

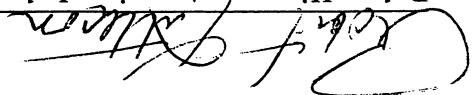
AUG 16 2010

FILED

By: -----

AUG 18 2010
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Robert Kittlecon, Associate Judge



It is so ordered this 16th day of August, 2010.

This case is accordingly reversed and remanded. The case should be reconsidered in light of the Court's consolidated opinion in *Graverette v. Saginaw Chippewa Indian Tribe and Alying v. Tribal Certifier*, No. 09 - CA - 1040, 1041 (August 16, 2010).

Where the Tribe's Constitution makes a fact relevant, such as blood quantum, the Tribe generally may not implement a procedure that limits the presentation of relevant evidence to establish or refute that fact. Nor does the Court interpret the Tribe's enrollment ordinance to require such an outcome.

The Tribe now seeks to deny the validity of the certification under the Tribe's Constitution. The Tribe provides particularized evidence as to why the certification must be revoked and appellate law provides an opportunity to contest the validity of such evidence. The Tribe claims its truth and later summarily deny its truth. The Tribe's certification is valid until the Tribe provides particularized evidence to the contrary. The Tribe cannot certify a fact and is provided an opportunity to contest the validity of such evidence.

Before Judges Kevin K. Washburn, Robert Kittlecon, and Dennis Peterson.

ORDER

Defendants/Appellees.

TRIBAL CERTIFIERS, ET AL.

v.

Plaintiffs/Appellants,

Case No. 10-CA-1044
Tribal Court Case No. 09-CI-0264

DENNIS TAPPEN, ET AL.


A True Copy
Saginaw Chippewa
Appellate Court

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN
IN THE COURT OF APPEALS FOR THE

Dennis Peterson
Dennis Peterson, Associate Judge

Kevin K. Washburn
Kevin K. Washburn, Chief Judge