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SAULT STE. MARIE CHIPPEWA TRIBAL COURT

CHARLES DONALD FORGRAVE,
Petitioner,

-v- **Case No. FO-2025-01**

PUBLIC RECORDS OFFICER,
Sault Ste Marie Tribe of Chippewa Indians,
Respondent.

On April 27, 2026
Hon. Matthew L. M. Fletcher

ORDER ON MOTION TO DISMISS

This matter is before the court on the Respondent's Motion to Dismiss dated April 8, 2026. The court **DENIES** Respondent's Motion to Dismiss on the ground the court has already determined that Kewadin Casinos Gaming Authority is subject to the Freedom of Information Ordinance.

The court requests that Respondent file a brief within 30 calendar days of the filing of this order addressing (1) what the standard of review should be for this court to employ when reviewing denials under § 15.115, (2) whether and why specific documents Petitioner requests are exempt from the Freedom of Information Ordinance under § 15.113, and (3) any other defenses. Respondent may also brief any other defenses or arguments they wish the make at that time. Petitioner may file a brief in response to Petitioner's brief within 30 calendar days of service of the Respondent's brief. Respondent may file a reply brief within 15 days of service of Petitioner's response brief.

Until these issues are decided, the court **STAYS** enforcement of the court's order requiring Respondent to disclose Kewadin Casinos Gaming Authority documents for *in camera* review. The court also **STAYS** enforcement of the court's order holding Respondent in contempt.

Procedural and Factual Posture

On November 21, 2025, Petitioner Charles Donald Forgrave petitioned the court under Tribal Freedom of Information Ordinance § 15.115. Petitioner sought review of a denial of a freedom of information ordinance request by the Tribe's Public Records Officer. Petitioner had

sought copies of supplies and services from each of the Tribe's five casinos from January 1, 2020, to October 14, 2025, as well as a vendor's list and supplier and services contracts.[1] At one point, Petitioner asserted that the reason for his FOIO request was that he had "heard about $3,000 kickback" and wanted to review the documents for "discrepancies." Hearing audio at 23:08-23:14 (Jan. 8, 2026). Respondent denied the request, checking a box describing types of records that were exempt from disclosure under § 15.113(w): "Proprietary business information that, if disclosed, may place the Tribe or a tribal business or economic enterprise at a competitive disadvantage."

Petitioner followed up his petition with a motion to compel disclosure dated November 26, 2025. Respondent moved to dismiss the petition on November 26, 2025. Respondent claimed then and now that the body that generates and maintains the relevant records is the Kewadin Casinos Gaming Authority and that the Authority is not a "tribal body" subject to FOIO requests. *See* § 15.103(5) (defining "tribal body" as "body acting in the performance of an official governmental function for the Tribe" excluding the tribal court).

After supplemental briefing ordered by the court, the court concluded that it could not determine whether "all information requested is exempt in whole." As a consequence, the court issued an "interim order" on January 20, 2026, requesting *in camera* review of the relevant documents under § 15.115(3). Respondent objected to the interim order, reiterating the position that Kewadin is not a "tribal body." The court issued an order on March 23, 2026, again rejecting the Respondent's position and overruling the objection. The court also ordered Respondent to provide copies of lists of vendors that provided services and supplies for the casinos by the close of business on that day for *in camera* inspection. The court also ordered Respondent to produce copies of all contracts executed in 2025 by March 26 and all contracts executed in 2024 by April 2 for *in camera* inspection. Respondent did not comply.[2]

On March 27, 2026, the court issued a show cause order requiring Respondent to appear on April 6. On April 6, 2026, the court held the Respondent in contempt for failure to comply with the court's order to produce records, allowing the Respondent time to comply or face sanctions.

On April 7, 2026, the Board of Directors passed a resolution titled, "Clarifying the Intent of the Creation of the Tribe's Separate and Distinct Legal Entities." *See* Resolution No. 2026-109. The Board stated that it wished to "clarify its intent in creating legally distinct entities, separate from the tribal government, to carry out the economic purposes of the Tribe and to further clarify how Sault Tribal Code Chapter 15 applies to non-governmental entities." *Id*. at 1.

