

LOWER BRULE SIOUX TRIBAL COURT OF APPEALS

LOWER BRULE SIOUX TRIBE,
Plaintiff,

CIV - 14 - 12 - 0119

vs.

KEVIN WRIGHT, SONNY ZIEGLER,
AND DESIREE LAROCHE,
Defendants.

ORDER FOR REMAND

ORVILLE LANDEAU JR.,
JOHN MCCOLLEY,
Plaintiffs-Intervenors

Presented to this Court is the Defendant's petition for Extraordinary Writ of Mandamus. Further by document dated May 18, 2015, and for lack of a better description Defendants have filed an Interlocutory appeal. Intervenors, by and through their Council, have filed opposing documentation. Numerous issues have been presented by the parties to this action. Early on, the Tribal Court opined whether or not the Tribe was a proper party to the proceedings. (See Preliminary Orders and Continued Temporary Restraining Order, at page 5). Even though the Tribal Court gave the parties an opportunity, there is no record before this Court on this issue. This Court is aware that the Tribal Court allowed intervention and ordered realignment of the parties. This Court however is not satisfied that action adequately addressed the jurisdictional issue. This Court notes that both parties have continued to identify the Lower Brule Sioux Tribe as a party and further Plaintiff-Intervenors continue to rely on original Pleadings. This Court can take judicial notice of the Tribe's Constitution and By-Laws and those Articles specifically dealing with Tribal Council action.

Therefore;

IT IS ORDERED, that this case is remanded to the Tribal Court for proceedings specifically dealing with the issue of the Court's original jurisdiction. The Court should hear argument and take testimony if necessary on the issue of whether the tribe is a proper party to this action and whether or not the court has jurisdiction over all of the parties by virtue of the intervention of Orville Landeau Jr.

and John McColley.

Dated this 20th day of May, 2015.

BY THE COURT