



CATAWBA NATION TRIBAL COURTS
Catawba Indian Nation
996 Avenue of the Nations
Rock Hill, SC 29730

PETITIONER: Whitney Brown 3555 Passmore Road Rock Hill, SC 29730	RESPONDENT: CIN Executive Committee Members 996 Avenue of the Nations Rock Hill, SC 29730	24-GC-0001 Case Number ORDER
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ORDER GRANTING RESPONDENT’S MOTION TO DISMISS

THIS MATTER, having come before the Court on Respondent’s Motion to Dismiss the Complaint and the Court having jurisdiction over this matter pursuant to Catawba Indian Nation General Council Tribal Resolution Number 2022-11-05 (hereinafter “Governance Ordinance”) and taking judicial notice of the record as filed, the **COURT FINDS:**

1. Respondent filed a Motion to Dismiss the Complaint filed in this matter on August 16, 2024. In the Respondent’s motion, they allege the Complaint filed in this matter should be dismissed on two grounds. First, Petitioner seeks relief from a non-final agency action. Second, the Petitioner seeks review of an action outside the jurisdiction of the Court per the Governance Ordinance.

2. Petitioner filed a response on October 4, 2024. In Petitioner's response, they respond that they have a right to seek the information requested as a Tribal citizen pursuant to the Constitution of the Catawba Nation.
3. Neither party set a hearing on their pleadings. As such, none was heard.

IT IS ORDERED:

4. Respondent's Motion to Dismiss the Complaint is GRANTED.
5. First and foremost, the relief requested in Petitioner's Complaint is moot, as the meeting at issue occurred on July 13, 2024.
6. Second, Section 4.06(f)(2) of the Catawba Nation Governance Ordinance provides in relevant part, "...a motion to dismiss may be based on the following grounds: ...(2) the petition seeks review of an agency action that is not final, or otherwise is not subject to review under the provisions of this Ordinance..." Both are the case here.
7. Petitioner seeks review of a non-final agency action, to wit: the Executive Committee's omission of a proposed agenda item from the agenda for the July 13, 2024 General Council meeting. The Governance Ordinance does not define "...an agency action that is not final". Pursuant to the General Council Procedures, during the July 13, 2024 meeting, Petitioner could have also requested from the General Council itself that their agenda item be added to the July 13, 2024 agenda or brought the matter forward during the Citizen Comment Period of the meeting. Therefore, the Executive Committee's declination to add the Respondent's proposed agenda item to the July 13, 2024, General Council meeting agenda is not a final action.
8. Furthermore, whether the Executive Committee adds an item to a General Council meeting agenda is not a matter for this Court but rather a political one. It is not subject to review by

this Court pursuant to the provisions of the Governance Ordinance and this Court may not exceed its authority. Section 1.04 of the Governance Ordinance limits the jurisdiction of this Court to "...all agency actions, appealable agency actions, and contested cases, *except* where the procedure governing a particular agency's actions, appeals, and contested cases is governed *by other laws of the Tribe.*" (*emphasis added*) Here, the General Council Procedures – a law enacted by the General Council – control how agenda items for General Council meetings are added and set. Therefore, this Court does not have the authority to review whether an item is added to the General Council agenda.

9. The Court reserves jurisdiction to alter, amend, or modify this Order as needed.

ORDERED on this 6th day of January 2025.

T.W. Trueblood

THE HONORABLE JUDGE T.W. TRUEBLOOD