

# Exhibit A

(Stockbridge-Munsee Tribal Court documents)

**STOCKBRIDGE-MUNSEE TRIBAL COURT**

**Mohican Nation**

**Stockbridge-Munsee Community**

FILED

~~STOCKBRIDGE-MUNSEE TRIBAL COURTS~~  
STOCKBRIDGE-MUNSEE INDIAN RESERVATION

Rebecca Burr,

Plaintiff,

v.

Holly Hawk,

Daniel Hawk,

Daniel Kosowski,

Respondents.

AUG 19 2021

BRITTANY A KROENING  
DEPUTY CLERK OF COURT

**Case No. 2021-RO-0003**

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**ORDER OF DISMISSAL**

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**THIS MATTER** comes before the Court on Petitioner's request for Temporary Restraining Order and/or Injunction, filed on August 4, 2021. An initial hearing on the request was to be held on August 20, 2021. Respondent Daniel Hawk submitted his Motion to Dismiss the matter on August 19, 2021, citing lack of evidence to support the restraining order and injunction, and lack of merit. Having examined the record, and in the spirit of judicial economy, the Court grants Hawk's Motion to Dismiss and enters the following order.

**JURISDICTION**

The Stockbridge-Munsee Tribal Court ("SMTC") has subject matter jurisdiction and personal jurisdiction over the matter. Jurisdiction over the present matter is proper under Article VII, Section 1 (f) of the Stockbridge-Munsee Community Constitution and By-Laws (approved November 18, 1937), and Sec. TCT.02.18 of Stockbridge-Munsee Tribal Code.

**RULE OF LAW**

At any point after an action has been filed, the Tribal Court has broad authority to dismiss a claim if its believes the claim is not properly before the Court. Additionally, based on the complaint and subsequent filings, the Court may determine, based on judicial economy, to dismiss the action without further hearing.

**APPLICATION**

Here, the Petitioner filed her request for a Temporary Restraining Order or/and Injunction against Daniel Hawk, alleging Mr. Hawk has trespassed on her property and made deliberate attempts

to cause her death, but provides no substantial evidence to support her claims. Although Petitioner Burr provided photographs of her yard, along with photos of a propane tank containing dirt in the nozzle, these photographs do not support her claims that Daniel Hawk of Holly Hawk committed trespass nor make actions with create an imminent threat to her safety or welfare.

Accompanying the request is a Letter to Superintendent Diane Baker at the Bureau of Indian Affairs, Great Lakes Agency. In the Letter, Tribal President Shannon Holsey request assistance by the BIA to determine the status of Daniel Hawk's presence on the trust land located at [REDACTED]. However, to do date, the BIA has not provided a response, and such response is not guaranteed. However, the Court acknowledges that issues may be appropriate for filing in the future, pending a determination by the BIA, and dismisses the present action without prejudice.<sup>1</sup> For these reasons, the Court grants Daniel Hawk's Motion to Dismiss.

### CONCLUSION

In conclusion, the present action is dismissed without prejudice.

### **IT IS HEREBY ORDERED:**

1. The Stockbridge-Munsee Tribal Court has personal and subject matter jurisdiction over the present action.
2. Case No. 2021-RO-0003 is hereby dismissed without prejudice.

Dated this 19th day of August 2021.

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**STOCKBRIDGE-MUNSEE TRIBAL COURT**



Chief Judge Travis Miller  
Stockbridge-Munsee Tribal Court

<sup>1</sup> DISMISSAL WITHOUT PREJUDICE. (Of a case) removed from the court's docket in such a way that the plaintiff may refile the same suit on the same claim. See Black's Law Dictionary, 7<sup>th</sup> Ed.

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**OPENING STATEMENT IN SUPPORT OF 21-TRO-3**

**DISMISSAL WITH PREJUDICE**

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**TO:** SMC TRIBAL COURT

AUG 19 2021

**FROM:** DAN HAWK

BRITTANY A KROENING  
DEPUTY CLERK OF COURT

**SUBJECT:** REBECCA BURR V. DAN (HOLLY) HAWK, 2021-TRO-0003 / WRITTEN  
OPENING STATEMENT FOR THE 8/20/2021 HEARING HELD AT 10 AM,  
CALL IN NO. 1-425-436-6366 PASSCODE 8138034

**DATE:** AUGUST 18, 2021

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I am, Daniel D. Hawk, Oneida # [REDACTED], Respondent. I am, living at [REDACTED]  
[REDACTED] I am, a veteran last serving as nuclear  
reactor operator on fast attack submarine, SSN-712 Atlanta. Because of  
divorce I am cleaning up my Great-Aunts home and property at the address  
*supra*; in addition to structural deterioration, Mae's property was used as an  
unlawful refuse dumping ground which includes hazardous materials.

