

SISSETON WAHPETON SUPREME COURT
FILED
FEB 19 2025
CLERK OF COURTS

THE SUPREME COURT OF
THE SISSETON-WAHPETON OYATE
OF THE LAKE TRAVERSE RESERVATION

Corporation for Native Broadcasting Board:
Crystal Owen, Chanda Joseph, Jim Pearson,
Winfield Rondell, Jr., Vern Donnell, and
Gabrielle Tateyuskanskan;
Appellant

APPEAL NO. AP-25-003-009

CASE NO. T-24-083-026

vs.

**ORDER DISMISSING APPEAL AND
AFFIRMING TRIBAL COURT ORDER**

Garryl Rousseau,
Appellee

Per Curiam (Associate Justice Michael Harralson, Presiding Justice Lenor Scheffler Blaeser,
Associate Justice Terry Mason Moore)

I. FACTS AND PROCEDURAL HISTORY

This matter concerns an appeal from the Tribal Court Order dated October 3, 2024 (hereinafter Order of October 3, 2024) which provides a decree that Appellee Garryl Rousseau was an at will employee and that Appellant the Corporation for Native Broadcasting Board, registered as a South Dakota Domestic Nonprofit Corporation, et. al. must pay Appellee his final paycheck and two weeks of severance pay. The Appellant the Corporation for Native Broadcasting Board, et. al. appealed the Order of October 3, 2024 challenging the Tribal Court's conclusion that the Corporation for Native Broadcasting Board owed Appellee compensation.

This Court sent the parties an Order for Briefing Schedule dated November 21, 2024 setting out timelines for filings by each party and a reminder to serve the other party.

1 The Court issued an Amended Order for Briefing Schedule to correct a de minimis
2 typographical error, i.e. 2024 in one sentence was revised to read 2025.

3 On December 23, 2024, Appellant the Corporation for Native Broadcasting Board
4 emailed the Clerk of Court requesting continuance to file its brief based on their belief that
5 each individual director of the Corporation for Native Broadcasting Board should be served
6 individually with no reference to applicable governing documents or applicable law to support
7 their belief. The Corporation for Native Broadcasting also alleged there were multiple
8 typographical errors. There was only one de minimis typographical error as mentioned above.
9

10 By Clerk's Notice dated January 10, 2025, the Appellant was reminded about Rule 9
11 of the Sisseton Wahpeton Oyate (the "SWO") Rules of Appellant Procedure, which requires
12 Appellant to properly serve Appellee with its continuance request and file a Certificate of
13 Service with the Clerk's Office. The Clerk's Notice added that Appellee would then have ten
14 (10) days to respond to Appellant's continuance request. The Appellant based on their filings
15 with the Clerk of Court failed again to serve the Appellee regarding the continuance request.
16 Ultimately, the Appellee heard of the request for a continuance and advised via email to the
17 Clerk of Court that he did not agree with the request for continuance.
18

19 II. DISCUSSION

20 In the case before this Court, Appellant did not properly file or serve the December 23,
21 2024 continuance request. Accordingly, a continuance is not granted. Additionally, the
22 Appellant has not timely filed a brief with the Court.
23

24 Under SWO Rules of Appellant Procedure, Rule 2(e)(1), the Court may "affirm,
25 modify, vacate, set aside, or reverse any judgment, order, or decision of the Tribal Court."
26

1 Since Appellant did not timely file a brief in this matter, effectively abandoning its appeal,
2 and failed to follow the SWO Rules of Appellant Procedure, the appeal is dismissed with
3 prejudice and the decision of the Tribal Court is hereby affirmed.

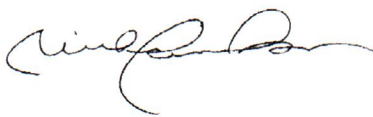
4 **III. CONCLUSION**

5 For the reasons stated above, this matter is **DISMISSED with prejudice** and the
6 October 3, 2024 Order of the Tribal Court is **AFFIRMED**.

7 **IT IS SO ORDERED.**

8 Dated the 19th day of February, 2025.

9
10 BY THE COURT:

11 

12
13
14 _____
15 Michael P. Harralson
16 Associate Justice