On April 8, 2026, Respondent filed a second motion to dismiss, reiterating its position that Kewadin is not a "tribal party" and further pointing to Resolution 2026-109. Petitioner responded on April 10, 2026. The court held a hearing on the motion on April 27, 2026.[3]

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[1] These types of requests are sometimes referred to as "FOIO" requests.

[2] The Kewadin Casinos Gaming Authority attempted to file an "Objection to Order to Produce" on March 23, 2026. The tribal court declined to file the pleading because Kewadin was not a party and did not move to intervene in the suit.

[3] The undersigned accepted an appointment to serve as a *pro tem* judge in this matter on April 9, 2026.

Discussion

The Sault Tribe judiciary has highlighted the importance of Anishinaabe law in recent decisions. The tribal appellate court has stated, "Our Anishinaabe teachings of nibwaakaawin (wisdom-use of good sense), zaagi'idiwin (practice absolute kindness), minadendmowin (respect-act without harm) as well as ayaangwaamizi[n] (careful and cautious consideration) must guide this Court's decision-making." *Payment v. Election Committee*, No. APP-2022-02, at 4 (Sault Tribe Appellate Court, Dec. 6, 2022); *Hoffman v. Board of Directors*, No. APP-2022-05, at 4 (Dec. 7, 2022). *See also Buggy v. Sault Tribe Housing Authority*, No. APP-2025-04, at 9-10 (Jan. 30, 2026) (invoking the Seven Sacred Teachings). In the invocation of these precedents, we must balance these principles in an effort to achieve mino-bimaadiziwin. *See Hoffman*, *supra*, at 4 ("[S]ince time immemorial we have been living and governing ourselves in harmony, staying in balance with all of creation, otherwise known to the Anishinaabe as mino-bimaadiziwin.").

In light of these traditions, the court will first address Respondent's second motion to dismiss. Given that the court has previously held, per Judge Charles J. Palmer, that Kewadin is a tribal body subject to FOIO, *see* Order Overruling Objection, at 1 (Mar. 23, 2026); that Respondents must disclose certain documents for *in camera* inspection, *see id*; and that Respondent is in contempt of court for failure to comply with the disclosure order, *see* Order of Contempt, at 1 (Apr. 6, 2026), the court must address the import of those orders as well.

1. The Court Denies the Motion to Dismiss

Respondent has moved to dismiss this action on the pleadings and the law alone a second time, relying on Resolution 2026-109, enacted after the court held Respondent in contempt. In a different procedural posture than this one, the court would be inclined to agree with Respondent on the merits of their defense, that Kewadin is not a "tribal body" to which FOIO requests apply. However, the court is not writing from a blank slate. Judge Palmer previously held that Kewadin *is* subject to FOIO requests, requiring the court to assess the motion to dismiss in light of the "law of the case" doctrine.

The standard for assessing a motion to dismiss is well settled in American courts. "All well-pleaded allegations must be accepted as true and viewed in the light most favorable to the nonmoving party, and the motion may only be granted if the claim is so legally deficient that recovery would be impossible. . . . The Court reviews the motion to determine if the claim is so clearly unenforceable as a matter of law that no factual development could establish the claim and justify recovery." *Martin v. Little River Band of Ottawa Indians*, 2010 MI Ottawa Trib. LEXIS 2, at *9 (Little River Band of Ottawa Indians Trial Ct. July 7, 2010).

Judge Palmer previously rejected the argument raised by Respondent in their first motion to dismiss, filed back in November 2025, that Kewadin is not a "tribal body." The court stated clearly and succinctly, "The Gaming Authority is a Tribal Body and therefore is subject to FOIO." *Order Overruling Objection*, *supra*, at 1. Unfortunately, Judge Palmer offered little or no explanation for this conclusion. Even so, in line with the sacred teaching of minadendmowin, or respect, the court will grant some deference to Judge Palmer's ruling. The court finds that a judicial ruling is "onaakonigewin [law] and all Anishinaabe-Ojibweg [are] to abide by the decision."

