NHBP TRIBAL COURT
NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
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SUPREME COURT CASE NO. 17-287-APP		TRIBAL COURT CASE NO. 17-046-PPO/ND
PETITIONER/APPELLEE		RESPONDENT/APPELLANT
NATHANIEL WESLEY SPURR Angela Sherigan Attorney for the Petitioner/Appellee 56804 Mound Road Shelby Township, MI 48316	v.	JOY LYNN SPURR A/K/A JOY JUDGE Stephen Spurr Attorney for the Respondent/Appellant 1114 Beaconsfield Avenue Grosse Pointe Park, MI 48230

OPINION OF THE SUPREME COURT FOR THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI

Before:

Hon. Gregory D. Smith, Chief Justice, Presiding

Hon. Matthew L.M. Fletcher, Associate Justice

Hon. Holly T. Bird, Associate Justice

Opinion by Fletcher, J.

Introduction

We are called here today to determine whether the law of the Nottawaseppi Huron Band of the Potawatomi provides authority for the tribal court to issue personal protection orders involving the defendant and appellant in this matter, Joy Spurr, a non-Indian who resides outside of the boundaries of Nottawaseppi Huron Band Indian country.

We hold that the law of the Nottawaseppi Huron Band of the Potawatomi does provide that authorization.[1]

We are further asked to determine whether the trial judge abused her discretion in both finding a factual basis for a personal protection order against Joy Spurr and in crafting the scope of the order itself. We hold that the trial judge did not abuse her discretion.

The orders are AFFIRMED.

Facts and Procedural History

The appellant and defendant Joy Spurr is a nonmember of the Band who resides in the Detroit area, outside of the boundaries of the Band's Indian country.

The appellee and plaintiff Nathaniel Spurr is a tribal member. Joy Spurr is Nathaniel's step-mother. During the period at issue, Nathaniel resided at least part of the time within the boundaries of the Pine Creek Reservation, part of the Indian country of the Band.

[1] We thank Clarissa Grimes for her work in preparing a helpful bench brief under the supervision of the Indian Law Clinic of the Michigan State University College of Law.

In February 2017, Nathaniel Spurr sought a personal protection order from the Nottawaseppi Huron Band tribal court. He alleged that Joy Spurr had appeared at his grandmother's house, located on trust land within the reservation, and hand-delivered a harassing letter to Nathaniel. He further alleged that Joy Spurr had initiated "roughly 200-300" contacts with Nathaniel (and others involved with Nathaniel) since approximately November and December of 2012. Joy Spurr allegedly initiated many of these contacts electronically, and on a few occasions, interfered with Nathaniel's financial arrangements with third parties. The tribal court found that delivery of the letter and the other allegations constituted stalking and harassment as defined by the tribal code.

In a series of orders, the tribal court barred Joy Spurr from initiating unwanted communications with Nathaniel Spurr on and off the reservation, and with third parties involved with Nathaniel. The court initially issued a temporary Personal Protection Order on February 3, 2017, set to expire on February 17, 2017 ("February 3, 2017 Order"). The trial court scheduled a hearing for February 16, 2017 in accordance with NHBP Code § 7.4-15, which required the court to hold

a "full hearing" within 14 days of the issuance of a temporary protection order. The defendant Joy Spurr asked for a stay, which the court denied on February 14, 2017, citing § 7.4-15. Joy Spurr appeared by phone at the hearing on February 16, 2017, though she left before the conclusion of the hearing. The trial court issued a permanent (one year) civil protection order favoring Nathaniel Spurr against Joy Spurr on February 17, 2017 ("February 17, 2017 Order").

In March and April 2017, Joy Spurr faxed several documents and addenda that constituted a motion for reconsideration of the permanent order. During much of this period, Joy Spurr did not provide a working email address or fax machine number to the court for purposes of providing expedited service of court documents. Meanwhile, she inundated the court with dozens, even hundreds, of pages of documents. The incredible amount of time and effort the staff of the tribal court took to communicate with Joy Spurr and her counsel, to provide service of court documents to Joy Spurr and her counsel, and to receive, manage, and file the voluminous material Joy Spurr filed — much of which did not comply with the court's rules for filing and service — is worth noting. The appellate court applauds this effort to ensure Joy

Spurr received the process due her in this matter from the inception of the case until now, and perhaps going forward as the case continues. The trial court's procedural order of March 27, 2017 and the order of July 21, 2017 details these efforts. Both orders informed Joy Spurr that since she was represented by counsel, only her counsel could submit documents to the court. She nevertheless continued to submit documents not signed by her attorney. The court staff is to be commended for its professionalism and for performing above and beyond their job duties.

