



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

Melissa Fisher (Ashland), Eva Foote (Ashland),
Gwen Spottedhorse (Birney), Stefan Rainingbird
(Busby), Melissa Lonebear (Lame Deer), Nizhoni
Friez (Lame Deer), Donovan Limberhand (Lame Deer),
Howard Ontiveros (Muddy), Edina Redstar, Secretary,
Kristi Killsnight, Treasurer & Ryhal Rowland, Employee

TRIBAL COURT
CASE NO. 2026-079. A

In their official capacities as lawfully elected
Council members, appointees, and employee

Plaintiffs,

v.

Larry Medicine Bull, Wesley Spotted Elk, &
Roger Killsnight,

in their capacities as purported Chiefs;

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), Sharleen Evans, Secretary, & Terrance
Limpy, Treasurer & Donavon Taylor, (Busby),

in their capacities as purported
Council members,

Defendants.

**PLAINTIFFS-APPELLEES' RESPONSE TO DEFENDANTS-APPELLANTS CHIEFS'
REQUEST FOR APPEAL AND MOTION TO STAY**

Petitioners-Appellees do not oppose appellate review of the issues identified by the Chief

Defendants. Petitioners oppose the requested stay. The Chiefs have not established that appellate

review will likely reverse the August 18, 2026, Order, that they will suffer irreparable injury, or that the public interest supports restoring disputed authority. A stay would jeopardize the 2026 election, delay federal funding, impair essential Tribal services, and threaten Northern Cheyenne Tribal Schools.

I. The Request for Appeal Does Not Require a Stay

The Chief Defendants request review under Revised Northern Cheyenne Law and Order Code, Title II, §§ 2.5.1, 2.5.2, 2.6.2 and seek a stay under Revised Northern Cheyenne Law and Order Code, Title IV, § 4.4.8(F). Petitioners do not seek to prevent the Chiefs from presenting their jurisdictional and Traditional-Law arguments on appeal.

But an appeal does not automatically suspend the Trial Court's Order. The Chiefs must establish the factors governing extraordinary stay relief:

“(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.”

Nken v. Holder, 556 U.S. 418, 434 (2009).

They have not done so.

II. The Chiefs' Appellate Issues Do Not Establish a Likelihood of Success

The Chiefs contend that the Trial Court lacked jurisdiction to address their authority, that Traditional-Law issues required an evidentiary hearing, and that the Order improperly affected their traditional responsibilities. These arguments may be litigated on appeal, but the motion does not establish probable reversal.

The Chiefs identify no provision that gives them unilateral authority to control Tribal Council offices, Tribal funds, election administration, federal funding decisions, or Tribal School

operations. Their assertion that their authority exists independently under Traditional Law cannot itself establish a likelihood of success, particularly after the Trial Court determined that the Declaration and Election could not be used to interfere with the exercise of Tribal Council office.

Nor does the alleged failure to conduct a separate hearing establish automatic entitlement to a stay. The Chiefs do not identify evidence they were prevented from presenting or demonstrate that a hearing would likely change the outcome.

III. The Claimed Injury to Traditional Authority Is Not Irreparable

The Chiefs assert that enforcement may restrict their traditional responsibilities and expose them to contempt. The August 18 Order, however, addresses the exercise of governmental authority and control over Tribal Council instrumentalities. It does not prevent the Chiefs from presenting their traditional-law arguments on appeal or from engaging in lawful conduct that does not interfere with Tribal Council offices.

If the Chiefs prevail, the appellate court may fashion appropriate relief. By contrast, unauthorized acts taken during the appeal may affect elections, federal funding, school operations, employees, finances, and third parties in ways that cannot be fully undone.

IV. The 2026 Election Requires Denial of a Stay

The Constitution requires a regular election in November 2026 because Tribal Council terms are four years and staggered. Northern Cheyenne Constitution, art. VI, § 4(e). The primary election is scheduled for October 1, 2026, and the general election for November 3, 2026. Northern Cheyenne Constitution, art. VI, §§ 4(b), 4(d).