My neighbor (Plaintiff, Ms. Burr), who I have never met, has called the  
police on me several times. Lt. Mary Creapeau, Stockbridge Munsee

Community Police says as many as six logged complaints.<sup>1</sup> Lt. Creapeau states I have not done anything wrong, as such have never received a citation, &c.

On August 14, 2021, the Shawano County Sheriff's Department served me with subject matter Case TRO-3.

On Monday August 16, I started a conversation with Lt. Creapeau (footnote 1). And asked for an investigation at the request of the Shawano County Victims Staff. Lt. Creapeau stated the gas tank tampering claim was investigated. Asked Lt. Creapeau, why, I was not arrested? Especially if the police thought I was trying to harm or in the alternative kill Plaintiff Ms. Rebecca Burr? Lt. Creapeau, stated the complaint was *suspicious*. I started an RO action against the Plaintiff in Shawano County.

On August 17, 2021, the RO was filed in Shawano County and is Case No. 2021-cv-000140 concomitant Hearing August 25 at 11:00 am. The Sheriff's Department is tasked with personal service of *id.* 140 upon the Plaintiff.

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<sup>1</sup> Supporting Email between Dan Hawk and Mary Creapeau, dated 8/16-8/17/21.

On August 18, 2021, I followed up with the Shawano County Sheriff's Department to file a complaint that the Plaintiff filed a false police report. In talking with Lt. Chris Madle, Badge No. 508, he stated, he talked with Lt. Creapeau and that a police report was not generated i.e., it was closed out because their investigation did support the Plaintiff' (Ms. Burr') claim, in other words, what Ms. Burr claimed, i.e., gas tank tampering did not occur. The Plaintiff' RO complaint is frivolous and ought to be Dismissed at this point *with* prejudice.

However, to continue the Opening Statement, I turn to the record, the handwritten statement of who I believe to be Rebecca Burr, there is a Notary Stamp, but Rebecca Burr' signature appears absent. Nonetheless,

1. Ms. Burr states I have been trespassing on her property repeatedly but demonstrates no proof, not even a single incident.
2. Ms. Burr states I have admitted to getting water from behind her house. It is true, I did admit to the police that I get water for the fire and for post cement. That water comes from the culvert down the road. The reason that is, is because there is a swamp behind my aunt Mae Jordan' property and prevents access to the Red River. Ms. Burr is not telling this Court the truth. And of course, just as in item 1

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*supra*, Ms. Burr demonstrates no proof that I went behind her house to get water.

3. Ms. Burr states I have retaliated against her for getting the police involved. This is nonsense because the Plaintiff has lodged several frivolous complaints, the SMC Police, such as Sgt. Schreiber will not even come on my aunt' property anymore, i.e., there was no need to retaliate because the police no longer wanted to harass me for the Plaintiff' frivolous complaints, such as calling the police on me for heating morning coffee.
4. Ms. Burr states things are escalating and that her family' safety is at risk, inferring I walked on her deck and filled the valve to a propane tank with sand in hopes to cause [her] death. Firstly, any escalation is at the hand of Ms. Burr. Secondly, as noted *supra*, the police did not believe what she told them was truthful and [they] closed out the incident. In fact, the only way I found out that Ms. Burr was inferring "I was trying to kill her" was because the TRO-3 discovery revealed the Sheriff' Department was dispatched and found the Ms. Burr' complaint was unfounded and closed it out.
5. In Ms. Burr' "Other Details:" Section, I suppose my singing might sound like weird noises, but all my Facebook friends think I should be

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on AGT. Although meant to be sarcastic, even if true, does not seem to meet the threshold of harassment.

6. To continue Other Details Section in item 5 *supra*. I do have a motorcycle, but do not rev it for extended periods of time. Again, the Plaintiff offers no proof. And, this court might ask, what is “long periods [of time]. The point of this? I am not wasting premium gasoline to let my motorcycle run for any length of time more than is necessary.
7. Ms. Burr insists that I am occupying my aunt’ property unlawfully but offers no proof. Herein, I notified the Department of Interior, BIA in Albuquerque, and they sent my file to BIA Ashland. [REDACTED] [REDACTED], Acct No. [REDACTED] (my mom) [REDACTED] (me), to continue [REDACTED] my sister Debra, and [REDACTED] my sister Donna. Mae Jordan was my grandfather’ Ben Jordan’ daughter. Greg Miller put my aunt Mae’ property in trust for her.
8. Ms. Burr states I am burning Mae’ house as I am taking it down. That is nonsense because the Plaintiff has called the police to complain about that very issue. And the police as Lt. Creapeau states have never found any evidence of refuse burning. I do not burn garbage.

