

Kristen Pierce o/b/o Christina Pierce v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-001

Synopsis:

Plaintiff filed an appeal on behalf of her minor son after he was denied enrollment by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(d). Section 4(d) requires an applicant to provide proof of tribal community involvement.

Both parties filed a Joint Motion to Stay based on an impending decision by the Tribal Council which could make Plaintiff's appeal moot. The Tribal Council amended the Enrollment Ordinance which made Plaintiff's claim moot and Plaintiff was given the option for her son to reapply for Enrollment. The parties filed a Stipulation of Dismissal dismissing all claims without prejudice and permitting Plaintiff's son to reapply for membership in the Mashpee Wampanoag Tribe pursuant to the Amended Ordinance, 2017-ORD-006, Restated and Amended Enrollment Order.

Holding:

Judge Madison issued an order allowing the Stipulation of Dismissal without prejudice.

Marie Stone v. Mashpee Wampanoag Tribal Election Committee.

CV-17-002

Synopsis:

Plaintiff filed a complaint alleging irregularities with the February 12, 2017 Tribal Elections process, specifically that there was an irregularity in the certification of a candidate and that the election should have been rescheduled due to inclement weather. Plaintiff requested relief in the form of declaring the election results null and void. Defendant filed a Motion to Dismiss and Memorandum of Law supporting Motion to Dismiss on the basis that no irregularities in the Election Ordinance occurred because the Election Ordinance does not require that the election be automatically postponed due to weather or any other act of God. A hearing was scheduled for April 17, 2017 during which Defendant was in attendance, but Plaintiff failed to appear. The Court issued an Order to Show Cause regarding why the case should not be dismissed. Plaintiff failed to respond to the Order to Show Cause.

Holding:

The case was dismissed on May 11, 2017, based on Plaintiff's failure to respond to the Court's Order to Show Cause, by Supreme Court Judge Matthew Fletcher Sitting by Assignment as District Court Judge.

Nancy Black v. Mashpee Wampanoag Tribal Election Committee, et al.

CV-17-003

Synopsis:

Plaintiff brought suit alleging election irregularities in the February 12, 2017 Tribal Election process. Plaintiff's complaint alleges the following:

- 1) Defendant failed to use due care by not postponing or cancelling the Tribal Election due to severe weather conditions;
- 2) Defendant endangered Tribal member lives by not rescheduling the election;
- 3) The majority of Tribal voters could not travel to vote due to the weather conditions; and
- 4) The voting machine malfunctioned during the voting process.

Plaintiff requested relief in the form of a recall vote, allowing the majority of voters to participate in the election process, and a Court Order requiring the Tribal Election Committee to explain any issues with the voting machine and the process used by the Tribal Election Committee to ensure the ballots were accurately counted.

Defendant filed a Motion to Transfer to the Mashpee Wampanoag Tribal Supreme Court under Section 2(c)(1) which authorizes the Supreme Court to assert "concurrent" jurisdiction over cases involving election disputes. The order was granted on April 11, 2017. Defendant filed a Motion to Dismiss on the grounds that Plaintiff lacked standing because she was not a candidate.

Holding:

Defendant's Motion to Dismiss was granted on September 6, 2017 by the Mashpee Wampanoag Tribal Supreme Court based on Plaintiff's failure to submit evidence to support her complaint and rebut the evidence Defendant submitted.

Carlton Hendricks, Jr. v. Mashpee Wampanoag Tribal Election Committee, et al.

CV-17-004

Synopsis:

Self-represented Plaintiff filed a complaint on February 15, 2017, and an amended complaint on March 6, 2017, appealing the February 12, 2017 Tribal Election results. The complaint alleged the following irregularities:

- (1) Some tribal members were not allowed to vote and were turned away after the time the election was scheduled to end, and Defendant should have extended the voting window to account for time that the voting machine was inoperable;
- (2) The candidate who won the position of Vice-Chairman was not eligible to run due to election irregularities;
- (3) Ballots were “not kept in a secure storage facility among other Election Committee official records” in violation of Election Ordinance, §9(B); and
- (4) Defendant acted negligently by not postponing the election due to weather conditions.

Defendant filed a Motion to Dismiss based on Plaintiff’s failure to file his amended complaint timely and Plaintiff’s failure to include any substantiating evidence. Plaintiff opposed Defendant’s Motion to Dismiss.

Holding:

Defendant’s Motion to Dismiss was granted based on Plaintiff’s failure to provide substantiating evidence, and the Mashpee Wampanoag Tribe’s interest of resolving election disputes as quickly as possible.

Brad Bacon o/b/o Alexander Bacon v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-005

Synopsis:

Self-Represented Plaintiff filed an appeal on behalf of his minor son after his son was denied enrollment by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years."

Both parties filed a Stipulation of Dismissal dismissing all claims without prejudice and permitting Plaintiff's son to reapply for membership in the Mashpee Wampanoag Tribe pursuant to the 2017-ORD-006, Restated and Amended Enrollment Ordinance.

Holding:

Judge Madison issued an order allowing the Stipulation of Dismissal without prejudice.

Robert Peters v. Mashpee Wampanoag Tribe Ball Committee.

CV-17-006

Synopsis:

Plaintiff filed a complaint against the Mashpee Wampanoag Tribal Ball Committee alleging violation of the Tribal Employment Rights Ordinance 2012-ORD-001 Section 7(b)(TERO). Defendant filed a Motion to Dismiss, and a Memorandum of Law in support of Defendant's Motion to Dismiss, on the grounds that the Tribe's sovereign immunity bars Mr. Peters' suit because TERO only applies when the total project cost is greater than \$20,000, and to businesses that are certified as Mashpee Wampanoag or Native American.

