

ROSEBUD SIOUX SUPREME COURT )  
ROSEBUD SIOUX RESERVATION ) SS  
ROSEBUD, SOUTH DAKOTA )  
\*\*\*\*\*

Yvonne Jordan, Carmen Renteria  
And Todd Fast Horse,  
Plaintiff/Appellee

VS.  
NOTICE OF ENTRY  
OF ORDER

Maria Lambert & Avery Black Bear,  
Defendant/Appellant

\*\*\*\*\*

TO: THE ABOVE-NAMED PARTIES

Please take notice that on the 5<sup>th</sup> day of January, 2009, the Honorable Justice  
LEROY GRAVES presiding, The Court entered an **ORDER**. A certified copy of said  
Judgment of **ORDER** is enclosed and by this reference is incorporated herein and is  
herewith served upon you.

Dated this 5<sup>th</sup> day of January, 2009.

*Denita Marshall*  
Clerk of Courts

CERTIFICATE OF SERVICE

I, Denita Marshall, Chief Clerk of Courts of Rosebud Sioux Tribal Supreme Court,  
hereby certify that I served a true and correct copy of the Notice of Entry of Order and  
copy of said Order upon the Appellant(s) and Appellee(s) as follows by placing in the  
U.S. Mail, postage prepaid, addressed as follows:

Yvonne Jordan at PO Box 283, Rosebud, SD 57570

Carmen Renteria & Todd Fast Horse at PO Box 416, Rosebud, SD 57570

Maria Lambert & Avery Black Bear at P.O. Box 1131, Mission, SD 57555

Dated this 5<sup>th</sup> day of January, 2009.

*Denita Marshall*  
Clerk of Courts

ROSEBUD SIOUX SUPREME COURT )  
ROSEBUD SIOUX RESERVATION ) SS  
ROSEBUD, SOUTH DAKOTA )  
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APPEALS COURT

DOCKET # CA2006-01

Yvonne Jordan, Carmen Renteria,  
And Todd Fast Horse,  
Plaintiff/Appellee  
VS.  
Maria Lambert and Avery Black Bear  
Defendant/Appellant

OPINION AND ORDER

\*\*\*\*\*

PER CURIAM

(Before Justice Greaves, Justices Three Stars  
And Aboutezk)

This matter is before the Court on appeal of an injunction issued by the Honorable  
Viola Burnette on January 11, 2006. That order was in essence, a mutual restraining order  
and prohibited the parties from contacting or communicating with each other. The case  
was initiated by the filing of a request for a restraining order on December 6, 2005, by the  
Plaintiff, Yvonne Jordan. The prayer for relief requested that a permanent restraining  
order be issued against the respondents, Maria Lambert and Avery Black Bear. This case  
was assigned the docket number CIV05-603.

The respondents filed an answer and motion to dismiss on December 9, 2005.

On December 12, 2005, Maria Lambert and Avery Black Bear filed a counter-  
complaint for a restraining order and named Yvonne Jordan, Carmen Renteria and Todd  
Fast Horse as respondents. This case was given the docket number CIV 05-614.

Presumably, a decision was made to consolidate these cases and a single hearing  
was held on January 9, 2006, with all parties present. As a result of that hearing, a mutual  
restraining order was issued on January 11, 2006, restraining the opposing parties from  
communicating with or contacting each other. This Order was to remain in effect until  
January 10, 2007. It is from this order that respondents Lambert and Black Bear appeal.

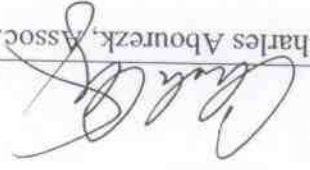
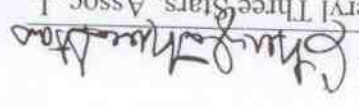
With respect to case CIV05-603, it seems that everything was started by an incident  
at Buche's grocery store in Mission, South Dakota. The plaintiff Jordan and respondents  
Lambert and Black Bear became involved in an argument. From the testimony adduced at  
the hearing, it became apparent that this argument occurred as the result of a long history  
of conflict between the parties. There was conflicting versions of what precipitated the  
argument or what was said by the parties during the argument, but it did appear that the  
parties were agreeable to the issuance of the mutual restraining order.

A careful reading of the transcript discloses that all the parties to CIV05-603, wanted the conflict to end. Recognizing this the presiding judge made findings that were consistent with a stipulated settlement and issued an order pursuant to that stipulation. We affirm the decision to issue an injunction until January, 2007 and expressly reject the contention that the Court abused its discretion.


With respect to case CIV05-614, plaintiff's made ample statements in their petition regarding respondents Renteria and Fast Horse. If proven, these statements may have established the need for an injunction. Testimony regarding respondents' behavior was, however, directly controverted by the respondents during the hearing. Evidence substantiating the plaintiffs allegations was not introduced at trial. Without more, we must hold that the petitioners in CIV05-614 have failed to meet their burden of proof. We, therefore, reverse the issuance of an injunction applicable to respondents Renteria and Fast Horse, especially since those individuals were not present during the central incident at Buche's.

IT IS SO ORDERED.

BY THE COURT:

  
Charles Abourezk, Assoc. J.  
  
Cheryl Three Stars, Assoc. J.

ATTEST:

  
Denita Marshall, Chief Clerk of Courts

CERTIFICATE OF SERVICE

I, Denita Marshall, Chief Clerk of Courts of Rosebud Sioux Tribal Supreme Court, hereby certify that I served a true and correct copy of the Notice of Entry of Order and copy of said Order upon the Appellant(s) and Appellee(s) as follows by placing in the U.S. Mail, postage prepaid, addressed as follows:

Yvonne Renteria, Box 283, Rosebud, SD 57570  
Carmen Renteria & Todd Fast Horse, PO Box 416, Rosebud, SD 57570  
Maria Lambert & Avery Black Bear, PO Box 1131, Mission, SD 57555

Dated this 5<sup>th</sup> day of January, 2009.

  
Chief Clerk of Courts