

LOWER BRULE SIOUX TRIBAL COURT                    )  
LOWER BRULE SIOUX TRIBE                         )SS  
LOWER BRULE SIOUX TRIBE JURISDICTION        )  
IN TRIBAL COURT  
CIVIL DIVISION

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LOWER BRULE SIOUX TRIBAL MEMBERS,  
Gail Ziegler, Janice Larsen, George Estes,  
Sheryl Scott, Janet Traversie, Maria Sexton,

Plaintiffs,

CIV: 16-1-001

vs.

ORDER

2014-2016 LOWER BRULE TRIBAL COUNCIL,  
Orville Red Langdeau,  
Defendant

The Plaintiffs have filed a petition for removal asking that this Court declare that Defendant Langdeau is not eligible to continue in office because he allegedly resides off the Lower Brule Indian reservation. This Court notes that the Lower Brule Sioux Tribal Constitution and By-Laws stipulates that the Tribal Council may declare that an office is vacant if an elected official no longer resides on the Lower Brule reservation. The filings made by the Plaintiffs did not allege that the Tribal Council had declared the position vacant. The Court thus directed the parties to file with the Court proof that this administrative remedy had been resorted to.

The Defendant then filed a motion to dismiss with the Court alleging that since no challenge was filed to the Defendant's eligibility when he announced his intent to run that the challenge now is barred.

The Court dismisses this action for lack of jurisdiction because the challenge is too late under the Tribal Election Code and there is no proof of a challenge being mounted to the Tribal Council.

The Court has also reviewed a ruling from this Court in a case styled Carol Johnson v. Orville Red Langdeau Jr., dated August 13, 2002 in which this Court, per the Honorable Paul Godtland, ruled in a similar challenge that there is no evidence that the Defendant resides outside the Lower Brule reservation. This issue has therefore already been resolved by this Court and the decision of Judge Godtland is entitled to stare decisis effect.

Dated this 16<sup>th</sup> day of March 2016.



B.J. Jones

ATTEST: Maulip Sauphar

Lower Brule Sioux Tribe  
Special Judge