On July 21, 2017, after wading through this incredible morass of paper, Chief Judge Melissa L. Pope denied the motion for reconsideration. Opinion and Order After Hearing on Respondent's Motion for Reconsideration or Modification of Court Order ("July 21, 2017 Order"). In a carefully constructed 36-page opinion, the trial court waded through dozens of exhibits, most of which was introduced into the record by Joy Spurr, to conclude, "The evidence shows that Respondent Joy Spurr has gone far outside the realm of what could be considered a communication in the spirit of family responsibilities to cross the line into harassment for a significant period of time." July 21,

2017 Order at 30. The Order detailed several incidents and communications as examples of harassment, including without limitation communications from Joy Spurr to Nathaniel Spurr accusing him without grounding of criminal perjury, unemployment fraud, and other attacks on the character of Nathaniel Spurr. Id. at 29-30.

This appeal followed. Appellant Joy Spurr immediately asked the appellate court to order a stay on the permanent order issued by the trial court in February 2017. We denied that motion on July 28, 2017.

The parties submitted merits briefs, and we held oral argument on January 15, 2018.[2]

Discussion

We begin our discussion with reference to the principles that guide the Nottawaseppi Huron Band of the Potawatomi in addressing difficult matters such as those before us. The Band has directed all parties and entities involved in these matters to follow Noeg

[2] To the extent that this opinion does not directly address legal arguments made by the Appellant, those arguments are rejected as either not preserved for appeal below or not developed adequately to require analysis by this court.

Meshomsenanek Kenomagewenen, the Seven Grandfather Teachings. NHBP Code § 7.4-6:

> In carrying out the powers of self-government in a manner that promotes and preserves our Bode'wadmi values and traditions, the Tribe strives to be guided by the Seven Grandfather Teachings in its deliberations and decisions. The rights and limitations contained in this code are intended to reflect the values in the Seven Grandfather Teachings to ensure that persons within the jurisdiction of the Tribe will be guided by the Seven Grandfather Teachings:
>
> Bwakawen — Wisdom
>
> Debanawen — Love
>
> Kejitwawenindowen — Respect
>
> Wedasewen — Bravery
>
> Gwekwadzewen — Honesty
>
> Edbesendowen — Humility
>
> Debwewin — Truth

Id. *See also Spurr v. Tribal Council*, No. 12-005APP, at 4-6 (2012).

This court deeply respects these teachings and endeavors to act in accordance with them. Nothing good can come of bitterness and retribution. We are guided by the principles laid out before us by the Nottawaseppi Huron Band and its People. We are saddened that interpersonal conflict can rise to the level requiring judicial intervention at the request of one of the parties. We must perform this duty, but do so with the greatest respect for all the persons involved.

I. The Tribal Court Possesses Jurisdiction to Issue Personal Protection Orders Involving Joy Spurr under These Facts.

Joy Spurr argues that the Nottawaseppi Huron Band tribal court lacks jurisdiction over her activities on several grounds: that she is not a tribal member, that she is not an Indian, and that the activities complained about largely different not occur in the tribe's Indian country. We reject each of these contentions.

A. Federal Law Background

In Section 905 of the Violence Against Women Reauthorization Act of 2013, Congress authorized Indian tribes to issue and enforce

personal protection orders "involving any person . . . within the authority of [an] Indian tribe." 18 U.S.C. § 2265(e), Pub. L. 113-4, Title IX, § 905, Mar. 7, 2013, 127 Stat. 124. Congress further provided "A protection order issued by a . . . tribal . . . court is consistent with this subsection if . . . (1) such court has jurisdiction over the parties and matter under the law of such . . . Indian tribe . . . ." 18 U.S.C. § 2265(a). Section 2265, also known to the parties as Section 905 of the Public Law from which it derives, makes two critical matters clear. First, the use of the phrase "any person" renders tribal membership or Indian status irrelevant to the authority of Indian tribes to issue personal protection orders, so long as that person is "within the authority" of an Indian tribe. Second, whether a person is within the authority of an Indian tribe depends on "the laws of such . . . Indian tribe."

