

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 to
Enforce August 18, 2026 Order, for Declaratory Relief for Temporary

Restraining Order and Preliminary Injunction and to Stay the 2026 Election Pending Final Appellate Decision (the “Motion”). Plaintiffs argue that Northern Cheyenne Tribal Court Resolution No. DOI-058 (2026) (the “Resolution”) is void and without legal effect. Plaintiffs ask the Court to, among other things¹, enjoin Defendants from implementing the Resolution and postpone the election contemplated in the Resolution scheduled for November 3, 2026 (the “November 3 Election”). Finally, Plaintiffs request the Court consider the Motion on an expedited basis because of the “election-related deadlines” contained in the Resolution.

Jason Standing Elk, Waylon Rogers, Llevando “Cowboy” Fisher, Robert Simpson, Lynwood Ewing, Sharleen Evans, Terrance Limpy and Donovan Taylor (the “Council Defendants”) oppose the Motion. The Council Defendants argue the Motion should be denied because: (i) a motion to stay this matter is pending before the Northern Cheyenne Appellate Court (the “Appellate Court”); and (ii) an election can occur pursuant to actions taken while Council Defendants purportedly acted

¹ The Motion requests three separate sets of relief. See Motion at P. 7–9. Each set of requests is slightly unique. The Court has chosen to respond to the relief requested in Section V on Pages 8 and 9 of the Motion.

as Tribal Council. The Council Defendants also suggest that Plaintiffs motives should be considered in considering the Motion.

The Court's previous Order dated September 4, 2026 (the "September 4 Order") denied Plaintiffs' request to consider the Motion on an expedited basis. The Court now addresses the remainder of the Motion.

For reasons set forth below, the Court **DENIES** Plaintiffs request to postpone the November 3, 2026 general election (the "November 3 Election") and **GRANTS**, in part, other relief requested in the Motion.

OPINION AND ORDER

The Motion is founded on the Court's previous Order, dated August 18, 2026 (the "August 18 Order"), holding that, among other things, Plaintiffs were never removed from the office of Tribal Council. Specifically, the Plaintiffs argue the Resolution is void because it was taken by the Council Defendants who purported to act as Tribal Council. Plaintiffs are correct. Any purported actions taken by Council Defendants as members of Tribal Council as the result of the void election held on October 30, 2025 (the "Void Election") have no effect and are void.

A. No stay is in place.

Council Defendants appealed the August 18 Order and asked the Appellate Court to stay this proceeding. Council Defendant's argue the Court should not rule on the Motion while a motion to stay this proceeding is pending in front of the Appellate Court. Appellate Judge Adrian A. Miller upheld the August 18 Order on September 22, 2026. No stay is in place in this matter.

B. The Resolution is void.

The August 18 Order enjoined Council Defendants from claiming rights and privileges of acting members of Tribal Council. This relief recognized that the Council Defendants were not, and now are not, members of Tribal Council as a result of the Void Election. By extension, any purported action taken by Council Defendants as members of Tribal Council elected by the Void Election are void and have no legal effect. Specifically, the Resolution is void and has no legal effect. Plaintiffs request to declare the Resolution invalid and *void ab initio* is **GRANTED**.

C. The Constitution requires a general election occur on November 3, 2026.

The September 4 Order discussed a requirement in the Constitution that a general election occur of November 3, 2026. The September 4 Order stated:

Tribal elections are established by Article VI of the Northern Cheyenne Constitution, as amended 1996 (the "Constitution"). Specifically, "there shall be a regular election to fill five open Council Seats" on dates corresponding with congressional elections. No act of this Court or Tribal Council can circumvent a constitutionally mandated election. Plaintiffs, in their capacity as members of Tribal Council, have a constitutional duty to ensure the 2026 election occurs in a manner that complies with the Constitution.

For those reasons, Plaintiffs' request to postpone the November 3 Election cannot be granted because it would violate the Constitution. Plaintiffs, as members of the Tribal Council, are required to administer the November 3 Election in compliance with Article VI of the Constitution. Plaintiffs request to delay the general election is **DENIED.**

D. The Constitution does not require a specific date for primary elections.

The scheduling of primary elections is addressed in the Constitution. However, nothing in Constitution requires that a primary election occur on any particular day. Primary Elections must occur "at least 30 days

before the general election.” Article VI, Section 4, Paragraph (b). The primary election for the November 3 Election can occur on or before October 4, 2026, but does not need to occur on any particular date. Plaintiff’s request to postpone the October 1, 2026 primary election is **GRANTED**.

