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**IN THE NORTHERN CHEYENNE COURT OF APPEALS
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,

**CHIEF DEFENDANTS' REQUEST FOR
APPEAL AND MOTION TO
IMMEDIATELY STAY THE AUGUST 18,
2026 ORDER DURING THE PENDENCY
OF THE APPEAL**

Petitioners/Appellees,

vs.

LARRY MEDICINE BULL, WESLEY
SPOTTED ELK, ROGER KILLSNIGHT,

,

Chief Defendants/Appellants,

and

Jason Standing Elk (Ashland), Waylon Rogers
(Ashland), Llevando "Cowboy" Fisher (Birney),
Reuben Roundstone (Busby), Corey Spotted Elk
(Lame Deer), Josie "Wade" Redhat (Lame
Deer), Robert Simpson (Lame Deer), Lynwood
Ewing (Muddy), Sharlene Evans, Secretary,
Terrance Limpy, Treasurer, and Donovan
Taylor (Busby),

Council Defendants/Appellants

Pursuant to Title II, Sections 2.5.1, 2.5.2, and 2.6.2 of the Revised Northern Cheyenne Law and Order Code, Defendants Larry Medicine Bull, Wesley Spotted Elk, and Roger Killsnight (collectively, the “Chief Defendants”), by and through counsel Dion Killback of Killback Law PLLC, timely request an appeal to the Northern Cheyenne Court of Appeals from the Trial Court’s August 18, 2026 Order granting Plaintiffs’ Motion for Partial Summary Judgment. The Chief Defendants received the adverse decision on August 19, 2026. This Request is therefore filed within five days of receipt and within the time required by Title II.

The Chief Defendants also request an immediate stay of the August 18, 2026 Order and suspension of the declaratory and injunctive relief contained in that Order during the pendency of this appeal, consistent with the stay requested by the Council Defendants and pursuant to Title IV, Section 4.4.8(F), and Title II, Section 2.6.2, of the Revised Northern Cheyenne Law and Order Code.

I. INTRODUCTION

The August 18, 2026 Order declares that the September 10, 2025 Declaration of the Chiefs has no legal effect; holds that the traditional Chiefs possess no independently exercisable authority under Northern Cheyenne traditional law; declares the October 30, 2025 election void ab initio; and enjoins all Defendants from relying upon the Declaration or Election. Although the Order is directed in part to the Council Defendants, it directly and adversely determines the authority, legal status, and official acts of the Chief Defendants.

The Chief Defendants objected throughout the Trial Court proceedings that the Tribal Court lacked subject-matter jurisdiction to adjudicate, define, restrict, or invalidate the authority of the Northern Cheyenne Traditional Chiefs under traditional law. The Chief Defendants further argued that disputes concerning the content, meaning, and exercise of sacred and traditional

1 Cheyenne authority are not ordinary civil disputes created by the Law and Order Code and cannot
2 be resolved by applying only the Western constitutional structure adopted under the Indian
3 Reorganization Act.

4
5 The Trial Court nevertheless reached and decided those traditional-law questions against
6 the Chiefs without an evidentiary hearing, without testimony from the Chiefs or other qualified
7 traditional authorities, and while treating genuinely disputed questions of traditional law and
8 historical practice as questions that could be resolved summarily as a matter of codified law. The
9 resulting decision adversely affects the Chiefs and presents substantial issues for appellate review.
10

11 **II. REQUEST FOR APPEAL**

12 Under Title II, Section 2.5.1, the Chief Defendants are parties adversely affected by the
13 Trial Court's decision. The Order expressly adjudicates the legal effect of their Declaration, rejects
14 the existence of the traditional authority asserted by them, restricts their future reliance upon the
15 Declaration, and exposes them to enforcement or contempt proceedings if their traditional
16 responsibilities are characterized as interference with the Plaintiffs. The Chief Defendants
17 therefore have standing and a right to request appellate review.
18

19 Consistent with Title II, Section 2.5.2, the Chief Defendants identify the following issues
20 to be presented and developed in their appellate brief:
21

22 **1. Subject-matter jurisdiction.** The Trial Court erred by exercising subject-matter jurisdiction
23 over the Northern Cheyenne Traditional Chiefs and by adjudicating the existence, scope, and
24 validity of authority arising under Northern Cheyenne traditional law, when no provision of
25 the Law and Order Code grants the Trial Court authority to supervise, restrain, or invalidate
26 the Chiefs in their traditional capacity.
27
28

1 **2. Summary judgment without a hearing.** The Trial Court granted dispositive relief without
2 the hearing contemplated by Title IV, Section 4.4.3, thereby denying the Chief Defendants a
3 meaningful opportunity to be heard before entry of broad declaratory and injunctive relief.
4