The goal of section 2265 is the make the protection of victims of violence, stalking, and other illegal acts uniform across all American jurisdictions, federal, state, and tribal. *Cf., e.g.*, *Tulalip Tribes v. Morris*, 11 Am. Tribal Law 462, 465 (Tulalip Tribal Court of Appeals 2014) (interpreting new section 2265 and noting that "Section 2265 [was intended to] ensur[e] that 'victims of domestic violence are able to move

across State and Tribal boundaries without losing [sic] ability to enforce protection orders they have previously obtained to increase their safety.'"). Until the most recent modification of section 2265, offenders and perpetrators who were non-Indian or non-tribal members could reach from beyond Indian country to harm reservation Indian victims without fear of retribution. The old section 2265 did not directly authorize Indian tribes to issue personal protection orders involving offenders and perpetrators who were non-Indians or non-tribal members. *E.g.*, *Honanie v. Acothley*, 11 Am. Tribal Law 4, 8 (Hopi Court of Appeals 2011) (interpreting old section 2265: "While other jurisdictions may be required to honor Hopi protection orders under the express requirements of the full faith and credit provisions of the Violence Against Women Act, 18 U.S.C. Section 2265, the Hopi Tribal Court has no power to enter a protection order that directly purports to reach conduct outside of the territorial jurisdiction of the Hopi Tribe."). Where the offender or perpetrator resided within Indian country, or the illegal act took place in Indian country, federal Indian law required tribes to show that the tribal court had authority to issue personal protection order through the so-called *Montana* test. *See Montana v.*

United States, 450 U.S. 544, 565-66 (1981). Under that test, the United States Supreme Court holds that tribal governments generally do not possess jurisdiction over nonmembers unless the nonmembers consent or unless the nonmember conduct affects the political integrity, economic security, and health and welfare of the tribe and its members. While one would think that nonmember stalking and harassment, which has wreaked terrible harms on the health and welfare of Indian people and ability of tribal governments to respond to those harms, would easily meet the second part of this test, the Supreme Court has never held, in its limited universe of cases, that nonmember conduct was egregious enough to meet the second part of the test. *E.g. Strate v. A-1 Contractors*, 520 U.S. 438 (1997) (rejecting tribal court jurisdiction over tort claims arising from automobile accident allegedly perpetrated by nonmember driver in Indian country); *Plains Commerce Bank v. Long Family Land and Cattle Co.*, 554 U.S. 316 (2008) (rejecting tribal court jurisdiction over bank that tribal jury found to have discriminated on the basis of race against tribal member owned ranch); *Atkinson Trading Co. v. Shirley*, 532 U.S. 645 (2001) (rejecting tribal authority to impose tax on nonmember business that received public safety services

from the tribe). *Contra Dollar General Corp. v. Mississippi Band of Choctaw Indians*, 136 S.Ct. 2159 (2016) (dividing 4-4 over whether tribal member minor's civil claim of sexual molestation against store located on tribal trust lands could proceed in tribal court). To be sure, the Supreme Court has never agreed to review a case involving nonmember stalking and harassment against Indian people living within Indian country. In short, the authority of Indian tribes to issue personal protection orders involving nonmembers was uncertain at best.

Congress eventually became aware of these problems and initiated a fix. As amended in 2013, section 2265 now works to guarantee that offenders and perpetrators can no longer play games with jurisdictional boundaries in order to avoid repercussions for stalking or harassing Indian people in Indian country. Congress has finally seen fit to acknowledge tribal power over nonmember offenders and perpetrators, likely rendering federal Indian law doctrines such as the *Montana* line of cases irrelevant in this context. *See* Violence Against Women Reauthorization Act of 2012, H. Rep. 112-480 pt. 1, at 245 (May 15, 2012) (dissenting views) ("Another important tool in reducing violence on tribal land is the use of protection orders. Section 905 of the Senate-

passed bill and the Moore bill clarifies Congress' intent to recognize that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any person, Indian or non-Indian.").

