

IN THE NORTHERN CHEYENNE TRIBAL COURT
OF AND FOR THE NORTHERN CHEYENNE TRIBE
LAME DEER, MONTANA

IN THE MATTER OF:

CAUSE NO. CC 2026-079.A

MELISSA FISHER, EVA FOOTE,
GWEN SPOTTEN HORSE, STEFAN
RAININGBIRD, MELISSA
LONEBEAR, NIZHONI FRIEZ
DONOVAN LIMBERHAND,
HOWARD ONTIVEROS, EDINA RED
STAR, KRISTI KILLSNIGHT, and
RYHAL ROWLAND,

JUDGE: FRANS A. ANDERSSON

ORDER

PLAINTIFFS

v.

LARRY MEDICINE BULL, WESLEY
SPOTTED ELK, and ROGER
KILLSNIGHT,

and

JASON STANDING ELK, WAYLON
ROGERS, LLEVANDO "COWBOY"
FISHER, REUBEN ROUNDSTONE,
COREY SPOTTED ELK, JOSIE
"WADE" REDHAT, ROBERT
SIMPSON, LYNWOOD EWING,
SHARLENE EVANS, and TERRANCE
LIMPY,

DEFENDANTS.

This matter comes before the Court on Plaintiff's Motion for
Partial Summary Judgment (the "Motion"). Plaintiffs argue that, as a

matter of law, (1) the *DECLARATION OF THE CHIEFS OF THE NORTHERN CHEYENNE TRIBE*, dated September 10, 2025 (the “Declaration”) signed by Larry Medicine Bull, Wesley Spotted Elk, and Roger Killsnight (the “Chief Defendants”), did not remove Plaintiffs from occupying the office of Northern Cheyenne Tribal Council (the “Tribal Council”) in a manner permitted in the Northern Cheyenne Constitution, as amended 1996 (the “Constitution”), the Northern Cheyenne Law and Order Code (revised October 1, 2025) (the “Code”), or any other law; (2) that no Tribal Council vacancy resulted from the Declaration; and (3) Jason Standing Elk, Waylon Rogers, Llevando “Cowboy” Fisher, Reuben Roundstone, Corey Spotted Elk, Josie “Wade” Redhat, Robert Simpson, Lynwood Ewing, Sharleen Evans, Terrance Limpy and Donovan Taylor (the “Council Defendants” and, collectively with the Chief Defendants, the “Defendants”) lack lawful authority to occupy or exercise the office of Tribal Council. Plaintiffs argue the Declaration, and the actions it purports to take, have no legal basis.

Defendants oppose the Motion. Defendants concede the Constitution and Code provide no legal basis for the actions purportedly taken under the Declaration. Rather, Defendants argue that traditions

and customs of the Tribe authorize the Plaintiffs removal from Tribal Council.

For reasons set forth below, the Court **AGREES** with Plaintiffs, **GRANTS** the Motion, and **ORDERS** in furtherance of the same.

I. Procedural and Factual Background.

Before September 10, 2025, the public office of Tribal Council was occupied by Plaintiffs. On September 10, 2025, Chief Defendants issued the Declaration, which purports to dissolve the Tribal Council and remove the Plaintiffs as elected officials. As alleged by the Council Defendants, the Chief Defendants “decided to take back control of the Northern Cheyenne Tribal Government under their inherent authority” after unilaterally determining that Plaintiffs were engaged in official misconduct. That is, Plaintiffs were given No notice, charges, hearing, vote, or other process prior to removal from office.

Council Defendants recognize that the removal pursuant to the Declaration occurred without constitutional authority. The Declaration does not identify any legal authority to support the action it purports to take. However, Defendants assert the removal was nevertheless valid

under inherent traditional authority. The Defendants specifically argue that traditional law may create vacancies in Tribal Council.

On or about October 30, 2025, a special election was held pursuant to Article VII, Sec. 4 of the Constitution to fill the vacancies purportedly created by the Declaration (the “Election”). Council Defendants have acted as Tribal Council since the Election. The Council Defendants, acting as Tribal Council, passed a resolution recognizing the results of the Election.

II. Legal Standard

Pursuant to Rule 4.4.3 of the Code, the Court shall grant a motion for summary judgment only if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Code at Rule 44.3.

