

IN THE TRIBAL COURT OF THE  
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

FILED OCT 06 1997

CARRIE L. SVENDAHL  
CLERK OF COURT

COUNTY OF SCOTT

STATE OF MINNESOTA

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Little Six, Inc., et al.                    )  
  )  
  Plaintiffs, )  
  )  
  vs.                    )     Case No. 048-94  
  )  
Leonard Prescott, et al.                )  
  )  
  Defendants.        )

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MEMORANDUM AND ORDER

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Plaintiffs Little Six, Inc., et al. (LSI) sued defendants Leonard Prescott and F. William Johnson alleging that in their former positions with LSI they expended monies for improper purposes and without authorization. This court granted Defendant's motion for summary judgment in part, and they appealed by filing proper Notices of Appeal. Subsequently, Plaintiff filed a Motion to Amend its Complaint, dropping some counts, adding a new count, and modifying some of its factual allegations.


Plaintiff now asks this court to act on its Motion to Amend while this same action is pending on appeal. A properly filed Notice of Appeal, however, divests the trial court of jurisdiction over those aspects of the case involved in the appeal. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); Harmon v.

Farmers Home Administration, 101 F.3d 574, 587 (8th Cir. 1996). Since the Defendants have filed proper Notices of Appeal appealing the entire judgment of this court, and the Court of Appeals is currently considering this matter, this court does not have jurisdiction to consider the merits of Plaintiff's claims or to rule on its Motion to Amend.

ORDER

For the foregoing reasons, briefing and consideration of Plaintiff's Motion to Amend is stayed pending the resolution of the appeal in this case.

October 5, 1997

  
John E. Jacobson  
Judge