

**IN THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA TRIBAL COURT  
COURT OF APPEALS**

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**Stefanie Colbert-Bruner,**  
**Appellant,**

v.

**Sac and Fox Tribe of the Mississippi  
in Iowa d/b/a Meskwaki Bingo Casino  
Hotel,**  
**Appellee.**

Case No.: DA-2022-0001  
APP-2024-0002

**ORDER (Affirming)**

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**INTRODUCTION**

Appellant Stefanie Colbert-Bruner (hereinafter “appellant”) appeals a Trial Court order granting motion for summary judgment in favor of appellee Sac and Fox Tribe of the Mississippi in Iowa d/b/a Meskwaki Bingo Casino Hotel (hereinafter “appellee”). The Court of Appeals, comprised of Justice Todd R. Matha, Justice Chad M. Gordon and Chief Justice Tricia A. Zunker, reviewed the record in its entirety, deliberated and affirm the Trial Court decision granting the Motion to Dismiss.

**FACTUAL AND PROCEDURAL HISTORY**

This case involves personal injury claims brought by appellant against appellee. Appellant alleges injuries stemming from a fall that occurred on October 24, 2019 while a guest at the Meskwaki Bingo Casino Hotel. Appellant filed a timely claim with appellee on December 30, 2019.<sup>1</sup> Then appellant filed suit in the Trial Court on October 22, 2021 in response to denial of her claim by appellee’s insurer. At issue in the Trial Court was

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<sup>1</sup> The written claim is dated December 13, 2019 by appellant, but file stamped as received by the Tribe on December 30, 2019.

whether the October 22, 2021 claim was timely filed. The Trial Court convened a Motion for Summary Judgment on April 11, 2024 and decided the motion in appellee’s favor by order issued on July 1, 2024. Order Granting Def.’s Mot. for Summ. J., DA-2022-0001 (SF Tr. Ct. July 1, 2024). The appellant appealed. This court accepted the appeal and established a scheduling order, which included a deadline of September 16, 2024 for appellant to file the brief in support of the appeal. Appellant submitted a deficient brief that was rejected by this Court.<sup>2</sup> Appellee opted not to file a brief. The Court of Appeals determined not to convene oral argument and to render judgment based on review of the Trial Court record and appellate filings.

### **STANDARD OF REVIEW**

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<sup>2</sup> The limited appellate filings by appellant in this appeal have been troubling. While the Court has endeavored to review the limited filings with an understanding that appellant is pro se, a pro se appellant must still adhere to the Sac and Fox Tribe of the Mississippi in Iowa Tribal Court rules. Here, a timely Notice of Appeal was filed on July 29, 2024. However, this filing was submitted by legal counsel Joel Waters using the pro se Notice of Appeal form. Subsequently, on August 1, 2024, appellant, proceeding pro se, filed a second Notice of Appeal. On August 2, 2024, the Trial Court issued an Order Granting Motion to Withdraw in response to Attorney Joel Waters’ July 29, 2024 motion to withdraw as legal counsel. The Court received two Notice of Appeals, one filed by legal counsel on July 29, 2024 and a second filed by the pro se litigant on August 1, 2024. The Court rejected the second Notice of Appeal filed by appellant Colbert-Bruner due to its untimely filing. Rule A-3 of the Rules of Appellate Procedure states that appeals must be filed within 30 days from the entry of judgment of the order being appealed, and the second filing was submitted on the 31<sup>st</sup> day. However, the Court accepted the original Notice of Appeal filed by Attorney Joel Waters on behalf of appellant using the pro se form and perceived the action as part of the transition from appellant’s status as a represented party to pro se litigant status. The Court established a scheduling order, which included a filing deadline of September 16, 2024 for appellant’s initial brief. Order (Accepting Appeal; Sch. Order), APP-2024-0002 (SF Ct. App. Aug. 16, 2024). On September 16, 2024, appellant submitted a deficient brief. Ord. (Denying Mot.; Rejecting Appellant’s Br.), APP-2024-0002 (SF Ct. App. Sept. 20, 2024). Consequently, this Court is limited in its examination of issues. This includes appellant’s attempt to raise two new arguments on appeal, stated simply as “[d]ue process violations, constitutional issues,” that were not addressed in the lower court. Not. of App., APP-2024-0002 (SF App. Ct. July 29, 2024). New arguments generally cannot be raised on appeal, but in this instance, it is irrelevant because ultimately appellant was time-barred from raising any arguments in the Tribal Court forum due to the expiration of the statute of limitations.

The Court reviews *de novo* the Trial Court's legal conclusions, including subject matter jurisdiction and the doctrine of sovereign immunity. *Sac & Fox Tr. of the Miss. in Iowa v. Attorney's Process & Investigation Servs., Inc.*, APP-2008-02-124, at 7 (SF App. Ct. Dec. 23, 2008) (citing *Mallet v. Bowersox*, 160 F. 3d 456, 459 (8th Cir. 1998)). In employing *de novo* review, the Court reviews the matter anew without any deference to the lower court's decisions, though the Court may still refer to the lower court's factual record and review findings of fact for clear error where necessary. *Id.* (citing S.F.R. App. P. A-7); Fed. R. Civ. P. 52(a)(6). This appeal presents a question of law; consequently, we employ *de novo* review.

### DECISION

There is no dispute as to the timeline in this case. The legal issue here involves a matter of statutory interpretation. The applicable statute is Section 5-6501(d), which states:

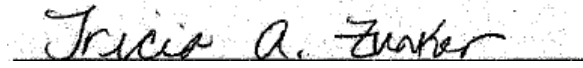
A claim against the Tribe filed pursuant to this Section is ***deemed denied*** one hundred and eighty days after the filing of the claim unless the claimant is advised of the denial in writing by the insurer or the Executive Director before the expiration of one hundred and eighty days, except that the insurer may extend such one hundred and eighty day period for any particular claim for the purposes of further investigation upon written agreement of the claimant.

SAC & FOX TR. OF MISS. CODE § 5-6501(c) (emphasis added).

The crux of appellant's argument surrounds the fact that she alleges she did not receive the letter denying coverage from appellee's insurer and that receipt of the letter is required for the statute of limitations to begin to toll. This is not the language of the statute. There is no requirement of receipt of denial; there is no requirement of a communication at all. A claim is deemed denied 180 days after the filing of the claim. Here, appellant filed the claim on December 30, 2019. If she did not receive any communication regarding the

claim, it was deemed denied as of June 27, 2020. Therefore, the statute of limitations began to toll on June 27, 2020 and expired on June 27, 2021. She did not file her complaint in the Trial Court until October 22, 2021, several months after the statute of limitations expired. This complaint was filed late and barred by operation of law. The Trial Court correctly granted the Motion to Dismiss. **AFFIRMED.**

IT IS SO ORDERED. Dated this 18<sup>th</sup> of November 2024.



Hon. Tricia A. Zunker, Chief Justice  
Meskwaki Court of Appeals



Hon. Chad M. Gordon, Associate Justice Pro Tempore  
Meskwaki Court of Appeals



Hon. Todd R. Matha, Associate Justice Pro Tempore  
Meskwaki Court of Appeals

CC:  
Luke Zahari  
Bruce Gettman  
Stephanie Colbert-Bruner