

FILED

NOV 28 2000

STATE OF MINNESOTA  
TRIBAL COURT OF THE SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY  
JEANNE A. SZULIM  
CLERK OF COURT

Robert Famularo,

Court File No. 350-99

Plaintiff,

vs.

**ORDER**

Little Six, Inc. d/b/a Mystic Lake  
Casino

Defendant.

On November 8, 2000, Plaintiff Robert Famularo filed a Motion for Amended Findings of Fact, Conclusions of Law or, alternatively, for a New Hearing. Plaintiff claims authority under Federal Rules of Civil Procedure 52.02 and 59.01. SMS(D)C Rule of Civil Procedure 28 adopts, inter alia, Federal Rules of Civil Procedure 52 and 59. Federal Rule 52 applies only to actions tried upon the facts, however, and Plaintiff's Motion seeks to amend an Order for Summary Judgment. Under both Federal Rules of Civil Procedure 52(b) and 59(e), any motion to amend a Judgment must be filed no later than 10 days after entry of the Judgment. Plaintiff's Motion dated November 8, 2000 seeks to amend the Court's Judgment filed on October 20, 2000. Plaintiff's Motion is not timely. Plaintiff's remedy lies, if at all, with the Tribal Court of Appeals.

Plaintiff's Motion is DENIED.

IT IS SO ORDERED.

11/28/00  
Date

*Robert Grey Eagle*  
Hon. Robert A. Grey Eagle