



NHBP TRIBAL COURT

NOTTAWASEPPI HURON BAND OF THE POTAWATOMI

2221 1 1/2 MILE RD. • FULTON, MI 49052

P: 269.704.8404 • F: 269.729.4826 - ORI NO. MIDIO077J

SUPREME COURT CASE No. 21-154-APP		TRIBAL COURT CASE No. 19-105-CV/ENR		
PLAINTIFFS/APPELLANTS		DEFENDANTS/APPELLEES		
STEPHANIE WRIGHT, ET AL, Paula M. Fisher, Esq. PAULA M. FISHER, ATTORNEY AT LAW, P.C. Attorney for the Appellants The Ronan Building 201 So. University Avenue Mt. Pleasant, Michigan 48858 989-773-5978 989-779-8295 – Fax paula@paulafisherlawfirm.com		v.	NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, ET AL, John S. Swimmer, Chief Legal Officer Amy Wesaw, Senior Staff Attorney NHBP LEGAL DEPARTMENT Attorneys for the Appellees 1485 MNO-Bmadzewen Way Fulton, Michigan 49052 269-729-5151 John.Swimmer@nhbp-nsn.gov amy.wesaw@nhbp-nsn.gov	
ORDER OF THE SUPREME COURT FOR THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI				

FILED

JUL 03 2024

NHBP TRIBAL COURT

Before:

Hon. Lee Bergen, Chief Justice, Presiding

Hon. Holly T. Bird, Associate Justice

Hon. Travis Trueblood, Associate Justice Pro Tempore

ORDER

In an earlier appeal, we vacated the Tribal Court’s order and remanded the case for further proceedings by the Tribal Court to consider various issues.¹ Consequently, this case is now pending before the Tribal Court. However, since the remand, the Tribe claims that a Justice of this

¹ *Wright v. Nottawaseppi Huron Band of the Potawatomi*, No. 21-154-APP, 38–39 (June 3, 2022).

Court has spoken publicly and written about the Tribe's handling of the case in a manner that casts doubt on that Justice's impartiality and constitutes evidence of bias against the Tribe. Therefore, in anticipation of a future appeal of the Tribal Court's forthcoming decision, which both sides have reportedly vowed to do, the Tribe demands by motion to this Court that the Justice either recuse or be disqualified from hearing any future appeal of this case.


We, however, lack jurisdiction to hear and decide the merits of the Tribe's motion. To be sure, this Court is a court of limited jurisdiction. Under the Tribe's Constitution, this Court assumes jurisdiction over an appeal upon a notice of appeal of a final judgment, order, or decree of the Tribal Court² and relinquishes it, for our purposes here, upon an order of remand to the Tribal Court:

In the event of an order of remand by the Supreme Court, the Administrator must transmit the decision and order of the Supreme Court to the Tribal Court within fourteen (14) calendar days of the disposition of all post decision motions, if any. Upon such transmittal, jurisdiction over the case is returned to the Tribal Court.³


Moreover, there are no proceedings pending before this Court from which a Justice could recuse or be disqualified. The Tribe's motion is thus premature. For these reasons, we DENY the Tribe's motion.

Signed:

July 3, 2024
Date


Hon. Lee Bergen, Chief Justice

July 3, 2024
Date


Hon. Holly T. Bird, Associate Justice

July 3, 2024
Date


Hon. Travis Trueblood, Associate Justice Pro Tempore

² Constitution, art. XI, § 3(c) (2019); *see also* Rules of Appellate Procedure R. 3(A) (2011).

³ Rules of Appellate Procedure R. 16 (emphasis added).