Darren Courchene, *Anishinaabe Dibendaagoziwin (Ownership) and Ganawenindiwin (Protection)*, in Indigenous Notions of Ownership and Libraries, Archives and Museums 40, 49 (Camille Callison, Loriene Roy, and Gretchen Alice LeCheminant eds. 2016).

The court holds that Judge Palmer's orders are entitled to deference under the "law of the case" doctrine. Normally, once a trial judge issues an order in a case but then is replaced with a new judge, the first judge's order remain the law of the case. The Navajo Nation Supreme Court helpfully described the law of the case doctrine decades ago:

> According to that doctrine, "a determination of law once made will be treated as correct throughout all subsequent stages of the proceeding except when the issue is raised in a higher court." Barrows Law Dictionary 269. Accordingly, *one trial judge cannot overrule another trial judge of equal authority*. This rule helps to preserve precious judicial resources, and it discourages "judge shopping," wherein litigants endlessly search for a judge until they find one that will provide them with a favorable ruling.
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> *Sound judicial policy also limits our trial judges from overruling one another*. Before a judge overrules another, that judge must make findings sufficient to overcome the presumption favoring the first judge. As such, overrulings will only be allowed in cases where there is a substantial change of circumstances, where a clear error in the first decision makes the decision manifestly erroneous, or where manifest injustice will result if the first ruling is not overturned. Substantial change of circumstances may include the availability of new evidence or previously unavailable evidence that will more likely than not change the outcome of the decision.
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> Also, a litigant may be entitled to a new ruling where a change of law occurs, such as where [a superior] Court construes a statute anew. These circumstances seek to prevent unduly harsh and manifestly unjust decisions.

Lee v. Tallman, 1996 Navajo Sup. LEXIS 7, at 15-16 (Navajo Nation S. Ct. 1996) (emphasis added). Persuaded by these statements, the court concludes that Judge Palmer's original ruling must remain intact unless there is a "substantial change in circumstances" such as: (1) "where a clear error in the first decision makes the decision manifestly erroneous"; (2) "a change of law occurs"; (3) "where manifest injustice will result if the first ruling is not overturned"; or (4) new evidence that "will more likely than not change the outcome." The court addresses these factors in turn.

a. Clear Error

The court finds no clear error in Judge Palmer's ruling that Kewadin records are FOIO-able. Placed in Judge Palmer's shoes at the time of his ruling, the undersigned perhaps would have reached a different outcome, but the question is a close one in which ambiguities in tribal Bylaws and statutes prevent an easy answer. In that circumstance, the court cannot find clear error in a ruling that has substantial basis in law.

It is useful to establish Petitioner's best case for finding Kewadin FOIO-able. Petitioner's claim originates in the principle contained in the bylaws to the tribal constitution, which provides in relevant part: "All books, records and financial accounts of the Sault Ste. Marie Tribe of Chippewa Indians, including the tribal roll, shall be open to inspection by tribal members upon reasonable request to the board of directors." BYLAWS, art. III, § 1. This provision mandates disclosure of "all books, records and financial accounts" of the "Tribe." Naturally, here the question is whether Kewadin is included in the umbrella of the "Tribe."[4]

The statutory implementation of this principle is contained in Chapter 15 of the tribal code, the Tribal Freedom of Information Ordinance.[5] Section 15.101 reiterates the broad tribal policy of allowing tribal member access to tribal *governmental* records, stating, "It is the public policy of the Tribe that all Tribal Members are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as Tribal officials and Tribal employees, consistent with this Chapter." The Board of Directors found, "The free flow of information from the Tribal government to Tribal Members instills trust in the Tribal membership that the actions of their Tribal government in conducting its affairs are ethical and intended for the betterment of the Tribe." § 15.102(1). The ordinance, according to the codified version of the ordinance, is intended "to present uniform guidelines governing the disclosure of Public Records and the redress of wrongly withheld information while recognizing the need to protect certain information that, if disclosed, may be harmful to the Tribe or to individual Tribal Members." § 15.102(3).

