

For this reason, we reassert that the Tribal Judiciary will not entertain the act or notion of creating laws from the bench; under our democratic system of government, the role of creating laws rests solely with the Tribal Council as set forth in our Constitution. Therefore, while Plaintiffs' assertion that proper notice was lacking (and causes us concern) the Tribal Judiciary has not, nor have we ever been, granted jurisdiction for such an allegation to be addressed.

We therefore reaffirm the holdings in *Raphael* and *McClellan* and, again, hold that the Tribal Judiciary is not empowered by the Tribal Constitution nor any Tribal laws to review Election Board decisions relating to recalls, including whether the Election Board acted improperly with regard to notice. Plaintiffs' complaint must be, and is, DISMISSED with prejudice. Defendant's pending motion is DENIED as MOOT.²

Date:

4/24/18

By: _____



Tanya S. Wanageshik, Chief Judge
On Behalf of the Tribal Judiciary Sitting En Banc

² Defendant has properly filed a Motion for Summary Disposition. The Motion and its supporting brief have not been reviewed or considered relative to this opinion.

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL COURT

2605 N. West Bay Shore Drive, Peshawbestown, MI 49682
(231)-534-7050, Main ** (231)-534-7051, Fax ** tribalcourt@gtbindians.com

CHARLES PETOSKEY & LORA ROBERT, Plaintiffs, VS. GTB ELECTION BOARD, Defendants.	CASE NO.: 2018-2919-CV-EL Hon. Matthew Fletcher, Hon. Michael Long, Hon. Quinton Walker, and Hon. Tanya Wanageshik.
Holly T. Bird (P68122) Attorney for Plaintiff 921 W. 11 th St., Ste. 1E Traverse City, MI 49684 Telephone: (231)-392-2491	

PROOF OF MAILING

I, *Eric A. Placer*, being duly sworn, deposes and says that on the date below I sent by:

first class mail, certified, restricted, inter-office mail, personal service,
and/or courtesy email

addressed to their last known address by placing a copy of the same in the United States Postal
Service Mail in Suttons Bay, Michigan.

Proof of Mailing for: **Order and Opinion Dismissing Complaint and Dismissal of Defendant's
Motion.**

To: <input checked="" type="checkbox"/> Court File	Original
<input checked="" type="checkbox"/> Judge Matthew Fletcher	Sent to Address and Courtesy Email on file
<input checked="" type="checkbox"/> Judge Michael Long	Hand Delivered and Courtesy Email of file
<input checked="" type="checkbox"/> Judge Quinton Walker	Sent to Address and Courtesy Email on file
<input checked="" type="checkbox"/> Judge Tanya Wanageshik	Hand Delivered and Courtesy Email on file

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date: 04/24/2018

Eric A. Placer

Eric A. Placer, Clerk of the Court