E. Plaintiffs, as Members of Tribal Council, are delegated authority to administer Tribal Elections.

No guidance is provided for coordinating the swearing-in of elected members of Tribal Council. Nothing in the Constitution requires swearing in on a particular date. However, the Constitution specifically delegates broad authority to administer tribal elections to the Tribal Council. See Art. VI, Section 2. Specifically, “[s]ubject to the provisions of [the Constitution], all elections and other membership votes, whether primary, regular, special, referendum, or other election or vote, shall be conducted in accordance and resolutions as may be adopted by the Tribal Council.” *Id.* Under this language, Plaintiffs, as members of Tribal Council, have broad discretion to coordinate and schedule the swearing in of elected officials. Plaintiffs request to postpone the November 16, 2026 swearing-in date is **GRANTED**.

Similarly, any purported act to administer a tribal election not taken by Tribal Council, or by those delegated authority by Tribal Council, is void and without legal effect. Plaintiffs request to enjoin all parties, Defendants, and persons acting on behalf of the Council Defendants from conducting, certifying, publishing results of, or swearing in officials elected as a result of the November 3 Election is **GRANTED**. Additionally, Plaintiffs' request to compel Council Defendants to deliver to Plaintiffs any declaration of candidacy received in connection with the Resolution or the election it contemplates, monies received in connection with the same, along with any and all election-related records, voter lists, candidate filings, candidate filings, notices, ballots communications, funds, equipment, and other election materials is **GRANTED**.

Finally, the August 18 Order speaks for itself. A restatement should not be necessary. Plaintiffs' request to effectively reiterate its terms is concerning and suggests the August 18 Order is being disregarded. Any attempt to undermine or inhibit the administration of the November 3 Election is an attack on the democratic process. Attempts by unelected

individuals to exercise Tribal authority in contradiction of the Constitution is lawlessness. To be clear:

- Plaintiffs held office as members of Tribal Council on September 10, 2025.
- Plaintiffs hold office as members of Tribal Council, uninterrupted, since September 10, 2025.
- During that period of time, no other person has held office of Tribal Council.
- The Void Election is void and has no legal effect.
- Council Defendants have never had authority to act on behalf of the Tribe as a result of the Void Election.
- Other than those taken by Plaintiffs, any action taken by any person, including but not limited to the Council Defendants, purporting to act as members of Tribal Council since September 10, 2025 are void and have no legal effect.

The Court instructs the parties to review and consider the following portions of the Northern Cheyenne Law & Order Code:

- Title IV, Section 4.1.2 provides that any person who willfully disobeys or resists any order issued by the Court may be found in contempt of court.
- Title V, Rule 42 allows any judge of the Northern Cheyenne Tribe to declare Criminal Contempt for disobedience or resistance to any order of the Court.

CONCLUSION

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

1. **DENIES** Plaintiffs request to postpone the November 3, 2026 Election;
2. **GRANTS** portions of the Motions and **ORDERS**, as follows:
 - a. The Resolution is invalid and void ab initio;
 - b. The October 1, 2026 primary election contemplated in the Resolution is vacated;
 - c. The November 16, 2026 swearing in date for officials elected in the November 3, 2026 election is vacated;
 - d. Council Defendants are enjoined from claiming rights and privileges of the office of Tribal Council;

e. Defendants are enjoined from interfering with Plaintiffs administration of the November 3 Election;

f. Excepting only the Plaintiffs, and those parties designated by Plaintiffs, all individuals, including but not limited to the Defendants, are enjoined from conducting, certifying, publishing results of, or swearing in candidates in connection with the November 3 Election.

g. All individuals, including but not limited to the 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 no later than three (3) days after the date of this Order;

h. All individuals, including but not limited to the Defendants, shall deliver to Plaintiffs any declaration of candidacy received in connection with the Resolution or the election it contemplates, monies received in connection with the same, along with any and all election-related records, voter lists, candidate filings, candidate filings, notices,

ballots communications, funds, equipment, and other election materials
no later than three (3) days after the date of this Order;

Dated this 23rd day of September, 2026.



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



NORTHERN CHEYENNE COURT
CERTIFIED COPY
CLERK OF COURT:
BY: Steph Ann Falls
DATED: 9/23/26