The Board of Directors has further chosen to waive tribal immunity (in a limited manner) for challenges to FOIO request denials. Chapter 15 contains an express waiver of sovereign immunity allowing judicial review of denied FOIO requests: "If the Public Records Officer makes a final determination to deny all or a portion of a request, the requesting Tribal Member may commence an action in the Tribal Court to compel the disclosure of the Public Records within thirty (30) days after the Public Records Officer's final determination to deny a request." § 15.115(1). The ordinance further provides, "The Tribal Court, upon de novo review and without a jury, shall determine whether a Public Record is exempt from disclosure. Only the Tribal Court has jurisdiction for such determinations." § 15.115(2).[6] These provisions work an "unequivocal[] express[ion]" of a waiver of sovereign immunity. *See Hoffman*, *supra*, at 7.

Respondent's main argument is rooted in the definition of "tribal body" contained in the FOIO ordinance, as well as other provisions in the FOIO ordinance, as well as the Kewadin

[4] If in Judge Palmer's shoes, the undersigned might have been tempted to ask the parties to brief the "arm of the Tribe" doctrine, but that analysis is unnecessary at this stage.

[5] Respondent conceded at oral argument that the ordinance cannot limit or modify the Bylaws, which is tribal law superior to tribal legislation that can only be amended by Secretarial election under Article X of the tribal constitution.

[6] The standard of judicial review of denials is somewhat ambiguous, in that one provision of the ordinance allows for "de novo" review of the Public Records Officer's decisions while another states that the court must assess whether the Officer's denial was "clearly erroneous, arbitrary or capricious," *compare* § 15.115(2) ("de novo"), *with* § 15.115(4) ("clearly erroneous"), but that is not terribly relevant at this point. The court asks the parties to brief this issue in future proceedings.

organizing ordinance. The definition of "tribal body" seemingly excludes (by negative implication) tribal enterprises such as Kewadin:

> "Tribal Body" means the Board of Directors or any Tribal officer, employee, agency, department, division, bureau, board, commission, committee, subcommittee, council, authority, or other body acting in the performance of an official governmental function for the Tribe. Tribal Body does not include the Tribal Court, including the court clerk and employees thereof when acting in the capacity of clerk to the Tribal Court.

§ 15.103(5). The definition of "tribal body" incorporates the notion that an entity that is "perform[ing] an official governmental function of the Tribe" is a "tribal body."

Respondent argues that Kewadin, as a gaming enterprise, does not perform governmental functions and, therefore, is not a part of the "Tribe" referenced in the Bylaws. Chapter 94 of the tribal code is the organic document, so to speak, of the Kewadin Casinos Gaming Authority. The Board of Directors intended Kewadin to be is "separate and distinct from the Tribe," though in the same sentence the Board noted that Kewadin "shall constitute a *governmental* instrumentality of the Tribe." § 94.101 (emphasis added). More persuasively, the Board stripped Kewadin of governmental powers, "including, but not limited to the power to grant, issue, revoke, suspend or deny licenses, conduct background investigations, and enact legislation regulating Gaming on the lands of the Tribe." § 94.105(4). These provisions support Respondent's position that Kewadin is not a tribal body, though they are not entirely conclusive, certainly not as conclusive as an explicit statement that tribal enterprise entities are not a part of the definition of "tribal body" contained in § 15.103(5).