III. Applicable Law

Article XI of the Constitution divides the power of the tribal government among three branches of government. Article III of the Constitution establishes the Tribal Council as the governing legislative body of the Tribe. Article IV of the Constitution delegates broad power to the Tribal Council, including to “adopt resolutions regulating the

procedures of the Council, other tribal agencies and tribal officials.” Constitution at Article IV.1(r). The Tribal Council has exercised this authority to enact the Code as a substantial body of law governing the Tribe. See, Code at 1.1.1. The Code casts aside conflicting authorities, stating “[a]ny and all ordinances, resolutions, and policies inconsistent with or in conflict with or contrary to the spirit and purpose of the contents of this Code are hereby repealed and have no effect.” Code at 1.1.2.

Tribal sovereignty and validity of tribal action taken by the Tribal Council is widely recognized as settled law. In *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978) and *Michigan v. Bay Mills Indian Community*, 572 U.S. 782 (2014), the United States Supreme Court ruled in favor of tribal sovereignty, upholding tribal council ordinances in the absence of congressional action to the contrary. In *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982), the United State Supreme Court recognized a tribe’s inherent power to impose a severance tax enacted by tribal ordinance.

Articles VI and VII of the Constitution provide for the election and removal of members of the Tribal Council, respectively. The

Constitution expressly provides four circumstances under which a Tribal Council vacancy occurs upon: “death, resignation, removal, or other cause.” Constitution at Art.VII, Sec. 2. While no procedure for vacancies by resignation and death are provided, the Constitution expressly provides a framework for other vacancies. First, a member of Tribal Council automatically forfeits office upon conviction of certain enumerated crimes. Art. VII. Sec. 1. Second, a Tribal Council vacancy is created when a member is removed by the Tribal Council after due process. Art. VII Sec. 2.

The inclusion of “other cause” vacancies in the Constitutions appears to contemplate circumstances that may indirectly cause a vacancy. For example, a vacancy may occur if a member of the Tribal Council fails to qualify for office because they cease to be a member of the Tribe (See Art. II, Sec. 2.) or are prohibited from entering upon the reservation (See Art. IV, Sec. 1, (h)). Regardless, the inclusion of “other cause” cannot be interpreted to provide discretion to create vacancies not expressly or implicitly included in the language of the Constitution.

Upon the occurrence of a Tribal Council vacancy, the Constitution requires a special election to fill the vacancy for the remainder of the

term of the vacant office. Art. VII, Sec. 4. The special election requirement is an exception to the general election scheduling rules, which require Tribal Council elections to correspond with congressional election dates. Art. VI, Sec. 4, (d). While provisions within the Constitution and Code allow or require other tribal elections, no other Tribal Council elections are allowed.

IV. Opinion and Order

A. The Declaration has no Legal Effect.

No power of the government of the Tribe is expressly reserved to societies, customs, or traditional law. See, Constitution at Art. XI. These institutions retain power and influence despite being omitted from the Tribe's codified political and legal framework. Societies are free to collectively exert influence over policy. Customs and traditional law are the cultural context in which tribal government operates and tribal law is enacted.

Unfortunately, Defendant's conflate the power and influence of tradition, custom, and societies with the law governing the Tribal Council. Any exercise of the inherent power of custom and tradition must occur within the bounds of the law governing the Tribe. For

example, a society could wield its political power and influence by initiating a referendum pursuant to Article VIII of the Constitution. Considering the societies inherent power and influence, the initiative may have greater success than without such support. Anything to the contrary is plainly unlawful.

Defendants fail to cite any law to support the conclusion that the Declaration was a lawful exercise of power inherent to tribal custom or tradition. United States Supreme Court opinions cited by Defendants recognize the validity of tribal ordinances generally, but do not address how tradition and custom can supplant codified tribal law. To support the argument that societies possess inherent authority, Defendants cite several past examples of the Tribal Council's reverence of tradition and custom in formal tribal political and legal matters. A review of cited materials reveal no indication of inherent, independently exercisable legal authority.

Under Resolution 84(90), Tribal Council provided "full participation in tribal affairs concerning restoration of tribal headquarters, revisions to the tribal constitution, and in the formulation of policy" to certain traditional societies in response to specific federal legislation. If issues

in this case related to tribal headquarters, revising the tribal constitution, tribal policies promulgated in connection with the referenced federal legislation, Resolution 84(90) may be relevant.

Assuming Resolution 84(90) evidences some delegation of “inherent traditional authority” on the Defendants, no general independently exercisable authority can be implied from the document. To the contrary—express delegation of authority implies that, without such delegation, no such authority exists.

Assuming Defendants could identify express delegation of authority relevant to this dispute, the validity of that delegation would be subject to Constitutional limitations. Specifically, the Tribal Council may delegate authority only to “subordinate boards or officers or to cooperative association which are open to all members of the Tribe.” Constitution at Art. IV.1.(q). Here, Defendants may need to substantiate both that the disputed conduct was within the scope of delegated authority and that Defendant Chiefs are a board, officers, or cooperative association open to all members of the Tribe. That analysis is unnecessary because no such delegation can be identified.

