

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL APPELLATE COURT**

2605 N. West Bay Shore Drive, Peshawbestown, MI 49682
(231)-534-7050, Main ** (231)-534-7051, Fax ** tribalcourt@gtbindians.com

CASE NO.: 2019-31-AP Hon. JoAnne Cook Hon. Matthew Fletcher		
Angel Ance-Berry	V.	Grand Traverse Band of Ottawa and Chippewa Indians
Appellant		Appellee
Craig W. Elhart (P76205) Dena Horvath (P75876) Attorney for Appellant Elhart & Horvath, P.C. 329 S. Union Traverse City, MI 49684 Telephone: (231)-946-2420		Sean E. Cahill (P76205) Attorney for Appellee 2605 N. West Bay Shore Drive Peshawbestown, MI 49682 Telephone: (231)-534-7615

**ORDER DENYING OUT-OF-TIME MOTION FOR
RECONSIDERATION**

On July 22, 2021, the Grand Traverse Band of Ottawa and Chippewa Indians moved to reconsider the decision of this court issued June 29, 2021.

Grand Traverse Band court rule 9.405 provides in relevant part: "A request for reconsideration may be filed with the Clerk of the Tribal Appellate Court, *if made within fourteen (14) days* of the decision's filing with the Clerk." (emphasis added) As the tribe acknowledges in the motion, which asks for a "waiver" of the 14-day limitations period, the motion is late. We therefore DENY the motion.

We reiterate the holding in this appeal, that Angel Ance Berry is eligible for "membership rights" under Article II, Section 1(b)(4) of the Grand Traverse Band Constitution. That term is not defined in the Constitution. We leave it to the tribe and the plaintiff to determine in the first instance what that term means. As we noted in the opinion, our expectation is that the parties in this matter, as they move forward to address the matters left open by this appeal, act in good faith and in accordance with *Mino-Biimaadiziwin*.

8/20/21

Date

8/20/2021

Date

JoAnne Cook

Honorable JoAnne Cook

Matthew Fletcher

Honorable Matthew Fletcher

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PROOF OF MAILING

I, Page Paul being duly sworn, deposes and says that on the date below I sent by:

[X] first class mail, [] certified, [] restricted, [X] inter-office mail, or [X] personal service [X] email

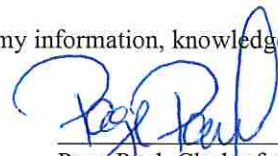
addressed to their last known address by placing a copy of the same in the United States Postal Service Mail in Suttons Bay, Michigan.

Proof of mailing for: **Order Denying Out Of Time Motion For Reconsideration**

To: Court File	Original
Lower Court File	Hand Delivered
Sean Cahill	Inter Office Mail
Craig Elhart	329 S. Union Street Traverse City, MI 49684
Angel Ance-Berry	C/O: Craig Elhart who will serve on her.
Judge JoAnne Cook	Address and Email on file.
Judge Matthew Fletcher	Address and Email on file.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date: 8/20/2021



Page Paul, Clerk of the Court