Respondent's position also suggests that Kewadin's records – and the records that Petitioner wants to see – are not the kinds of records contemplated by the FOIO ordinance for disclosure and inspection. The ordinance excludes from disclosure "[p]roprietary business information that, if disclosed, may place the Tribe or a tribal business or economic enterprise at a competitive disadvantage." § 15.113(w). Presumably, business information records are the kind of records that Kewadin holds, disclosure of which could harm the Kewadin business or otherwise be "harmful to the Tribe," § 15.102, at least in the eyes of the Board of Directors. Though the proceedings have not reached this point, the court could conclude that the documents that Petitioner wishes to see are truly proprietary. That said, the court could conclude instead that the documents Petitioner wishes to see are relevant to Petitioner's stated claim that he "heard" about "kickbacks," though one would assume that the Tribe's gaming commission would be in better position to assess any such evidence. *See* §§ 42.402(4), (5) (authorizing the gaming commission to inspect records from gaming entities and their business partners). *See also* § 42.701(5) (requiring all gaming entities to keep copies of "contracts, correspondence and other transaction documents relating to all vendors and contractors").

Petitioner's strongest argument remains rooted in the Bylaws, which require disclosure of the Tribe's documents. The tribal FOIO attempts to limit those disclosures to the tribal government and to exclude tribal enterprises. But the FOIO cannot change the meaning of the Bylaws text. The court notes that the tribal government's Board of Directors are the same people who serve as the

Kewadin Management Board. *See* § 94.108(2) ("The Management Board shall consist of all of the members of the Board of Directors. No member of the Management Board shall continue to be a member thereof after he or she ceases to be a member of the Board of Directors."). The public policy reasons for making governmental officials accountable to the tribal citizenry could, at least in theory, apply with similar force to the same officials in their roles as Kewadin Management Board members. This court has held that tribal officials are entitled to deference when they act in accordance with "nibwaakaawin (wisdom-use of good sense), zaagi'idiwin (practice absolute kindness), minadendmowin, (respect-act without harm) as well as ayaangwaamizi (careful and cautious consideration)," *Hoffman*, *supra*, at 9, but there are limits to that deference. Tribal leaders are obligated to comport with "cultural and traditional practices of governance, gaa-ezhi-ogimaawaadizid – to act in a way that recognizes those I am responsible for." *Hoffman, supra*, at 8 (citing Heidi Kiiwetinipinesiik Stark, *Nenabozho's Smart Berries: Rethinking Tribal Sovereignty and Accountability*, 2013 Mich. St. L. Rev. 339, 352 (2013)). Just as there are reasons to insulate Kewadin from FOIO requests, to do so creates risks: "We must understand the foundational ethics and values that should be driving our governments. We must understand where we come from, our creation stories and their relationship to our sovereignty, and how we exercise it. Western governance can be like the trickster. We must be careful." Stark, *supra*, at 354.

All of this is to show that Judge Palmer's conclusion that Kewadin records are FOIO-able is reasonable, not clearly erroneous, even if reasonable minds could disagree. Given the statements of policy by the Board of Directors favoring disclosure, not to mention the powerful statement favoring disclosure and inspection in the Bylaws and Anishinaabe Inaakonigewin, it seems eminently reasonable for Judge Palmer to have concluded that the FOIO ordinance and other relevant tribal statutes should be construed in favor of disclosure and inspection.

b. Change of Law

The court finds no change in law compelling the court to overrule Judge Palmer's conclusions. Respondent, a tribal official, is the beneficiary of a rare legal position – the Tribe can change the applicable law during the pendency of a live court case in a way that could change the outcome of the suit against the tribal official. The possibility that the legislature could change the law to mandate an outcome in a tribal court proceeding is unsettling in some circumstances, but it is possible.[7]

Respondent points to Resolution 2026-109, which reaffirmed the legislative intent of the Board of Directors to exclude Kewadin from FOIO disclosure and inspection. In relevant part, the resolution states:

> NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby clarifies that the intent of Sault Tribal Code Chapters 93 and 94 was to create legally separate and distinct economic arms of the Tribe that enjoy the Tribe's Sovereign

[7] Congress, for example, has done so to benefit a Michigan Tribe, though not without significant controversy. For example, see *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 567 U.S. 209 (2012), where the United States Supreme Court narrowly upheld an act of Congress that stripped the federal courts of authority to hear cases, including any pending cases, challenging the Secretary of the Interior's decision to acquire land in trust for the Gun Lake Tribe.