In light of the new jurisdictional regime available to Indian tribes, the Nottawaseppi Huron Band of the Potawatomi has adopted positive tribal law to implement the authority now recognized by Congress under section 2265. As required by section 2265, we now review relevant tribal law governing jurisdictional questions in this matter.

B. Personal Jurisdiction

We now turn to whether the relevant tribal code authorizes the tribal court issue a personal protection order in this matter involving a non-Indian person who does not reside in the Band's Indian country. We hold that the tribal court possesses jurisdiction over Joy Spurr sufficient to impose a civil protection order on her conduct.

As we must, we begin with the Constitution of the Nottawaseppi Huron Band of the Potawatomi. Article II, Section 2(a) provides that the jurisdiction of the tribe extends to all persons within the territorial

boundaries of the tribe's lands, which include at a minimum reservation and trust lands. In relevant part:

> The jurisdiction and sovereign powers of the Band shall, consistent with applicable federal law, extend and be exercised to the fullest extent consistent with tribal self-determination, including without limitation, to all of the Band's territory as set forth in Section 1 of this Article, to all natural resources located within the Band's territory, to any and all persons within the Band's territory and to all activities and matters within the Band's territory.

The Constitution also provides that the jurisdiction of the tribe may extend beyond the tribe's lands where authorized by the exercise of tribal treaty rights, federal statute or regulation, or intergovernmental agreement. In this context, Article II, Section 2(a) provides in relevant part:

> The Band's jurisdiction shall also extend beyond its territory whenever the Band is acting pursuant to jurisdiction that is created or affirmed by rights reserved or created by treaty, statutes adopted by the Tribal Council in the exercise of the

> Band's inherent sovereignty, Federal statute, regulation or other federal authorization, or a compact or other agreement entered into with a state or local government under applicable law.

The conclusion we reach from these two key provisions of the tribe's constitution is that inherent tribal powers extend generally to the tribe's lands and to tribal members, wherever they may be. The tribal constitution also appears to provide that the tribe can exercise other powers authorized under federal law or other agreement, presumably including federal statutes such as section 2265.

The tribal domestic violence code defines "Indian country" for the purposes of the code. The first three sub parts of that definition track 18 U.S.C. § 1151. The fourth sub part provides:

> The territory of the Band shall encompass the Band's historical land base known as the Pine Creek Reservation in Athens Township, Michigan, and all lands now held or hereafter acquired by or for the Band, or held in trust for the Band by the United States, including lands in which rights have been reserved or never ceded by the Nottawaseppi

> Huron Band of the Potawatomi in previous treaties, or as may otherwise be provided under federal law. This includes lands upon which FireKeepers Casino and Hotel is located.

It is undisputed that the Pine Creek Reservation is within the Indian country of the Nottawaseppi Huron Band of the Potawatomi.

The record shows that at the time of the issuance of the civil protection order, the complaining victim, Nathaniel Spurr, resided on the Band's lands within the Pine Creek Reservation with his grandmother. He acted at that time as her guardian. She has since walked on. Nathaniel Spurr complained to the trial court, and Joy Spurr did not deny, that Ms. Spurr came onto tribal lands to engage Nathaniel Spurr directly. The trial court made specific findings confirming those allegations, again not directly challenged by Joy Spurr.

The record also shows that Joy Spurr initiated unwanted contacts with Nathaniel Spurr before he resided on the reservation as well. The record further shows that Joy Spurr initiated contacts with tribal governmental officials and employees both on and off the reservation. Testimony from a tribal employee at the February 15, 2017 hearing

confirms these contacts. The trial court found that Joy Spurr had engaged in numerous unwanted and improper contacts with Nathaniel Spurr and interfered with Nathaniel's personal business both within and without the Band's Indian country. We agree with the trial court that these contacts constitute a pattern and practice of harassing and stalking Nathaniel Spurr wherever he may be.