5 **3. Genuine disputes of material fact and traditional law.** The record contains genuine
6 disputes concerning the history, teachings, customary authority, selection, role, and actions of
7 the Traditional Chiefs, as well as the relationship between traditional governance and the
8 Northern Cheyenne Constitution. Those disputes could not properly be resolved on summary
9 judgment without testimony and evaluation of competent traditional evidence.
10

11 **4. Erroneous attribution of concessions.** The Trial Court repeatedly stated that “Defendants”
12 or the “Council Defendants” conceded that no legal authority supported the Declaration. The
13 Chief Defendants made no concession that their Declaration lacked authority under Northern
14 Cheyenne traditional law. Any position taken by separately represented Council Defendants
15 could not waive, bind, or eliminate the Chief Defendants’ distinct jurisdictional and
16 traditional-law defenses.
17

18 **5. Failure to apply Northern Cheyenne traditional law.** The Trial Court erred by treating
19 traditional law merely as political influence or cultural context, by requiring the Chiefs’
20 traditional authority to arise from an express delegation in the written Constitution or a Tribal
21 Council resolution, and by concluding that codified law displaced or subordinated preexisting
22 Northern Cheyenne law. This analysis reverses the historical relationship between the
23 Cheyenne people’s inherent traditional governance and the later-adopted constitutional
24 government.
25
26

27 **6. Reserved powers and constitutional coexistence.** The Trial Court failed to give effect to
28 constitutional provisions preserving rights and powers historically vested in the Northern

Cheyenne Tribe but not expressly stated in the written Constitution, and failed to analyze whether the Constitution and traditional governance coexist rather than whether one extinguished the other.

7. Overbroad declaratory and injunctive relief. The Order’s prohibition against relying upon the Declaration or Election to “interfere” with public office is indefinite, reaches beyond the issues properly resolvable on partial summary judgment, and may be enforced to restrain the Chiefs’ speech, ceremonial responsibilities, consultation, and traditional governance activities.

8. Due process and separation of distinct defendants. The Trial Court failed to distinguish the Chiefs from the elected or appointed Council Defendants, although the groups were separately represented, asserted different defenses, occupied different roles, and faced different forms of relief.

The Chief Defendants reserve the right to refine, consolidate, and fully brief these issues after the appeal is accepted and the appellate record is assembled. In accordance with Title II, Section 2.5.2, the Chief Defendants will file two copies of their supporting appellate brief, together with the required record or transcript, within twenty days after filing this Request for Appeal. Based on an August 21, 2026 filing date, the supporting brief is due no later than September 10, 2026, unless the Court directs otherwise.

III. MOTION FOR IMMEDIATE STAY

The Chief Defendants respectfully request that the Court of Appeals immediately stay the August 18, 2026 Order and suspend its declaratory and injunctive relief during appellate review. A stay is necessary to preserve the status quo, prevent irreparable injury to the Chiefs’ traditional authority and responsibilities, avoid inconsistent enforcement while the related appeal of the

1 Council Defendants is pending, and prevent further governmental and community disruption
2 before the appellate court determines whether the Trial Court possessed jurisdiction and correctly
3 applied Northern Cheyenne law.

4 The jurisdictional and traditional-law issues are substantial. If the Order is enforced before
5 review, the Chiefs may be compelled to surrender the exercise of authority that they maintain arises
6 independently under Northern Cheyenne traditional law, and they may face contempt or other
7 sanctions for conduct later determined to fall outside the Trial Court's jurisdiction. That injury
8 cannot be adequately repaired after the fact. A temporary stay will permit orderly appellate review
9 and will preserve peace while the Court of Appeals considers the same August 18, 2026 Order in
10 the related request filed by the Council Defendants.

11 12 13 **IV. RELIEF REQUESTED**

14
15 The Chief Defendants respectfully request that the Northern Cheyenne Court of Appeals: (1)
16 accept this timely Request for Appeal; (2) consolidate or coordinate this appeal with the appeal
17 filed by the Council Defendants from the same August 18, 2026 Order, while preserving the
18 Chief Defendants' separate counsel and distinct appellate issues; (3) immediately stay and
19 suspend enforcement of the August 18, 2026 Order during the pendency of appellate review; (4)
20 establish the appellate briefing and record schedule required by Title II; and (5) grant such
21 further relief as is just and proper.

22
23
24 DATED this 21st day of August, 2026.

KILLSBACK LAW PLLC



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Attorney for Chief Defendants/Appellants
Larry Medicine Bull, Wesley Spotted Elk,
and Roger Killsnight

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, hereby certify that a full, true and correct copy of the foregoing
3 document: **CHIEF DEFENDANTS' REQUEST FOR APPEAL AND MOTION TO**
4 **IMMEDIATELY STAY THE AUGUST 18, 2026 ORDER DURING THE PENDENCY OF**
5 **THE APPEAL** was served by [U.S. Mail, postage prepaid, email] on this 21st day of May 2026,
6
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