> immunity but carry out economic purposes of the Tribe, not governmental functions and that these entities are governed separately from the Board of Directors and are not subject to the obligations of the tribal government unless explicitly and expressly stated in tribal resolution or code.
>
> BE IT FURTHER RESOLVED, that the Board of Directors hereby clarifies that Sault Tribal Code Chapter 15: Tribal Freedom of Information Ordinance, in its current form, applies to governmental entities only and does not apply to economic entities of the Tribe and further clarifies that the KGA, the EA, Sault Tribe Inc, and Indian Energy are economic entities not governmental entities not subject to Chapter 15 in its current form.

Id. at 1-2. The resolution adds that the Tribe's legal department is "authorized" to update tribal code chapters 15, 93, and 94 "to reflect the intent of this resolution." *Id.* at 2. The resolution also states that it is effective "immediately." *Id*. The court takes seriously the action of the Board of Directors in adopting this resolution. *See Hoffman*, *supra*, at 9. The court accepts in good faith the intent of the Board of Directors to exclude Kewadin's records from FOIO requests.

Even so, with all due respect to the Board of Directors, the resolution, by its terms, does not change the law. The change in the law, if any, would occur when the Board of Directors adopts substantive changes to the law, perhaps after the legal department drafts amendments to the relevant chapters.[8]

c. Manifest Injustice

Respondent has not shown that manifest injustice would result if Judge Palmer's conclusion remains the law. Manifest injustice requires a strong showing that the resulting outcome would shock the conscience.

Respondent may have compelling reasons for excluding Kewadin's records from FOIO disclosure and inspection. Kewadin manages five casinos, the revenues of which (the court presumes) constitute a critically integral revenue stream for the tribal government to provide services for its citizens and to manage the lands and resources owned or controlled by the Tribe. Gaming is an intensely competitive market, where every piece of information can be used for or against Kewadin. One can imagine a competitor asking a tribal citizen to FOIO a vendor list in order to use that information for competitive advantage. Moreover, Petitioner's information request may constitute an unusually onerous burden to produce, either for the Public Records Officer or Kewadin. For all the court knows, Petitioner's FOIO request is a fishing expedition rooted in unjustified hearsay and suspicion. Finally, as noted above, there are other avenues to address the concerns that Petitioner asserts, primarily through the tribal gaming commission,

[8] Even if the Board were to amend the law in an attempt to foreclose disclosure of Kewadin records during the pendency of this case, it is not entirely clear that the amendment would have a dispositive effect. *Cf. Coates v. Baker*, 12 Am. Tribal Law 355, 337 n.3 (Cherokee Nation S. Ct. 2015) ("It is worth noting that during the pendency of this matter, the Cherokee Nation promulgated revised versions of both the Cherokee FOIA and the [Government Records Act]. However, we believe neither of these amended authorities have any effect on the disposition of this case.").

which is charged with regulating the gaming enterprises and presumably would discover any discrepancies or kickbacks.

That said, the Bylaws are very clear that the documents, including financial information, of the Tribe must be disclosed to tribal members. *See* BYLAWS, art. III, § 1. The FOIO ordinance itself powerfully links information disclosure and inspection by tribal members as a key element in enhancing tribal member participation in government alongside ensuring the accountability of tribal elected officials. *See* § 15.101. Petitioner claims that there may be "discrepancies" or a "kickback," to which there might or might not be evidence. But one can imagine a government where same people that control the purse are the same people that pull the strings. Tribal organic law, as shown by the Tribe's Bylaws and the FOIO ordinance, support robust tribal citizen participation through the FOIO process.

The court finds no manifest injustice in Judge Palmer's conclusions, at least, not on this record.

d. New Evidence

On this record, within which there is virtually no factual evidence, the possibility that new evidence would support reversal of Judge Palmer's conclusion is not relevant.

