

FILED
BY *[Signature]*
JUN 24 2014

IN THE UTE TRIBE BUSINESS COMMITTEE
of the
UINTAH AND OURAY RESERVATION
FORT DUCHESNE, UTAH

UTE INDIAN TRIBAL COURT
FT. DUCHESNE, UTAH 84026

Michael P. AUSTIN,
Petitioner,

CV13-041

EXHIBIT C

v.

ORDER

GARY DIETZ, HOWARD G. WARREN,
FERRINGTON EVANS, and WADE
BUTTERFIELD.

Respondents.

THIS MATTER, having been referred to the three-judge Hearing Panel ("Panel") appointed by the Ute Tribal Business Committee through Resolution Nos. 14-122 and 14-139, hereby finds:

1. This matter was heard by the Ute Tribal Court, Judge Pro Tem Randy A. Doucet, who entered a Ruling on Motion to Dismiss, on April 18, 2014 (with a Ute file stamp of June 5, 2014).
2. This Ruling included a briefing schedule with an additional hearing date anticipated. "THEREFORE IT IS ORDERED THAT this matter shall be set for re-hearing regarding the status of the land under the 1902-1905 allotment legislation in accordance with the ruling by the 10th Circuit Court of Appeals in Ute Indian Tribe 1997 (page 6)."
3. The Panel has been advised that the Parties to the matter did not receive the April order until some time after June 5, 2014, and may have been unaware that the Court was continuing to consider the matter.

Based on these findings, the Hearings Panel makes the following conclusions:


This matter is not properly before this Panel for the following reasons:

1. Ordinance 87-04/13-022 gives the Ute Business Committee "exclusive, original jurisdiction to hear all complaints and claims against *the Tribe or its officers or employees in their official capacities* and directs the Court to transfer such cases to the Business Committee....." (emphasis added);
2. This matter meets none of the criteria listed above;
3. Ordinances, by their nature, are superior to Resolutions, and have the binding effect of law;
4. Even if this matter had met the requirements of Ordinance 87-04/13-022, the case has not gone through the Court system to a final decision, nor has any party filed any kind of interlocutory appeal; and
5. This matter may be precluded by the doctrine of *collateral estoppel*.

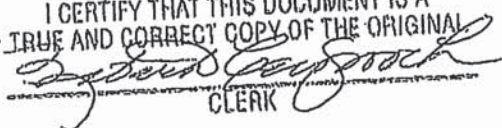
NOW, THEREFORE, this matter is hereby rejected for the stated above.

SO ORDERED this 24 day of June, 2014.


Hon. Lisa I. Atkinson


Hon. Lisa M. Vanderford-Anderson


Hon. Jerry R. Ford

CERTIFICATION
I CERTIFY THAT THIS DOCUMENT IS A
TRUE AND CORRECT COPY OF THE ORIGINAL

CLERK