

FILED FEB 12 2020



LYNN K. McDONALD
CLERK OF COURT

IN THE TRIBAL COURT
OF THE
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

In Re Marriage of:
Amanda Gustafson,

Court File No. 867-17

Petitioner,

v.

ORDER

James Van Nguyen,

Respondent.

On February 12, 2020 the Petitioner filed a motion seeking an expedited review without a hearing. The Petitioner in her motion seeks the following:

1. An Order sealing the records in this file.
2. An Order prohibiting the vacation time of the Respondent from February 11 to the 17th and approving the vacation time of the Petitioner from March 6 to the 15th.
3. An Order clarifying the allocation of the costs for a Parenting Consultant as between the parties.

The Court has reviewed the motion and accompanying affidavit including nine emails dating from May 8, 2019 to January 14, 2020. These emails show the parties attempts to reach agreement on vacation dates, holiday dates and payment for the services of the Parenting Consultant.

The Petitioner argues against the Respondents request for the vacation time as it violates this Court's Orders in two ways. First the proposed vacation time will result in the child being taken out of school and second, that the Respondent's request will be a fourth vacation period

within a year and therefore not allowed. Pursuant to this Court's Orders the year commencing the vacation schedule begins April 1st and ends March 31st of each year.¹

The Court in review of this file notes that the Respondent had taken three vacation periods on May 15-22, 2019, August 3-11, 2019 and November 16-23, 2019. Therefore, the request for February is the fourth vacation in the year and violates the Order. The proposed time is also in violation of this Court's Order that the child is not to be removed from school for extended vacation without the consent of the Petitioner. The period during which the Respondent requested is during school time and the Petitioner did not consent.² The Petitioner request is **GRANTED.**

ORDER

1. The Petitioner's request to deny Respondent's February vacation time is granted.
2. The Respondent shall file his response to the Petitioner's request to seal the file, to exercise the vacation period from March 6th to the 15th and why the Respondent should not pay the fees of the Parenting Consultant by close of business on February 20, 2020. The Petitioner may file a Reply by the close of business on February 24, 2020.
3. The Court will consider the matter without a hearing.

Date: February 12, 2020

BY THE COURT:



Henry M. Buffalo, Jr., Judge,
Shakopee Mdewakanton
Sioux Community Tribal Court

¹ See Order dated May 3, 2019 Conclusions of Law paragraph 8(c) and Order dated January 6, 2020 paragraph 6(e)(4).

² Id., at page 29 Order of January 6, 2020.