**Kaitlyn Balbuena & Kayla Balbuena vs. Mashpee Wampanoag Tribe Enrollment Dept**

**CV-20-001**

Synopsis

The plaintiffs filed a complaint on September 15th, 2020 against the Tribal Enrollment Department, claiming that the department’s revocation of their enrollment status and request for a DNA test was in violation of the Election Ordinance (2017-ORD-006), section 7(a). The Enrollment Department had requested that they take a paternal DNA test to determine whether their father, whom they trace their lineage to the tribe through, was in fact their biological parent. The prosecution also argued that the department acted without authority and violated the plaintiffs’ constitutional right to due process by unilaterally terminating their enrollment and tribal benefits based upon hearsay.

The plaintiffs sought for their membership status and tribal benefits to be restored in full as well as for the department to award damages to the plaintiffs in the amount of benefits not received but due to them since February 19, 2020.

The defense requested dismissal based on the grounds of sovereign immunity, that the plaintiffs’ claim was not ripe for judicial review, and that the plaintiffs’ failed to exhaust administrative remedies available under tribal law.

District Court Holdings

On March 22nd, the District Court granted the defendants request for dismissal given that neither the Constitution nor the Enrollment Ordinance references any ability to sue the Mashpee Wampanoag Tribal Enrollment Department.

The plaintiffs appealed the District Court’s order, but later filed a Voluntary Withdrawal of Appeal on June 21st, 2021. The case was then closed.

**Daniel Domingo Tavares vs. Mashpee Wampanoag Tribe**

**CV-20-004**

Synopsis

The Plaintiff filed a complaint petitioning the Court for an “Emergency Election and Removal of all Cedric Cromwell Board Members Supporting His Theft of Tribal Funds.” The complaint alleged that there were five board members supporting the former Chairman’s acts of fraud and therefore sought an emergency election for all Board seats. The Plaintiff subsequently filed a *Motion to Shut Down Tribal Court and Stop all Funding to Court* as well as a *Motion for $800 Shellfishing Supplement.*

 The Defense filed a Motion to Dismiss Actions with Prejudice on the grounds that the Plaintiff’s motions were not filed with an adequate complaint, making it impossible to discern the underlying legal claims for which he sought to adjudicate and that the plaintiff hadn’t met the standard for the type of relief he requested by way of his Motions.

District Court Holdings:

The Court convened a Hearing to consider the plaintiff’s Complaint & all subsequent filings but the Plaintiff failed to appear. Therefore, the Court dismissed the case by authority of R. Civ. P., 38a without prejudice given that the Court never reached the merits of the case due to plaintiff’s non-attendance.