briefing Date for Reply Brief Issues Left Open by Remand from Supreme Court. The Notice stated the Defendants would file their reply brief no later than August 29, 2013.
12. At 12:14 p.m. on August 26, 2013, the TCA received via e-mail the Plaintiffs' Motion for Relief from a Statute Declared Unconstitutional by the Tribal Supreme Court, and for the Implementation of the Supreme Court's Decision. Two (2) exhibits were attached to this Motion. This e-mail also requested oral argument on this Motion by the Plaintiffs.
13. On August 26, 2013, the Court received by mail the Plaintiffs' Notice of Motion and Brief.
14. On August 27, 2013 this Court received the Defendants' Amended Notice of Briefing Date for Reply Brief on Issues Left Open by Remand from the Supreme Court. The Defendants stated that,

because of overlapping issues and in the interest of judicial economy, the Defendants will file one brief in response to both the Plaintiffs' Motion and the Plaintiffs' Response to the Defendants' pending Motion, by September 6, 2013.

15. On August 28, 2013, the Court received by mail the Plaintiffs' Motion for Relief from a Statute Declared Unconstitutional by the Tribal Supreme Court, and for the Implementation of the Supreme Court's Decision.

IT IS ORDERED

1. The Court shall enter any documents filed via email after 5:00 p.m. on the next business day;
2. The Court shall enter the date of any motions filed as of the day the filing fee is received;
3. As a moving party is generally permitted to submit a brief after the non-moving party files a response to the moving party's motion, the Plaintiffs may submit a brief in response to the brief filed by the Defendants, currently anticipated before or on September 6, 2013; and
4. The Court shall schedule Oral Arguments for both the Defendants' Motion and the Plaintiffs' Motion after the Defendants have filed their brief pursuant to Paragraph 14 of this Order and the Plaintiffs have had the opportunity to submit a response.

9/5/2013
Date




Melissa L. Pope, Chief Judge

CERTIFICATE OF MAILING

I certify that on this day I mailed a copy of the *Order Regarding Status* by first-class mail to the parties, or their attorneys, at the addresses listed above with proper postage affixed.

9/5/2013
Date



R. Scott Ryder, Tribal Court Administrator