Article IV, § 2 requires elections to be conducted pursuant to ordinances and resolutions adopted by the Tribal Council. Candidate qualification and absentee-voting procedures must occur before

the primary election, and the Tribal Secretary appointed by the Tribal Council has an important election-administration role.

The Trial Court held the October 2025 election void because it was administered by Defendants not authorized by the Constitution. A stay would allow the same disputed authority to influence or control the 2026 election process. If an election is not authorized by the duly elected Tribal Council, the election may be deemed null and void.

Immediate recognition of the Court-recognized Tribal Council is therefore necessary if there is any realistic possibility of holding a lawful 2026 election. The public interest strongly favors prompt action by the lawful Council and weighs against a stay.

V. A Stay Would Prolong the Tribe's Loss of Federal Funding

The Tribe depends on federal grants to pay staff and provide vital services, including childcare, healthcare, roads, and utilities. Article IV, § 1(f) requires Tribal Council action establishing budgets, subject to Bureau of Indian Affairs approval.

The Bureau of Indian Affairs has not approved actions taken by Defendants' purported Tribal Council, including budgetary actions, and the Tribe has consequently not received federal funding. A stay would prolong the absence of recognized governmental authority and further delay budgetary action and federal approval.

The Chiefs cannot establish that preserving this disruption serves the public interest. The Tribe's members, employees, service recipients, and federal funding partners need one recognized governing body capable of acting immediately.

VI. The Northern Cheyenne Tribal Schools Need Stable and Lawful Governance

The July 2026 attempted takeover of Northern Cheyenne Tribal Schools demonstrates the danger of allowing disputed authority to continue operating during the appeal. A group asserting authority from certain Chiefs attempted to direct school personnel, terminate staff, and allocate school financial resources.

Those actions threatened the school while it prepared to accept students, operated a community feeding program, and worked with the Bureau of Indian Education to address serious operational and educational problems. Although the Tribal Court restrained those takeover efforts, related litigation remains pending.

A stay would create renewed uncertainty about who may direct school operations, control school finances, and issue orders to school employees. The balance of harms therefore weighs heavily against a stay.

VII. The Requested Stay Is Overbroad

The Chiefs seek suspension of the August 18 Order in its entirety. That would not merely preserve a neutral status quo. It would allow the Chiefs and associated Defendants to resume relying on the Declaration and Election, interfere with Tribal Council offices, and control governmental instrumentalities.

At minimum, any relief should preserve the authority of the Court-recognized Tribal Council to:

- adopt election resolutions;
- administer the 2026 election;
- approve budgets and pursue federal funding;
- direct Tribal employees and governmental programs; and
- protect Northern Cheyenne Tribal Schools from unauthorized interference.

VIII. Requested Relief

Petitioners respectfully request that the Court:

1. accept or process the Chiefs' Request for Appeal as appropriate;
2. deny the Motion to Stay;
3. leave the August 18, 2026, Order fully effective;
4. prohibit the Chiefs from using the Declaration or Election to interfere with Tribal Council offices;
5. preserve the Court-recognized Tribal Council's authority over election administration, budgets, federal funding, Tribal employees, and Tribal Schools; and
6. grant such other relief as the Court deems just.

CONCLUSION

The Chiefs' appeal may proceed, but their requested stay should be denied. A stay would perpetuate governmental uncertainty, jeopardize the 2026 election, delay federal funding, impair essential services, and threaten the operation of Northern Cheyenne Tribal Schools. The August 18, 2026 Order should remain in effect during appellate review.

RESPECTFULLY SUBMITTED on this 24th day of August, 2026.



Elmore Limberhand
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CERTIFICATE OF SERVICE

I certify that on this 24th day of August, 2026, I served a true and correct copy of the foregoing **PLAINTIFFS-APPELLEES ' RESPONSE TO DEFENDANTS-APPELLANTS PURPORTED COUNCILS' REQUEST FOR APPEAL AND MOTION TO STAY** by placing the same in the U.S. Mail and emailing it to the following parties at the stated addresses:

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