Joy Spurr argues on appeal that as a nonmember who resides off the reservation the tribal court has no jurisdiction over her. Joy Spurr also argues implicitly that many of the contacts involved off-reservation incidents, and therefore cannot be enjoined by the tribal court. We disagree. The purpose of the Section 2265 is to avoid piecemeal personal protection orders that could allow offenders and perpetrators to exploit jurisdictional gaps. Appellant here is asking the appellate court for license to continue the harassment and stalking of Nathaniel Spurr from afar. This we will not do.

C. Subject Matter Jurisdiction

We now turn with the subject matter jurisdiction of the tribal court. Tribal law allows the tribal court to match personal protection

orders to the facts presented, including the type and severity of the offender or perpetrator's conduct, and the types of remedies sought and required. Not all victims and offenders are the same, nor is all conduct the same. The code effectively allows for unique facts and remedies, and provides great discretion to the trial court to craft orders that fulfill the requirements of a given case. We hold that the tribal code authorized the trial judge to issue the protection orders in this case.

The Code provides for three types of protection orders: 1) a Civil Protection Order, designed for victims of "domestic violence, family violence, dating violence, or stalking" (NHBP Code §§ 7.4-49-57); 2) a Harassment Protection Order (NHBP Code §§ 7.4-71-78); and 3) a Sexual Assault Protection Order (NHBP Code §§ 7.4-79-87). The Civil Protection Order falls under the "Civil Protection Order" section of the Code, while the Harassment Protection Order and the Sexual Assault Protection Order are found in the "Criminal Protection Orders" section of the Code. In a given case, it appears that "Civil Protection Orders" are civil in character, and "Sexual Assault Prevention Orders" are likely criminal in character. "Harassment Protection Orders," we shall see, can be either civil or criminal.

The trial court has discretion to choose from this menu of potential orders depending on the improper or illegal actions complained about. For our purposes today, the trial court has identified stalking and harassment as the core factual bases for the protection orders it issued. The tribal code authorizes the tribal court to issue civil personal protection orders for anyone claiming to be the victim of stalking, whether or not that stalking was a crime or was reported as a crime: "A petition to obtain a protection order under this section may be filed by . . . [a]ny person claiming to be the victim of domestic violence, family violence, dating violence or *stalking* . . . ." NHBP Code § 7.4-50(A) (emphasis added). The tribal code also authorizes the tribal court to issue personal protection orders for anyone claiming to be the victim of harassment: "The NHBP finds that the prevention of harassment is important to the health, safety and general welfare of the tribal community. This article is intended to provide victims with a speedy and inexpensive method of obtaining *civil harassment protection orders* preventing all further unwanted contact between the victim and the perpetrator." NHBP Code § 7.4-71 (emphasis added). In general, the act of "stalking" is treated as a crime in the tribal code, and harassment is

treated as a civil offense. However, the definition of the crime of "stalking" includes acts of harassment:

> A person commits the crime of stalking if, without lawful authority:
>
> (1) He or she intentionally and repeatedly *harasses* or repeatedly follows another person; and
>
> (2) The person being *harassed* or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The fear must be one that a reasonable person would experience under the same circumstances; and
>
> (3) The stalker either:
>
> > (a) Intends to frighten, intimidate, or *harass* the person; or
> >
> > (b) Knows or reasonably should know that the person is afraid, intimidated, or *harassed* even if the stalker did not intend to place the person in fear or intimidate or *harass* the person.

NHBP Code § 7.4-42(A) (emphasis added). Under the tribal code provision, harassment is an act or series of acts that can constitute criminal stalking. One also can conceive of acts of stalking that do not rise to the level of criminal conduct in the discretion of the trial judge, which could therefore justify the issuance of a civil protection order.

While the tribal code perhaps could be made clearer (though we suspect the drafting of the Domestic Violence Code has already been a heroic and difficult task), we hold that the tribal code authorizes the court to issue civil personal protection orders for "stalking" or "harassment." Article X of the tribal code, labeled Civil Protection Orders, specifically mentions "stalking" as a basis for the issuance of a civil protection order. NHBP Code § 7.4-50(A). Article XII of the tribal code, labeled Criminal Protection Orders, specifically mentions "harassment" as a basis for the issuance of a civil protection order. NHBP Code § 7.4-71. The code also provides definitions of "stalking" and "harassment" in various places in the code, most notably in NHBP Code § 7.4-42(A), which defines "stalking" in part as "harassment."