Holding:

The case was dismissed without prejudice.

Triston Eric Frye v. Mashpee Wampanoag Tribal Enrollment Committee

CV-17-007

Synopsis:

Self-Represented Plaintiff filed suit against the Defendant Enrollment Committee based on the denial of his application for enrollment in the Mashpee Wampanoag Tribe. The reason for the denial was failure to satisfy Sections 4 (c) and 4(d) from the Enrollment Ordinance 2012-ORD-006 and Amendment to Enrollment Ordinance 2012-ORD-006. Section 4(c) requires an applicant to “have lived in or near Mashpee or have had family members actively involved in Tribal community affairs who have lived in or near Mashpee for at least 20 years”, and Section 4(d) requires the applicant to provide proof of Tribal community involvement.

Defendant filed a Motion to Dismiss for failure to state a claim upon which relief can be granted. In addition, Defendant stated that the court does not have the power to grant the requested relief. Oral arguments were held on December 15, 2017.

Holding:

Upon a review of the administrative record, the case was dismissed by Judge Madison without prejudice.

Christopher Jason Frye o/b/o Jasmyn Cayla Frye, Minor v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-008

Synopsis:

Self-Represented Plaintiff filed an appeal on behalf of his minor daughter after his daughter was denied enrollment by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c) and 4(d). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years" and Section 4(d) requires an applicant to provide proof of tribal community involvement.

Both parties filed a Stipulation of Dismissal dismissing all claims without prejudice and permitting Plaintiff's son to reapply for membership in the Mashpee Wampanoag Tribe pursuant to the 2017-ORD-006, Restated and Amended Enrollment Ordinance.

Holding:

Judge Madison issued an order allowing the Stipulation of Dismissal without prejudice.

Christopher Jason Frye o/b/o Dakota Gavin Frye, Minor v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-009

Synopsis:

Self-Represented Plaintiff filed an appeal on behalf of his minor son after his son was denied enrollment by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c) and 4(d). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years" and Section 4(d) requires an applicant to provide proof of tribal community involvement.

Both parties filed a Stipulation of Dismissal dismissing all claims without prejudice and permitting Plaintiff's son to reapply for membership in the Mashpee Wampanoag Tribe pursuant to the 2017-ORD-006, Restated and Amended Enrollment Ordinance.

Holding:

Judge Madison issued an order allowing the Stipulation of Dismissal without prejudice.

Bradley Atkins o/b/o Abraham Atkins, Minor v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-010

Synopsis:

Self-Represented Plaintiff filed an appeal on behalf of his minor son after his son was denied enrollment by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c) and 4(d). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years" and Section 4(d) requires an applicant to provide proof of tribal community involvement.

Both parties filed a Stipulation of Dismissal dismissing all claims without prejudice and permitting Plaintiff's son to reapply for membership in the Mashpee Wampanoag Tribe pursuant to the 2017-ORD-006, Restated and Amended Enrollment Ordinance.

Holding:

Judge Madison issued an order allowing the Stipulation of Dismissal without prejudice.

Marquis Rue v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-011

Synopsis:

Pro Se Plaintiff filed an appeal of the denial of his enrollment application by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c) and 4(d). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years" and Section 4(d) requires an applicant to provide proof of tribal community involvement.

Defendant filed a Motion to Dismiss for failure to state a claim upon which relief can be granted.

Holding:

The case was dismissed without prejudice.

Diane Johnson v. Leslie Jonas as Tribal Administrator, Michele Forrester, as Human Resources Director, and Cedric Cromwell, as Chairman of the Mashpee Wampanoag Indian Tribe.

CV-17-012

Synopsis:

Plaintiff filed a complaint alleging violation of the Indian Civil Rights Act (ICRA) and violation of Plaintiff's equal protection rights by selectively enforcing rules governing employee conduct against Plaintiff and not enforcing the same standards with other employees.

Defendant filed a Motion to Dismiss for failure to state a claim upon which relief can be granted. Plaintiff filed a Motion to Dismiss without Prejudice.

Holding:

Plaintiff's Motion to Dismiss without Prejudice was allowed.

Angela Mills v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-013

The synopsis and final order are taken from the original complaint (filed December, 2017), and Notice of Dismissal drafted by Judge Jeffrey L. Madison sitting in the Mashpee Wampanoag Tribal Court. Mills v. Mashpee Wampanoag Tribe Enrollment Committee, **CV-17-013** (July 28, 2018).

Synopsis: Plaintiff filed a complaint alleging that membership was denied in error and seeking relief, a reversal of the Enrollment Committee's decision under the Restated and Amended Enrollment Ordinance, 2017-ORD-006.

Petitioner failed to appear for the hearing, continued on several prior dates at the request of the Plaintiff, and the case was dismissed with prejudice.

Andrea-Marie Coombs v. Mashpee Wampanoag Tribal Enrollment Committee.

CV-17-014

Synopsis:

Pro Se Plaintiff filed an appeal of the denial of her enrollment application by the Defendant Enrollment Committee. The Defendant Enrollment Committee denied enrollment because the Plaintiff's application failed to meet certain criteria required pursuant to Enrollment Ordinance 2012-ORD-006, Sec. 4(c) and 4(d). Section 4(c) requires an applicant to "have lived in or near Mashpee, Massachusetts, or have had family members actively involved in tribal community affairs who have lived in or near Mashpee, Massachusetts for at least 20 years" and Section 4(d) requires an applicant to provide proof of tribal community involvement.

Defendant filed a Motion to Dismiss for failure to state a claim upon which relief can be granted.

Holding:

Based on a review of the record and oral arguments, Defendant's Motion to Dismiss was allowed.