

Prairie Island Mdewakanton Dakota Community Tribal Court

Judges:

Kurt V. BlueDog, Chief Judge
Andrew M. Small, Associate Judge
Steven F. Olson, Associate Judge
Susan L. Allen, Associate Judge
Carrie Blesener, Clerk of Court



Court Address:

5001 W. 80th Street, Suite 500
Bloomington, Minnesota 55437
Phone (952) 838-2294
Fax (952) 893-0650

CLERK'S NOTICE

Date: September 26, 2002

To: Steven D. Sandven, Esq.
Steven D. Sandven Law Offices
Three Hundred Building
300 North Dakota Avenue, Suite 516
Sioux Falls, South Dakota 57104

Nancy Wiltgen
Leonard, Street and Dienard
Professional Association
150 South Fifth Street, Suite 2300
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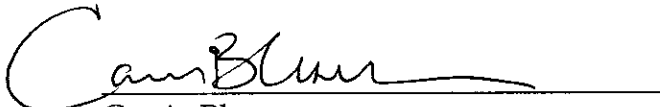
Re:

*In Re the Complaint for Removal of Community Council Member Audrey Kohnen;
Case No. CIV-481-02*

*In Re the Complaint for Removal of Community Council Member Mason Pacini;
Case No. CIV-482-02*

*In Re the Complaint for Removal of Community Council Member Alan Childs, Sr.;
Case No. CIV-483-02*

A Pre-Trial Conference Order and a Memorandum Opinion and Order (copy enclosed) were issued in the above-captioned matters.


Carrie Blesener
Clerk of Court

Filed
On OCT 1 2002
CS

IN THE TRIBAL COURT OF THE
PRAIRIE ISLAND MDEWAKANTON DAKOTA COMMUNITY

PRAIRIE ISLAND INDIAN RESERVATION STATE OF MINNESOTA

In Re the Complaint for Removal of
Community Council Member
Audrey Kohnen n/k/a Bennett,

In Re the Complaint for Removal of
Community Council Member
Mason Pacini, and

In Re the Complaint for Removal of
Community Council Member
Alan Childs, Sr.

Case No. CIV-481-02
Case No. CIV-482-02
Case No. CIV-483-02

PRE-TRIAL SCHEDULING ORDER

Counsel for all parties having reported on the status of this action as directed
by the Court, and the Court having considered the positions of the respective
counsel regarding a schedule for the progression of the case,

IT IS ORDERED that:

1. The deadlines set in this scheduling order are firm and will not be extended, absent a showing of good cause.
2. **DISCOVERY:**
 - All discovery in this matter is to be completed on or before **WEDNESDAY, OCTOBER 30, 2002 at 5:00 p.m.**
 - Service of interrogatories and requests for production of documents was made by Respondents on September 30, 2002, and responses shall be served by **MONDAY, OCTOBER 7, 2002 at 5:00 p.m.**
 - Respondents shall likewise have seven (7) working days in which to respond to any interrogatories submitted by Petitioners.

3. **BRIEFS:**

- Parties' briefs addressing burden of proof and definitions of misconduct, neglect of duty, conflict of interest and ethics violations are to be filed on or before **MONDAY, OCTOBER 14, 2002 at 5:00 p.m.**
- Briefs shall be limited to a maximum of thirty (30) pages.
- The Court shall issue a decision regarding burden of proof and charging elements of the Constitution no later than **FRIDAY, OCTOBER 25, 2002 at 5:00 p.m.**

4. **TRIAL DATES:**

- Each case will be marked trial ready and counsel and the parties should be prepared to proceed as follows:
 - The first trial for Community Council member Audrey Kohnen n/k/a Bennett shall be on **WEDNESDAY, NOVEMBER 13, 2002.**
 - The second trial for Community Council member Mason Pacini, shall be on **TUESDAY, NOVEMBER 19, 2002.**
 - The third trial for Community Council member Alan Childs, Sr. shall be on **TUESDAY, NOVEMBER 26, 2002.**
- It is anticipated that each trial will take approximately one (1) day to complete.
- Each trial is scheduled at **9:30 a.m.** at the Tribal Courtroom located at 1158 Island Boulevard in Welch, Minnesota.
- Each is a non-jury trial.
- Counsel are directed to report to the Court at least one-half hour prior to each trial commencement to discuss any issues related to trial.

• Trial dates are firm unless changed by the Chief Judge. The unavailability of any witness, expert or otherwise, will not be grounds for a continuance. In order to avoid the possibility of going forward with the trial without the testimony of an unavailable witness, counsel, where appropriate, shall preserve same before the trial ready date by written or video-taped deposition for possible use at trial.