The words “full participation” further undermines Defendant’s reliance on Resolution 84(90). Combined with a full reading of the factual findings stated in the “Whereas” clauses of Resolution 84(90), Tribal Council included the Chiefs and Warrior Societies in a consultative capacity only. Resolution 84(90) illustrates how tradition and custom influences tribal politics and law. However, concluding the Tribal Council delegated independently exercisable authority contradicts the plain language of Resolution 84(90). Similarly, such a delegation may exceed the Tribal Council’s power to delegated under the Art. IV. Section 1. Paragraph (q) of the Constitution.

While the removal of the Plaintiffs attempted by the Chief Defendants is not authorized by any law, the Constitution does protect the Tribe from threats alleged in the Declaration. For example, the Chiefs and Warrior Societies could collectively initiate a referendum aimed at curing harm caused by an allegedly corrupt Tribal Council. Constitution at Art. VII. However, Plaintiffs alleged illegal conduct does not justify a response without legal basis. In other words, two wrongs do not make one right.

In conclusion, there is no genuine dispute of material fact needing resolution to conclude that the removal attempted by the Declaration was without legal authority. In fact, Defendants and Plaintiffs agree that no such authority exists. The purported removal was an attempt to exercise power and influence in a manner not recognized by tribal law. As a matter of law, the Declaration did not remove Plaintiffs from Tribal Council.

B. No Tribal Council Vacancy Has Occurred.

No party disputes Plaintiffs were duly elected members of Tribal Council as of September 10, 2025. No party has alleged that any Plaintiff has died, resigned, forfeited office, or were removed pursuant to Article VII of the Constitution. No party has alleged that any circumstance causing an “other cause” vacancy implied by the express terms of the Constitution has occurred. Council Defendants recognize Plaintiffs’ removal pursuant to the Declaration was without legal authority. In short, there is no disputed fact that the Plaintiffs have not been removed from Tribal Council but for the purported removal pursuant to the Declaration.

There is no genuine dispute of fact relevant to whether a Tribal Council vacancy occurred. As a matter of law, Plaintiffs were, are, and continue to be entitled to hold the office of Tribal Council.

C. The October 30, 2025 Election is *Void Ab Initio*.

The parties have presented an undisputed account of the Election. That is, the Election was a special election pursuant to Art. VII, Sec. 4 of the Constitution that was required to fill Tribal Council vacancies. No party has presented facts to suggest the Election occurred for any other reason. No law outside the Constitution allowing for Tribal Council elections has been cited to the Court.

Under the Constitution, Tribal Council elections only occur in two circumstances. A special election to fill a Tribal Council vacancy or a regular election in a manner consistent with congressional elections. No party has alleged that the Election was a regular election. As discussed above, no Tribal Council vacancy has occurred. No special election can occur without a Tribal Council vacancy. As a matter of law, the Election should not have occurred because there was no Tribal Council vacancy. Therefore, the Election is invalid, *void ab initio* and has no legal effect.

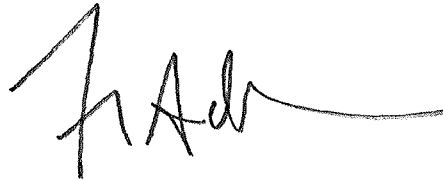
CONCLUSION

Having reviewed the Motion, briefing filed by Plaintiff and Defendants, the Court hereby:

1. **GRANTS** the Motion in favor of the Plaintiffs;
2. **ORDERS**, as follows:
 - a. Council Defendants are enjoined from claiming rights and privileges of as acting members of Tribal Council as a result of the Election or Declaration;
 - b. Defendants are enjoined from relying on the Declaration or Election to interfere with exercise of the public office of Tribal Council by Plaintiffs; AND
 - c. Defendants shall immediately peaceably surrender and deliver to Plaintiffs control and access to means and instrumentalities necessary to exercise the public office of Tribal Council, including, but not limited to access to the Little Wolf Capitol Building and other tribal properties,

records of Tribal Council, computers, telephones, servers,
and other electronic communications or data storage devices;

Dated this 18th day of August, 2026.



FRANS A. ANDERSSON, Judge
Pro Tempe Northern Cheyenne
Tribal Court



NORTHERN CHEYENNE COURT
CERTIFIED COPY

CLERK OF COURT:
BY: Stephanie Dace
DATED: 8/18/26