Appellant argues formalistically that because the term "stalking" is referenced in one or more of the trial court's personal protection

orders, and because "stalking" is defined as a crime in the code, the personal protection orders must be criminal orders barred by *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). We disagree. Even a strict textualist would have to agree, perhaps grudgingly, that the tribal code allows the tribal court to issue a civil protection order for either stalking or harassment, or both. We take the trial court at its word that these are civil personal protection orders, not criminal. As such, the trial court had subject matter jurisdiction over the Appellant's actions.

II. We Find No Clear Error by the Trial Court in Its Fact-finding Duties, Nor Did the Trial Court Abuse Its Discretion in the Issuance of Civil Protection Orders Involving Joy Spurr.

Appellant Joy Spurr argues that her contacts with Nathaniel Spurr and others did not rise to the level of harassment or stalking, and otherwise do not justify the issuance of the protective orders. We disagree.

Trial judges are afforded great deference by appellate judges reviewing certain aspects of their work. In matters where the trial

judge is the finder of fact, or performs any fact finding function, trial judges are present in the courtroom when witnesses testify. As such, trial judges can assess way witnesses speak, the tenor of their voice, their body language, and perhaps even their credibility. Appellate judges reviewing a cold transcript of trial level hearings may misinterpret speakers' intent when discerning the meaning of the words spoken, just as anyone who has misinterpreted a text message or email or had one of their texts or emails misinterpreted.

Structurally, it is the function of the trial court to perform this fact finding duty (absent the empaneling of a jury). The tribal judiciary is structured similar to the structure of federal and state courts, with separate trial and appellate courts. The People of the Nottawaseppi Huron Band chose to largely replicate this structure rather than a structure where there is no appellate court, or where the appellate court exercises broad review of the trial judge, essentially recreating the work of the trial judge.

The trial and appellate functions are separate here. In these court systems, the standard practice is for the appellate court to extend considerable deference to the separate work of trial level judges, most

notably the findings of fact. Anishinaabe tribal courts uniformly have adopted a clear error standard of review of a trial court's findings of fact. *E.g.*, *Harrington v. Little Traverse Bay Bands of Odawa Indians Election Board*, 13 Am. Tribal Law 123, 126 (Little Traverse Bay Bands of Odawa Indians Appellate Court 2012); *De Young v. Southbird*, No. 99-11-568-CV-SC, 2001 WL 36194388, at *2 (Grand Traverse Band Court of Appeals, March 6, 2001). *Cf. Morgan v. Blakely*, 2008 WL 8565282, at *1 (Leech Lake Band of Ojibwe Appellate Court 2008) ("abuse of discretion"). Much like the work of the trial court in serving as fact finder, trial courts are also entitled to deference in review by appellate courts in crafting remedies for injunctive relief, including personal protection orders. "The standard of review of a [trial court]'s exercise of equity is abuse of discretion; an abuse of discretion is shown if the Court disregarded the facts or applicable principles of equity." *United States ex rel. Auginaush v. Medure*, 8 Am. Tribal Law 304, 325 (White Earth Band of Chippewa Tribal Court 2009).

Even a cursory review of the record shows that the findings of fact made in the two February 2017 and the July 2017 orders filed by the trial court are amply supported by evidence in the record. Nathaniel

Spurr's original submission detailed in writing how Joy Spurr appeared uninvited and unwanted at his grandmother's home on the Pine Creek Reservation, leaving a harassing letter in the mailbox after she was asked to leave. Nathaniel had been serving as guardian for his grandmother by virtue of a tribal court order and was residing at her home on the reservation at the time. Nathaniel also alleged Joy Spurr had contacted numerous third parties at the hospital, with hospice, state social services, tribal police, and even the tribal chairman to object to Nathaniel's service as guardian. In that original submission, Nathaniel detailed other disturbing actions by Joy Spurr over the previous four and a half years. In one incident, Joy allegedly misrepresented herself as Nathaniel to his automobile insurance carrier. In another incident, Joy allegedly obtained a police report Nathaniel filed when his car was stolen in Grosse Pointe Park, Michigan, and mailed harassing letters to Nathaniel about the report. In another incident, Joy allegedly opened Nathaniel's mail and disclosed Nathaniel's private financial information to tribal citizens. In yet another incident, Nathaniel alleged Joy misrepresented herself as Nathaniel by stealing confidential financial and personal information

about him in an ultimately failed attempt to acquire Nathaniel's credit score. Finally, in the original petition for a protective order, Nathaniel alleged that over the past several years, Joy had made hundreds of unwanted contacts with him.

