

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT**

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LARRY B. ROMANELLI,
Tribal Ogema,
Plaintiff

Case No. 25-253-GC

Honorable Angela Sherigan

v.

LRBOI TRIBAL COUNCIL,
Defendant

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**ORDER AFTER HEARING ON PLAINTIFF'S REQUEST FOR
WRIT OF MANDAMUS**

The Court received a "Verified Motion for an Ex-Parte Writ in the Nature of Mandamus". The Court denied the Ex-Parte request and set the matter for hearing. A hearing was held in which all parties and their attorneys were present.

This matter comes to the Court regarding the 2026 Budget. The Plaintiff argues stare decisis, meaning this issue has already been decided and the Court should follow the previous decision in case number 24-010-GC, and that the Constitution sets out the process for passing the budget. The Defendant argues that according to the Budget and Appropriations Act, the budget must be balanced (expenses must be equal to or less than revenue) and since it was not, they could not pass it.

The timeline is important here.

September 30, 2025, the Ogema submitted the 2026 budget to Council.

November 12, 2025, Council amended the budget.

November 13, 2025, the Ogema vetoed the budget as amended.

November 19, 2025, a vote by Council to override the veto failed.

December 10, 2025, Council passed a continuing resolution regarding the budget.

On or about December 11, 2025, the Ogema vetoed the continuing resolution.

December 17, 2025, the Council, on a second vote, voted to override the veto.

Additionally, in January of 2026, the Council submitted another budget to the Ogema for approval, which he denied and vetoed. The Council did not override that veto.

The Plaintiff argues that whether or not the budget is balanced (without the supplemental language) has already been decided by Case No. 24-010, and by operation of law the budget that was submitted on September 30, 2025, is the budget. Additionally, the Plaintiff argues in support of the mandamus, that there is a clear legal duty for the Council to appropriate the funds for the budget.

The defendant argues that there is no “emergency” here as there is a continuing resolution and that there are no circumstances present to rise to the level of a writ of mandamus.

While there is a continuing resolution, which was agreed to and ordered to continue by the Court’s Order of January 26, 2026, a continuing resolution for the budget is based off 2025 numbers, not 2026. It is necessary to have a 2026 budget in 2026.

It is important to note that these are almost the same facts, timeline, arguments and parties as those in Case No. 24-010-GC. In that case, the Court set for the test for a writ of mandamus as follows:

1. Clear Legal Right: The plaintiff must prove that the plaintiff has a specific legal right to the performance of the duty.
2. Clear Legal Duty: The defendant (official/agency) has an imperative, nondiscretionary duty to act.
3. Ministerial Act: The duty is ministerial (mandatory), not discretionary (the act must be done, not left to judgment).
4. No Other Remedy: There is no other adequate legal or equitable remedy available.

Here, the Ogema has a specific legal right to the performance of the specific duty as the Council failed to override his veto pursuant to the Constitution Article V Section 5(c), thus the Court finds that as matter of law, pursuant to the Constitution, the budget submitted on September 30, 2025 became and is the 2026 budget.

Tribal Council has a legal duty to appropriate funds of the budget for the operation and governance of the Tribe pursuant to the Constitution and Section 5.07 of the Budget and Appropriations Act. The Constitution at Article IV, Section 7(i) states that the Tribal Council *shall* authorize the expenditure of funds in in accordance with such budgets. Section 5.07 of the Budget and Appropriations Act states that Tribal Council *shall* appropriate funds... The word “shall” is mandatory, and there is no discretion in the duty, thus it is ministerial. The Court finds that Council has a legal duty to appropriate funds for the budget and that this legal duty is ministerial. (Emphasis added.)

The parties are at an impasse and have not been able to resolve this issue. While theoretically, a continuing resolution provides funds for the operation and governance of the Tribe, it is based off 2025 numbers and is not adequate. The Court finds that there is no other adequate legal or equitable remedy available other than a mandamus.

THEREFORE, THE COURT HEREBY ORDERS the Tribal Council to appropriate funds according to the 2026 budget, which is the budget presented by the Ogema on September 30, 2025.

May 13, 2026
Date

Angela Sherigan
Hon. Angela Sherigan



CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the parties pursuant to Tribal Court Rule 4.100.

5-13-26
Date

Spring Medacco
Court Clerk/Administrator