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**IN THE NORTHERN CHEYENNE APPELLATE COURT
OF AND FOR THE NORTHERN CHEYENNE TRIBE
LAME DEER, MONTANA 59043**

IN RE THE MATTER OF:

Case No. C2026-079.A

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

Petitioners,

vs.

LARRY MEDICINE BULL, WESLEY
SPOTTED ELK, ROGER KILLSNIGHT,

Respondents.

**RESPONDENTS' IMMEDIATE
INTERLOCUTORY APPEAL AND STAY
OF PROCEEDINGS PENDING
RESOLUTION OF MOTION AND
APPEAL PURSUANT TO § 2.7.1 AND §
2.7.2(C)**

COMES NOW, Respondents, Larry Medicine Bull, Wesley Spotted Elk, and Roger
Killsnight, by and through legal counsel, Dion Killsback of Killsback Law PLLC, files this
Immediate Interlocutory Appeal and Stay of Proceedings Pending Resolution of Motion and
Appeal with the Northern Cheyenne Appellate Court regarding the Trial Court's *Order Denying*
Motion to Dismiss for Lack of Subject Matter Jurisdiction & Order to Obtain A Copy of
CC2026-002 Case File ("May 8, 2026 Order") issued on May 8, 2026, and for a entry of an
order staying the proceedings of this matter pending resolution of the interlocutory appeal

RESPONDENTS' IMMEDIATE INTERLOCUTORY APPEAL AND STAY OF PROCEEDINGS PENDING
RESOLUTION OF MOTION AND APPEAL PURSUANT TO § 2.7.1 AND § 2.7.2(C) - 1

process under § 2.7.1 and § 2.7.2(C) of the Revised Northern Cheyenne Law and Order Code (“NCLOC”).

In particular, the Respondents are seeking interlocutory review of the following ruling in the May 8, 2026 Order: 1) the Trial Court’s ruling that the Trial Court has subject matter jurisdiction over the Respondents’ in this matter.

As explained below, interlocutory review of this potential dispositive issue is warranted to prevent needless litigation. Additionally, the Trial Court’s May 8, 2026 ruling that the Trial Court has subject matter jurisdiction is directly contrary to its *Order Modifying the Petitioner’s Filing, Removing the Chiefs & Order Requiring Evidence to be Filed Showing a Lawful Tribunal was Held to Remove Petitioners & Order Declaring the Chiefs Declaration Ultra Vires* (“May 12, 2026 Order”) issued on May 12, 2026, holding that the same Court does not have subject matter jurisdiction over the Respondents and moved to remove them as Respondents in these proceedings. These conflicting Orders by the same trial court illustrate the need to develop a uniform and consistent body of law on the issue, providing further grounds for interlocutory review. In the absence of interlocutory review, the conflicting Orders will potentially be subject to multiple appeals at different times, creating the possibility of inconsistent rulings and uncertainty of future litigations. For these reasons, an interlocutory appeal is warranted under § 2.7.2(c) of the NCLOC. This Court holds jurisdiction under § 2.2.2 of the NCLOC.

I. INTRODUCTION

On or around May 6, 2026, the Respondents filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. On or around May 8, 2026, the Trial Court issued *Order Denying Motion to Dismiss for Lack of Subject Matter Jurisdiction & Order to Obtain A Copy of CC2026-002 Case File*. In its May 8, 2026 Order, the Trial Court stated that “[s]ubject matter jurisdiction is further

1 granted under Title 2, Chapter 2, § 2.2.4(E) of the Revised Law and Order Code of the Northern
2 Cheyenne Tribe, conferring jurisdiction over civil and criminal matters arising under tribal
3 customs and traditions, as proven or rebutted by qualified testimony or authoritative written
4 materials...Accordingly, [the Trial] Court holds subject matter jurisdiction over disputes
5 implicating tribal customs, traditions, and rights of individuals under Tribal law. No person or
6 office—including that of the Traditional Chiefs—stands above the reach of the Court’s
7 jurisdiction.”
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10 On its own accord, on around May 12, 2026, the Trial Court issued *Order Modifying the*
11 *Petitioner’s Filing, Removing the Chiefs & Order Requiring Evidence to be Filed Showing a*
12 *Lawful Tribunal was Held to Remove Petitioners & Order Declaring the Chiefs Declaration*
13 *Ultra Vires*. In its May 12, 2026 Order, the Court stated “[t]he Northern Cheyenne Constitution
14 does make any references to the Traditional Government of the Tribe [and that] [t]he
15 Constitution does not provide or reserve any power specifically for the Traditional Chiefs, in any
16 version of since 1935, the 1960 Amendment and the 1996 Amendment...[t]herefore, the
17 Northern Cheyenne Court feels the arguments brought before this Court to include
18 [Respondents]....is improper.” Further, this Trial Court found that the “the Constitution of the
19 Northern Cheyenne Tribe does not hold language for the Chiefs of Warrior Societies of the
20 Tribe, herein referred to as the Traditional Government of the Tribe.” The Trial Court held that
21 “the Traditional Government of the Tribe to issue a declaration to remove a large portion of the
22 governing body of the Tribe is ultra vires...[and] [t]he Chiefs declaration issued in September
23 2025 is not an appropriate mechanism for the Traditional Government to overpower the adopted
24 Constitution and Bylaws of the Tribe...and is given no authority”.
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1 In its May 8, 2026 Order, the Trial Court cites to § 2.2.4 (E) of the Northern Cheyenne Revised
2 Law and Order Code, which states “the Tribal Court...shall hear civil claims and criminal
3 matters *within their jurisdiction* arising under the Tribal Constitution and Bylaws.” However, the
4 Trial Court failed to include the provision: “within their jurisdiction” in its opinion and it appears
5 that when deciding whether the Trial Court had jurisdiction over civil and criminal matters
6 arising under tribal custom and traditions, pursuant to § 2.2.4 (E), it did not take into
7 consideration the question of whether these issues were *within their jurisdiction*—a dispositive
8 issue.
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11 Here, in the May 8, 2026 Order, the Trial Court stated it does have subject matter jurisdiction
12 under the Constitution and that it “confer[s] jurisdiction over civil matters arising under tribal
13 customs and traditions”. On May 12, 2026, four (4) days later, the Trial Court held that the
14 Constitution does not provide for Traditional law and that the Court does not have the power to
15 adjudicate matters related to Traditional Law. Further, Respondents argue that the Trial Court’s
16 removal of Respondents from the matter in its May 12, 2026 Order, the Trial Court
17 acknowledged that it does not have authority or subject matter jurisdiction over any matters
18 related to Traditional Law, or Respondents.
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21 **II. ARGUMENT**