At the initial hearing on February 15, 2017, Nathaniel confirmed these allegations under oath. Three witnesses confirmed various aspects of these allegations, again under oath. On February 17, 2017, the trial court issued an order finding that Joy Spurr had "committed the following acts of willful, unconsented contact: Appearing at residence uninvited; Delivering documents to residence; Interference with hospital visitation; Interference with Petitioner's financial matters; Other unwanted contact."

As noted in the preliminary facts section of this opinion, Joy Spurr asked for reconsideration of the trial court's decision to enter a permanent order. The court held a hearing that included more testimony from the parties. During the entire period of the litigation, Joy Spurr also had inundated the court with numerous documents and written submissions. In large part, Joy Spurr's own writings and document submissions confirm Nathaniel Spurr's allegations of

unwanted contacts. For example, Joy conceded she appeared at Nathaniel's grandmother's home and left a harassing letter, which she admitted was titled "Nathaniel Spurr: A Dose of the Truth," and which she herself characterized as a document alleging "lies, abuse, thefts, and assaults Nathaniel had been perpetrating." 3 Record on Appeal 076. The letter itself is reprinted at 3 Record on Appeal 142-145. Additionally, Joy Spurr submitted as evidence exhibits dozens of copies of Nathaniel's personal financial and other records, supporting Nathaniel's allegations that Joy has improperly obtained his financial records. There is much, much more in the record. The relationship of Nathaniel Spurr and Joy Spurr is deeply fractured and troubled, but a reasonable observer could conclude that Joy Spurr was the primary perpetrator of the worst parts of the relationship. Joy's admissions that she engaged in the acts that Nathaniel alleged and the trial court concluded constituted stalking and harassment more than adequately support the trial court's findings of fact.

Conclusion

At bottom, at least from the point of view of Joy Spurr, the contacts and communications she initiates with Nathaniel Spurr and

others involved with Nathaniel are intended to serve as guidance by a parental figure to a child, no different than any other familial relationship.

Some Anishinaabe people are familiar with the story of Blue Garter. *E.g.*, Hannah Askew & Lindsay Borrows, Summary of Anishinabek Legal Principles: Examples of Some Legal Principles Applied to Harms and Conflicts between Individuals within a Group at 25 (2012); 2 Ojibwa Texts 23 (American Ethnological Society 1917). A young Anishinaabe man travels from his home village to an isolated lodge where he meets Blue Garter, a young woman. They fall in love, but Blue Garter's parents oppose the marriage. Blue Garter's father imposes a series of virtually impossible tasks for the young man to complete before he will approve of the marriage, believing the tasks could not be completed and hoping the young man would eventually go away. However, Blue Garter secretly helps the young man complete the tasks, one after the other. One day, Blue Garter's parents grudgingly approve of the marriage. Once married, however, Blue Garter and her young husband flee her parents. Her parents give chase day after day. Ultimately, in order to escape her parents, Blue Garter transforms

herself and her partner into ducks and escape across the water. For all of Blue Garter's good intentions, their negative actions drive away their daughter and her husband. Instead of gaining a new family member, Blue Garter's parents lose their daughter.

We draw from this story the principle that a parent-child or mentor-mentee relationship can go terribly wrong. Persons with greater experience and wisdom can and should guide and assist younger, more inexperienced persons. But older persons must also be guided by the Noeg Meshomsenanek Kenomagewenen.

With respect due the parties and the trial court judge, we AFFIRM the February 17, 2017 Order.

Signed:

January 25, 2018
Date

Gregory D. Smith
Hon. Gregory D. Smith, Chief Justice with permission HLC

January 25, 2018
Date

Matthew Fletcher
Hon. Matthew L.M. Fletcher, Associate Justice

January 25, 2018
Date

Holly T. Bird with permission HLC
Hon. Holly T. Bird, Associate Justice