* * *

In sum, the court's conclusion that Kewadin's records are FOIO-able is the law of the case remains valid, even in the face of the new resolution of the Board of Directors. Respondent's motion to dismiss must be denied.[9]

2. The Import of Judge Palmer's Remaining Orders

The court must address the import of Judge Palmer's legal conclusions that the vendor records of Kewadin are FOIO-able and that the Public Records Officer has been held in contempt for failure to comply with the court's orders to provide documents for an *in camera* inspection under § 15.115(3). As noted above, the order that Kewadin's records are FOIO-able remains valid.

At this stage of litigation, Respondent has concluded that the records request by Petitioner are excludable under § 15.113(w), which provides that records that contain "[p]roprietary business information that, if disclosed, may place the Tribe or a tribal business or economic enterprise at a competitive disadvantage." The court can locate no court order that concludes the records requested by Petitioner actually meet this criteria, perhaps because Respondent did not submit records to the court for *in camera* review.

[9] At oral argument, Respondent asserted that even if Kewadin's records are FOIO-able, Kewadin enjoys sovereign immunity that would prevent Respondent from accessing those records for disclosure purposes even if the court orders documents to be produced. As the argument has not been raised in the papers, the court will not consider it here. However, as sovereign immunity relates to the jurisdiction of the court, immunity defenses may be raised at any time.

However, even if the court were to inspect records privately, the court has little guidance as to what constitutes "proprietary" records or what it means to place tribal businesses in a "competitive disadvantage." Often, "proprietary" records include trade secrets, intellectual property, or client lists. The court can image that a list of vendors, for example, could implicate the competitive advantage of the Tribe's businesses, but discrete information about a small subset of vendors would be much less likely to do so. The identity of many vendors, such as the rock band Bush and Caesars Sportsbook, are publicly available on the Kewadin website. Details about the contractual arrangements with those vendors appear to the court, in the abstract, proprietary. On the other hand, contracts and vendor lists of toilet paper suppliers seem less likely to implicate Kewadin's competitive stature.

Complicating matters is Petitioner's fairly broad request for five years of documents about Kewadin's vendors. Petitioner appears to be invoking the broad tribal member right to inspect tribal documents, whatever they may be, under the Bylaws. Petitioner's FOIO request is broad enough to be both over- and under-inclusive. Certainly, there are documents irrelevant to Petitioner's concern related to potential "discrepancies" and "kickbacks," while others may address Petitioner's concerns one way or another.

In sum, the court is in a poor position for determining what documents should or should not be disclosed and inspected. In the spirit of dabaadendiziwin (humility),[10] the court will request additional argument from the parties about what constitutes "proprietary" records and what it means to place tribal businesses in a "competitive disadvantage."

Meanwhile, pending additional filings from the parties, the court's orders requiring disclosure of certain records for *in camera* inspection and the related contempt order are held in abeyance.

IT IS SO ORDERED this 4th day of May, 2026.

By: Matthew L. M. Fletcher
Matthew L. M. Fletcher, pro tem judge

[10] "Dabaadendiziwin" has been defined by Anishinaabe legal scholar Lindsay Borrows:

> Humility is a state of positioning oneself in a way that does not favour one's own importance over another's. Humility is a condition of being teachable. Humility allows us to recognize our dependence upon others and to consider their perspectives along with our own. A humble opinion may be given in a spirit of deference or submission. The antonym is expressed in terms such as arrogant, elevated, or prideful. In English, the etymological origin of humility is derived from the Latin word humilis, which literally means "on the ground" from Latin humus meaning "earth." This is where the colloquial expression describing a person as being "down to earth" stems. Even in English, humility is linked to the earth. In Anishinaabemowin, the word for humility is dabaadendiziwin. It means "to measure out your thoughts." This refers to being careful with our thoughts or views and appropriately apportioning our judgements. Dabaadendiziwin is one of the Anishinaabe Seven Grandfather Teachings. This suggests it is a highly important principle to learn and live.

Lindsay Borrows, *Dabaadendiziwin: Practices of Humility in a Multi-Juridical Legal Landscape*, 33 Windsor Yearbook of Access to Just. 149, 166 (2016) (footnotes omitted).