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LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT
7500 Odawa Circle ~ Harbor Springs, MI 49740 ~ (231) 242-1462

CIVIL DIVISION

LVNV Funding, LLC,
Petitioner,

V.

FC-213-0911
Hon. Jenny Lee Kronk

Karen Napthen (Eckmeter),
Respondent.

Daniel E. Best, Attorney for Petitioner
Weltman, Weinberg & Ries Co., L.P.A.
2155 Butterfield Drive, Suite 200-S
Troy, MI 48084

Karen Napthen (Eckmeter)
In pro per
805 Dunn Road
Afton, MI 49705

OPINION AND ORDER

On September 8, 2011, the Petitioner, LVNV Funding, LLC, through its attorney, filed a petition with the Little Traverse Bay Bands of Odawa Indians (LTBB) Tribal Court, requesting recognition and enforcement of the November 19, 2010 judgment the Petitioner secured against the Respondent, Karen Napthen (Eckmeter), in Michigan's 89th District Court.

On October 8, 2011, the Respondent filed an objection to the recognition and enforcement of the judgment, alleging that the LTBB Tribal Court did not have jurisdiction over her because she is not a tribal member, that the credit card debt is too old to enforce, and that she did not receive notice of the hearing in state court. On November 9, 2011, the Honorable Jenny Lee Kronk, LTBB Associate Judge, presided at an objection hearing in this matter.

Findings of Fact

Ms. Napthen (Eckmeter) is not a tribal citizen although she is an employee of the Tribe currently on medical disability.

Ms. Napthen (Eckmeter) made payments on this debt as late as March 30, 2005.

Ms. Napthen (Eckmeter) made payments on this debt as late as March 30, 2005.

Conclusions of Law

The Respondent argued that the LTBB Tribal Court has no jurisdiction over her because she is not a tribal citizen. However, the Respondent is an employee of the Tribe, therefore, it has jurisdiction in this matter. The Respondent did not allege that Michigan's 89th District Court (the foreign court here in Tribal Court) did not have jurisdiction over her. The Respondent made payments on this debt as late as March 2005; the state court did not find that the judgment was stale and entered a judgment against her.

Tribal law requires the Court to give full faith and credit to foreign judgments unless the foreign court lacked jurisdiction or the judgment:

- a) was obtained by fraud, duress or coercion;
- b) was obtained without fair notice or a fair hearing;
- c) is repugnant to the public policy of the LTBB Tribe; or
- d) is not final under the laws and procedures of the foreign court.

See, the LTBB Tribal Court Rule, Recognition and Enforcement of Foreign Court Judgment, Adopted 6/13/1999, § 4.201 (C) (1) and (2).

Ms. Napthen (Eckmeter) failed to provide any evidence that the 89th District Court of Michigan did not have jurisdiction in this matter or that the judgment was obtained by fraud, duress or coercion or without fair notice or fair hearing, or that the judgment is repugnant to the public policy of the Tribe or is not final. Although the Respondent alleged in her letter of objection that she did not receive notice of the hearing in state court, she went on to state that the Petitioner would not answer her questions when she appeared in court. Ms. Napthen (Eckmeter) has failed to convince the Court that any legal basis exists to deny recognition and enforcement of this foreign judgment in Tribal Court.

Therefore, it is **ORDERED** that the Respondent Karen Napthen (Eckmeter)'s Objection to the Recognition and Enforcement of the Michigan 89th District Court's November 19, 2010 judgment against her is **DENIED**.

The Little Traverse Bay Bands of Odawa Indians Tribal Court will recognize and give full faith and credit to Michigan's 89th District Court's November 19, 2010 judgment against Karen Napthen (Eckmeter) and it shall be enforced.

Nov. 18, 2011
November 18, 2011


Hon. Jenny Lee Kronk, LTBB Associate Judge