22 **1. Interlocutory review is necessary to develop a uniform body of law in light of** 23 **inconsistent orders from the Trial Court.** 24

25 An interlocutory appeal is necessary here to develop a uniform body of law, given the existence
26 of inconsistent orders by the same court. Specifically, on May 8, 2026, the Trial Court has ruled
27 that it has subject matter jurisdiction stating that it is established under the Constitution and that
28

1 it confers jurisdiction over civil matters arising under tribal customs and traditions. However,
2 this ruling directly conflicts with its Order entered on May 12, 2026, which held that the Trial
3 Court does not have subject matter jurisdiction over the Respondents and attempted to remove
4 them as parties to the proceedings.
5

6 Where, as here, there are inconsistent orders from the trial court, interlocutory review is
7 appropriate. If this Court does not certify the May 8, 2026 Order for interlocutory appeal, then
8 the conflicting Orders will potentially be subject to multiple appeals at different times, creating
9 the possibility of inconsistent rulings and uncertainty in future litigation. Indeed, unless the
10 conflict between the two Orders is resolved on appeal and the law uniformly established soon,
11 the legal status of the Respondents is unresolved and will therefore create uncertainty in ongoing
12 and future litigation. Accordingly, an interlocutory review is necessary.
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14 **2. Interlocutory review will prevent needless and protracted litigation.**

15 Interlocutory review is further warranted so as to prevent needless and protracted litigation.
16 While the Respondents respect the Trial Court's ruling, the same Court considered the same
17 issue and ruled differently four (4) days later. Resolution of the question of subject matter
18 jurisdiction in favor of the Respondents would be dispositive, and therefore any other future
19 litigation regarding the matter would be resolved. Accordingly, the Trial Court's ruling creates
20 uncertainty over an issue that is dispositive and would prevent needless and protracted litigation.
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23 **3. The need to prevent irreparable injury also support interlocutory review.**

24 Interlocutory review is also justified to prevent possible irreparable injury. Specifically, as noted
25 above, the conflicting Trial Court decisions create uncertainty regarding the legal status and legal
26 effect of the Court's rulings over Respondents. This uncertainty affects ongoing and future
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1 litigation. Interlocutory review and resolution of this question will provide clarity and prevent
2 possible irreparable harm.

3 **4. Stay of Proceedings**

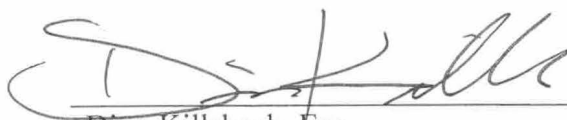
4 Additionally, in the event that permission to apply for an interlocutory appeal is granted,
5 Respondents also seek a stay of proceedings to ensure that the matter below does not continue to
6 be litigated. The Respondents submit that a stay of proceedings during the interlocutory appeal
7 would promote judicial economy and the conservation of judicial resources.
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10 **III. CONCLUSION**

11 For the above stated reasons, the Respondents respectfully requests permission to apply to the
12 Northern Cheyenne Appellate Court for an interlocutory appeal and for entry of an order staying
13 the proceedings in this matter before this Court pending resolution of the interlocutory appellate
14 process.
15

16 Respectfully submitted

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18 this 18th day of May 2026.

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20 

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26 *Attorney for Respondents*
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3
4 **CERTIFICATE OF SERVICE**

5 I, the undersigned, hereby certify that a full, true and correct copy of the foregoing
6 document: **Respondents' IMMEDIATE interlocutory appeal and stay of proceedings**
7 **pending resolution of motion and appeal PURSUANT TO § 2.7.1 AND § 2.7.2(C)** was
8
9 served by [U.S. Mail, postage prepaid, email] on this 18th day of May 2026, addressed to:

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