5. **PRETRIAL SUBMISSIONS:**

• Three (3) days before the trial ready date for each respective trial counsel shall submit to the Clerk of Court their joint pretrial stipulation **original and (3) copies** and all depositions including any video-taped depositions to be used at trial.

• In addition, on those same dates counsel for each party shall submit to the Clerk of Court an **original and (3) copies** and a copy to opposing counsel of (1) prepared findings of fact and conclusions of law; (2) witness lists; (3) exhibit lists; (4) a letter brief concerning any evidentiary issues; and (5) a trial brief.

6. **PRETRIAL STIPULATIONS:**

• **An original and (3) copies** of a joint pretrial stipulation for each respective trial shall be subscribed by counsel for all parties and shall be filed with the Clerk of Court three (3) days before each respective trial ready date and shall contain:

(1) A list of all exhibits which can be stipulated into evidence or which will be offered without objection as to foundation.

(2) Relevant (a) facts not in dispute, (b) facts in dispute, and (c) issues of law to be considered and applied by the Court.

7. **WITNESSES:**

• Three (3) days before each respective trial ready date counsel for each party shall file with the Clerk of Court an **original and (3) copies** the following information regarding the evidence that it may present at trial other than solely for impeachment purposes:

(1) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(2) The designation of those witnesses whose testimony is expected to be presented by means of a deposition including any video-taped deposition.

• The unavailability of any witness, expert, or otherwise, will not be grounds for a continuance. In order to avoid the possibility of going forward with the trial without the testimony of an unavailable witness, counsel, where appropriate, shall preserve same before the trial ready date by written or video-taped deposition for possible use at trial.

8. **EXHIBITS:**

• All exhibits shall be marked for identification in the manner prescribed below prior to the filing of the trial briefs. A complete set of copies of the exhibits, along with the original and three (3) copies of the

exhibit list shall be presented to the Clerk of Court at the beginning of each trial.

- The exhibits shall have been inspected by the opposing party and copied at their expense (unless waived), **NO LATER THAN THREE (3) DAYS PRIOR TO THE TRIAL READY DATE.**
- All documents and/or papers intended as exhibits or to be used during the course of trial, including but not limited to, documents, photographs, charts, diagrams, etc., shall be assembled in binders with each document properly marked at the lower right corner for identification purposes as directed below.
- During the course of trial the Clerk of Court shall take charge of exhibits which are received into evidence.
- At the conclusion of the trial, the Clerk of Court will immediately return all of the exhibits to the proper parties. It is the responsibility of the parties to maintain the exhibits.
- One (1) copy of the exhibit list shall be given to the Clerk of Court along with the exhibits at the beginning of the trial.
- All exhibits shall be assigned numbers by using a prefix of "P" for Petitioners and "R" for Respondent.
- Petitioners' exhibits should be denoted as: P-1, P-2, P-3, etc.
- Respondents' exhibits should be denoted as: R-1, R-2, R-3, etc. In cases involving multiple respondents, the exhibits shall be denoted with the initial of the last name of the Respondent and its numerical identification number.

- Stickers shall be affixed whenever possible to the lower right-hand corner of the exhibit. If the exhibit marker is going to cover any information on the exhibit, then affix the marker to the reverse side of the exhibit.

- Each exhibit shall also have an exhibit number in the upper right hand corner of the exhibit (P-1, P-2, etc. or R-1, R-2, etc.)

9. **EVIDENTIARY ISSUES:**

- Three (3) days before each respective trial ready date counsel shall file with the Clerk of Court an original and (3) copies with a copy to opposing counsel a letter brief containing a concise statement of any and all evidentiary issues to be presented upon trial, citing the applicable rules of evidence and case law.

10. **DEPOSITIONS:**

- All depositions including any video-taped depositions to be used at trial shall be filed with the Clerk of Court at least three (3) days before each respective trial ready date.

- Not earlier than one week and not less than four (4) days prior to the trial ready date, each party shall indicate to the other party the portion of the deposition to be offered.

- To the extent possible, objections are to be resolved between the parties. Areas of unresolved disagreement shall be presented to the Court for ruling prior to the trial ready date.

11. **TRIAL BRIEFS:**

- Three (3) days before each respective trial ready date counsel shall file with the Clerk of Court an original and (3) copies with a copy to opposing counsel of a trial brief containing argument and citations on any and all disputed issues of law.

DATED: October 1, 2002


Kurt V. BlueDog, Chief Judge