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9. Ms. Burr states I am trespassing on the property behind Mae's. This is nonsense because there is a swamp behind Mae's. There is no access to the Red River. And, like before, Ms. Burr offers to this Court, not a single shred of evidence to make a valid claim of trespassing outside of Mae' 2.5-acre Department of Interior property.

10.(Continue on the back of the handwritten complaint with no signature). Ms. Burr states I have made a "visible" trail through the berry brush inferring that is where I, supposedly, went on her back deck. Admit to having trails too on Mae' property, but they are not made by me, they are made by animals like deer. Moreover, the Plaintiff again, cannot produce one item of evidence to enforce the claim that I was ever on her property much less on her back deck. The police do not believe her, [they] think she is not truthful in her claim(s) against me.

In Conclusion, the Plaintiff Ms. Burr' request for an RO against me (the Defendant) is unfounded or in the alternative unsubstantiated. The SMC Judge must **Deny** the Plaintiff' frivolous RO request. Here ends my Opening Statement in support of Dismissal *with* Prejudice.

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Daniel D. Hawk

Mailing Address:



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## STOCKBRIDGE-MUNSEE TRIBAL COURT

Mohican Nation

Stockbridge-Munsee  
Community

Date: 8-4-21

REBECCA BURR

Petitioner,

Case No:

2021-RO-0003

HOLLY H. HAWK

DANIEL HAWK

DANIEL KOSOWSKI

Respondent.

PETITION FOR HARASSMENT  
TEMPORARY RESTRAINING  
ORDER AND/OR INJUNCTION

## Respondent's

DOB: Sex: Race: Height: Weight: Hair: Eye:

Under oath, I petition the Court for a temporary restraining order and injunction against the Respondent under Section 1.13(G) of the Stockbridge-Munsee Community Ordinances, Chapter 1, based upon the following:

1. Our residences/premises are stated as above.
2. The Respondent has harassed me by doing the following: (Mark all that apply)
  - ☐ Striking, shoving, kicking, or otherwise subjecting me to physical contact or physical harm, or attempting to do the same.
  - ☒ Engaging in a course of conduct or repeatedly committing acts which harass or intimidate me and which serve no legitimate purpose.
  - ☒ Engaging in a course of conduct that evidences a credible threat against me.
3. Attached as a part of this petition is a statement of facts indicating that Respondent has harassed or attempted to harass me. Refer to Shawano Co. Officer

I REQUEST THAT THE COURT: (Mark all that apply) CRAIG REKOSKE'S POLICE REPORT from 8/1/2021

☒ Immediately issue a temporary restraining order and set a time for a hearing on an injunction requiring the Respondent to:

- ☒ Refrain from harassing me.
- ☒ Refrain from contacting me and causing any other person to have contact with me.

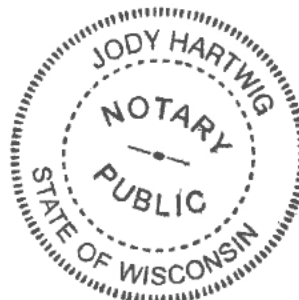
☒ Set a time for a hearing on the Petition for an injunction.

☒ Enter an injunction for two years and or up to 5 years based on the discretion of the Court:

☒ Notify Stockbridge-Munsee and other law enforcement that this Petition has been filed and provide them with a copy.

Subscribed and sworn to before me

This 4 day of August, 2021

NOTARY PUBLIC  
COUNTY OF Shawano

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My Commission Expires:

2-24-2023

Signature of Petitioner:

Rebecca Burr

Date:

8-4-2021

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Distribution:

1. Court-Original
2. Petitioner
3. Respondent
4. Law Enforcement
5. Shawano County

This has been going on  
since July/August 2020

Daniel, Holly Hawk, has been repeatedly trespassing on my property, has admitted to police that he trespasses behind my house to get water from the river, and has retaliated against me for getting the police involved.

Things are escalating and my families safety is now at risk. He trespassed on my property, walked onto my deck, and filled the valve to a propane tank with sand in hopes to cause my death. We are in fear of him.

Other details: weird noises from the woods  
wailing, moaning, chanting, breaking brush  
revving his motor for long periods  
very loudly  
(illegally) wrongfully occupying the property he is on  
illegal burning of the house he is tearing  
down  
Trespassing on the property behind him →

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there is a visible trail through the berry brush  
where he has walked from the property he is  
on to my back deck.