

NON-REMOVABLE MILLE LACS BAND OF OJIBWE INDIANS  
COURT OF APPEALS

MLB Court of  
Central Jurisdiction  
FILED MT

2017 MAR 17 AM 9:57

District of Nay-Ah-Shing

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IN THE COURT OF APPEALS

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No. 2016-APP-06

Jordan Jo Moose,  
Appellant,

vs.

**DECISION OF THE  
COURT OF APPEALS**

Mille Lacs Band of Ojibwe  
Housing Department,  
Appellee.

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The Appellant Jordan Jo Moose filed an appeal on October 25, 2016, of an Amended Judgment for Unlawful Detainer and Trespass issued by the Court of Central Jurisdiction (“District Court”). Oral Arguments were heard on February 8, 2017, before the Chief Justice, Rayna Churchill, Special Magistrate Joseph Plumer and Special Magistrate Tammy Swanson. The original unlawful detainer and trespass Order had been issued after a default proceeding on March 25, 2016, that Appellant did not attend as she was incarcerated in County jail on that date.

The Mille Lacs Band Housing Department (“Housing Department”) challenges the appeal on the basis of timeliness of filing the Notice of Appeal, and asserts that, even if the appeal were timely filed, that the Appellant waived her rights to challenge the evidence presented at the trial by failing to appear on that date.

I. TIMELINESS OF APPEAL

Legal counsel for the Housing Department in this case argued that this Court must dismiss the appeal as being untimely filed under 21 MLBSA § 309. The Court analyzed this issue and determined that, upon review of the record below, while the Amended Judgment was signed October 3, 2016, the Order was not file stamped until October 14, 2016 and was served by mail on the Appellant on October 18, 2017, who then filed a timely notice of appeal on October 25, 2016. The appeal cannot be challenged as being untimely filed.

II. PROPRIETY OF QUASI-CRIMINAL ACTIONS COUPLED WITH  
JUDGMENT FOR COSTS INCURRED

Appellant argued that the trial court should not have allowed the Band Housing Department to evict her and file trespass charges against her, while at the same time, they continued charging her for keeping her possessions on the property. Further, Appellant challenged the fairness of some of the fees and charges that she incurred throughout the process; appellant argued that she did not understand some of the charges and wanted to have a more clear explanation. Ms. Moose argued that she would pay for supplies needed to make repairs to the unit, however, she did not agree that she should pay the labor costs associated with making the repairs.

During the course of oral arguments, counsel for the Band Housing Department indicated to Appellant that there may be an opportunity for Appellant to work with the Housing Department to negotiate some sort of agreed-upon resolution for the entire matter. The Court agrees that the best result would be achieved by giving the parties an opportunity to work together to resolve the matter in an amicable manner.

WHEREFORE IT IS HEREBY

ORDERED, ADJUDGED, AND DECREED that this matter shall be REMANDED to the District Court for consideration of whether the overall result of the proceeding is fair and just as applied to Ms. Moose, and whether all of the fees and charges incurred were justified and appropriate. The District Court shall schedule a hearing on this matter, to be held no sooner than April 10, 2017, the date upon which Ms. Moose is scheduled to be released from her current incarceration.

So ordered this 17<sup>th</sup> day of March, 2017.



Rayna J. Churchill, Chief Justice



Joseph Plumer, Special Magistrate



Tammy Swanson, Special Magistrate  
For vacant Associate Justice D2

ATTEST: 